

Chapter.	Ordinance.	Repeal or amendment.
		(2) When—
		(a) the Governor in Council rescinds the deportation order made against any person; or
		(b) the Governor suspends the deportation order made against any person,
		the Governor in Council may make a police supervision order against that person.”.
		3. Section 5 is amended by deleting subsection (4) and substituting the following—
		“(4) If—
		(a) a deportation order is made against a person against whom a police supervision order has been made; or
		(b) a police supervision order has been made against a person on the suspension of the deportation order made against him and the suspension is rescinded by the Governor in Council,
		the police supervision order shall cease to have effect.”.
		4. Section 6 is amended in the proviso to subsection (1) by deleting “the Governor.”.
		5. Section 12 is amended by deleting subsection (3) and substituting the following—
		“(3) A person who is prohibited from re-entering the Colony by virtue of subsection (2)(b) shall be deemed for the purposes of the Immigration Ordinance 1971 to be a person in respect of whom a deportation order for life is in force and to have had notice thereof before his departure from the Colony.”.
		6. Section 17 is amended by deleting “the Colonial Secretary,” wherever it occurs.

Chapter.	Ordinance.	Repeal or amendment.
234	Prison Rules.	1. Rule 188(1) is amended by deleting sub-paragraph (ea) and substituting the following— “(ea) on their detention by virtue of the Immigration Ordinance 1971;”.
		2. Rule 215 is amended by deleting paragraph (a).
239	Deportation (British Subjects) Ordinance.	The Ordinance is repealed.
240	Deportation of Aliens Ordinance.	The Ordinance is repealed.
241	Emergency (Royal Navy) Police Powers Regulations.	The Regulations are revoked.
243	Immigration (Control and Offences) Ordinance.	The Ordinance is repealed.
280	Training Centres Ordinance.	Section 8(4) is amended by deleting “, other than the Deportation of Aliens Ordinance,”.

SECOND SCHEDULE.

[s. 67.]

TRANSITIONAL PROVISIONS.

- In this Schedule—
“commencement date” means the date on which this Ordinance comes into operation;
“Deportation (British Subjects) Ordinance”, “Deportation of Aliens Ordinance” and “Immigration (Control and Offences) Ordinance” mean respectively the Deportation (British Subjects) Ordinance, the Deportation of Aliens Ordinance and the Immigration (Control and Offences) Ordinance repealed by this Ordinance.
- Section 4(1)(a) shall have effect as if it included a reference to a person who arrived in Hong Kong before the commencement date, being a person who immediately before the commencement date was being examined or further examined under section 11 of the Immigration (Control and Offences) Ordinance or was about to be so examined or further examined; and the provisions of this Ordinance shall apply to any such person accordingly.
- The references in section 5(4)(a) and 5(5)(a) to an entry permit and a re-entry permit include references to an entry permit and a re-entry permit issued under the Immigration (Control and Offences) Ordinance.

Section 4(1)(a).

Section 5(4)(a) & (5)(a).

Section 9(1)(b).

4. Section 9(1)(b) shall have effect as if the references to a person having been refused permission to land in Hong Kong and having been given permission to land in Hong Kong included references to having been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance or the repealed Immigrants Control Ordinance and to having been given permission to enter Hong Kong under either of those Ordinances.

Section 10(2).

5. Section 10(2) shall have effect as if it included a reference to a serviceman who ceased to be such before the commencement date, being a serviceman who had not made an application under section 38 of the Immigration (Control and Offences) Ordinance before that date or whose application had not been determined under the said Ordinance before that date.

Section 11(2).

6. Any conditions imposed in respect of a person who entered Hong Kong before the commencement date under section 15 of the Immigration (Control and Offences) Ordinance and in force immediately before that date (whether the same were imposed at the time of entry or subsequent thereto) shall, subject to section 8(2), continue in force and have effect as if they were conditions of stay imposed under section 11(2) of this Ordinance; and the provisions of this Ordinance shall apply accordingly.

Section 14(1).

7. Section 14(1) shall have effect as if it included a reference to an alien who is in Hong Kong on the commencement date, being an alien who had become liable before that date to comply with section 25(1) of the Immigration (Control and Offences) Ordinance but had not complied therewith.

Section 16.

8. Section 16 shall have effect as if the references to particulars furnished in an arrival card and to particulars furnished in the prescribed form pursuant to section 14(1) include respectively references to corresponding particulars furnished to the Director or to the former immigration officer or to the former Registrar of Aliens in accordance with the Immigration (Control and Offences) Ordinance or the repealed Immigrants Control Ordinance or a requirement made under either of those Ordinances.

Sections 18, 24 & 32(1).

9. Sections 18, 24 and 32(1) shall apply to a person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who before the commencement date has been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance as they apply to a person who is refused permission to land under this Ordinance.

Section 18(1)(b).

10. Section 18(1)(b) shall have effect, except in the case of a person who has the right to land in Hong Kong by virtue of section 8(1), as if it included a reference to a condition imposed under section 15 of the Immigration (Control and Offences) Ordinance and in force immediately before the commencement date, being a condition making the same requirement as the condition of stay referred to in the said section 18(1)(b); and the provisions of this Ordinance shall apply accordingly.

Section 19(1)(b).

11. Section 19(1)(b) shall have effect as if it included a reference to a person who has contravened section 3(1)(a)(ii) or (b) of the Immigration (Control and Offences) Ordinance or any condition imposed under section 15 of the said Ordinance and in force immediately before the commencement date (whether such condition was imposed at the time of entry or subsequent thereto), but in whose case an order has not been made under

section 43(4) of the said Ordinance; and the provisions of this Ordinance shall apply accordingly.

12. Any order made in respect of a person under section 43(4) of the Immigration (Control and Offences) Ordinance, not being a person who has the right to land in Hong Kong by virtue of section 8(1), shall, if in force immediately before the commencement date, continue in force and have effect for all purposes of this Ordinance as if it were a removal order made in respect of that person under section 19 of this Ordinance.

13. Any deportation order made against a person under the Deportation (British Subjects) Ordinance or the Deportation of Aliens Ordinance and in force immediately before the commencement date shall continue in force and have effect for all purposes of this Ordinance as if it were a deportation order made under section 20(1) of this Ordinance.

14. Sections 19(4) and 20(7) shall have effect as if—

- (a) the reference to permission to land in Hong Kong included a reference to permission to enter Hong Kong given under the Immigration (Control and Offences) Ordinance;
- (b) the reference to authority to remain in Hong Kong included a reference to a permit of the Director granted under the Immigration (Control and Offences) Ordinance.

15. A person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who immediately before the commencement date is on board a ship or aircraft, having been placed thereon with a view to his removal from Hong Kong in accordance with the Immigration (Control and Offences) Ordinance, the Deportation (British Subjects) Ordinance or the Deportation of Aliens Ordinance or any order or requirement made or issued thereunder, shall be deemed to have been placed thereon under section 24(2) or section 25(3), as the case may be, and it shall be presumed that an immigration officer or police officer has made a requirement under section 33 of this Ordinance; and the provisions of this Ordinance shall apply accordingly.

16. Any person who immediately before the commencement date is detained under section 13(1)(a) of the Immigration (Control and Offences) Ordinance may, if any member of the Immigration Service of or above the rank of chief immigration officer or a police officer of or above the rank of assistant commissioner of police is satisfied as to the matters referred to in section 26(a), be detained on the authority of such member or police officer for a total period of seven days, taking account of the period for which such person had been detained before the commencement of this Ordinance.

17. A person who is being detained immediately before the commencement date—

- (a) following his arrest on a warrant issued under section 5(3) of the Deportation (British Subjects) Ordinance; or
- (b) in accordance with the direction of a judge, court or magistrate given under section 7 of that Ordinance,

may continue to be detained as if a detention warrant had been issued in respect of him on the commencement date under section 29(2); and the provisions of this Ordinance shall apply accordingly.

Section 19.

Section 20(1).

Sections 19(4) and 20(7).

Sections 24(2), 25(3) & 33.

Section 26.

Section 29(2).

Section 29(2).

18. A person who is being detained immediately before the commencement date under the authority of a warrant issued under section 4 or 5 of the Deportation of Aliens Ordinance may continue to be detained as if a detention warrant had been issued in respect of him on the commencement date under section 29(2); and the provisions of this Ordinance shall apply accordingly.

Section 32(3).

19. A person who is being detained immediately before the commencement date under section 9(2) of the Deportation (British Subjects) Ordinance or section 8(2) of the Deportation of Aliens Ordinance may continue to be detained as if his detention had been authorized by the Colonial Secretary under section 32(3) of this Ordinance.

Section 32(3).

20. A person who is being detained immediately before the commencement date under section 43(4) of the Immigration (Control and Offences) Ordinance may, unless he is a person who has the right to land in Hong Kong by virtue of section 8(1), continue to be detained as if his detention had been authorized by the Colonial Secretary under section 32(3) of this Ordinance.

Section 33.

21. Section 33 shall apply to a person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who before the commencement date has been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance as it applies to a person who has been refused permission to land in Hong Kong under this Ordinance; and it shall be presumed that an immigration officer has made a requirement under the said section.

Section 38(1)(b).

22. The reference in section 38(1)(b) to the authority of the Director includes a reference to a permit of the Director granted under the Immigration (Control and Offences) Ordinance.

Section 42(2)(a).

23. The reference in section 42(2)(a) to a travel document, entry permit, re-entry permit or other document issued, kept or made under or for the purposes of Part II, III or IV of this Ordinance includes a reference to a travel document, entry permit, re-entry permit or other document issued, kept or made under or for the purposes of the Immigration (Control and Offences) Ordinance.

Section 42(2)(b) & (c).

24. The references in section 42(2)(b) and (c) to a travel document, entry permit or re-entry permit include references to a travel document, entry permit or re-entry permit issued under the Immigration (Control and Offences) Ordinance.

Section 47(1) & (2).

25. Section 47(1) and (2) shall have effect as if they included, respectively, a reference to a ship not exceeding two hundred and fifty gross tons, and a vehicle, which has been used in the contravention or attempted contravention of any of the provisions of the Immigration (Control and Offences) Ordinance (whether or not any person has been convicted of such contravention or attempted contravention), being a ship or vehicle in respect of which notice of seizure has not been served before the commencement date under section 46(2) of the said Ordinance; and the provisions of this Ordinance shall apply accordingly.

Section 55(2).

26. Any condition imposed under section 17(3) of the Deportation of Aliens Ordinance and in force immediately before the commencement date shall, if it has not been complied with, be deemed to be a requirement under section 55(2) of this Ordinance; and any recognizance entered

into in accordance with an order under the said section 17(3) and in force immediately before the commencement date shall be deemed to be a recognizance entered into in accordance with a requirement under section 55(2) of this Ordinance and shall continue in force for the remainder of the period for which it would have continued in force in accordance with the order under the said section 17(3).

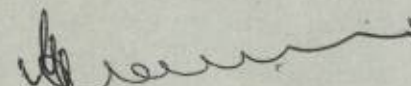
27. References in section 56(1)(d) and (e) to an offence under this Ordinance include references to an offence under the Immigration (Control and Offences) Ordinance.

Section 56(1)(d) & (e).

28. Any police supervision order made under section 3(1) or (2) of the Police Supervision Ordinance and in force immediately before the commencement of this Ordinance shall continue in force and have effect for all purposes of the Police Supervision Ordinance as if it were made under section 3(1) or (2) of that Ordinance as amended by section 66.

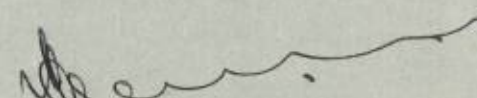
Police Supervision Ordinance—s. 3(1) & (2).

Passed by the Hong Kong Legislative Council this 13th day of October, 1971.



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. 56 OF 1971.



I assent.

Hugh Norman Wilson

Acting Governor.

4th November, 1971.

An Ordinance to amend the Criminal Procedure Ordinance.

[5th November, 1971.]

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 Criminal Procedure (Amendment) (No. 2) Ordinance 1971. Short title.

2. The principal Ordinance is amended by adding after section 9A the following new section— Addition of section 9B. (Cap. 221.)

