

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

“(2A) Where any lodge specified in the Schedule so requests in writing, the trustees shall, by notice published in the *Gazette* within 21 days of the receipt of such request, delete the name of the lodge from the Schedule; and shall forthwith notify the Registrar of Companies of such deletion.

(2B) Where the name of a lodge is deleted from the Schedule under subsection (2B), the trustees shall repay to the lodge the sum of \$5,000 if in the opinion of the trustees this can be done without undue detriment to the trustees.”;

(d) in subsection (3) by deleting “corporation” and substituting the following—

“trustees”;

(e) by deleting subsections (4) and (5) and substituting the following—

“(4) The trustees shall also have full power—

(a) to invest their funds not immediately required in any—

(i) securities of the Government of any part of the Commonwealth; or

(ii) investments listed for the time being in Part II of the Second Schedule to the Trustee Ordinance;

(Cap. 29.)

(b) by deed under their common seal to grant sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or other goods and chattels whatsoever, which are for the time being vested in or belonging to the trustees upon such terms as the trustees think fit.”; and

(f) in subsection (6)—

(i) by deleting “corporation” and substituting the following—
“trustees”; and

(ii) by deleting “its absolute discretion” and substituting the following—
“their absolute discretion”.

4. Sections 4, 5 and 6 of the principal Ordinance are amended by deleting “corporation” wherever it occurs and substituting in each place the following—

“trustees”.

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

“Distribution of assets.

6A. (1) If at any time the trustees are of the opinion that they can no longer serve any purpose for the benefit of freemasonry in Hong Kong and that such position is likely to remain unchanged in the then foreseeable future, the trustees shall convert into money such of their assets as they are able.

(2) After such conversion the trustees shall—

(a) pay to each lodge then listed in the Schedule the sum of HK\$5,000; but if the funds of the trustees

are insufficient for this purpose the trustees shall pay the entire funds to the lodges in equal shares; and

(b) divide any balance of the funds that may remain after such payments among the English, Scottish and Irish Constitutions according to the proportion in which those constitutions are represented by the lodges then listed in the Schedule and pay the shares thus found to the respective District Treasurers.”.

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

Repeal and replacement of section 7.

“Meetings of trustees.

7. (1) The secretary shall convene a general meeting of trustees during the month of May in each year at which the trustees shall elect from among their own number a chairman and a deputy chairman who shall hold office until the conclusion of the general meeting in the next succeeding year.

(2) Other meetings may be convened by the secretary or any trustee.

(3) Five trustees personally present shall be a quorum for the purposes of any meeting of the trustees.

(4) The chairman of the trustees shall preside at any meeting of the trustees, but if the chairman is absent, any such meeting shall be presided over by—

(a) the deputy chairman; or

(b) in the absence of the deputy chairman a trustee elected from among those present at the meeting.

(5) All questions arising at any meeting of the trustees shall be decided by the majority of votes cast and in the event of an equality of votes the chairman of the trustees or other person presiding shall have a casting as well as a deliberative vote.

(6) Not less than fourteen days' notice shall be given of any meeting and any trustee may, upon giving not less than seven days' written notice to the secretary, appoint a proxy to speak and vote for him at that meeting:

Provided that such proxy shall have previously been generally or specifically approved in open lodge by the lodge by whom such trustee was appointed.”.

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

Addition of new section 7A.

“Appointment of officers.

7A. (1) The trustees shall from time to time appoint a secretary and a treasurer who shall fill their respective positions until a replacement has been appointed.

(2) At the general meeting referred to in section 7(1) the treasurer shall present audited accounts in respect of the year ended on the previous 31st December.”.

8. Sections 8 and 9 of the principal Ordinance are amended by deleting “corporation” wherever it occurs and substituting in each place the following—

Amendment of sections 8 and 9.

“trustees”.

Replacement of the Schedule. 9. The principal Ordinance is amended by deleting the Schedule and substituting the following—

"SCHEDULE

[s. 2.]

Zetland Lodge No. 525 E. C.
 Victoria Lodge No. 1026 E. C.
 Perseverance Lodge No. 1165 E. C.
 United Service Lodge No. 1341 E. C.
 Corinthian Lodge of Amoy No. 1806 E. C.
 Foo Chow Lodge No. 1912 E. C.
 Lodge Star of Southern China No. 2013 E. C.
 University Lodge No. 3666 E. C.
 Swatow Lodge No. 3705 E. C.
 Cathay Lodge No. 4373 E. C.
 Royal Sussex Lodge No. 501 E. C.
 St. Andrew in the Far East Lodge No. 493 S. C.
 Lodge St. John No. 618 S. C.
 Naval and Military Lodge No. 848 S. C.
 Eastern Scotia Lodge No. 923 S. C.
 Erin Lodge No. 463 I. C.
 Shamrock Lodge No. 712 I. C."

Passed by the Hong Kong Legislative Council this 27th day of July, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



HONG KONG


No. 63 of 1977

by deleting the Schedule

ULE [s. 2.]

C.
E. C.
1165 E. C.
o. 1341 E. C.
moy No. 1806 E. C.
1912 E. C.
China No. 2013 E. C.
3666 E. C.
5 E. C.
E. C.
01 E. C.
Lodge No. 493 S. C.
848 S. C.

I assent.



Murray Lehmann

Governor.

7th November 1977.

An Ordinance to amend the Police Force Ordinance.

[7th November, 1977]

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

1. This Ordinance may be cited as the Short title.
Police Force (Amendment)(No. 2) Ordinance
1977.

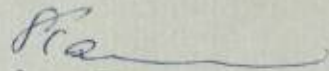
2. The principal Ordinance is amended
by adding after section 30 the following
new section -

"Summary	31. (1) Notwithstanding any	Addition of
dismissal.	provision of this Ordinance	new section 31.
	and any other law, provision	(Cap. 232.)
	of Colonial Regulations or	
	the Regulations of the	

Government to the contrary, and without prejudice to section 38, the Commissioner may summarily dismiss any police officer whom he is satisfied is guilty of disobedience of police regulations, or any police orders whether given verbally or in writing.

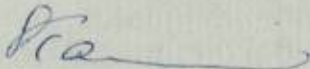
(2) The Governor may, if he thinks fit in any particular case, declare that a police officer dismissed under subsection (Cap. 89.) Ordinance be deemed to have retired from the public service in accordance with paragraph (d) of section 6 of the Pensions Ordinance."

Passed by the Hong Kong Legislative Council this 7th day of November, 1977.



Clerk to the Legislative Council.

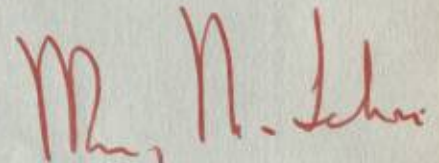
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



I assent.



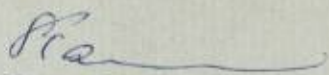
Governor.

10th November 1977

may summarily dismiss any police officer whom he is satisfied is guilty of disobedience of police regulations, or any police orders whether given verbally or in writing.

(2) The Governor may, if he thinks fit in any particular case, declare that a police officer dismissed under subsection (Cap. 89.) Ordinance be deemed to have retired from the public service in accordance with paragraph (d) of section 6 of the Pensions Ordinance."

Passed by the Hong Kong Legislative Council this 7th day of November, 1977.

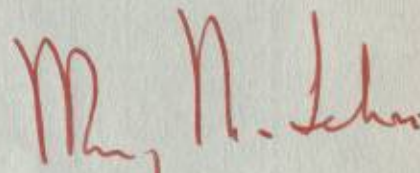

Clerk to the Legislative Council.

HONG KONG

No. 64 OF 1977



I assent.


Governor.

10th November, 1977.

An Ordinance to amend the Diplomatic Privileges Ordinance.

[11th November, 1977]

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

1. This Ordinance may be cited as the Diplomatic Privileges (Amendment) Ordinance 1977. Short title.

2. The principal Ordinance is amended by deleting the long title thereof and substituting the following— Replacement of long title. (Cap. 190.)

"To make provision as to privileges, immunities and facilities to be accorded in respect of certain international organizations and in respect of persons connected with such organizations and other persons; to apply to Hong Kong the law for the time being in force in England relating to immunities and privileges as to the person, property or servants of sovereigns, diplomatic agents or the representatives of sovereign powers; and for matters connected therewith and incidental thereto."

3. Section 1 of the principal Ordinance is amended by deleting "Diplomatic" and substituting the following— Amendment of section 1.

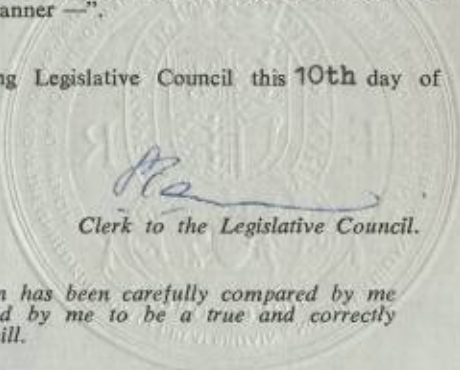
"International Organizations and Diplomatic".

Amendment of
section 2.

4. Section 2(1) of the principal Ordinance is amended by deleting "When any organization has been declared by Order in Council made under the Diplomatic Privileges (Extension) Acts 1944 and 1946, or under the International Organizations (Immunities and Privileges) Act 1950, to be an organization of which Her Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign powers are members, the Governor may, by notification in the *Gazette*, declare that this Ordinance shall apply to such organization and —" and substituting the following—

"The Governor may, by notification in the *Gazette*, declare that this section shall apply to any organization specified in the notification of which the Government or Governments of one or more sovereign powers are members and of which the Government of Hong Kong or of the United Kingdom is a member or an associate member, and may in like manner —"

Passed by the Hong Kong Legislative Council this 10th day of November, 1977.



[Signature]
Clerk to the Legislative Council.

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

[Signature]
Clerk to the Legislative Council.



I assent.

[Signature]
Governor.

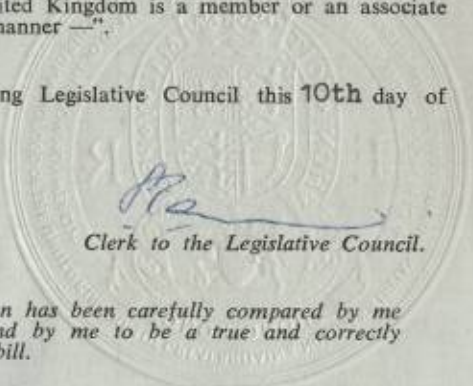
10th November, 1977.

An Ordinance to amend the Magistrates Ordinance.