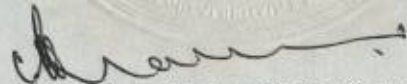
"Rules for payment of allowance to witnesses.

9B. (1) The Chief Justice may, with the approval of the Legislative Council, make rules providing for the payment of an allowance to witnesses in criminal proceedings before any court, and such rules may, in particular, provide for—

- (a) the classification of witnesses;
- (b) the payment of different rates of allowance to different classes of witnesses; and

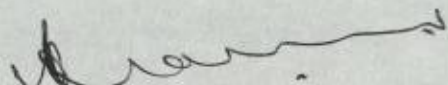
- (c) the rate of allowance which may be paid to witnesses in a particular class.
- (2) The expenses of the allowances paid under such rules shall be met from moneys provided by the Legislative Council.
- (3) In this section—
- (a) "court" includes the District Court and a magistrate;
- (b) "witness" means any person properly attending a court to give evidence, whether or not called to give evidence at the instance of the court, and whether or not he gives evidence, but does not include a person who is—
- (i) the complainant or defendant; or
 - (ii) a public officer."

Passed by the Hong Kong Legislative Council this 3rd day of November, 1971.



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.



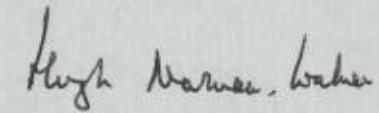
Clerk to the Legislative Council.

HONG KONG

No. 57 OF 1971.



I assent.



Acting Governor.

4th November, 1971.

An Ordinance to amend the Coroners Ordinance.

[5th November, 1971.]

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

1. This Ordinance may be cited as the Coroners (Amendment) (No. 2) Ordinance 1971. Short title.
2. The principal Ordinance is amended in section 21— Amendment of section 21. (Cap. 14.)
 - (a) by deleting the comma after "section 6" and substituting a full stop therefor; and
 - (b) by deleting "or who has, pursuant to a summons, attended an inquiry as a medical witness."
3. The principal Ordinance is amended by adding after section 22 the following new section— Addition of section 22A.

22A. (1) The Chief Justice may, with the approval of the Legislative Council, make rules providing for the payment of an allowance to witnesses.

"Rules for payment of allowance to witnesses.


in inquiries and such rules may, in particular, provide for—

- (a) the classification of witnesses;
- (b) the payment of different rates of allowance to different classes of witnesses; and
- (c) the rate of allowance which may be paid to witnesses in a particular class.

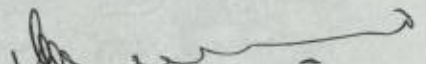
(2) The expenses of the allowances paid under such rules shall be met from moneys provided by the Legislative Council.

(3) In this section, "witness" means any person, other than a public officer, properly attending an inquiry to give evidence, whether or not he gives evidence."

Passed by the Hong Kong Legislative Council this 3rd day of November, 1971.


Clerk to the Legislative Council.


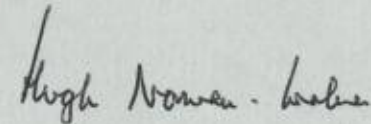
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 58 OF 1971.

I assent.

Acting Governor.

4th November, 1971.

An Ordinance to amend the Application of English Law Ordinance.

[5th November, 1971.]

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 Application of English Law (Amendment) Ordinance 1971. Short title.

2. Section 3 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 3. (Cap. 88.)

3. (1) The common law and the rules of equity shall be in force in Hong Kong—

"Common law and equity.

(a) so far as they are applicable to the circumstances of Hong Kong or its inhabitants;

(b) subject to such modifications as such circumstances may require;

(c) subject to any amendment thereof (whenever made) by—


(i) any Order in Council which applies to Hong Kong;

(ii) any Act which applies to Hong Kong; or

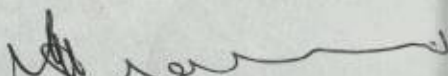
(iii) any Ordinance.

(2) The common law and the rules of equity shall be in force in Hong Kong as provided in subsection (1) notwithstanding any amendment thereof as part of the law of England made at any time by an Order in Council or Act which does not apply to Hong Kong.”

Passed by the Hong Kong Legislative Council this 3rd day of November, 1971.


Clerk to the Legislative Council.


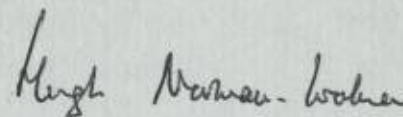
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 59 of 1971.

I assent.

Acting Governor.

4th November, 1971.

An Ordinance to amend the Lion Rock Tunnel Ordinance.

[5th November, 1971.]

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 Lion Rock Tunnel (Amendment) Ordinance 1971. Short title.

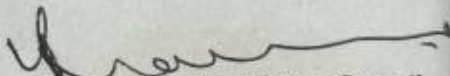
2. The principal Ordinance is amended by adding after section 9A the following new section— Addition of new section 9B. (Cap. 140.)

“Installation of pipes or cables in tunnel.


9B. (1) Notwithstanding the provisions of any other Ordinance, no person shall place any pipe, conduit or cable in the tunnel without the consent in writing of the Director of Public Works.

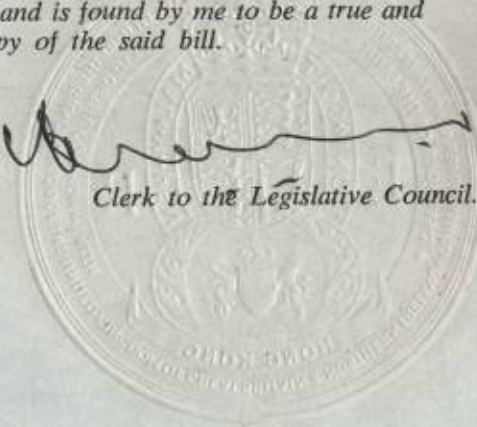
(2) Such consent shall be subject to the payment of such charges, and to such conditions, as the Director of Public Works may impose.”

Passed by the Hong Kong Legislative Council this 3rd day of November, 1971.


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.

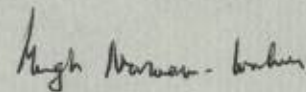


HONG KONG

No. 60 OF 1971.



I assent.



Acting Governor.

18th November, 1971.

An Ordinance to consolidate certain penal enactments and to make consequential amendments connected therewith.

[19th November, 1971.]

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 Crimes Ordinance 1971. Short title.

PART I.

TREASON.

2. (1) A person commits treason if he—
- (a) kills, wounds or causes bodily harm to Her Majesty, or imprisons or restrains Her;
 - (b) forms an intention to do any such act as is mentioned in paragraph (a) and manifests such intention by an overt act;

Treason.
Icf. 1351, c. 2,
1795, c. 7, s. 1,
1817, c. 6, s. 1.]

(c) levies war against Her Majesty—

(i) with the intent to depose Her Majesty from the style, honour and royal name of the Crown of the United Kingdom or of any other of Her Majesty's dominions; or

(ii) in order by force or constraint to compel Her Majesty to change Her measures or counsels, or in order to put any force or constraint upon, or to intimidate or overawe, Parliament or the legislature of any British territory;

(d) instigates any foreigner with force to invade the United Kingdom or any British territory;

(e) assists by any means whatever any public enemy at war with Her Majesty; or

(f) conspires with any other person to do anything mentioned in paragraph (a) or (c).

(2) Any person who commits treason shall be guilty of an offence and on conviction upon indictment shall be sentenced to death.

3. (1) Any person who forms an intention to effect any of the following purposes, that is to say—

(a) to depose Her Majesty from the style, honour and royal name of the Crown of the United Kingdom or of any other of Her Majesty's dominions;

(b) to levy war against Her Majesty within the United Kingdom or any British territory in order by force or constraint to compel Her Majesty to change Her measures or counsels, or in order to put any force or constraint upon, or to intimidate or overawe, Parliament or the legislature of any British territory; or

(c) to instigate any foreigner with force to invade the United Kingdom or any British territory,

and manifests such intention by an overt act or by publishing any printing or writing, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.

(2) It shall be no defence to a charge under this section that any act proved against the person charged amounts to treason under section 2; but no person convicted or acquitted of an offence under this section shall afterwards be prosecuted for treason under section 2 upon the same facts.

4. (1) A person shall not be prosecuted for any offence under section 2 or 3 unless the prosecution is commenced within three years after the offence is committed.

Treasonable offences.
1848 c. 12, s. 3.

1848, c. 12, s. 7.

Limitations as to trial for treason, etc.
1695, c. 3, s. 6.

(2) This section does not apply to cases in which the overt act alleged is the killing of Her Majesty, or a direct attempt to endanger the life of Her Majesty.

1800, c. 93, s. 1.

(3) The procedure on trials for treason or misprision of treason shall be the same as the procedure on trials for murder.

1967, c. 58,
s. 12(6).

5. Any person who wilfully—

Assaults on the Queen.
1842, c. 51, s. 2.

(a) produces or has near Her Majesty any arms or destructive or dangerous thing with intent to use the same to injure Her Majesty;

(b) with intent to alarm or to injure Her Majesty, or to provoke a breach of the peace or whereby a breach of the peace is likely to be caused—

(i) discharges, or points, aims or presents any arms at or near Her Majesty;

(ii) causes any explosive substance to explode near Her Majesty;

(iii) assaults Her Majesty; or

(iv) throws anything at or upon Her Majesty,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for seven years.

PART II.

OTHER OFFENCES AGAINST THE CROWN.

6. Any person who wilfully and unlawfully sets fire to or otherwise destroys—

Arson of Her Majesty's ships etc.
1772, c. 24, s. 1.

(a) any of Her Majesty's vessels of war, whether afloat or being built or under repair;

(b) any arsenal, aircraft factory or dockyard of Her Majesty or any building erected therein or belonging thereto;

(c) any materials in any dockyard of Her Majesty for building or repairing vessels;

(d) any of Her Majesty's military or naval stores, aircraft material or other munitions of war; or

(e) any place where such stores, material or other munitions are kept or placed,

shall be guilty of an offence and on conviction upon indictment shall be sentenced to death.

7. Any person who knowingly attempts—

Incitement to mutiny.
1797, c. 70, s. 1.

(a) to seduce any member of Her Majesty's forces or any member or officer of the Royal Hong Kong Regiment or

of the Royal Hong Kong Auxiliary Air Force from his duty and allegiance to Her Majesty; or

- (b) to incite any such person—
- (i) to commit an act of mutiny or any traitorous or mutinous act; or
 - (ii) to make or endeavour to make a mutinous assembly,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.

8. (1) Any person who knowingly attempts to seduce—
- (a) any member of Her Majesty's forces;
 - (b) any member or officer of the Royal Hong Kong Regiment or of the Royal Hong Kong Auxiliary Air Force;
 - (c) any police officer; or
 - (d) any member of the Royal Hong Kong Auxiliary Police Force;

from his duty or allegiance to Her Majesty shall be guilty of an offence.

- (2) Any person who—
- (a) knowing that any member or officer mentioned in subsection (1) is about to desert or absent himself without leave, assists him in so doing; or
 - (b) knowing such member or officer to be a deserter or absentee without leave, conceals him or assists him in concealing himself or assists in his rescue from custody,

shall be guilty of an offence.

(3) Any person who, with intent to commit or to aid, abet, counsel or procure the commission of an offence under subsection (1), has in his possession any document of such a nature that the dissemination of copies thereof among the members or officers mentioned in subsection (1) would constitute such an offence, shall be guilty of an offence.

(4) Any person guilty of an offence under this section shall be liable on conviction upon indictment to a fine of five thousand dollars and to imprisonment for two years.

(5) The court by or before which a person is convicted of an offence under this section may order any documents connected with the offence to be destroyed or dealt with in such other manner as may be specified in the order; but no documents shall be destroyed before the expiration of the period within which an appeal may be lodged, and if an appeal is lodged no document shall be destroyed until after the appeal has been finally determined or abandoned.

Incitement to disaffection.
1934, c. 56, s. 1.

1934, c. 56, s. 2(1).

1934, c. 56, s. 3(1).

1934, c. 56, s. 3(4).

(6) No prosecution for an offence under this section shall be instituted without the consent of the Attorney General.

9. (1) If a judge is satisfied by information on oath that there is reasonable ground for suspecting that an offence under section 8 has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may grant a search warrant authorizing a police officer not below the rank of inspector, together with any other police officers—

- (a) to enter the premises or place at any time within one month from the date of the warrant, if necessary by force;
- (b) to search the premises or place and any person found therein; and
- (c) to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence.

(2) A woman shall not be searched, in pursuance of a warrant granted under subsection (1), except by a woman.

(3) Notwithstanding anything contained in subsection (1)—

- (a) a warrant shall only be granted under subsection (1) in respect of an offence suspected to have been committed within the three months prior to the laying of the information thereof;
- (b) if a warrant under subsection (1) has been executed on any premises, the police officer who has conducted or directed the search shall—

(i) notify the occupier that the search has taken place, and supply him on request with a list of any documents or other objects which have been removed from the premises; and

(ii) where any documents have been removed from any other person, supply that person with a list of such documents;

(c) anything seized under subsection (1) may be retained for a period not exceeding one month, or if within that period proceedings are commenced for an offence under section 8, until the conclusion of those proceedings; and

(d) section 102 of the Criminal Procedure Ordinance (which makes provision for the disposal of property connected with offences) shall apply to property which has come into the possession of the police under this section as it

1934, c. 56, s. 3(2).

Power to search and prevent offences under section 8.
[cf. 1934, c. 56, s. 2(2).]

(Cap. 221.)

applies to property which has come into the possession of the police in the circumstances mentioned in that section.

Unlawful oaths to commit capital offences. 1812, c. 104, ss. 1 & 6.

10. Any person who—

- (a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death; or
- (b) takes any such oath or engagement, not being compelled to do so,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.

Other unlawful oaths to commit offences. 1797, c. 123, ss. 1 & 5.

11. Any person who—

- (a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the following ways, that is to say—
 - (i) to engage in any mutinous or seditious enterprise;
 - (ii) to commit any offence not punishable with death;
 - (iii) to provoke a breach of the peace;
 - (iv) to be of any association or society, formed for the purpose of doing any act mentioned in sub-paragraph (i), (ii) or (iii);
 - (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
 - (vi) not to inform or give evidence against any associate or other person;
 - (vii) not to reveal or discover any unlawful association or society or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or
- (b) takes any such oath or engagement, not being compelled to do so,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for seven years.

Compulsion in taking unlawful oaths. 1797, c. 123, s. 2. 1812, c. 104, s. 2.

12. It shall be no defence to a charge under section 10 or 11 that the person charged was compelled to take any oath or engagement mentioned therein, unless—

- (a) within fourteen days after taking it; or

- (b) if prevented by actual force or sickness, within fourteen days after the termination of such prevention,

the person charged declares—

- (i) by information on oath before a magistrate, or
- (ii) if he is on actual service in Her Majesty's forces, either by such information or by informing his commanding officer,

of all he knows concerning the matter, including any person by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

13. (1) Any person who—

- (a) without the permission of the Governor or the Commissioner of Police, trains or drills any other person in the use of arms or the practice of military exercises or evolutions; or
- (b) is present at any meeting of persons, held without the permission of the Governor or the Commissioner of Police, for the purpose of training or drilling any other persons in the use of arms or the practice of military exercises or evolutions,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for seven years.

(2) Any person who—

- (a) at any meeting mentioned in subsection (1) is trained or drilled in the use of arms or the practice of military exercises or evolutions; or
- (b) is present at any such meeting for the purpose of being so trained or drilled,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for two years.

Unlawful drilling. 1819, c. 1, s. 1.

PART III.

PIRACY.

14. Any person who with intent to commit or at the time of or immediately before or immediately after committing the offence of piracy in respect of any vessel—

- (a) assaults with intent to murder any person on board of or belonging to the vessel; or
- (b) wounds any such person; or

Piracy with violence. 1837, c. 88, s. 2.

(c) unlawfully does any act by which the life of any such person may be endangered,
shall be guilty of an offence and on conviction upon indictment shall be sentenced to death.

Piratical acts.
1698, c. 7, ss.
7 & 8.

15. (1) A person commits a piratical act if—
- (a) being a British subject, he commits any piracy or robbery or any act of hostility or robbery against other British subjects on the sea under colour of any commission from any foreign ruler or under pretence of authority from any person whatever; or
 - (b) being on board any British ship he—
 - (i) turns pirate, enemy or rebel, and piratically runs away with the ship, or any boat, munitions or goods;
 - (ii) voluntarily yields up the ship, or any boat, munitions or goods to any pirate;
 - (iii) brings any seducing message from any pirate, enemy or rebel;
 - (iv) assaults the master of the ship in order to prevent him from fighting in defence of his ship and goods;
 - (v) confines the master of the ship; or
 - (vi) makes or endeavours to make a revolt in the ship.

(2) Any person who commits a piratical act shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.

Trading, etc.,
with pirates.
1721, c. 24, s. 1.

16. Any person who knowingly—
- (a) trades with any pirate;
 - (b) furnishes any pirate with any munitions or stores of any kind;
 - (c) fits out any vessel with a design to trade with, supply or correspond with any pirate; or
 - (d) conspires or corresponds with any pirate,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for ten years.

Being found
on board
piratical vessel
and unable
to prove non-
complicity.

17. (1) Any person who is found within Hong Kong on board any vessel equipped for the purposes of piracy, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for three years.

(2) It shall be a defence to a charge under subsection (1) if the person charged proves—

- (a) that he was not on board the vessel willingly; or
- (b) that he did not know that the vessel was equipped for the purposes of piracy.

18. (1) The Governor in Council may make regulations for all or any of the following matters— Regulations.

- (a) searching vessels and persons for the prevention of piracy;
- (b) imposing such restrictions on the movements and actions of vessels and persons as may seem to him desirable in order to render such search effective; and
- (c) such other measures as may seem to him desirable for the prevention of piracy.

(2) Regulations made under this section may provide that a contravention of specified provisions thereof shall be an offence, and may prescribe penalties therefor not exceeding a fine of five thousand dollars and imprisonment for six months.

PART IV.

REPEALS AND AMENDMENTS.

19. (1) The Incitement to Disaffection Ordinance, the Suppression of Piracy Ordinance and the Treasonable Offences Ordinance are repealed.

Repeals and
amendments.
(Cap. 200.)
(Cap. 218.)
(Cap. 219.)

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

Schedule.

SCHEDULE.

[s. 19(2).]

AMENDMENTS.

- | | | |
|--|---|-------------|
| 1. Application of English Law Ordinance. | The Schedule is amended by deleting items 1, 4, 9, 23, 25, 29, 30, 34, 36, 40, 41, 42, 43, 45, 49, 51, 53, 54, 67 and 70. | (Cap. 88.) |
| 2. Sedition Ordinance. | Section 4 is amended by inserting, after subsection (2), the following new subsection— | (Cap. 217.) |

"[cf. 1819, c. 8,
ss. 1, 2.]

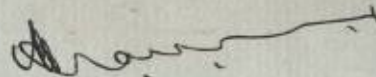
(3) Where any person has been convicted of an offence under subsection (1) or (2) in respect of any seditious publication, the court may

order the seizure and forfeiture of any copies of the seditious publication in the possession of—

- (a) the person convicted; or
- (b) any other person named in the order, if the court is satisfied by evidence on oath that the copies are in the possession of the other person for the use of the person convicted.

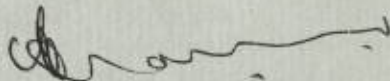
(4) Any copies seized under subsection (3) shall be disposed of as the court may direct; but no copies shall be destroyed until the expiration of the period within which an appeal may be lodged or, if an appeal is lodged, until the appeal has been finally determined or abandoned.”

Passed by the Hong Kong Legislative Council this 17th day of November, 1971.



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.



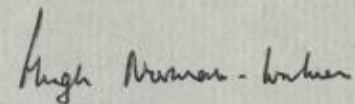
Clerk to the Legislative Council.

HONG KONG

No. 61 of 1971.



I assent.



Acting Governor.

18th November, 1971.

An Ordinance to amend the Criminal Procedure Ordinance.

[19th November, 1971.]

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 Criminal Procedure (Amendment) (No. 3) Ordinance 1971.

Short title.

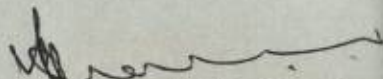
2. The principal Ordinance is amended by adding, after section 24A, the following new section—

Addition of new section 24B. (Cap. 221.)

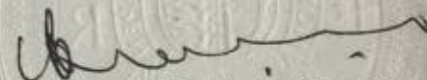
“Joint trial of indictments.

24B. Where two or more indictments each contain any one count alleging the same particulars, other than the names of the persons concerned in the commission of the offence, the court may, on the application of the Attorney General, order that such indictments be tried together.”

Passed by the Hong Kong Legislative Council this 17th day of November, 1971.


Clerk to the Legislative Council.


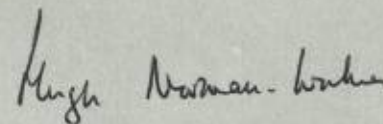
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 62 OF 1971.

I assent.

Acting Governor.

18th November, 1971.

An Ordinance to amend the Adoption Ordinance.

[19th November, 1971.]

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 Adoption (Amendment) Ordinance 1971. Short title.

2. Section 5 of the principal Ordinance is amended in subsection (7) by deleting paragraph (b) and substituting the following— Amendment of section 5. (Cap. 290.)

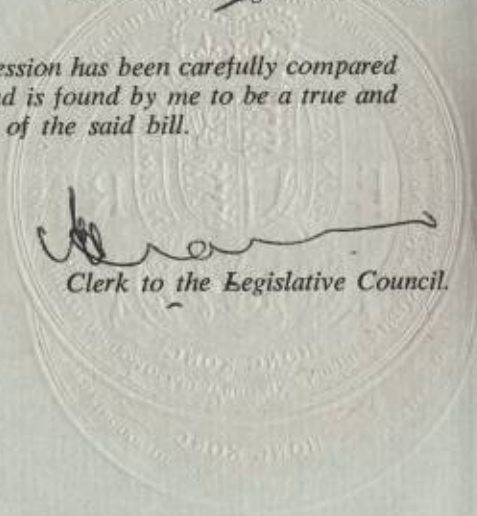
“(b) the applicant has not less than—

- (i) six months before the date of the order; or
- (ii) such shorter period before that date as the Court may allow on application by the applicant, lodged with the Director notice in writing in the prescribed form of his intention to apply for an adoption order in respect of the infant;”.

Passed by the Hong Kong Legislative Council this 17th day of November, 1971.

[Handwritten signature]
Clerk to the Legislative Council.

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



[Handwritten signature]
Clerk to the Legislative Council.

HONG KONG

No. 63 OF 1971.



I assent.

[Handwritten signature]
Governor.

2nd December, 1971.

An Ordinance to amend the Criminal Procedure Ordinance and to make consequential amendments to certain other Ordinances.

[]

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 Criminal Procedure (Amendment) (No. 4) Ordinance 1971 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 5 of the principal Ordinance is amended by deleting "be in attendance at each session of the court, and shall".

Amendment of section 5. (Cap. 221.)

3. Section 7 of the principal Ordinance is amended by deleting "sections 5 and 6" and substituting the following—

Amendment of section 7.

"section 5".

Amendment of
section 27.

4. Section 27 of the principal Ordinance is amended in subsection (1) by deleting "particular session at which the accused person will be brought to trial on the indictment and the date of commencement thereof" and substituting the following—

"date on which the accused person shall attend before the court to answer to the indictment".

Amendment of
section 85.

5. Section 85 of the principal Ordinance is amended in subsection (1) by deleting "As soon as conveniently may be after the conclusion of each session" and substituting the following—

"At the end of each month or as soon as conveniently may be thereafter".

Amendment of
section 86.

6. Section 86 of the principal Ordinance is amended—

- (a) in subsection (1) by deleting "in every session"; and
(b) in subsection (2) by deleting "session" and substituting the following—

"month".

Amendment of
section 110.

7. Section 110 of the principal Ordinance is amended in subsection (1)—

- (a) by deleting "during or after the close of each session" and substituting the following—

"once a month"; and

- (b) by deleting "at the said session" in both places where it occurs.