1950, to be an organization of which Her Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign powers are members, the Governor may, by notification in the *Gazette*, declare that this Ordinance shall apply to such organization and —" and substituting the following—

"The Governor may, by notification in the *Gazette*, declare that this section shall apply to any organization specified in the notification of which the Government or Governments of one or more sovereign powers are members and of which the Government of Hong Kong or of the United Kingdom is a member or an associate member, and may in like manner —".

Passed by the Hong Kong Legislative Council this 10th day of November, 1977.



[Signature]
Clerk to the Legislative Council.

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

[Signature]

HONG KONG

No. 65 OF 1977



I assent.

[Signature]
Governor.

10th November, 1977.

An Ordinance to amend the Magistrates Ordinance.

[11th November, 1977]

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

1. This Ordinance may be cited as the Magistrates (Amendment) Ordinance 1977. Short title.

2. Section 81A of the principal Ordinance is amended by deleting subsection (2)(c) and substituting the following— Amendment of section 81A. (Cap. 227.)

(c) being a statement written in a language other than English, it is accompanied by a translation thereof in English purporting to be a true and accurate translation certified by a person appointed under section 27(2) of the Evidence Ordinance; (Cap. 8.)

3. The principal Ordinance is amended in Part VI by adding after section 104 the following new heading and section— Addition of new heading and section 104A.

"Evidence in proceedings for return of fugitive offender"

104A. (1) If it is made to appear to any magistrate, by any credible person, that any person within Hong Kong is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, in any proceedings relating to the return to Hong Kong of Evidence in absence of accused in proceedings for his return to Hong Kong.

any person accused or convicted of an offence the magistrate shall issue his summons to such person, under his hand and seal, requiring him to be and appear at a time and place mentioned in the summons before a magistrate to give evidence or to produce the document or thing, and may take depositions in the absence of the person accused in like manner as he might take the same if such person were present and accused of an offence before him.

(2) A magistrate may enforce the attendance of a person summoned under subsection (1) in the manner provided in Part II for enforcing the attendance of a witness.

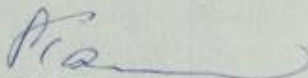
(3) If, on the appearance of a person summoned under subsection (1), he refuses to be examined upon oath, or refuses to take such oath or having taken such oath refuses without just excuse to answer such questions concerning the premises as may then be put to him, the magistrate may, by warrant under his hand and seal, commit such person to prison there to remain and be imprisoned for two months, unless he shall in the meantime consent to be examined and to answer concerning the premises."

Passed by the Hong Kong Legislative Council this 10th day of November, 1977.

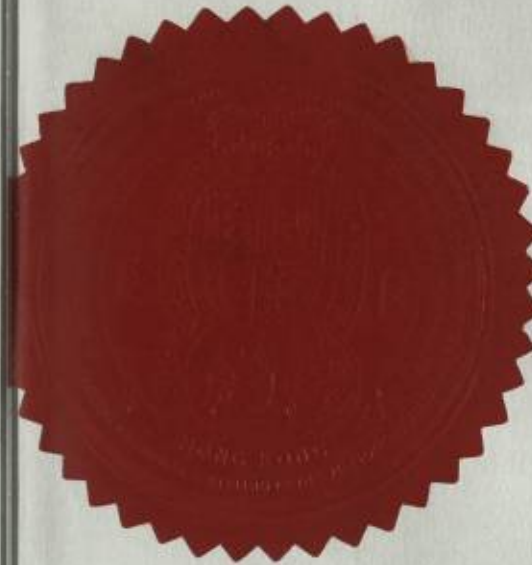


Clerk to the Legislative Council.

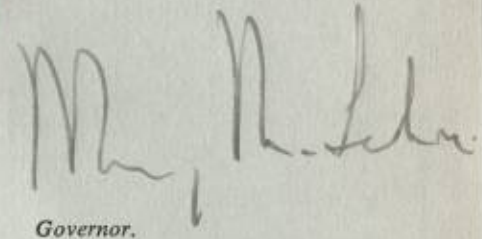
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



I assent.



Governor.

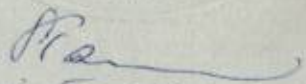
10th November, 1977.

evidence or to produce the document or thing, and may take depositions in the absence of the person accused in like manner as he might take the same if such person were present and accused of an offence before him.

(2) A magistrate may enforce the attendance of a person summoned under subsection (1) in the manner provided in Part II for enforcing the attendance of a witness.

(3) If, on the appearance of a person summoned under subsection (1), he refuses to be examined upon oath, or refuses to take such oath or having taken such oath refuses without just excuse to answer such questions concerning the premises as may then be put to him, the magistrate may, by warrant under his hand and seal, commit such person to prison there to remain and be imprisoned for two months, unless he shall in the meantime consent to be examined and to answer concerning the premises."

Passed by the Hong Kong Legislative Council this 10th day of November, 1977.

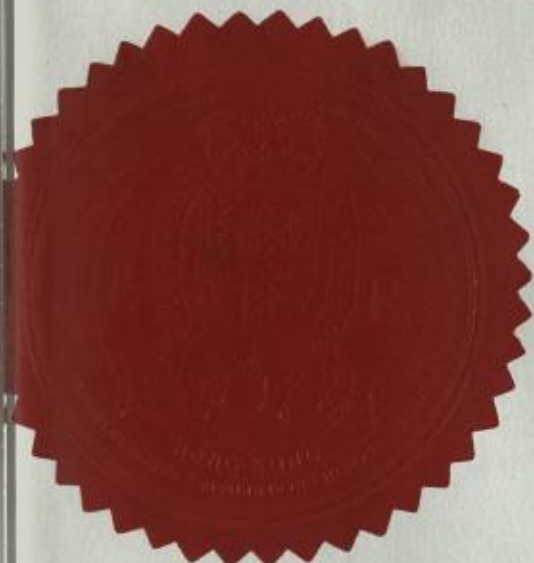


Clerk to the Legislative Council.

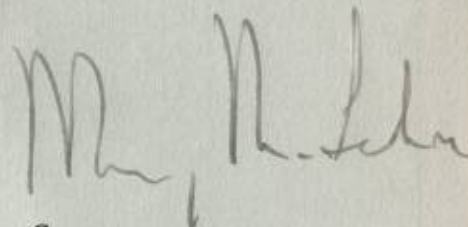
This printed impression has been carefully compared by me

HONG KONG

No. 66 OF 1977



I assent.



Governor.

10th November, 1977.

An Ordinance to amend the Road Traffic Ordinance.

[11th November, 1977]

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

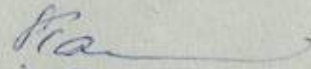
1. This Ordinance may be cited as the Road Traffic (Amendment) Short title. (No. 3) Ordinance 1977.

2. Section 5(1) of the principal Ordinance is amended by inserting, after paragraph (d), the following new paragraph—

Amendment of section 5. (Cap. 220.)

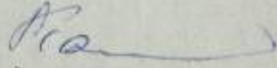
"(da) the amendment by the Governor by order published in the *Gazette* of any provision made under this section specifying countries as countries the holders of whose driver's certificates or licences are exempt from the requirement to take a driving test;"

Passed by the Hong Kong Legislative Council this 10th day of November, 1977.



Clerk to the Legislative Council.

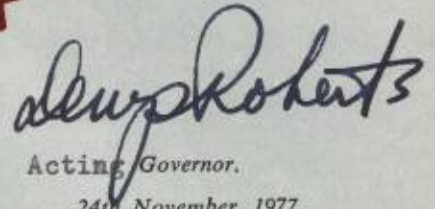
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



I assent.



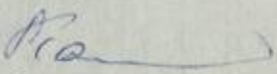
Acting Governor.

24th November, 1977.

An Ordinance to amend the Small Claims Tribunal Ordinance


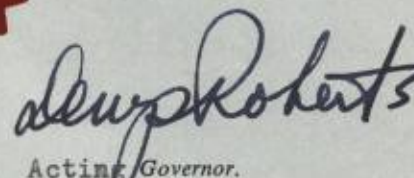
HONG KONG

No. 67 OF 1977


Clerk to the Legislative Council.



I assent.



Acting Governor.

24th November, 1977.

An Ordinance to amend the Small Claims Tribunal Ordinance.

[25th November, 1977]

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

1. This Ordinance may be cited as the Small Claims Tribunal Short title. (Amendment) Ordinance 1977.

2. The principal Ordinance is amended in Part VI by deleting the heading "APPEALS" and substituting the following—
"REVIEW AND APPEAL".

Amendment of heading.
(Cap. 338.)

3. The principal Ordinance is amended in Part VI by adding after section 27 the following new section—

Addition of new section 27A.

"Review of awards and orders.

27A. (1) Except where a party has filed an application for leave to appeal and does not agree to withdraw the application, an adjudicator may, within 14 days from the date of an award or order given or made by him, review the award or order and on such review may re-open and re-hear the claim wholly or in part and may call or hear fresh evidence and may confirm, vary or reverse his previous award or order.

(2) The power conferred by subsection (1) may be exercised—

- (a) by an adjudicator of his own motion, by notice in the prescribed form to all parties;
- (b) on the application of a party within 7 days, by notice in the prescribed form to all other parties.

(3) The exercise of the power conferred by subsection (1) shall not operate as a bar to an appeal by a party against the award or order or against the determination of the review.

(4) On the application of a party for a review under this section, the adjudicator, having regard to the possibility of assets which may be available to satisfy an award being disposed of to the prejudice of any party, may make such order regarding payment into the tribunal, giving of security or otherwise as he may think fit.

(5) An adjudicator may transfer the hearing and consideration of a review to another adjudicator who shall have all the powers and functions he would have if he had originally heard the claim and had prepared the record of proceedings."

Amendment
of section 28.

4. Section 28 of the principal Ordinance is amended—

- (a) in subsection (1), by deleting " within 7 days after the date on which the award or order of the tribunal was reduced to writing,";
- (b) in subsection (2), by inserting after "Court" in paragraph (b) the following—

"within—

- (i) 7 days after the date on which the written award or order is served on the aggrieved party; or
- (ii) if within that period the aggrieved party applies to the tribunal for the reasons for the award or order, 7 days after the date on which the reasons are served on him".

Addition of
section 32A.

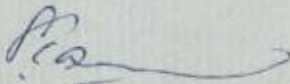
5. The principal Ordinance is amended in Part VII by adding after section 32 the following section—

"Setting aside
award or order
given in
absence of
party.

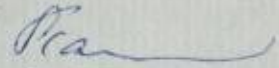
32A. (1) Any award or order of the tribunal obtained where one party did not appear at the hearing may be set aside by the tribunal, on the application of that party, on such terms as it thinks just.

(2) An application under subsection (1) shall be made within 7 days after the hearing."

Passed by the Hong Kong Legislative Council this 23rd day of November, 1977.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.



I assent.

Deputy Roberts
Acting Governor.

24th November, 1977.

HONG KONG

No. 68 of 1977

I assent.