Amendment of
section 112.

8. Section 112 of the principal Ordinance is amended—

- (a) by deleting "the next session of the court" and substituting the following—

"ordered to appear before the court on such day as the Registrar may appoint"; and

- (b) in the proviso by deleting "at the next session of the court" and substituting the following—

"before the court on the appointed day".

Amendment of
section 113.

9. Section 113 of the principal Ordinance is amended by deleting "at the next session of the court" and substituting the following—

"before the court on the appointed day".

10. The First Schedule to the principal Ordinance is amended by deleting Forms 3, 4 and 5 and substituting the following—

Amendment of
First Schedule.

"FORM 3. [s. 17.]

Indictment.

IN THE SUPREME COURT OF HONG KONG.

At the Supreme Court held at Victoria on the _____ day of _____ 19____ the court is informed by the Attorney General, on behalf of our Lady the Queen, that A.B. is charged with the following offence—

STATEMENT OF OFFENCE.

(as the case may be)

PARTICULARS OF OFFENCE.

(as the case may be)

(Signed)

Attorney General.

And if there are more counts than one, then the various counts shall be set out as follows—

(Begin as above), that A.B. is charged with the following offences—

First Count.

STATEMENT OF OFFENCE.

(as the case may be)

PARTICULARS OF OFFENCE.

(as the case may be)

Second Count.

STATEMENT OF OFFENCE.

(as the case may be)

PARTICULARS OF OFFENCE.

(as the case may be)

etc., etc.

(Signed)

Attorney General.

FORM 4. [s. 27.]

Notice of Trial of Indictment.

IN THE SUPREME COURT OF HONG KONG.

To *A.B.*

Take notice that you will answer to this indictment [or to the indictment whereof this is a true copy] at the Supreme Court, Victoria, on the day of 19 .

(Signed)

Registrar.

FORM 5. [s. 86.]

Certificate of Sentences.

IN THE SUPREME COURT OF HONG KONG.

To the

This is to certify that the undermentioned persons were sentenced this day to undergo the undermentioned punishment namely—

A.B., $\frac{\text{Months}}{\text{years}}$ imprisonment

C.D., $\frac{\text{Months}}{\text{years}}$ imprisonment

Dated this day of 19 .

(Signed)

Registrar.

Repeal of sections 4, 6, 8, 39, 40 and 44.

Transitional provisions.

11. Sections 4, 6, 8, 39, 40 and 44 of the principal Ordinance are repealed.

12. (1) Any person who at the commencement of this Ordinance is committed for trial at a session of the court shall be deemed to have been committed for trial at the court on such day as the Registrar may appoint.

(2) Where at the commencement of this Ordinance the trial of an accused person has been set down for or postponed to a session of the court the trial shall be deemed to have been set down for or postponed to such day as the Registrar may appoint.

(3) Any prosecutor or witness who at the commencement of this Ordinance is bound by recognizance to appear at a criminal session of the court shall be deemed to have been bound to appear before the court on such day as the Registrar may appoint.

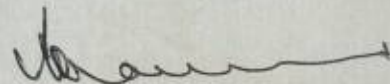
13. The Ordinances specified in the second column of the Schedule are amended to the extent and in the manner set out in the third column of the Schedule.

Consequential amendments. Schedule.

SCHEDULE. [s. 13.]

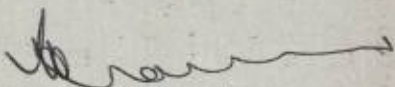
<i>Short title or citation.</i>	<i>Amendment.</i>	
1. Supreme Court Ordinance.	Section 26(1) is amended by deleting "the ordinary criminal sessions and any special criminal sessions" and substituting the following— "criminal trials".	(Cap. 4.)
2. District Court Ordinance.	Section 34(4) is amended by deleting paragraph (b).	(Cap. 5.)
3. Magistrates Ordinance.	(1) Section 81B(3) is amended by deleting "Criminal Sessions of the". (2) Section 84 is amended— (a) in subsection (1) by deleting "at the criminal session of the court at which the accused is to be tried then" and substituting the following— "before the court on such date as the Registrar may appoint"; and (b) in subsection (2) by deleting "at the criminal session of the court at which the accused is to be tried" and substituting the following— "before the court on such date as the Registrar may appoint".	(Cap. 227.)
	(3) Section 85 of the Ordinance is amended— (a) in subsection (2) by deleting "Criminal Session of the Supreme Court for the next ensuing month" and substituting the following— "Supreme Court"; and (b) by deleting subsection (4).	
	(4) Section 102 is amended in subsection (4) by deleting "first day of the criminal session at which he is to be tried or before the day to which such session is adjourned" and substituting the following— "date of his trial".	

Passed by the Hong Kong Legislative Council this 1st day of December, 1971.



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.



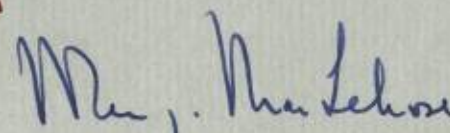
Clerk to the Legislative Council.

HONG KONG

No. 64 of 1971.



I assent.



Governor.

2nd December, 1971.

An Ordinance to provide for the preservation of objects of historical, archaeological and palaeontological interest and for matters ancillary thereto or connected therewith.

[]

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

PRELIMINARY.

1. This Ordinance may be cited as the Antiquities and Monuments Ordinance 1971, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. In this Ordinance, unless the context otherwise requires—
“antiquity” means—

Interpretation.

(a) a relic; and

(b) a place, building, site or structure erected, formed or built by human agency before the year 1800 and the ruins or remains of any such place, building, site or structure, whether or not the same has been modified, added to or restored after the year 1799;

"Authority" means—

- (a) in respect of the urban areas, the Secretary for Home Affairs;
- (b) in respect of the New Territories, except New Kowloon, the District Commissioner, New Territories;

"Board" means the Antiquities Advisory Board established by section 17;

"Crown land" means land other than private land;

"designated person" means—

- (a) the officer in charge of a police station;
- (b) a police officer of or above the rank of inspector; and
- (c) any person specified by the Authority by notice in the *Gazette*;

"discovery" means the finding in Hong Kong—

- (a) in, on or under land or sea;
 - (b) in or on anything growing on land; or
 - (c) attached to or within the fabric or foundations of a structure in, on or under land or sea,
- of an antiquity or supposed antiquity the presence of which was previously unknown to the owner of such land or structure;

(Cap. 128.)

"Land Office" means the Land Office established under the Land Registration Ordinance and any District Land Office established under the New Territories Ordinance;

(Cap. 97.)

"licence" means a licence granted under section 13;

"monument" means a place, building, site or structure which is declared to be a monument under section 3;

"movable object" means an object which does not form part of land;

"owner", in relation to land, means a person entitled to possession of the land under a Crown lease or agreement for lease, or other form of valid title from the Crown;

"permit" means a permit granted under section 6;

"private land" means—

- (a) land held under lease, agreement for lease, tenancy agreement, licence, permit, deed or memorandum of appropriation, or other valid title from the Crown; and
- (b) land occupied by Her Majesty's forces, or for other purposes of the Crown in right of Her Majesty's Government in the United Kingdom, under lease, licence, permit,

deed or memorandum of appropriation, requisition or other permanent or temporary title;

"relic" means—

- (a) a movable object made, shaped, painted, carved, inscribed or otherwise created, manufactured, produced or modified by human agency before the year 1800, whether or not it has been modified, added to or restored after the year 1799; and
- (b) fossil remains or impressions;

"supposed antiquity" means an object or site which may reasonably be supposed to be or to contain an antiquity.

MONUMENTS.

3. (1) Subject to section 4, the Authority may, after consultation with the Board and with the approval of the Governor, by notice in the *Gazette*, declare any place, building, site or structure, which the Authority considers to be of public interest by reason of its historical, archaeological or palaeontological significance, to be a monument.

Declaration of monuments and plans thereof.

(2) A declaration under subsection (1) may include as part of a monument any land adjoining the place, building, site or structure required for fencing, covering or protecting the monument or for providing or facilitating access thereto.

(3) A notice under subsection (1) shall include a reference to the appropriate plan deposited under subsection (4).

(4) The Authority shall, before publication of a declaration under subsection (1)—

- (a) sign and deposit in the appropriate Land Office a plan clearly showing the situation of the proposed monument; and
 - (b) if the declaration relates to a monument within private land, register the declaration in the Land Office.
- (5) The Authority shall—
- (a) keep available at his office, for public inspection at all reasonable times, a copy of every plan deposited under subsection (4); and
 - (b) at the request of the owner or a lawful occupier of a monument which is shown on a plan so deposited, deliver a copy of the plan free of charge to the owner or occupier.

Declarations
affecting
private land.

4. (1) If a proposed monument is within private land, then, prior to the making of the declaration, the provisions of this section shall have effect.

(2) The Authority shall serve on the owner and any lawful occupier of the private land a notice in writing of his proposal to declare a monument therein, together with a plan clearly showing the situation of the proposed monument.

(3) Within one month, or such longer period as may be allowed by the Governor in any particular case, after the service of a notice under subsection (2), the owner or a lawful occupier may object by petition to the Governor to the proposed monument.

(4) The Governor, upon considering an objection made under subsection (3), may direct that—

- (a) the proposed declaration shall not be made; or
- (b) the objection be referred to the Governor in Council.

(5) The Governor in Council, upon considering an objection referred to him under subsection (4), may direct that—

- (a) the proposed declaration be made by the Authority in accordance with section 3;
- (b) the proposed declaration be so made, subject to such variations or conditions as he thinks fit; or
- (c) the proposed declaration shall not be made.

(6) A direction of the Governor under subsection (4)(a) or of the Governor in Council under subsection (5) shall be final.

Control of
monuments
generally.

5. (1) Subject to this section, the Authority, and any designated person authorized by him in writing, may, for the purposes of this Ordinance, at all reasonable times—

- (a) enter and inspect any monument;
- (b) with the prior approval of the Governor—
 - (i) fence, repair, maintain, preserve or restore any monument;
 - (ii) excavate or search for relics in any monument and remove any relics hitherto undiscovered.

(2) Neither the Authority nor a designated person authorized by him may enter any residential premises, in the exercise of the powers conferred by subsection (1), unless—

- (a) he first obtains the consent in writing of the lawful occupier of such premises; or
- (b) he has given to the lawful occupier thereof not less than forty-eight hours' notice in writing of his intention to enter.

(3) Nothing in this section shall authorize—

- (a) the exclusion from any part of a monument of—
 - (i) the owner or lawful occupier of the monument;
 - (ii) a person beneficially interested in the monument;
 or
 - (iii) a person authorized by such owner, occupier or person beneficially interested in the monument; or
- (b) the excavation of a monument or the search for relics in residential premises, without the consent of the owner and the lawful occupier of the residential premises.

6. (1) Subject to subsection (4), no person shall—

- (a) excavate, carry on building or other works, plant or fell trees or deposit earth or refuse on or in a monument; or
- (b) demolish, remove, obstruct, deface or interfere with a monument,

except in accordance with a permit granted by the Authority.

(2) A person aggrieved by the refusal of the Authority to grant him a permit may, within fourteen days after the date of such refusal, appeal by way of petition to the Governor who may confirm, vary or reverse the refusal.

(3) The decision of the Governor on the appeal shall be final.

(4) The Authority may, after consultation with the Board and with the approval of the Governor, by notice in the *Gazette*, declare any monument to be exempt from this section.

7. The Authority may, with the prior approval of the Governor, grant to a person who proposes to carry out work for the maintenance, preservation or restoration of a monument such sum as the Authority thinks fit for the purpose of assisting the person to carry out the work.

8. (1) Subject to this section, the Authority may, with the prior approval of the Governor, pay to the owner or lawful occupier of a monument compensation in respect of financial loss suffered or likely to be suffered by him by reason of—

- (a) the exercise by the Authority, or by a designated person authorized by him, of the powers specified in section 5(1); or
- (b) a refusal to grant a permit or any conditions imposed in a permit.

(2) The compensation shall be such amount as may be—

- (a) agreed between the Authority and the owner or lawful occupier of the monument; or

Acts prohibited
in relation to
certain monu-
ments except
under permit.

Grant of sums
for preserva-
tion, etc., of
monuments.

Compensation.

(b) assessed by the District Court under section 9.

(3) No compensation shall be awarded under this section in respect of financial loss which has been or may be suffered in connexion with a contract made or anything done by the owner or lawful occupier of the proposed monument after the service of a notice under section 4(2).

Assessment of compensation by District Court.

9. (1) In default of agreement under section 8(2)(a), the owner or lawful occupier may apply to the District Court to assess the amount of compensation payable under section 8.

(2) The District Court may, on such application, award to the applicant such compensation as it thinks reasonable in the circumstances.

RELICS.

10. (1) Subject to this Ordinance, the ownership of every relic discovered in Hong Kong after the commencement of this Ordinance shall vest in the Government from the moment of discovery.

(2) The Authority may, on behalf of the Government, disclaim the ownership of a relic so discovered, and upon such disclaimer—

- (a) the ownership of the Government in the relic shall be extinguished; and
- (b) the ownership of the relic shall vest in the person, who, but for the enactment of this Ordinance, would otherwise have been the owner thereof.

DISCOVERY AND EXCAVATION OF ANTIQUITIES.

11. (1) Any person who discovers, or knows of the discovery of an antiquity or supposed antiquity shall forthwith report the discovery to the Authority or to a designated person.

(2) A person who makes a report under subsection (1), shall, if so requested by the Authority or a designated person, identify to the Authority or to the designated person the antiquity or supposed antiquity in respect of which the report was made.

(3) A person who discovers an antiquity or supposed antiquity shall take all reasonable measures to protect it.

(4) The Authority may, with the prior approval of the Governor, award to a person who makes a report under subsection (1) such sum by way of reward as the Authority thinks fit.

Certain relics to be property of Government.

Discovery of antiquities.

(5) A designated person to whom a report is made under this section shall forthwith inform the Authority in writing of the report.

(6) Subject to subsection (7), the Authority, and any designated person authorized by him in writing, may enter upon and inspect the site of the discovery of an antiquity or supposed antiquity.

(7) Neither the Authority nor a designated person authorized by him may enter any residential premises, in the exercise of the powers conferred by subsection (6), unless—

- (a) he first obtains the consent in writing of the lawful occupier of such premises; or
- (b) he has given to the lawful occupier thereof not less than forty-eight hours' notice in writing of his intention to enter.

12. No person, other than the Authority and a designated person authorized by him, shall—

- (a) excavate or search for antiquities except in accordance with a licence granted to him;
- (b) remove any relic hitherto undiscovered from a monument, or collect or remove any object which he supposes to be a relic from the site of its discovery, otherwise than for the purposes of protecting the same or in accordance with a licence granted to him.

No excavation, etc., of antiquities, without licence.

13. (1) Subject to this Ordinance, the Authority may grant to any person a licence to excavate and search for antiquities.

Grant of licences.

(2) A licence may not be granted to a person unless the Authority is satisfied that he—

- (a) has had sufficient scientific training or experience to enable him to carry out the proposed excavation and search satisfactorily;
- (b) has at his disposal sufficient staff and financial or other resources to enable him to carry out the proposed excavation and search satisfactorily; and
- (c) is able to conduct, or arrange for, a proper scientific study of any antiquities discovered as a result of the proposed excavation and search.

(3) Subject to subsection (2), a licence may be granted or renewed for a period not exceeding twelve months.

(4) A licence shall be in the prescribed form and shall specify the area of land in respect of which it is granted.

(5) A licence shall not be transferable.

(6) The Authority may include such conditions in a licence as he considers appropriate, and in particular but without prejudice to the generality hereof, may include conditions as to the conduct of any excavation and search, the reporting, mapping and documenting thereof, the preservation of materials discovered, their removal, examination and return, and the making and delivery of casts, rubbings, squeezes and other reproductions.

Rights of licensee.

14. (1) The holder of a licence may, subject to the conditions thereof, enter upon and excavate and search for antiquities, in, on or under—

- (a) any Crown land within the area specified in the licence; and
- (b) subject to subsection (2), any private land within the area specified in the licence.

(2) The holder of a licence shall not be entitled to enter upon, or excavate or search for antiquities in, on or under private land unless he first obtains the consent in writing of the owner and any lawful occupier of the land.

Cancellation of licence.

15. (1) Subject to subsection (2), the Authority may cancel any licence.

(2) A licence shall not be cancelled unless the holder of the licence has been given reasonable opportunity to make representations to the Authority as to why his licence should not be cancelled.

(3) As soon as possible after the cancellation of a licence, the Authority shall, by notice in writing, served either personally or by registered post, inform the person whose licence has been cancelled of the cancellation and of the reasons therefor.

(4) Failure to comply with subsection (3) shall not invalidate the cancellation of a licence.

Appeal against refusal of licence.

16. (1) A person aggrieved by the refusal of the Authority to grant him a licence, or to renew his licence, or by the cancellation of his licence, may within fourteen days after the date of such refusal or cancellation appeal by way of petition to the Governor who may confirm, vary or reverse the refusal or cancellation.

(2) The decision of the Governor on the appeal shall be final.

ANTIQUITIES ADVISORY BOARD.

17. (1) There is hereby established an Antiquities Advisory Board consisting of—

Establishment and meetings of Antiquities Advisory Board.

- (a) the Secretary for Home Affairs, or his representative, who shall be Chairman;
- (b) the District Commissioner, New Territories, or his representative, who shall be Vice-Chairman; and
- (c) such other members, not exceeding seven, as may be appointed by the Governor.

(2) The Board shall meet at such times and places as the Chairman may direct.

(3) The Chairman or, in his absence, the Vice-Chairman shall preside at a meeting of the Board.

(4) The person presiding and any three other members shall constitute a quorum at a meeting of the Board.

(5) The procedure at a meeting of the Board shall be such as the Board may determine.

18. The Board may advise the Authority on any matters relating to antiquities or monuments or referred to it for consultation under section 3(1) or section 6(4).

Board may advise Authority.

MISCELLANEOUS.

19. Any person who—

Offences.

- (a) knowingly makes a false statement to the Authority or to a designated person as to the situation or circumstances of the discovery of an antiquity;
- (b) contravenes section 6(1), section 11(1), or section 12;
- (c) without reasonable excuse, fails to comply with a request made to him by the Authority or a designated person under section 11(2); or
- (d) wilfully obstructs the Authority, or any designated person authorized by him, in the exercise of his powers under section 5(1) or section 11(6).

shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and imprisonment for six months.

20. (1) Subject to this section, in any civil or criminal proceedings if it is proved that a relic or alleged relic was in Hong Kong after the date of commencement of this Ordinance, it shall be presumed, until the contrary is proved, that the discovery of the relic or alleged relic occurred after that date.

Evidence.

(2) A presumption arising under subsection (1) shall be rebutted if the court is satisfied that the relic or alleged relic—

- (a) has been in the possession of a party to the proceedings, or of such a party and any identifiable person from whom he acquired possession, for a period of not less than six years prior to the commencement of the proceedings; or
- (b) has at any time before the commencement of the proceedings been imported into Hong Kong.

(3) In any civil or criminal proceedings a certificate, purporting to be signed by the Authority and stating that anything is an antiquity, shall be admissible in evidence and shall be *prima facie* evidence of the facts stated therein.

Payments to be made from funds provided by the Legislative Council.

21. A sum—

- (a) granted under section 7;
- (b) awarded as compensation under section 8 or 9;
- (c) awarded under section 11(4).

shall be paid from such money as may be provided from time to time by the Legislative Council.

Regulations.

22. (1) The Governor in Council may make regulations—

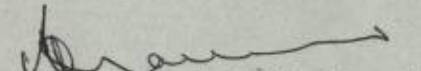
- (a) prescribing the forms of licences and permits;
- (b) prescribing the manner in which applications for licences and permits shall be made;
- (c) prescribing the fees (if any) to be paid to the Authority upon the grant or renewal of licences;
- (d) regulating the conduct of excavations and searches for antiquities;
- (e) providing for the management and control of antiquities and monuments;
- (f) providing for the prohibition and control of access to excavations, monuments and sites, and for the payment, restriction and regulation of entrance fees thereto; and
- (g) generally for the better carrying out of the provisions of this Ordinance.

(2) No regulations made under this Ordinance shall—

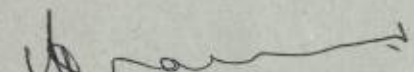
- (a) prohibit or restrict the access to a monument of the owner or lawful occupier of the monument or of any person beneficially interested therein, or of any person authorized by the owner, occupier or such person; or

- (b) confer upon a person any right which he would not otherwise have had to enter upon private land.

Passed by the Hong Kong Legislative Council this 1st day of December, 1971.

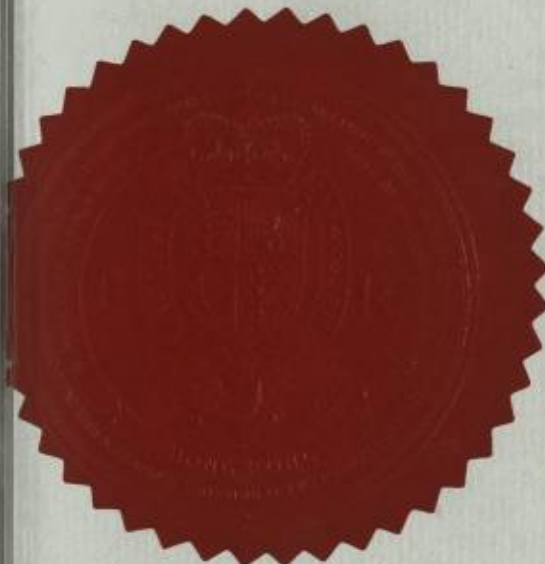

Clerk to the Legislative Council.

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. 65 OF 1971.



I assent.

Michael Jackson
Governor.

2nd December, 1971.

An Ordinance to amend the Banking Ordinance.

[3rd December, 1971.]

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

1. This Ordinance may be cited as the Banking (Amendment) Ordinance 1971. Short title.
2. Section 52 of the principal Ordinance is amended by inserting in paragraph (c), after "13", the following—
" , or by order of the Governor in Council under paragraph (ii) of subsection (1) of section 14." Amendment of section 52. (Cap. 155.)
3. Section 53 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—
"(1) Every person to whom this subsection applies—
(a) shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of any" Amendment of section 53.

person that may come to his knowledge in the exercise or performance of any function or duty under this Ordinance;

- (b) shall not communicate any such matter to any person other than the person to whom such matter relates or his executor or the authorized representative of such person or executor; and
- (c) shall not suffer or permit any person to have access to any records in the possession, custody or control of any person to whom this subsection applies,

except as may be necessary for the exercise or performance of such function or duty or for carrying into effect the provisions of this Ordinance.

(1A) Subsection (1) shall apply to—

- (a) any public officer;
- (b) any person authorized or employed by the Commissioner under section 4A;
- (c) any person appointed under paragraph (ii) of subsection (1) of section 13, or by order of the Governor in Council under paragraph (ii) of subsection (1) of section 14, to advise a bank in the proper conduct of its business; and
- (d) any person who has assumed control of the business of a bank pursuant to a direction under paragraph (iii) of subsection (1) of section 13 or an order of the Governor in Council under paragraph (ii) of subsection (1) of section 14,

who exercises or performs any function or duty under this Ordinance.

(1B) Where under paragraph (iii) of subsection (1) of section 13 or under paragraph (ii) of subsection (1) of section 14 the Commissioner assumes control of and carries on the business of a bank or any other person is directed so to do, subsection (1) shall not apply if the Commissioner or such other person is required to comply with a notice to furnish returns and information under section 51 of the Inland Revenue Ordinance.”.

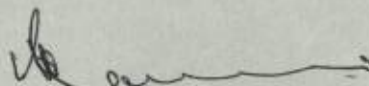
(Cap. 112.)

Amendment of section 54.

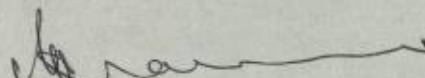
4. Section 54 of the principal Ordinance is amended in subsection (1) by inserting in paragraph (b), after “13”, the following—

“, or by order of the Governor in Council under paragraph (ii) of subsection (1) of section 14, to advise the bank in the proper conduct of its business”.