Denis Roberts
Acting Governor.

24th November, 1977.

An Ordinance to amend the Crown Rights (Re-entry and Vesting Remedies) Ordinance.

[25th November, 1977]

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

1. This Ordinance may be cited as the Crown Rights (Re-entry and Vesting Remedies) (Amendment) Ordinance 1977. Short title.

2. Section 2 of the principal Ordinance is amended by inserting after the definition of "lot" the following new definition— Amendment of section 2.

(Cap. 40.) "new Crown lease" means such a lease as is deemed to be granted under Part II of the Crown Leases Ordinance;" (Cap. 126.)

3. Section 7 of the principal Ordinance is amended— Amendment of section 7.

(a) in subsection (1)(a) by inserting after "Crown lease" the following—

" , a new Crown lease"; and

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

(Cap. 40.) "(1A) Where default is made in the payment of a demand under section 13(1) of the Crown Leases Ordinance

a vesting notice, under the hand of any public officer authorized by the Governor to sign such instruments, may be registered in the Land Office against the relevant interest of which the tenement to which the demand relates forms a part."; and

- (c) in subsection (3) by inserting after "subsection (1)" the following—
"or subsection (1A)".

Passed by the Hong Kong Legislative Council this 23rd day of November, 1977.



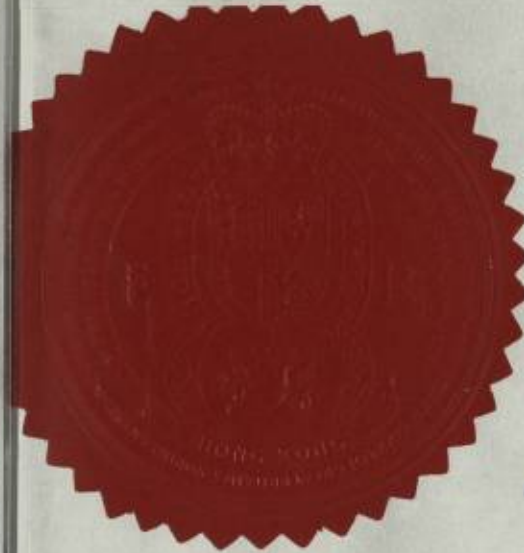
[Signature]

Clerk to the Legislative Council.

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

[Signature]

Clerk to the Legislative Council.



I assent.

[Signature: Doug Roberts]

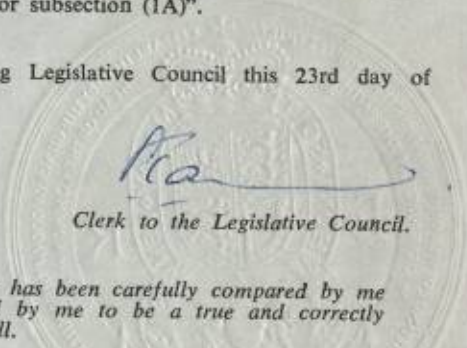
Acting Governor.
8th December 1977.

An Ordinance to amend the Police Force Ordinance.

[9th December 1977]

a part. ; and
(c) in subsection (3) by inserting after "subsection (1)" the following—
"or subsection (1A)".

Passed by the Hong Kong Legislative Council this 23rd day of
November, 1977.



[Signature]

Clerk to the Legislative Council.

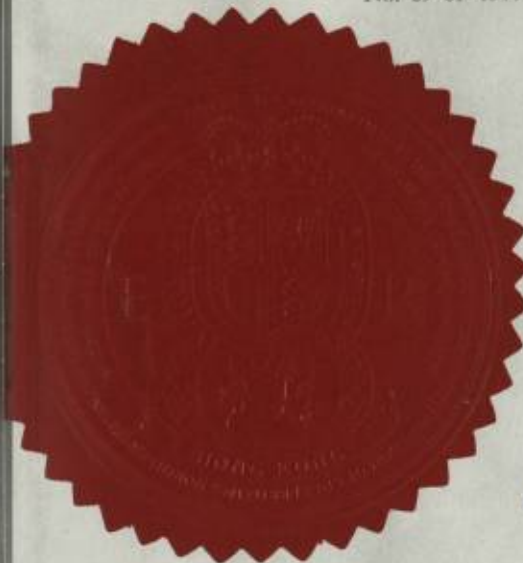
*This printed impression has been carefully compared by me
with the bill, and is found by me to be a true and correctly
printed copy of the said bill.*

[Signature]

Clerk to the Legislative Council.

HONG KONG

No. 69 OF 1977



I assent.

[Signature]

Acting Governor.
8th December 1977.

An Ordinance to amend the Police Force Ordinance.

[9th December 1977]

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

1. This Ordinance may be cited as the Police Force (Amendment) Short title.
(No. 3) Ordinance 1977.

2. Section 8(3)(b) of the principal Ordinance is amended by deleting
"of the rank of inspector and above".

Amendment of
section 8.
(Cap. 232.)

Passed by the Hong Kong Legislative Council this 7th day of
December, 1977.

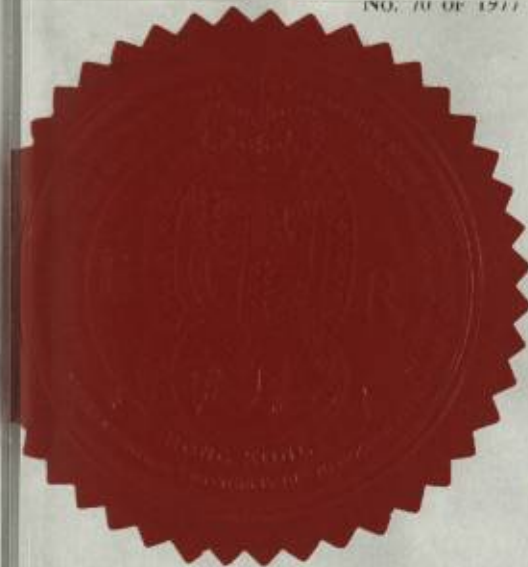
[Signature]

Clerk to the Legislative Council.

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

[Signature]

Clerk to the Legislative Council.



I assent.

David Roberts

Acting Governor.

8th December 1977.

An Ordinance to repeal certain Ordinance and to make provisions incidental thereto.

[9th December 1977]



HONG KONG

No. 70 OF 1977



I assent.

David Roberts

Acting Governor.

8th December 1977.

An Ordinance to repeal certain Ordinance and to make provisions incidental thereto.

[9th December 1977]

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

- 1. This Ordinance may be cited as the Law Revision (Miscellaneous Amendments) Ordinance 1977. Short title.
- 2. The Ordinances specified in the First Schedule are repealed. Repeals.
First Schedule.
- 3. The Ordinances specified in the Second Schedule are amended in the manner specified therein. Amendments.
Second
Schedule.

FIRST SCHEDULE

[s. 2.]

REPEALS

<i>Item</i>	<i>Ordinance</i>	
1.	Vagrancy Ordinance.	(Cap. 229.)
2.	Crown Lands Resumption (Chai Wan) Ordinance.	(Cap. 313.)
3.	Defence (Finance) Regulations (Validation of Contracts) Ordinance.	(Cap. 345.)
4.	The Hong Kong General Chamber of Commerce (Amendment of Memorandum) Ordinance.	(Cap. 1008.)

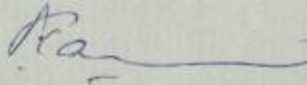
SECOND SCHEDULE

[s. 3.]

AMENDMENTS

Item	Ordinance	Amendment
(Cap. 132.)	1. Public Health and Urban Services Ordinance	Section 144A is amended by deleting "Governor" and substituting the following— "Authority".
(Cap. 228.)	2. Summary Offences Ordinance	The Ordinance is amended by adding after section 26 the following new sections— <div style="display: flex; justify-content: space-between;"> <div style="width: 25%;"> <p>"Punishment of person begging alms. [cf. 1824 c. 83, s. 3.]</p> </div> <div style="width: 70%;"> <p>26A. Any person who wanders abroad, or places himself or herself in any public place, street or waterway to beg or gather alms, or causes or procures or encourages any child or children so to do, commits an offence and is liable on conviction—</p> <p>(a) for a first or second offence, to a fine of five hundred dollars and to imprisonment for one month; and</p> <p>(b) for a third or subsequent offence, to a fine of five hundred dollars and to imprisonment for twelve months.</p> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 25%;"> <p>Punishment of person asking alms in threatening manner, etc.</p> </div> <div style="width: 70%;"> <p>26B. Any person who asks for alms in a threatening or insolent manner, or continues to ask for alms of any person after he has been required to desist, commits an offence and is liable on conviction—</p> <p>(a) for a first or second offence, to imprisonment for three months; and</p> <p>(b) for a third or subsequent offence, to imprisonment for eighteen months."</p> </div> </div>
(Cap. 1026.)	3. Hong Kong War Memorial Fund Ordinance	Section 9 is amended by deleting "one month" and substituting the following— "six months".

Passed by the Hong Kong Legislative Council this 7th day of December, 1977.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.



I assent.

Henry Roberts
Acting Governor.

HONG KONG

No. 71 OF 1977



I assent.

Henry Roberts

Acting Governor.

22nd December 1977.

An Ordinance to amend the Hong Kong Trade Development Council Ordinance.

[23rd December 1977]

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

1. This Ordinance may be cited as the Hong Kong Trade Development Council (Amendment) Ordinance 1977. Short title.

2. Section 6 of the principal Ordinance is amended—

Amendment of
section 6.
(Cap. 1114.)

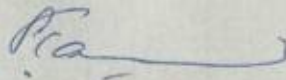
(a) by inserting before "an insurance company" the following—
"a trust company,"; and

(b) by inserting after "provident fund scheme" the following—
"or a retirement benefit scheme".

3. Section 7(2) of the principal Ordinance is amended by deleting paragraph (c) and substituting the following— Amendment of
section 7.

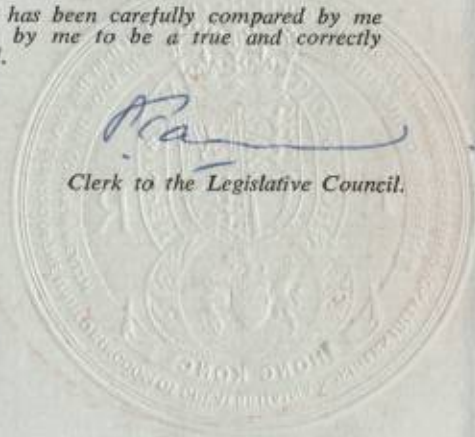
"(c) to appoint any officer or servant above the post of manager or a post equivalent thereto; or".

Passed by the Hong Kong Legislative Council this 21st day of December 1977.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

Deputy Roberts
Acting Governor.

22nd December 1977.