Passed by the Hong Kong Legislative Council this 1st day of December, 1971.


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. 66 OF 1971.



I assent.

Ma F. Ma Leh.
Governor.

2nd December, 1971.

An Ordinance to provide for the appointment, tenure of office, duties and powers of the Director of Audit and for the auditing of and reporting on the public accounts and the accounts of specified persons, bodies corporate and other bodies and for matters incidental thereto or 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 Audit Ordinance 1971, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
“accounting officer” means—

- (a) any public officer who is entrusted with—
 - (i) the collection, receipt, custody, issue or payment of public moneys;
 - (ii) the receipt, custody, issue, sale, transfer or disposal of, or the accounting for, any stamps, securities, stores or any other Government property; or

- (iii) any monetary or financial responsibilities connected with or arising from his official duties; and
- (b) the head of the Department in which any such public officer is employed;

“Director” means the Director of Audit appointed under section 3; and

“public moneys” means—

- (a) any moneys over which the Legislative Council has the power of appropriation;
- (b) any moneys which are accounted for, in whole or in part, in the books or records of account of—
 - (i) the Accountant General;
 - (ii) the Registrar General in his capacity as the Registrar General, the Land Officer, the Registrar of Companies, the Registrar of Trade Marks, the Registrar of Patents, the Registrar of Marriages, the Registrar of Births and Deaths, the Official Receiver, the Official Solicitor in Lunacy or the Official Trustee; or
 - (iii) the Registrar of the Supreme Court in his capacity as the Registrar, the Official Administrator or the Master in Lunacy; and
- (c) any other moneys which the Governor may declare in writing to be public moneys for the purposes of this Ordinance.

Appointment of Director.

3. (1) The Governor, with the prior approval of the Secretary of State, shall appoint a person to be the Director of Audit.

(2) The public officer who, at the date of commencement of this Ordinance, holds the office of Director of Audit in the Government shall be deemed to have been appointed under this section.

(3) No person who is appointed under this section as the Director of Audit shall, while he holds that office, hold any other office of emolument under the Crown in right of the Government of Hong Kong.

Tenure of office of Director.

4. (1) A person who is appointed under section 3 as the Director of Audit—

- (a) shall hold that office during good behaviour; and
- (b) may be—
 - (i) dismissed from that office; or
 - (ii) if he has not attained the normal age of retirement of public officers, required to retire from that office,

only by order in writing by the Governor made with the prior approval of the Secretary of State.

(2) Where a public officer is dismissed or required to retire from the office of Director of Audit under subsection (1) a full statement of the circumstances shall be made at the first opportunity to the Legislative Council.

5. Subject to section 4, the Director shall be employed subject to such Ordinances, Colonial Regulations, administrative rules and conditions of service as apply generally to public officers.

Director's employment as public officer.

6. When a vacancy occurs in the office of Director of Audit for any reason the Governor, with the prior approval of the Secretary of State, shall appoint another person under section 3 to hold that office.

Filling of vacancy in office of Director.

7. If, in the opinion of the Governor, the Director is unable to exercise his powers or perform the duties of this office during any period for any reason, the Governor shall appoint another person to act as the Director of Audit during that period.

Acting appointment to office of Director.

8. (1) The Director shall, on behalf of the Governor, examine, inquire into and audit the accounts of all accounting officers in respect of public moneys, stamps, securities, stores and any other Government property.

Duties of the Director.

(2) The Director shall satisfy himself that—

- (a) adequate directions and instructions have been given to ensure the due collection of public moneys and that the Ordinances relating thereto and such directions and instructions have been duly observed by the public officers concerned therewith;
- (b) all issues and payments of public moneys were made in accordance with proper authority;
- (c) all payments were properly chargeable and are supported by sufficient vouchers or proof of payment or otherwise properly accounted for;
- (d) the rules and procedures applied to the issue and payment of public moneys are sufficient to secure an effective control over expenditure and that such rules and procedures have been duly observed by the public officers concerned therewith;
- (e) any public moneys appropriated by the Legislative Council for a specified purpose and expended by a public officer have been expended in the due application of that purpose and in accordance with the authority under which the appropriation was made; and

(f) adequate rules and procedures have been made to ensure the proper receipt, custody, issue, sale, transfer and disposal of, or the accounting for, any stamps, securities, stores and other Government property and that such rules and procedures have been duly observed by the public officers concerned therewith.

(3) The Director shall not be required to undertake any duty which is, in his opinion, incompatible with the duties imposed on him by this or any other Ordinance.

Powers of the Director.

9. (1) In the performance of his duties and the exercise of his powers under this Ordinance the Director may—

(a) authorize in writing any public officer on his behalf to conduct any inquiry, examination or audit and require such public officer to report thereon to him:

Provided that any such authority shall be subject to the concurrence of the head of the Department in which the public officer is employed;

(b) require any public officer to give such explanation, or to furnish such information, as the Director may think fit in order to enable the Director to discharge his duties;

(c) without payment of any fee, cause search to be made in, and extracts to be taken from, any book, document or record in any Government Department;

(d) require any person whom he thinks fit to explain any matter relating to—

(i) the receipt, expenditure or custody of public moneys;

(ii) the receipt, custody, issue, sale, transfer or disposal of, or the accounting for, any stamps, securities, stores or other Government property; or

(iii) anything else which is, in the opinion of the Director, necessary for him to know for the due performance of his duties and the exercise of his powers under this Ordinance; and

(e) report to the Attorney General any matter which he thinks fit.

(2) In the performance of his duties and the exercise of his powers under this Ordinance, the Director and any public officer or other person authorized in writing by him shall have access to all records, books, vouchers, documents, cash, receipts, stamps, securities, stores and any other Government property in the possession of any public officer.

(3) In the performance of his duties and the exercise of his powers under this Ordinance the Director shall not be subject to the direction or control of any other person or authority.

10. (1) The Governor may appoint other public officers to assist the Director in the performance of his duties and the exercise of his powers under this Ordinance.

Appointment of staff of the Director.

(2) All members of the Director's staff shall be employed subject to such Ordinances, Colonial Regulations, administrative rules and conditions of service as apply generally to public officers.

(3) The Director may delegate any of his duties or powers under this Ordinance, other than the certifying and reporting of accounts, to any public officer.

11. The Accountant General shall, within the period of five months, or such longer period as the Governor may determine, after the close of each financial year, transmit to the Director—

Submission of annual accounts by the Accountant General to the Director.

(a) a statement of the assets and liabilities of the Government;

(b) an annual statement of the receipts and payments by the Government; and

(c) such other statements as the Governor may specify from time to time.

12. (1) On receipt of the statements referred to in section 11, the Director—

Examination and audit of annual statements by the Director and submission of report to the Governor.

(a) shall examine and audit the statements; and

(b) shall, within the period of seven months after the close of the financial year, or such longer period as the Governor may determine, prepare and submit to the Governor a report in respect of his examination and audit of the statements and on any matter relating to the performance of his duties and the exercise of his powers under this Ordinance, together with—

(i) a copy of the statement of assets and liabilities of the Government, duly certified by him; and

(ii) a copy of the annual statement of the receipts and payments by the Government, duly certified by him.

(2) Within the period of three months after the receipt of the report and certified statements from the Director under subsection (1), a copy of the report and certified statements, together with the Governor's comments on such report and certified statements shall—

(a) be laid before the Legislative Council; and

- (b) be submitted to the Secretary of State.
- (3) Without prejudice to subsections (1) and (2)—
 - (a) the Director may submit to the Governor at any time a special report on any matter incidental to the performance of his duties or the exercise of his powers under this Ordinance; and
 - (b) any such report shall be dealt with in accordance with subsection (2) as if it were a report submitted to the Governor under subsection (1).

13. The Director shall report to the Governor any matter which—

- (a) constitutes, in the opinion of the Director, a serious irregularity in the accounting for—
 - (i) the receipt, expenditure or custody of public moneys; or
 - (ii) the receipt, issue, custody, sale, transfer or delivery of any stamps, securities, stores or any other Government property; and
- (b) comes to his notice in the performance of his duties or the exercise of his powers under this Ordinance.

14. (1) Where any Ordinance empowers the Director to audit, examine or inquire into the accounts of any person, body corporate or other body, the Director—

- (a) shall have in relation to such person, body corporate or other body, its members, officers and employees, the same discretion and powers as are conferred on him by sections 8 and 9 in relation to public moneys, stamps, securities, stores and any other Government property; and
- (b) may authorize in writing any person publicly carrying on the profession of accountant or any public officer to audit, examine or inquire into the records and accounts of such person, body corporate or other body and require the authorized accountant or public officer to report thereon to the Director in such manner as the Director may specify:

Provided that any such authority to a public officer shall be subject to the concurrence of the head of the Department in which the public officer is employed.

(2) Any person, body corporate or other body whose accounts have been audited, examined or inquired into under subsection (1) may be charged such fee (if any) as may be determined under subsection (1) of section 17.

Director's report of serious irregularities to the Governor.

Audit, examination or inquiry into the accounts of bodies corporate, etc. authorized by Ordinances.

15. (1) Notwithstanding that he is not empowered by any Ordinance to audit, examine or inquire into the accounts of a person, body corporate or other body, the Director may audit, examine or inquire into the records and accounts of any person, body corporate or other body if—

- (a) he is authorized in writing to do so by the Governor in the public interest; and
- (b) in the opinion of the Director, such audit, examination or inquiry will not interfere with the due performance of his duties and the due exercise of his powers under this Ordinance.

(2) Where the Director undertakes under subsection (1) the audit, examination of, or inquiry into the records and accounts of any person, body corporate or other body, he—

- (a) shall have in relation to such person, body corporate or other body, its members, officers and employees the same discretion and powers as are conferred on him by sections 8 and 9 in relation to public moneys, stamps, securities, stores and any other Government property; and
- (b) may authorize in writing any person publicly carrying on the profession of accountant or any public officer to audit, examine or inquire into the records and accounts of such person, body corporate or other body and require the authorized accountant or public officer to report thereon to the Director in such manner as the Director may determine:

Provided that any such authority to a public officer shall be subject to the concurrence of the head of the Department in which the public officer is employed.

(3) Any person, body corporate or other body whose records and accounts have been audited, examined or inquired into under subsection (1) may be charged such fee (if any) as may be determined under subsection (1) of section 17.

16. (1) Subject to the provisions of any other Ordinance, where the Director has audited, examined or inquired into the accounts of any person, body corporate or other body under section 14 or 15 he shall—

- (a) if he has audited the accounts of such person, body corporate or other body, submit to the Governor a statement of such accounts, duly certified by him; and
- (b) prepare such a report (if any) as he may think fit in respect of his audit, examination or inquiry into the accounts and submit such report (if any) to the Governor.

Audit, examination or inquiry into the accounts of persons, bodies corporate, etc. under the Governor's authority.

Director's certification of accounts and report of accounts of bodies corporate, etc.

(2) If the Director so requests, any certified statement of accounts or report submitted to the Governor under subsection (1) shall be dealt with in accordance with subsection (2) of section 12 as if it were a statement or report submitted to the Governor under subsection (1) of that section.

Fees to be determined by the Financial Secretary.

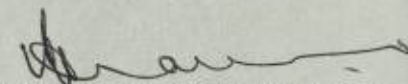
17. (1) Subject to the provisions of any other Ordinance, the fee (if any) charged for the audit, examination or inquiry into the accounts of any person, body corporate or other body undertaken by the Director under section 14 or 15 shall—

- (a) be determined by the Financial Secretary;
- (b) be payable by such person, body corporate or other body; and
- (c) be paid into the general revenue.

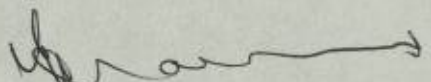
(2) Subject to the provisions of any other Ordinance, the fee (if any) payable to an authorized person for the audit, examination or inquiry into the accounts of any person, body corporate or other body under paragraph (b) of subsection (1) of section 14 or under paragraph (b) of subsection (2) of section 15 shall—

- (a) be determined by the Financial Secretary; and
- (b) be paid from the general revenues.

Passed by the Hong Kong Legislative Council this 1st day of December, 1971.


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.

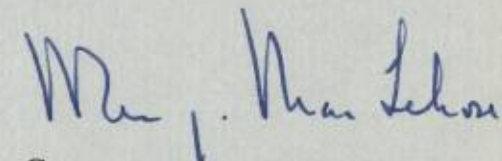

Clerk to the Legislative Council.

HONG KONG

No. 67 OF 1971.



I assent.


Governor.

2nd December, 1971.

An Ordinance to amend the Workmen's Compensation Ordinance.

[3rd December, 1971.]

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) Ordinance 1971.

Short title.

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

Addition of Part IIIA.
(Cap. 282.)

"PART IIIA.

PROSTHESIS AND SURGICAL APPLIANCES.

36A. In this Part—

Inter-pretation of Part IIIA. "registered dentist" means a dentist who is admitted to register of dentists under section 9 of the Dentists Registration Ordinance;

(Cap. 156.)

"Medical Assessment Board" means a board appointed under section 36I;

"prosthesis" means any artificial item which replaces a part of the body removed or amputated as a result of an injury;

"surgical appliance" means any artificial item which supports directly or indirectly the structure or function of a part of the body impaired as a result of an injury.

Employer's liability to pay for the cost of supplying fitting and prosthesis or surgical appliance.

36B. (1) Subject to the provisions of this section, if, in any employment, personal injury is caused to a workman by accident arising out of and in the course of the employment, the employer shall, notwithstanding any compensation he may be liable to pay under this Ordinance, be liable to pay for the cost of supplying and fitting to the workman a prosthesis or surgical appliance required by him as a result of his injury.

(2) The employer shall not be liable under subsection (1) unless—

- (a) the workman submits himself to treatment by a medical practitioner or a registered dentist;
- (b) the prosthesis or surgical appliance is supplied and fitted to the workman; and
- (c) the prosthesis or surgical appliance so supplied and fitted is—
 - (i) manufactured or on sale in Hong Kong;
 - (ii) certified by a Medical Assessment Board as necessary to the workman having regard to the nature and extent of his injury; and
 - (iii) in the opinion of a Medical Assessment Board, reasonable in cost.

(3) If the prosthesis or surgical appliance required by the workman is not manufactured or on sale in Hong Kong, and the Director of Medical and Health Services gives his approval, the workman may be supplied and fitted with a prosthesis or surgical appliance which is manufactured or on sale at a place other than Hong Kong, in which case, the employer shall, notwithstanding subsection (2)(c)(i), be liable to pay for the cost of supplying and fitting the same to the workman.

Limit of employer's liability to pay under section 36B.

Manner in which a claim under section 36B may be made.

36C. The amount of the cost which the employer is liable to pay under section 36B shall not, in the case of any one workman, exceed an aggregate of ten thousand dollars in respect of any one accident.

36D. (1) A claim for the cost of supplying and fitting any prosthesis or surgical appliance which the employer is liable to pay under section 36B may be made by the workman by serving on the employer a request in writing for the payment of the cost.

(2) A request for payment under subsection (1) shall specify—

- (a) the particulars of the accident and the injury caused thereby;
- (b) the amount claimed; and
- (c) the address at which the workman may be served under section 36E(2)(b) if the employer disputes the claim.

(3) A request for payment under subsection (1) shall be supported by a certificate issued by a Medical Assessment Board under section 36I(2).

Employer to pay amount in fourteen days unless he disputes the claim.

36E. (1) The employer shall, on receipt of a request for payment under section 36D and before the expiry of fourteen days from the time of receipt, pay the amount of the cost to the workman, unless he disputes his liability to pay or the necessity or cost of the prosthesis or surgical appliance.

(2) If the employer so disputes, he shall within the period specified in subsection (1)—

- (a) deposit the amount of the cost claimed with the Director of Medical and Health Services who shall hold the same until any such dispute is determined; and
- (b) serve on the workman at the address specified in section 36D(2) a notice setting out the grounds of dispute.

(3) If the employer so disputes, but fails without reasonable excuse to comply with the provisions of subsection (2), he shall be deemed to have agreed to pay the amount of the cost claimed in the request for payment.

Disputes to be determined by the Court.

36F. (1) Where any dispute arises as to the liability to pay or the necessity or cost of any prosthesis or surgical appliance supplied and fitted to the workman under this Part, the dispute shall be determined by the Court.

(2) At the determination of the dispute, the Court may make such order as it may deem fit in respect of the deposit under section 36E(2)(a), but shall order the return of the deposit to the employer if it finds the employer not liable or that the prosthesis or surgical appliance is not necessary for the workman.

Application to the Court.

36G. Where the employer on whom a request for payment under section 36D is served fails to pay within the period specified in section 36E(1), or disputes the claim, an application to the Court in the prescribed form and manner may be made by the workman for enforcing his claim to the amount of the cost or for the determination of the dispute.

Claim under section 36B to be made within five years.

36H. All claims for the cost of supplying and fitting any prosthesis or surgical appliance to a workman under this Part shall be made within five years from the occurrence of the accident giving rise to the injury.

Medical Assessment Board.

36I. (1) For the purpose of determining whether a prosthesis or surgical appliance required by an injured workman is necessary for him having regard to the nature and extent of his injury or whether the cost of the same is reasonable, the Director of Medical and Health Services shall appoint a board to be known as a Medical Assessment Board which shall consist of the following—

- (a) two medical practitioners or registered dentists; and
- (b) the Senior Industrial Health Officer or any Industrial Health Officer.

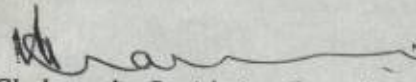
(2) If a Medical Assessment Board appointed under subsection (1) is satisfied that a prosthesis or surgical appliance, which has been supplied and fitted to an injured workman is necessary for him having regard to the nature and extent of his injury and that the cost of the same is reasonable, it shall issue a

certificate to the workman, stating that the prosthesis or surgical appliance is necessary or that the cost is reasonable.

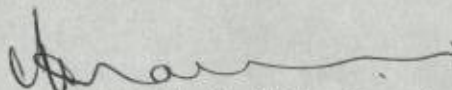
Application of provisions of sections 5, 21, 24, 25, 28, 31 and 47.

36J. For the purposes of this Part, sections 5(2), (3), (4) and (5), 21(1), 24, 25, 28, 31 and 47 shall apply as if an employer's liability to pay for the cost of supplying and fitting a prosthesis or surgical appliance were a liability to pay compensation in accordance with the provisions of this Ordinance."

Passed by the Hong Kong Legislative Council this 1st day of December, 1971.


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. 68 of 1971.



I assent.

Ma Fook-ming
Governor.

2nd December, 1971.

An Ordinance to amend the Clean Air Ordinance.

[3rd December, 1971.]

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 Clean Air (Amendment) Ordinance 1971. Short title.

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

(a) by deleting the definitions of "competent authority" and "dark smoke" and substituting the following— (Cap. 311.)

"approved device" means a device approved by the Governor under section 2A;

"chimney" means a construction enclosing a flue and attached to or forming part of a building;

"competent authority" means a competent authority appointed by the Governor in accordance with section 10;

"dark smoke" means smoke which, if compared in the appropriate manner with the Ringelmann Chart or an approved device, would appear to be as dark as or darker than shade 2 on the Ringelmann Chart;

"flue" means a duct through which smoke, other products of combustion, fumes from any cooking apparatus, stove or oven, or vitiated air pass or are intended to pass for the purpose of reaching the open air;"; and

- (b) in the definition of "Ringelmann Chart" by deleting "or such other device corresponding in purpose thereto as the Governor may from time to time approve by notification in the *Gazette*".

Addition of section 2A.

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

"Approval of devices. 2A. The Governor may by notice in the *Gazette* approve any device as a device by means of which the darkness of smoke may be ascertained for the purpose of this Ordinance."

Amendment of section 8.

4. Section 8 of the principal Ordinance is amended by deleting paragraph (a) and substituting the following new paragraph—

"(a) installs or operates any furnace, oven or chimney which is not capable of being operated continuously without emitting smoke which, if compared in the appropriate manner with the Ringelmann Chart or an approved device, would appear to be darker than shade 1 on the Ringelmann Chart;";

Amendment of section 12.

5. Section 12 of the principal Ordinance is amended—

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

"(1) For the purpose of—

- (a) determining the position of any apparatus or sampling point to be used for the measurement of smoke emitted from any furnace, oven or industrial plant or passing through any chimney or flue;

- (b) determining the density of smoke emitted from any furnace, oven or industrial plant, or passing through any chimney or flue;

- (c) determining the viscosity of any liquid fuel used in any burner of any furnace, oven or industrial plant;
- (d) ascertaining the source of any smoke nuisance; or
- (e) ascertaining whether there is or has been on or in connexion with any premises any contravention of any of the provisions of this Ordinance,

a competent authority or a smoke abatement officer may—

- (i) inspect any furnace, oven, industrial plant, chimney or flue;
- (ii) take samples from, and make measurements of, smoke emitted from any furnace, oven or industrial plant or passing through any chimney or flue;
- (iii) take samples of fuel used in any burner of any furnace, oven or industrial plant;
- (iv) require the production of and inspect any records or documents relating to any furnace, oven, industrial plant, chimney or flue, whether or not the same are required to be kept under this Ordinance; and
- (v) seize, carry away and detain any record or document, which appears to him to provide evidence of any contravention of the provisions of this Ordinance."

- (b) in subsection (2), by—

- (i) deleting ", if need be by force;"; and
- (ii) deleting "or by night".

6. Section 14 of the principal Ordinance is amended—

- (a) in subsection (2) by deleting "subsection (3)" and substituting the following—

"section 14A"; and

- (b) by deleting subsection (3).

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

"Appeal to Governor by person aggrieved.

14A. (1) Subject to section 5, a person who considers himself aggrieved by the requirement of any notice served on him or by the withholding of any

Amendment of section 14.

Addition of section 14A.

approval by a competent authority under this Ordinance, may appeal by way of petition to the Governor within twenty-eight days after the service of such notice or withholding of approval.

(2) The Governor when considering an appeal to him under subsection (1) may confirm, vary or cancel the notice or withholding of approval, and the decision of the Governor on such appeal shall be final."

Passed by the Hong Kong Legislative Council this 1st day of December, 1971.

[Handwritten signature]
Clerk to the Legislative Council.

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

[Handwritten signature]
Clerk to the Legislative Council.

HONG KONG

No. 69 OF 1971.



I assent.

[Handwritten signature]
Governor.

16th December, 1971.

An Ordinance to amend the Rent Increases (Domestic Premises) Control Ordinance.

[17th December, 1971.]

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 Rent Increases (Domestic Premises) Control (Amendment) Ordinance 1971. Short title.

2. Section 24 of the principal Ordinance is amended by deleting "1972" and substituting the following— Amendment of section 24. (Cap. 338.)
"1974".

Passed by the Hong Kong Legislative Council this 15th day of December, 1971.

[Handwritten signature]
Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

HONG KONG

No. 70 OF 1971.



I assent.

Man Yee Leh
Governor.

16th December, 1971.

An Ordinance to amend the Marriage Reform Ordinance.

[17th December, 1971.]

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 Marriage Reform (Amendment) Ordinance 1971. Short title.

2. The principal Ordinance is amended by adding, after Part V, the following new Part— Addition of new Part VA. (Cap. 178.)

"PART VA.

VALIDATION OF DISSOLUTION IN HONG KONG OF CERTAIN MARRIAGES CELEBRATED IN CHINA.

Validation of dissolution of certain Chinese marriages.


22A. (1) This section applies to a marriage celebrated in China after the 4th May 1931 but before the 1st May 1950 under and in accordance with the law of China in force when the marriage was celebrated.

(2) The purported dissolution in Hong Kong, at any time before the 7th October 1971, of a marriage to which this section applies by the mutual consent of the parties to the marriage signified by the signature of each of the parties, in the presence of two other persons who have also signed as attesting witnesses, to an agreement or memorandum in writing which sets forth unequivocally the final and complete dissolution of the marriage shall be valid for all purposes and shall be deemed to have been so valid since the execution of the agreement or memorandum, if at the date of the agreement or memorandum—

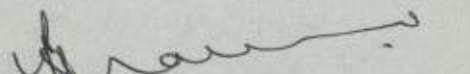
- (a) both parties were domiciled in Hong Kong; or
 (b) either of the parties had a substantial connexion with Hong Kong.