HONG KONG

No. 72 OF 1977

[Signature]
Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



1 assent.

[Signature]
Acting Governor.

22nd December 1977.

An Ordinance to amend the Landlord and Tenant (Consolidation) Ordinance.

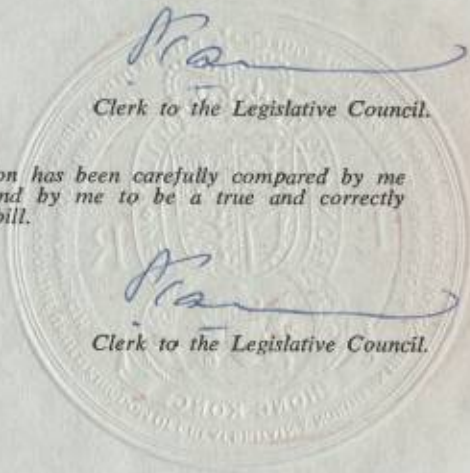
[23rd December 1977]

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

1. This Ordinance may be cited as the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1977. Short title.
2. Section 10(1) of the principal Ordinance is amended— Amendment of section 10. (Cap. 7.)
 - (a) by deleting "155" and substituting the following—
"200"; and
 - (b) by deleting "350" and substituting the following—
"500".
3. Section 58(3) of the principal Ordinance is amended by deleting "4" and substituting the following—
"3". Amendment of section 58.
4. Where an application under section 57 of the principal Ordinance had been made before the commencement of this Ordinance but is determined under section 58 of the principal Ordinance after such com- Savings.

mencement, any increase in rent to be certified by the Commissioner of Rating and Valuation on such application shall be calculated as if this Ordinance had not been enacted.

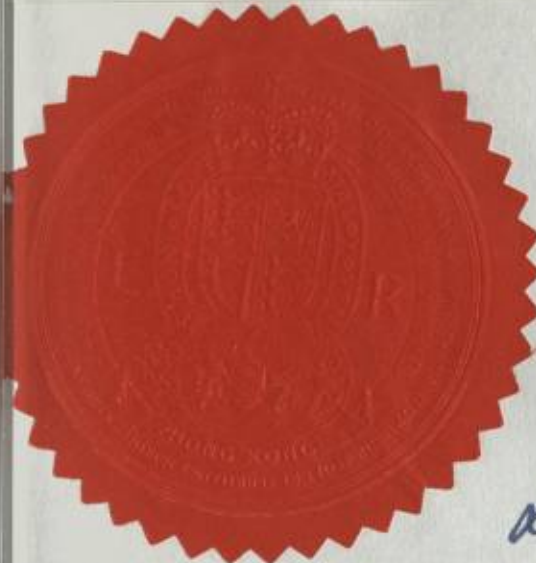
Passed by the Hong Kong Legislative Council this 21st day of December 1977.



Clerk to the Legislative Council.

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

Clerk to the Legislative Council.




I assent.

David Roberts
Acting Governor.


22nd December 1977.

An Ordinance to amend the Factories and Industrial Undertakings Ordin-

Passed by the Hong Kong Legislative Council this 21st day of December 1977.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

HONG KONG

No. 73 OF 1977

I assent.



Acting Governor.

22nd December 1977.

An Ordinance to amend the Factories and Industrial Undertakings Ordinance and to make consequential amendments to other enactments.

[23rd December 1977]

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

1. This Ordinance may be cited as the Factories and Industrial Undertakings (Amendment) Ordinance 1977. Short title.

2. Section 2 of the principal Ordinance is amended—

Amendment of
section 2.
(Cap. 59.)

(a) in subsection (1)—

(i) in the definition of "Commissioner" by deleting "labour officer (industrial undertakings), a senior industrial health officer, an industrial health officer" and substituting the following—

"senior industrial health officer, an industrial health officer, an industrial hygienist, a chief factory inspector"; and

(ii) in paragraph (f) of the definition of "industrial undertaking" by deleting "or warehouse" and substituting the following—

"warehouse or airport"; and

(iii) in the definition of "inspector" by inserting after "section 3 as" the following—

"chief factory inspector, a";

(b) in subsection (3), by deleting "None" and substituting the following—

"Subject to subsection (4), none"; and

(c) by inserting after subsection (3) the following subsection—

"(4) Notwithstanding subsection (3)(a) regulations made under section 7(1)(b) may prohibit the employment of children in industrial undertakings which are not carried on by way of trade or for the purposes of gain."

Amendment of section 3.

3. Section 3 of the principal Ordinance is amended by deleting "labour officers (industrial undertakings), senior industrial health officers, industrial health officers, assistant industrial health officers" and substituting the following—

"senior industrial health officers, industrial health officers, assistant industrial health officers, industrial hygienists, a chief factory inspector".

Amendment of section 4.

4. Section 4 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by inserting after "appointed under section 3," the following—

"any industrial hygienist,";

(ii) by deleting paragraph (b); and

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

"(2A) An officer exercising any power conferred on him by subsection (1) may take with him any person, whether a public officer or not, whom he may reasonably need to assist him in carrying out his duties under this Ordinance and in particular may, for his assistance, take persons who have been engaged by the Commissioner for Labour, on account of their special expertise, to advise the Commissioner on the safety and health of persons employed in industrial undertakings.

(2B) A person who accompanies an officer pursuant to subsection (2A)—

(a) may give to the officer such assistance in the exercise of any power conferred on him by subsection (1) as the officer may reasonably require;

(b) shall be deemed to be a public officer for the purposes of sections 5 and 6."

Amendment of regulations. (Cap. 59, sub. leg.)

5. The Factories and Industrial Undertakings Regulations are amended by revoking regulation 4 and replacing it with the following—

"Employment of children. 4. (1) No person shall employ a child in an industrial undertaking.

(2) Notwithstanding section 2(3)(a) of the Ordinance, the prohibition in paragraph (1) extends to an industrial undertaking (other than a registered school under the Education Ordinance) which is not carried on by way of trade or for the purposes of gain."

(Cap. 279.)

Amendment of Cap. 56.

6. Section 2(1) of the Boilers and Pressure Receivers Ordinance is amended—

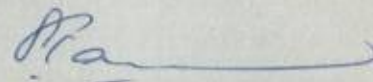
(a) in the definition of "factory inspector" by inserting after "Ordinance as" the following—

"a chief factory inspector,"; and

(b) in the definition of "labour officer" by deleting ", an assistant labour officer or a labour officer (industrial undertakings)" and substituting the following—

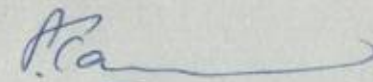
"or an assistant labour officer".

Passed by the Hong Kong Legislative Council this 21st day of December 1977.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

Deup Roberts
Acting Governor.
22nd December 1977.

HONG KONG

No. 74 OF 1977



I assent.

David Roberts
Acting Governor.
22nd December 1977.

An Ordinance to amend the Workmen's Compensation Ordinance.

[23rd December 1977]

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

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) (No. 2) Ordinance 1977. Short title.

2. Section 3 of the principal Ordinance is amended by inserting in their appropriate alphabetical positions the following— Amendment of section 3.

(Cap. 165.) "hospital" means any hospital registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance or maintained by the Crown; (Cap. 282.)

"medical expenses" means all or any of the following expenses incurred in respect of the medical treatment of a workman—

- (a) the fees of a medical practitioner or registered dentist;
- (b) the fees for any surgical or therapeutic treatment;
- (c) the cost of nursing attendance;
- (d) the cost of hospital accommodation as an in-patient;
- (e) the cost of medicines, curative materials and medical dressings;

"medical treatment", in relation to a workman to whom a personal injury is caused by accident arising out of and in the course of his employment, means medical treatment of any kind whatsoever given to the workman by, or under the supervision of, a medical practitioner or registered dentist in a hospital, whether as an in-patient or other than as an in-patient, or elsewhere;

(Cap. 156.) "registered dentist" means a dentist who is admitted to the register of dentists under section 9 of the Dentists Registration Ordinance;"

3. The principal Ordinance is amended by adding, after section 10 the following—

"Payment of medical expenses.

10A. (1) Subject to the provisions of this section, if, in any employment, personal injury is caused to a workman by accident occurring on or after the date on which this section comes into operation and arising out of and in the course of his employment his employer shall be liable to pay the medical expenses for the medical treatment in respect of such injury.

(2) Medical expenses which an employer is liable to pay under subsection (1)—

(a) shall be payable in addition to any compensation which the employer is liable to pay under this Ordinance;

(b) shall not be payable—

(i) unless the workman has given to his employer a notice of the accident causing the injury in accordance with section 14;

(ii) for the medical treatment of an injury in respect of which compensation is not payable by reason of the proviso to section 5(1) or of section 5(2), (3) or (4).

(3) The medical expenses which the employer is liable to pay under subsection (1) shall be payable in accordance with the Third Schedule in respect of the period during which the workman receives medical treatment until—

(a) the attending medical practitioner or registered dentist certifies that in his opinion the workman is cured of his injury; or

(b) the workman becomes entitled to receive compensation for permanent incapacity, whether total or partial, under this Ordinance; or

(c) the expiration of 24 months from the date of the accident giving rise to the injury,

whichever is the earliest.

(4) An employer shall not be liable to pay medical expenses under subsection (1)—

(a) if the employer has provided adequate free medical treatment to the workman; or

(b) if, by a written undertaking, the employer has agreed to provide adequate free medical treatment and the workman fails, without reasonable excuse, to submit himself for such medical treatment.

Addition of new sections 10A and 10B.

Third Schedule.

(5) Where an employer proposes to provide free medical treatment to a workman for personal injury caused to the workman by accident arising out of and in the course of his employment he shall give to the workman a written undertaking to provide free medical treatment or to pay the medical expenses for the medical treatment and shall not recover any part of the cost of the medical expenses from the workman.

(6) Where a workman has paid for any medical treatment received by him he shall be entitled to recover the medical expenses which his employer is liable to pay under subsection (1) from his employer by serving on the employer a request in writing for the payment of the medical expenses together with a receipt for the payment for the medical treatment.

(7) If an employer does not pay a workman the medical expenses he is liable to pay under subsection (1) within 21 days after the date of receipt of a request for payment under subsection (6) or, where an application is made to the Commissioner under section 10B for the determination of a dispute, within 21 days after the date of determination of the dispute, the medical expenses may be recovered by the workman from the employer—

(a) as a civil debt in the Small Claims Tribunal established under the Small Claims Tribunal Ordinance; or

(Cap. 338.)

(b) where the amount claimed exceeds the jurisdiction of the Small Claims Tribunal, as a civil debt in the District Court.

(8) A claim for medical expenses in the District Court may be brought either independently of or in conjunction with any other claim for compensation which is, under this Ordinance, to be brought in the District Court.

(9) The Legislative Council may by resolution amend the daily rates specified in the Third Schedule.

Third Schedule.

Determination by Commissioner of medical expenses payable.

10B. (1) In the event of any dispute as to the liability to pay medical expenses under section 10A or as to the amount of such medical expenses, the workman or the employer may apply to the Commissioner for the determination of the dispute.

(2) Where an application is made under subsection (1), the Commissioner shall determine whether or not medical expenses are payable by the employer and if he determines that medical expenses are payable he shall issue a certificate to the workman and the employer stating the amount of such medical expenses.

(3) A certificate purporting to be issued under subsection (2) and to be signed by or for the Commissioner shall be admitted in evidence without further proof on its production in any court and—

(a) until the contrary is proved, it shall be presumed that the certificate is so issued and signed;

(b) shall be evidence of the amount of the medical expenses payable by the employer."

Addition of
new Third
Schedule.

4. The principal Ordinance is amended by adding, after the Second Schedule, the following Schedule—

"THIRD SCHEDULE

[s. 10A.]

MEDICAL EXPENSES PAYABLE BY AN EMPLOYER IN RESPECT OF AN INJURY
DUE TO ACCIDENT ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT

1. Subject to paragraph 3, where a workman is given medical treatment as an in-patient in a hospital, the medical expenses payable by the employer are—

- (a) the total amount of the medical expenses incurred in respect of the medical treatment; or
- (b) the total amount at the rate of \$20 for each day of stay in the hospital,

whichever total amount is the less.

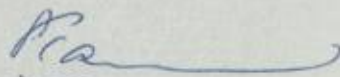
2. Subject to paragraph 3, where a workman is given medical treatment other than as an in-patient in a hospital, the medical expenses payable by the employer are—

- (a) the total amount of the medical expenses incurred in respect of the medical treatment; or
- (b) the total amount at the rate of \$10 for each day on which medical treatment is given,

whichever total amount is the less.

3. Where a workman is given medical treatment on any day both as an in-patient in a hospital and other than as an in-patient in a hospital, the daily rate for the purposes of this Schedule shall be \$20."

Passed by the Hong Kong Legislative Council this 21st day of December 1977.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.



Acting Governor.

22nd December 1977

An Ordinance to make provision for granting pensions to widows and children of deceased public officers, and for purposes connected therewith.

"THIRD SCHEDULE

[s. 10A.]

MEDICAL EXPENSES PAYABLE BY AN EMPLOYER IN RESPECT OF AN INJURY DUE TO ACCIDENT ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT

1. Subject to paragraph 3, where a workman is given medical treatment as an in-patient in a hospital, the medical expenses payable by the employer are—

- (a) the total amount of the medical expenses incurred in respect of the medical treatment; or
- (b) the total amount at the rate of \$20 for each day of stay in the hospital,

whichever total amount is the less.

2. Subject to paragraph 3, where a workman is given medical treatment other than as an in-patient in a hospital, the medical expenses payable by the employer are—

- (a) the total amount of the medical expenses incurred in respect of the medical treatment; or
- (b) the total amount at the rate of \$10 for each day on which medical treatment is given,

whichever total amount is the less.

3. Where a workman is given medical treatment on any day both as an in-patient in a hospital and other than as an in-patient in a hospital, the daily rate for the purposes of this Schedule shall be \$20."

Passed by the Hong Kong Legislative Council this 21st day of

HONG KONG

No. 75 OF 1977



I assent.

David Roberts
Acting Governor.

22nd December 1977

An Ordinance to make provision for granting pensions to widows and children of deceased public officers, and for purposes connected therewith.

[]

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

1. This Ordinance may be cited as the Widows' and Children's Pensions Ordinance 1977 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. (1) In this Ordinance, unless the context otherwise requires—
"agreement" in relation to an officer means an agreement expressly providing for the payment of a gratuity dependent upon the length of service of such officer;

Interpretation.

"child" in relation to a contributor—

- (a) includes a step-child;
- (b) includes a child adopted by the contributor, but does not include a child of the contributor adopted by another person;
- (c) does not include an illegitimate child; and
- (d) where polygamy lawfully subsists, does not include a child not being an adopted child of the contributor unless its mother was at the time of its birth, the contributor's wife as defined in this subsection;

"children's pension" means a pension granted under section 5(b);

"contributions" means contributions made under this Ordinance or the existing Ordinance, other than contributions made under the existing

Ordinance to which that Ordinance does not cease to apply under section 26;

"contributor" means an officer to whom this Ordinance applies;

"contributory service" in relation to a public officer means the total period or periods in respect of which he made contributions notwithstanding the return of any contributions under section 14(2)(b) or (c);

"the deceased" means a deceased contributor;

"Directors" means the Board of Directors established by section 4;

(Cap. 94.)

"existing Ordinance" means the Widows and Orphans Pension Ordinance;

"marriage", in relation to any public officer, does not include a marriage which takes place after the officer has ceased to hold public office;

"medical grounds" in relation to the retirement of a public officer—

(Cap. 89.)

(a) from service under the Government, means the circumstances prescribed in paragraph (e) of section 6 of the Pensions Ordinance;

(b) from other public service, means the circumstances prescribed in the law or regulations of the public service in which he was last employed, as correspond to the said paragraph (e);

"public officer" means a person of or above the age of 18 years, in public service on pensionable terms, whether on probation or not;

"transferred", in relation to a public officer, means transferred to or from service under the Government from or to other public service;

"widows' pension" means a pension granted under section 5(a);

"wife", in relation to a contributor, means—

(a) the lawful wife of the contributor married to him by a Christian marriage or its civil equivalent; or

(b) where there is no such wife and the contributor is Chinese, the *kit fat* or *tin fong* wife; or

(c) where there is no wife under paragraph (a) or (b) and polygamy lawfully subsists, the principal wife recognized as such by the personal law of the contributor,

and "widow" shall be construed accordingly.

(2) The expressions "other public service", "pensionable emoluments", "pensionable office" and "public service" have the respective meanings assigned to them by section 2 of the Pensions Ordinance, and the expression "pensionable service" has the meaning assigned to it by regulation 2 of the Pensions Regulations, in each case at the commencement of this Ordinance.

(Cap. 89.
sub. leg.)

(3) (a) The expression "the rate of the pension of the deceased" means the annual rate of the basic pension of the deceased plus any increase it would have attracted under any Ordinance providing for the grant of increases in pension had it been a pension under the Pensions Ordinance, and in the case of a public officer who retired or transferred to other public service before attaining the age of 55 years, shall include any such increase it would have attracted had the officer attained that age prior to his retirement or transfer, and, in the case of an officer who transferred, had instead retired.

(b) Subject to section 7 the expression "the annual rate of the basic pension of the deceased" in paragraph (a) means a sum calculated at the rate of one six-hundredth of his annual pensionable emoluments or annual emoluments that would have been pensionable emoluments had he been serving on pensionable terms, in both cases at the time of his retirement or transfer from service under

the Government or his death prior to such retirement, as the case may be, for each complete month of his contributory service subject to a maximum of 400 months, and for the purpose of this section in determining such emoluments regulation 18 of the Pensions Regulations (which relates to averaging of emoluments) shall apply *mutatis mutandis* as it applies for the purpose of computing pensions under the Pensions Ordinance.

(4) A reference in this Ordinance to an adopted child of a person shall be construed as a reference to a child adopted in pursuance of an adoption order made under the Adoption Ordinance or by any adoption recognized as valid by the law of Hong Kong, and reference to a person by whom any person has been adopted shall be construed accordingly. (Cap. 290.)

(5) (a) A person shall be deemed for the purposes of this Ordinance to be within the period of childhood and full-time education if—

(i) in the case of a male—

(A) he is under the age of 18 years; or

(B) he is under the age of 23 years and, subject to paragraph (b), has since attaining the age of 18 years continuously received and is receiving full-time education at any university, college, school or other educational establishment;

(ii) in the case of a female, she is unmarried and—

(A) under the age of 21 years; or

(B) under the age of 23 years and, subject to paragraph (b), has since attaining the age of 21 years continuously received and is receiving full-time education at any university, college, school or other educational establishment.

(b) As respects any period during which the conditions specified in paragraph (a)(i)(B) or (a)(ii)(B) are not satisfied in relation to a person, the Directors may, if they think fit and are satisfied that the person's full-time education ought not to be regarded as completed, direct either—

(i) that the period shall be ignored for the purposes of that paragraph; or

(ii) that the period shall be ignored and shall also be treated as part of his full-time education for all the other purposes of this Ordinance, except for such purposes (if any) as may be specified in the directions.

(6) Where the marriage of any male public officer has been annulled or dissolved by the decree of any competent court or in any other manner recognized as effective for that purpose by the law of Hong Kong, this Ordinance shall have effect in relation to him as if his wife had died, and the officer shall be deemed to have become a widower at the date of such decree or on such other date, as the case may be, when the annulment or dissolution took effect.

3. (1) Subject to the Schedule and subsection (3), this Ordinance shall apply to—

Application of
Ordinance.
Schedule.

(a) every public officer in service as a public officer under the Government at the commencement of this Ordinance who—

(i) within 12 months or such greater period as the Governor may by order under subsection (4) prescribe for the purpose of this sub-paragraph, following such commencement, elects that this Ordinance shall apply to him; or

(ii) in the case of an unmarried male officer who has not so elected and who subsequently marries, within 6 months of the date of his marriage elects that this Ordinance shall apply to him;

- (b) every person appointed to service under the Government as a public officer or transferred thereto from other public service on or after the commencement of this Ordinance;
- (c) every officer in service under the Government on non-pensionable terms otherwise than on agreement, if this Ordinance applied to him immediately before the commencement of such service; and every such officer shall be deemed for all purposes of this Ordinance to be a public officer for so long as he continues to serve on such non-pensionable terms.
- (2) In the case of a public officer to whom—
- (a) subsection (1)(a) applies, an election shall be effective on and after the commencement of this Ordinance;
- (b) subsection (1)(b) applies and—
- (i) who was transferred to the service of the Government or who was not in the service of the Government immediately prior to his appointment as a public officer in service under the Government, this Ordinance shall apply on and after the date of his transfer or appointment, as the case may be;
- (ii) who was in the service of the Government immediately prior to such appointment, this Ordinance shall apply on and after the date of the—
- (A) commencement of this Ordinance or of his pensionable service, whichever is the later, in the case of an officer who immediately prior to such appointment was in such service on agreement; or
- (B) commencement of this Ordinance or of his continuous service under the Government, whichever is the later, in the case of an officer who immediately prior to such appointment, was in such service on non-pensionable terms otherwise than on agreement,

and who within 6 months of such appointment elects for such earlier date of application; and, if he fails so to elect, this Ordinance shall apply on and after the date of such appointment.

(3) The Legislative Council may by resolution amend the Schedule to provide that this Ordinance applies or does not apply to any public officer or class or description of public officer subject to such conditions and with effect from such date not being earlier than the commencement of this Ordinance as the Council shall specify:

Provided that no such order shall terminate the application of this Ordinance to or in relation to any officer who has made any contributions under this Ordinance unless he consents in writing.

(4) The Governor may by order prescribe a period of not less than 12 months nor more than 2 years for the purpose of subsection (1)(a)(i), generally or in respect of any group of officers.

4. (1) There is hereby established a Board of Directors to carry out the provisions of this Ordinance, which it shall do, so far as expedient, through the Director of Accounting Services.

(2) The Board of Directors shall consist of the Chairman under subsection (3) and 6 other members appointed by the Governor, of whom 4 shall be public officers and 2 shall be persons who are neither public officers nor former public officers.

(3) The Chairman of the Public Services Commission shall be Chairman of the Board.

(4) The Chairman, and in his absence, the senior public officer present, shall preside at meetings of the Board, and the person presiding

shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(5) At all meetings of the Board, 3 members including the person presiding shall form a quorum, and all questions shall be decided by a majority of the votes of the members present.

(6) Subject to this Ordinance, the Board may regulate its own procedure.

5. Subject to this Ordinance, on behalf of the Directors, the Director of Accounting Services shall, on the death of a contributor or former contributor grant and pay or cause to be paid—

Power to grant
widows' and
children's
pensions.

- (a) where he leaves a widow, a pension to that widow; and
- (b) where he had a wife (whether or not the marriage continued until the death and whether or not a widow's pension is or can be granted), a pension for the benefit of his children.

6. A pension shall not be granted under this Ordinance unless the deceased—

Pensions under
this Ordinance
to depend on
deceased's
pension.
(Cap. 89.)
(Cap. 89,
sub. leg.)

- (a) had become eligible for the grant of a pension under the Pensions Ordinance (other than a pension under regulation 31 of the Pensions Regulations), whether such a pension had actually been granted or not; or
- (b) would have been eligible for the grant of a pension under the Pensions Ordinance if regulation 4 of the Pensions Regulations (which relates to the minimum qualifying service) had not been applicable to him; or
- (c) was still serving as a public officer at the time of his death (whether or not he had been confirmed in a pensionable office) and would, if—
- (i) he had then retired on medical grounds; and
- (ii) he had been confirmed in a pensionable office; and
- (iii) regulation 4 of the Pensions Regulations had not been applicable to him,
- have become eligible for the grant of a pension under the Pensions Ordinance.

7. Where the deceased at the time of his death was a public officer in service under the Government or had retired from that service in the circumstances described in paragraph (c), (d) or (e) of section 6 of the Pensions Ordinance, his basic pension shall—

Minimum
benefits.
(Cap. 89.)

- (a) if his contributory service was less than 20 years but would not have been for a period shorter than 20 years if he died or retired at the age of 55 years, be computed as if his contributory service had been for a period of 20 years; or
- (b) if his contributory service would have been for a period shorter than 20 years if he died or retired at the age of 55 years, and was less than that shorter period, be computed as if his contributory service had been for that shorter period.

8. (1) A widow's pension shall not be granted if after the death of the deceased the widow remarries and if, after the grant of a widow's pension, the widow remarries, the pension shall cease as from the date of the re-marriage:

Widows'
pensions.

Provided that where—

- (i) a pension is withheld or ceases under this section; and
- (ii) the Directors are satisfied at a subsequent date that the marriage has come to an end or that there are compassionate grounds for the payment of a pension notwithstanding the marriage,

the Directors may, if they think fit and subject to subsection (6), grant or regrant the pension as from that date.

(2) A widow's pension shall not be granted if the deceased's death occurs within 12 months of the marriage and there are no children born of the marriage:

Provided that the Directors may, if they think fit, grant the pension if they are satisfied that there are compassionate grounds for the payment thereof.

(3) Subject to subsections (1) and (2), a widow's pension shall be paid in respect of the whole period from the day following the date of the death of the deceased to the death of the widow.

(4) The annual rate of a widow's pension shall amount to the aggregate of the following—

- (a) six-twelfths of the rate of the pension of the deceased which relates to that part of his contributory service in respect of which he made contributions under this Ordinance at the rate of 4 per cent of his pensionable emoluments; and
 - (b) five-twelfths of the rate of the pension of the deceased which relates to that part of his contributory service in respect of which he made contributions under this Ordinance at the rate of 3 per cent of his pensionable emoluments or in respect of which he made contributions under the existing Ordinance.
- (5) (a) Where the annual rate of the widow's pension is less than such amount as the Governor may from time to time determine for the purposes of this subsection, the Directors may, on the application of the widow within 3 months next following the grant of the pension, commute the pension by paying to her a sum which, according to actuarial tables prepared from time to time by an actuary appointed by the Governor, is at the date of payment, actuarially equivalent to the value of the pension.

(b) This subsection shall not apply where a children's pension has been granted and the aggregate of the annual rates of the children's pension and the widow's pension exceeds the amount determined for the purposes of paragraph (a).

(6) Notwithstanding anything to the contrary in this Ordinance, no widow shall be eligible for the grant of more than one widow's pension under this Ordinance at the same time, and where but for this subsection a widow would have been so eligible, she shall, subject to this Ordinance, be granted the largest of those pensions.

9. Where the deceased leaves a widow who does not assist or deserts or abandons a child of the deceased whom she is bound by law to maintain, the Directors may direct that such portion of the widow's pension as they think fit shall be paid to such person as they may direct and be applied by him for the benefit of such child.

10. (1) A children's pension shall be granted if, and be paid so long as and whenever, there are persons for whose benefit it can enure.

Payment of pension in cases of desertion.

Children's pensions: beneficiaries.

(2) Subject to this section, the persons for whose benefit a children's pension can enure, are the children of the deceased who are for the time being in their period of childhood and full-time education.

(3) A children's pension cannot enure—

- (a) for the benefit of any person born more than 10 months after the deceased had ceased to be a public officer;
- (b) for the benefit of any person by reason that he is the adopted child of the deceased if he was born or, as the case may be, adopted, after the termination of the deceased's last marriage or after the deceased had ceased to be a public officer; or
- (c) for the benefit of any person by reason that he is the child of a wife of the deceased, if he was born more than 10 months after the termination of the marriage.

(4) A children's pension cannot enure for the benefit of any person by reason that he is the step-child or adopted child of the deceased unless he was wholly or mainly dependent upon the deceased at the time of death.

(5) A children's pension cannot enure for the benefit of a female person who at the time of the death of the deceased was married, and if, after the death of the deceased, a female person marries, she shall thereupon cease to be a person for whose benefit a children's pension can enure:

Provided that where—

- (a) by virtue of this subsection a pension is withheld from or does not enure for the benefit of a person; and
- (b) the Directors are satisfied at a subsequent date that the marriage has come to an end or that there are compassionate grounds for permitting the pension to enure for her benefit notwithstanding the marriage,

the Directors, may, if they think fit, grant the pension, or as the case may be, permit the pension to enure for her benefit, as from that date.

11. (1) Only one children's pension shall be granted in respect of the contributions of any one person, but—

- (a) the rate thereof may vary according to the number of persons for whose benefit it can for the time being enure; and
- (b) it shall be paid to such person or persons as the Director of Accounting Services may from time to time direct, and different parts thereof may be directed to be paid to different persons; and
- (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons for whose benefit the pension can for the time being enure or for the benefit of such of them as the Director of Accounting Services may from time to time direct.

(2) Where the deceased leaves no widow, and, if he leaves a widow, after her death, the annual rate of a children's pension—

- (a) while the persons for whose benefit it can enure are two or more in number, shall amount to two-thirds of the rate of the pension of the deceased;
- (b) while there is only one such person, shall amount to one-third of the rate of the pension of the deceased.

Rate and mode of payment of children's pensions.

(3) Subject to subsection (4), where the deceased leaves a widow, the annual rate of a children's pension during her life—

- (a) while there are two or more persons for whose benefit it can enure, shall amount to one half of the rate of the pension of the deceased;
- (b) while there is only one such person, shall amount to one-fourth of the rate of the pension of the deceased if he is in the care of the widow, or one-third of such pension if in the care of some other person.

(4) Notwithstanding anything in this section, where the deceased leaves a widow and no widow's pension is granted to her, or if one is granted to her, it ceases in accordance with this Ordinance to be paid before her death, no children's pension shall be payable as respects any period comprised within the life-time of the widow or within the time in respect of which no widow's pension is payable, as the case may be, unless the Directors direct that such a pension shall be so payable, but if the Directors do so direct, they may, if they think fit, further direct that subsection (2) shall apply as respects any such period notwithstanding that the widow is still alive.

- (5) (a) Where the annual rate of a children's pension does not exceed the amount determined for the purposes of section 8(5)(a) the Directors may, on the application of any person made within 3 months next following the grant of the pension, commute the pension by paying to such person or persons as they think fit a sum which, according to actuarial tables to be prepared from time to time by an actuary appointed by the Governor, is at the date of payment, actuarially equivalent to the value of the pension.
- (b) This subsection shall not apply where a widow's pension has been granted and the aggregate of the annual rates of the widow's pension and the children's pension exceeds the amount determined for the purposes of section 8(5)(a).

(6) Notwithstanding anything to the contrary in this Ordinance, no child shall be eligible for the grant of or to share in two or more children's pensions at the same time, and where but for this subsection a child would have been so eligible, the child shall be deemed to be eligible only in respect of that pension which would in the opinion of the Directors produce the result most favourable to all the children who might benefit from those pensions.

12. If a person to whom a widow's or children's pension has been granted is adjudicated bankrupt or declared insolvent by any competent court in Hong Kong or elsewhere such pension or that person's share thereof, as the case may be, shall cease as from the date of the adjudication or declaration:

Provided that where a pension or share thereof ceases under this section the Directors may from time to time during the remainder of the life of the widow or period of childhood and full-time education of the child, or during such shorter period or periods, either continuous or discontinuous as they think fit, authorize the payment to the widow or child of an allowance at a rate not exceeding the rate of the pension or share or may authorize the application of such allowance for the maintenance and support of such widow or child, in such manner and at such time as they think fit.

13. (1) Contributions under this Ordinance shall—

- (a) subject to this section, be equal to 4 per cent if the contributor so elects under subsection (3), and otherwise 3 per cent, of the

Bankruptcy
of a widow
or child.

Rate and mode
of payment of
contributions.

pensionable emoluments of the contributor, or of his emoluments that would have been pensionable emoluments had he been serving on pensionable terms:

Provided that—

(i) if a contributor has to make contributions under this Ordinance in respect of any period for which he has already made contributions under the existing Ordinance to which the existing Ordinance ceases to apply under section 26, the latter shall be set off against the former and any balance paid as arrears in accordance with this Ordinance and any surplus refunded without interest;

(ii) the contributions of a contributor to whom this Ordinance applies by virtue of an election made under section 3(1)(a)(ii), in respect of any period prior to his marriage, shall be equal to 3 per cent of his pensionable emoluments regardless of the rate for which he may elect;

- (b) be payable in respect of an officer's pensionable emoluments, or emoluments that would have been pensionable emoluments had he been serving on pensionable terms, in the case of an officer—

(i) to whom section 3(1)(a) applies, from the date his election under that section becomes effective;

(ii) to whom section 3(1)(b) applies, from the date this Ordinance applies to him under section 3(2)(b);

(iii) transferred to other public service, who subsequently re-enters public service under the Government, from the date of his re-entry;

- (c) not be payable in respect of any period of service without pay, except such a period which is taken into account as pensionable service under regulation 21(c) or (d) of the Pensions Regulations, in which case contributions shall be paid as if the officer had received the emoluments he would have received had he been in receipt of pay during that period;
- (d) be payable until the contributor ceases to be a public officer in service under the Government;
- (e) be paid—

(i) except as otherwise provided in this Ordinance by deduction from the officer's salary;

(ii) in the case of arrears howsoever arising, in a lump sum or sums acceptable to the Director of Accounting Services or by monthly deduction (such deduction being in addition to monthly deduction of current payments under sub-paragraph (i)), or where the officer is not in receipt of salary, by monthly payment in either case at such rate as the Director of Accounting Services may from time to time consider expedient, or both by lump sum and such deduction or payment:

Provided that the rate of such deduction or payment shall not without the agreement of the officer exceed 5 per cent of his monthly salary or, as the case may be, the amount he would have received as his monthly basic salary had such salary been payable;

(iii) in the case of an officer who commences any period of leave without pay prior to payment in full of any arrears of contributions being paid under sub-paragraph (ii), at the same rate and time as if he was not on such leave until such payment in full;

(iv) in the case of contributions owed by a contributor who has died, by any or a combination of the following means, that

(Cap. 89,
sub. leg.)

is to say, by a lump sum paid by his personal representatives out of his estate, or by deduction from any gratuity or other sum due to his estate, or by deduction from or withholding the widow's or children's pension, as the Director of Accounting Services may think fit.

(2) For the purposes of subsection (1)(a), an officer's pensionable emoluments or emoluments that would have been pensionable shall—

- (a) in respect of any period prior to the date on which this Ordinance first applied to him, in the case of an officer to whom this Ordinance applies by virtue of an election under section 3(1)(a)(ii) be those enjoyed by him at the date of his marriage;
- (b) in respect of any period of absence on leave without pay that is taken into account as pensionable service under regulation 21(c) or (d) of the Pensions Regulations, be those he would have enjoyed had he not been on leave;
- (c) in respect of any period of service otherwise than on pensionable terms being a period prior to the date on which this Ordinance first applied to him, be those enjoyed by him on the date of his appointment as a public officer in service under the Government;
- (d) in respect of any period of service prior to the date on which this Ordinance first applied to her, in the case of a female officer who makes an election under section 24(d), be those enjoyed by her on that date;
- (e) in respect of any other period, be those enjoyed by him from time to time.

(3) A contributor may, at the same time as he elects that this Ordinance shall apply to him or, where he does not so elect, within 6 months of the date on which this Ordinance first applies to him, elect to make contributions at the rate of 4 per cent of his pensionable emoluments, and, except in the case of a contributor to whom this Ordinance applies by virtue of an election under section 3(1)(a), during the period prior to his election as to such rate, contributions may be deducted at the rate of 3 per cent of his pensionable emoluments, and, if he becomes liable to contribute at the rate of 4 per cent for that period by electing for that rate, the difference recovered in such manner as the Director of Accounting Services may deem fit.

(4) An officer to whom this Ordinance applies by virtue of an election made under section 3(1)(a)(ii) or who made an election under section 3(2)(b)(ii) shall pay upon the arrears of contributions arising out of the election and due in respect of the period specified in subsection (2)(a) or (2)(c), as the case may be, where they are paid by instalments an addition to compensate for payment in arrear calculated in accordance with a formula determined for that purpose by an actuary appointed by the Governor, and, notwithstanding anything to the contrary in this Ordinance, if he dies or retires on medical grounds before paying all arrears of contributions arising out of the election, such arrears and addition shall, for all purposes of this Ordinance other than of section 14, be deemed to have been paid in full on the date of his death or retirement.

(5) Where any contributor or other person has to pay any contributions that will thereafter have to be returned to him, the Director of Accounting Services may by written notice to that contributor or person set off the contributions to be paid against the contributions to be returned and thereupon the contributions so set off shall be deemed to have been duly paid and to have been duly returned with interest.

14. (1) Where a contributor ceases to be a public officer in such circumstances, other than his death, that he is not eligible for the grant of a pension under the Pensions Ordinance and would not have become eligible for such a pension in the circumstances described in paragraph (b) or (c) of section 6, the whole of his contributions shall be returned to him.

Return of contributions and surrender of benefits. (Cap. 89.)

(2) Where a contributor ceases to be a public officer in circumstances in which he is only eligible for a gratuity under regulation 5 of the Pensions Regulations, or in which he is eligible for a pension under the Pensions Ordinance (other than a pension under regulation 31 of the Pensions Regulations), or where a contributor transfers to other public service, then—

(Cap. 89.) sub. leg.)

- (a) if he has never married, the whole of his contributions shall be returned to him;
- (b) if he had no wife throughout the period in respect of which he made contributions, the whole of his contributions shall be returned to him, but he shall retain such rights as might enure under this Ordinance to his children;
- (c) if he had a wife at any time during the period in respect of which he made contributions, but has no wife when he ceases to be a public officer, there shall be returned to him such of those contributions, beginning with the last of them, as is necessary to secure that the period in respect of which such contributions have been paid by him without being returned does not extend beyond the date when he last had a wife, and he shall retain such rights as might enure under this Ordinance to his children;
- (d) if paragraphs (a), (b) and (c) do not apply to him, and he is only eligible for a gratuity under regulation 5 of the Pensions Regulations he may, unless he retired from the public service on medical grounds, elect within 3 months of ceasing to be a public officer, that the whole of his contributions be returned to him.

(3) Where a contributor ceases to be a public officer by reason of his death—

- (a) if he had never married, the whole of his contributions shall be returned to his personal representative;
- (b) if he had no wife throughout the period in respect of which he made contributions, and at the time of his death has no child who is entitled to a children's pension or share thereof, the whole of his contributions shall be returned to his personal representative;
- (c) if he had a wife at any time during the period in respect of which he made contributions, but at the time of his death has no wife nor any child who is entitled to a children's pension or share thereof, there shall be returned to him such of those contributions, beginning with the last of them, as is necessary to secure that the period in respect of which such contributions have been paid by him without being returned does not extend beyond the date when he last had a wife.

(4) Where a contributor's contributory service is in excess of 400 months, then upon his ceasing to be a public officer there shall be returned to him or to his legal personal representative, such of those contributions made under this Ordinance as relate to the period in excess of 400 complete months and are not returned to him under the other provisions of this section; and such rights as might enure to his wife or children shall be retained.

(5) Where a female officer ceases to be a contributor by reason of her remarriage, the whole of her contributions shall be returned to her, such rights as might enure to her children shall be retained and, for the purpose of calculating any children's pension arising out of her contributions, she shall be deemed to have retired on the date of her remarriage.

(6) Where any contributions are returned under this section, they shall be returned—

- (a) in the case of contributions made by an officer to whom this Ordinance applies by virtue of an election under section 3(1)(a)(ii) or who made an election under section 3(2)(b)(ii) or 24(d), and which relate to the period specified in section 13(2)(a), 13(2)(c) or 13(2)(d), with simple interest at the rate of 3 per cent per annum on each contribution from the date the contribution was made;
- (b) in the case of other contributions, with an addition at the rate of 1½ per cent per annum of the aggregate amount of the returned contributions for the total period in respect of which those contributions were made;

Provided that in calculating the amount of such interest or addition regard shall only be had to complete months and any incomplete month shall be disregarded.

(7) Where the whole or part of the contributions of a contributor are returned to him under this section, he shall, except to the extent otherwise provided, surrender all benefits that might enure under this Ordinance to his widow or children.

(8) For the avoidance of doubt it is hereby declared that this section applies equally to a contributor who is a divorced or widowed female officer so that except where she dies while she is a contributor and leaves a child entitled to a children's pension or share thereof, the whole of her contributions shall be returned to her or her personal representative, and such rights as might enure under this Ordinance to her children, are retained.

15. (1) Every contributor shall—

- (a) if he was not a contributor under the existing Ordinance immediately before the day on which this Ordinance first applied to him, within 3 months of that day notify to the Director of Accounting Services in writing, if he is married or a widower with children who are under 23 years of age, the date of his marriage and of the birth of his children;
- (b) if he marries, notify his marriage to the Director of Accounting Services in writing within 3 months of the marriage;
- (c) notify to the Director of Accounting Services in writing within 3 months of the event—
 - (i) the birth of any child born to him;
 - (ii) the adoption of any child by him;
 - (iii) the marriage of any female child under 23 years of age;
 - (iv) the death of his wife and the death or adoption by any other person of any child of his who is under 23 years of age;
 - (v) the annulment or dissolution of his marriage and the date thereof.

(2) A person who has ceased to be a contributor and whose wife or child is eligible for a pension under this Ordinance shall notify to the Director of Accounting Services in writing within 3 months of the event—

- (a) the birth of any child born not more than 10 months after the person has ceased to be a public officer and the date of such birth;
- (b) the annulment or dissolution of his marriage and the date thereof;
- (c) the adoption by any other person of any child of his who is under 23 years of age;
- (d) the marriage of any female child under 23 years of age;
- (e) the death of his wife or any child under 23 years of age.

(3) The widow of a contributor shall notify to the Director of Accounting Services in writing within 3 months of the event—

- (a) the date of the death of the deceased;
- (b) the date of birth of any posthumous child born to the deceased;
- (c) the date of marriage of any female child during her period of childhood and full-time education;
- (d) the date of death, bankruptcy or insolvency of any child during his period of childhood and full-time education;
- (e) the date of her own re-marriage, bankruptcy or insolvency;
- (f) the date any child in his period of childhood and full-time education ceases to receive full-time education at a university, college, school or other educational establishment;
- (g) the date any child in receipt of a pension under this Ordinance who was in the care of any other person comes into her care;
- (h) the date of adoption by any other person of any child of the deceased.

(4) Any person in receipt of a pension in respect of a child under section 9 or 11 shall notify to the Director of Accounting Services in writing within 3 months of the event—

- (a) the date of death, bankruptcy or insolvency of the child;
- (b) the date of marriage of the child if female;
- (c) the date the child ceases to receive full-time education at a university, college, school or other educational establishment within his period of childhood and full-time education;
- (d) the date of adoption of the child;
- (e) the date he ceases to have care of the child.

(5) Any statement or notice made or given in pursuance of this section shall be proved by the production of a certificate of birth, death or marriage or by affidavit or otherwise to the satisfaction of the Director of Accounting Services.

16. (1) Any contributor, person who has ceased to be a contributor, widow of a contributor, or any person in receipt of a pension under section 9 or 11 who fails or neglects to comply with any of the requirements of section 15 shall for each such default be liable at the discretion of the Directors to pay a fine not exceeding \$200 or up to one month's contribution, whichever is the greater, which may be deducted from his salary or, as the case may be, from his or her pension or the pension payable, as the case may be.

(2) If any contributor, person who has ceased to be a contributor, widow of such a contributor, or any person in receipt of a pension under section 9 or 11 makes any false statement respecting any of the particulars

Penalty for non-compliance.

required by this Ordinance to be given to the Directors or the Director of Accounting Services, all or any part of the rights or benefits which would or might enure to him or his widow or children under this Ordinance shall be liable to be forfeited at the discretion of the Directors.

Mode of making elections.

17. (1) Any election authorized to be made under this Ordinance shall be in writing and shall be made to the Director of Accounting Services.

(2) The date of the making of the election shall be deemed to be the date of the receipt of the written notification of the election by the Director of Accounting Services.

(3) After the expiry of any period within which an election under this Ordinance is required to be made, any such election shall be irrevocable.

(4) The Directors may in their discretion in any special circumstances extend the period for making any election under this Ordinance.

(5) Where an officer dies during the period within which he may make any election under this Ordinance without making that election, and he leaves a widow or children who would benefit from a pension that might enure under this Ordinance, the Secretary for the Civil Service may make the election on behalf of the officer if he considers that it would have operated to the advantage of the beneficiaries, and for all purposes of this Ordinance the election shall be deemed to have been made by the officer immediately before his death.

Proof of claims on pensions.

18. The Director of Accounting Services may require such proof as he considers desirable that any person who claims to be entitled to a pension under this Ordinance, or on behalf of whom such claim is made, is alive and entitled to the pension, and the payment of any pension may be refused until such proof is furnished to the satisfaction of the Director of Accounting Services.

Decision of questions under the Ordinance.

19. If any question arises as to whether any person is a contributor within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a contributor or as to the amount of pension to which any widow or child is entitled, or as to the meaning or construction to be assigned to any provision of this Ordinance, the Directors may, and if required by any contributor or widow or child of a contributor or a person claiming to be such, shall, submit such question to the Governor for decision, and the decision of the Governor shall be final.

Power of Governor to give directions.

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

(2) The Directors and all public officers shall, in the exercise or performance of any powers, duties or functions under this Ordinance, comply with any directions given by the Governor under subsection (1).

Pension not to be assigned.

21. Except as may be expressly provided in this Ordinance no pension payable and no rights of any person under this Ordinance shall be assignable or transferrable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, save a debt due to the Government by reason of non-payment of contributions or overpayment of pension or otherwise arising out of or in connexion with the operation of this Ordinance.

22. Where a marriage which is voidable but not void from the beginning is declared to be null by any court of competent jurisdiction, the same results shall follow under this Ordinance as would have followed thereunder if the marriage had not been voidable and had been dissolved at the date of the decree.

Effect of certain nullity decrees.

23. (1) There shall be paid out of the general revenue of Hong Kong—

Financial provisions.

(a) any pension or return of contributions, interest thereon and addition thereto payable under or by virtue of this Ordinance;

(b) any expenses incurred in the administration of this Ordinance.

(2) Contributions, interest thereon and any addition thereto paid by contributors under this Ordinance shall be paid into the general revenue of Hong Kong.

24. Where this Ordinance applies to a divorced or widowed female public officer under section 3 and the Schedule, it shall do so from the following date—

Date of application to female officers.

(a) the commencement of this Ordinance in the case of a divorced or widowed officer who was in service under the Government on pensionable terms at such commencement;

(b) the date of her divorce or her husband's death in case of an officer who after the commencement of this Ordinance was in service under the Government on pensionable terms at the time of her divorce or her husband's death;

(c) the date of her appointment or transfer to service under the Government on pensionable terms in the case a divorced or widowed officer so appointed or transferred after the commencement of this Ordinance who was not in service under the Government immediately prior to such appointment;

(d) in the case of an officer who was in service under the Government on non-pensionable terms immediately before she was, after the commencement of this Ordinance, appointed to such service on pensionable terms—

(i) the date on which she was first both a divorcee or widow and in continuous service, or

(ii) the commencement of this Ordinance,

whichever is the later, if she so elects at the same time as she elects that this Ordinance shall apply to her; and if she does not elect for the date specified in sub-paragraph (i) or (ii), the date she was appointed to service under the Government on pensionable terms:

Provided that if the officer was on agreement immediately before she was appointed on pensionable terms, the date shall not be earlier than the date of commencement of her pensionable service.

25. Where a public officer ceases to be a contributor under the existing Ordinance otherwise than in pursuance of section 35 thereof and becomes a contributor under this Ordinance, then notwithstanding anything to the contrary in this Ordinance, if—

No decrease of previous benefits.

(a) there being no children's pension payable, the rate of the widow's pension; or

(b) there being no widow's pension payable, the rate of the children's pension; or

(c) the aggregate rate of both a widow's and a children's pension, as the case may be, shall at any time be less than the rate that would have been payable under the existing Ordinance and the Widows and Orphans Pension (Increase) Ordinance, if the contributor had been treated for the purposes of the existing Ordinance as having transferred to other public service and as having ceased to contribute under the existing Ordinance as from the date applicable to him under section 3(2), it shall be increased to the last mentioned rate and in the case of both a widow's and a children's pension, the increase shall be divided between the two in the proportion each bears to the aggregate; and subject to such increase, this Ordinance shall apply *mutatis mutandis* to that pension or those pensions as it applies to other pensions granted under its provisions.

Application of
Cap. 94.

26. Subject to this Ordinance, the existing Ordinance shall cease to apply to and in relation to a public officer on and after the day from which this Ordinance first applies to him, and he shall be deemed to have surrendered all claims to benefit under the existing Ordinance, save in relation to—

- (a) contributions made by the officer under the existing Ordinance and to any pension due in respect of those contributions if—
- (i) the officer did not make any contributions under the existing Ordinance in respect of the day immediately before that day; or
 - (ii) the officer ceased to contribute under the existing Ordinance in pursuance of section 35 of that Ordinance;
- (b) a pension that officer is receiving as the widow of a deceased contributor under the existing Ordinance.

Consequential
amendments.
(Cap. 94.)

27. (1) The Widows and Orphans Pensions Ordinance is amended by adding after section 34 the following new sections—

"Certain contributors under Widows' and Children's Pensions Scheme to withdraw from this Scheme.

35. Any officer making contributions under this Ordinance who—

- (a) was not in service under the Government at the commencement of the Widows' and Children's Pensions Ordinance 1977 but was appointed to such service thereafter; or
- (b) was at the commencement of that Ordinance in service under the Government on agreement as defined in section 2 of that Ordinance (irrespective of whether such service subsequently becomes pensionable service by refund or surrender of gratuity); or
- (c) (i) was at the commencement of that Ordinance in service under the Government on non-pensionable terms otherwise than on agreement as defined in section 2 of that Ordinance;
 - (ii) failed to make an election under section 3(1)(a)(i) of that Ordinance within the time it had to be made; and
 - (iii) after commencement of that Ordinance is appointed to service under the Government on pensionable terms,

shall cease or be deemed, except for the purposes of paragraph (i) of the proviso to section 13(1)(a) of that Ordinance, to have ceased, to make contributions under

this Ordinance from the date of the commencement of the period in respect of which he makes contributions under that Ordinance, and a pension to his wife or children (if any) shall be computed on the basis of the potential benefit acquired by such contributor at the date of his ceasing to contribute.

No new contributors after commencement of Widows' and Children's Pensions Scheme.

36. No person who is not a contributor before the commencement of the Widows' and Children's Pensions Ordinance 1977 shall be required or be permitted to become a contributor under this Ordinance on the day of or after such commencement."

- (2) The Pensions (Increase) Ordinance is amended—
- (a) in section 3(1)(e) by adding after "of a deceased officer" the following—

"or payable in respect of any child of a deceased officer under the Widows' and Children's Pensions Ordinance 1977";
 - (b) in the First Schedule by adding the following—

"Widows' and Children's Pensions Ordinance 1977".

(Cap. 305.)

28. (1) Notwithstanding the definition of "public officer" in section 2(1), any contributor under the existing Ordinance who at the commencement of this Ordinance is under the age of 18 years, shall for all purposes of this Ordinance be deemed to be of the age of 18 years at the commencement of this Ordinance and until such time as he attains that age.

Transitional provisions.

(2) Notwithstanding anything to the contrary in this Ordinance, a person who at the commencement of this Ordinance is both making contributions under the existing Ordinance and is in service under the Government on non-pensionable terms otherwise than on agreement shall, for so long as he continues to serve on such terms, be deemed for all purposes of this Ordinance to be a public officer in service under the Government unless he fails to make an election under section 3(1)(a) within the time it has to be made, and for the avoidance of doubt it is hereby declared that section 6 shall not preclude the grant of a pension in relation to him unless it would have done so had he been a public officer.

(3) Notwithstanding that this Ordinance does not apply to a public officer who holds the post of police constable, constable Hawker Control Force, fireman, ambulanceman, assistant officer II, preventive officer or assistant revenue officer at the commencement of this Ordinance and does not elect under section 3(1)(a) for the application to him of this Ordinance, the Ordinance shall apply to him on and after the date with effect from which he is promoted or otherwise appointed as a public officer in service under the Government to any post other than that so held by him, or the commencement of this Ordinance, whichever is the later.

SCHEDULE

[s. 3(1) & (3).]

APPLICATION OF ORDINANCE TO CERTAIN OFFICERS

1. This Ordinance shall apply to a divorced or widowed female public officer who elects that this Ordinance shall apply to her—
 - (a) in the case of a person who was such an officer at the commencement of this Ordinance, within the period applicable under section 3(1)(a)(i);

(b) in the case of any such officer who is not a person specified in paragraph (a), within 6 months of the date on which she first becomes such an officer.

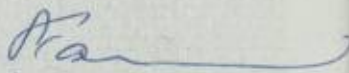
2. This Ordinance shall not apply to any female public officer not being an officer to whom it applies under paragraph 1.

Passed by the Hong Kong Legislative Council this 21st day of December 1977.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

PUBLIC RECORDS OFFICE
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H.K.R.S. No. 28

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