(3) A child of both parties to a marriage to which this section applies shall, whether born before or after the date of the agreement or memorandum referred to in subsection (2), be deemed to have been born legitimate for all purposes.”

Passed by the Hong Kong Legislative Council this 15th day of December, 1971.


 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.

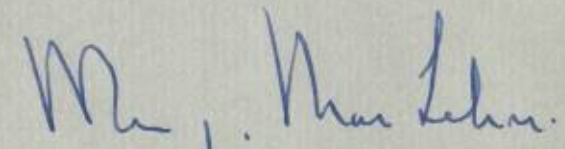

 Clerk to the Legislative Council.

HONG KONG

No. 71 OF 1971.



I assent.


 Governor.

16th December, 1971.

An Ordinance to repeal the Unclaimed Balances Ordinance and to make consequential amendments to other Ordinances.

[17th December, 1971.]

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 Reform (Unclaimed Moneys) Ordinance 1971. | Short title. |
| 2. The Unclaimed Balances Ordinance is repealed. | Repeals.
(Cap. 122.) |
| 3. The Ordinances specified in the second column of the Schedule are amended to the extent and in the manner set out in the third column thereof. | Amendment of certain Ordinances. |

SCHEDULE.

[s. 3.]

AMENDMENT OF ORDINANCES.

Item.	Short title.	Manner amended.
(Cap. 4.)	1. Supreme Court Ordinance.	Section 39 is amended— (a) by deleting “in particular, for doing all or any of the following things—” and substituting the following— “without prejudice to the generality of the foregoing, rules made under this section may provide for—”; (b) by deleting “and” at the end of paragraph (c); (c) by deleting the full stop at the end of paragraph (d) and substituting the following— “; and”; and (d) by inserting after paragraph (d) the following new paragraph— “(e) disposing of money, other than the balance of an intestate estate, remaining unclaimed in court or money remaining unclaimed in the Bankruptcy Estates Account established under section 128 of the Bankruptcy Ordinance.”.
(Cap. 5.)	2. District Court Ordinance.	Part III is amended by adding after the heading the following new section— “Transfer of unclaimed moneys in Court. 15. (1) When any sum of money remains unclaimed in the Court for a period of five years, the Chief Justice may, on application by the Registrar of the Supreme Court, order such sum to be transferred to the general revenue of the Colony. (2) Before making any order under subsection (1) the Chief Justice may direct that such notice, if any, as he thinks necessary shall be given and to such parties as he may think fit.”.
(Cap. 6.)	3. Bankruptcy Ordinance.	Section 128 is amended— (a) in subsection (4) by deleting “it shall be dealt with in accordance with the provisions of the Unclaimed Balances Ordinance” and substituting the following— “, the Chief Justice may, on the application of the Registrar, order

Item.	Short title.	Manner amended.
		such money to be transferred to the general revenue of the Colony”; and (b) by inserting after subsection (4) the following new subsection— “(5) Before making any order under subsection (4) the Chief Justice may direct that such notice, if any, as he thinks necessary shall be given and to such parties as he may think fit.”.
	4. Trustee Ordinance.	Section 67 is amended— (Cap. 29.) (a) by being renumbered as subsection (1); and (b) by inserting the following new subsection— “(2) Any trust moneys paid into a bank pursuant to subsection (1) which— (a) remain unclaimed for a period of five years from the last making of any order of the Court in relation thereto; or (b) if no such order shall have been made, remain unclaimed for a period of five years from the date of payment into the bank, shall be transferred by the Official Trustee to the general revenue of the Colony.”.
	5. Companies Ordinance.	Section 285 is amended— (Cap. 32.) (a) in subsection (3) by inserting, after “may” in the first place where it occurs, the following— “, within five years of the date when the money was so paid,”; and (b) by inserting, after subsection (4), the following new subsection— “(5) Any money paid into the bank in pursuance of this section which remains unclaimed for a period of five years shall be transferred to the general revenue of the Colony.”.

Item.	Short title.	Manner amended.
(Cap. 124.)	6. Crown Lands Resumption Ordinance.	Section 17 is amended in subsection (6) by deleting "and shall be dealt with in accordance with the provisions of the Unclaimed Balances Ordinance".
(Cap. 132.)	7. Public Health and Urban Services Ordinance.	Section 105 is amended— (a) in subsection (4) by deleting "there to be dealt with in accordance with the provisions of the Unclaimed Balances Ordinance"; and (b) by inserting the following new subsection— " (5) Any money paid into the Treasury in pursuance of subsection (4) which remains unclaimed for a period of five years shall be transferred to the general revenue of the Colony."
(Cap. 337.)	8. Demolished Buildings (Re-development of Sites) Ordinance.	1. Section 9 is amended in subsection (4) by deleting "and be dealt with in accordance with the provisions of the Unclaimed Balances Ordinance". 2. Section 11 is amended in subsection (4) by deleting "and be dealt with in accordance with the provisions of the Unclaimed Balances Ordinance".
(26 of 1971.)	9. Probate and Administration Ordinance 1971.	1. Section 15 is amended— (a) by being renumbered as subsection (1); and (b) by inserting the following new subsection— " (2) Any balance of such estate which remains unclaimed shall be paid to the Treasury and, at the expiration of five years from the date of the getting in of the estate, be transferred to the general revenue of the Colony." 2. The Ordinance is amended in Part II by adding, after section 23, the following new sections— 23A. (1) If the Official Administrator has been granted administration of an estate under section 16 and a balance of such estate remains unclaimed in his hands, he shall pay that balance into the Treasury or into the account of the Government at such bank as the Accountant General may direct.

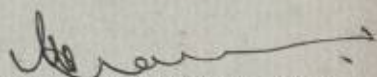
"Payment into Government account of unclaimed balance of intestate's estate."

Item.	Short title.	Manner amended.
		(2) If a balance of an estate paid into the Treasury or to a bank in accordance with subsection (1) exceeds five hundred dollars, interest shall be paid thereon at the rate for the time being allowed by the Government in respect of sums bearing interest and deposited with the Accountant General.
		23B. (1) If the Official Administrator has been granted administration of an estate under section 16 and— (a) a balance of such estate exceeding five hundred dollars remains unclaimed; and (b) the persons entitled thereto are not known to him, the Official Administrator shall cause advertisements to be published in accordance with subsection (2). (2) An advertisement— (a) shall be published in Hong Kong and in any other place where the Official Administrator has reason to believe that the persons entitled to claim the balance of the estate may be found; and (b) shall be to the effect that if no claim is made to the Official Administrator within five years from the first publication of the advertisement in Hong Kong the balance from the estate will be transferred to the general revenue of the Colony. (3) If at the expiration of a period of five years from the date of the first publication of an advertisement under subsection (2), the Official Administrator is of the opinion that no claim can reasonably be expected against the estate he may transfer the balance of the estate to the general revenue of the Colony.

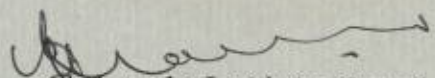
Advertisements as to unclaimed balance of intestate's estate.

<i>Item.</i>	<i>Short title.</i>	<i>Manner amended.</i>
	Transfer of unclaimed balance not exceeding five hundred dollars.	23C. The Official Administrator may, at any time, transfer the balance of any estate not exceeding five hundred dollars remaining undistributed to the general revenue of the Colony."

Passed by the Hong Kong Legislative Council this 15th day of December, 1971.


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.

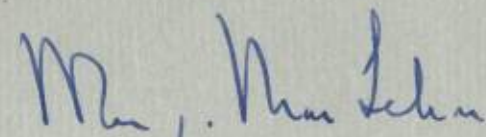

Clerk to the Legislative Council.

HONG KONG

No. 72 OF 1971.



I assent.


Governor.

16th December, 1971.

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

[17th December, 1971.]

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 1971. 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.	Chinese Partnerships Ordinance.	(Cap. 31.)
2.	British Cinematograph Films Ordinance.	(Cap. 53.)
3.	Imperial Enactments Extension Ordinance.	(Cap. 351.)

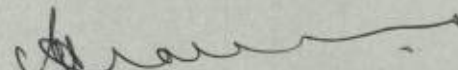
SECOND SCHEDULE.

[s. 3.]

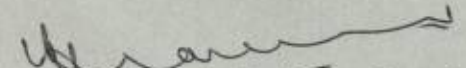
AMENDMENTS.

Item.	Ordinance.	Amendment.
(Cap. 7.)	1. Distress for Rent Ordinance.	Section 34 is amended— (a) in paragraph (h), by inserting at the end thereof the following— “and”; (b) in paragraph (i), by deleting “; and” and substituting a full stop; and (c) by deleting paragraph (j).
(Cap. 23.)	2. Law Amendment (Miscellaneous Provisions) Ordinance.	The Ordinance is amended by repealing section 2.
(Cap. 97.)	3. New Territories Ordinance.	The Ordinance is amended by repealing section 21.
(Cap. 198.)	4. Royal Hong Kong Auxiliary Air Force Ordinance.	Section 29(a) is amended by deleting “Air Council” and substituting the following— “Air Force Board”.
(Cap. 281.)	5. Merchant Shipping (Examinations) Rules.	Rule 6(b) is amended by inserting after “Ordinance” the following— “or the Prevention of Bribery Ordinance”.
(Cap. 337.)	6. Demolished Buildings (Re-development of Sites) Ordinance.	The Ordinance is amended by repealing section 13.
(53 of 1965.)	7. Revised Edition of the Laws Ordinance 1965.	1. Sections 15(1) and (3), 16, 17 and 18 are amended in each case by deleting “13” and substituting the following— “13 or 13A”. 2. Section 16(2) is amended by deleting “meeting” wherever it occurs and substituting the following— “sitting”.
(52 of 1971.)	8. Education Ordinance 1971.	Section 85 is amended by deleting sub-section (4).

Passed by the Hong Kong Legislative Council this 15th day of December, 1971.


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.

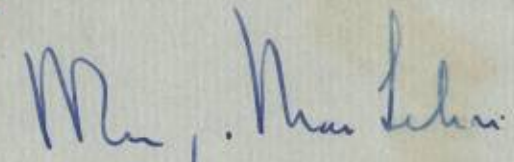

Clerk to the Legislative Council.

HONG KONG

No. 73 OF 1971.



I assent.


Governor.

16th December, 1971.

An Ordinance to establish the Pilotage Authority, to regulate and control pilotage in Hong Kong and to provide for matters connected therewith.

[]

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

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Pilotage Ordinance 1971, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
“Authority” means the Pilotage Authority established under section 3;

“board of investigation” means a board of investigation appointed under section 19(1);

“Committee” means the Pilotage Advisory Committee established under section 4;

(Cap. 281.)

"junk", "lorcha" and "launch" have the meanings assigned to them by the Merchant Shipping Ordinance;

"licence" means a licence issued under section 8(1) or section 26 and "licensed pilot" shall be construed accordingly;

"pilot" means—

- (a) a person who controls, or is in charge of, the navigation of a ship of which he is not the master; and
- (b) when used as a verb, to control, or be in charge of, the navigation of a ship;

"register" means the register of licensed pilots kept in accordance with section 8(4);

"ship" means any description of vessel used in navigation other than—

- (a) a vessel propelled by oars; and
- (b) a junk, lorcha or launch, whether or not mechanically propelled.

PART II.

ESTABLISHMENT OF PILOTAGE AUTHORITY AND PILOTAGE ADVISORY COMMITTEE.

3. (1) There is hereby established a Pilotage Authority.
- (2) The Director of Marine shall be the Pilotage Authority.
- (3) The Authority may—
- (a) delegate any of his powers, functions and duties to any Deputy or Assistant Director of Marine; and
 - (b) authorize in writing any officer of the Marine Department to exercise such of the powers and perform such of the duties conferred or imposed on the Authority by this Ordinance as the Authority may specify.

4. (1) There is hereby established a committee to be known as the Pilotage Advisory Committee.
- (2) The Committee shall consist of—
- (a) the Authority, who shall be the chairman; and
 - (b) the members specified in subsection (3), each of whom shall be appointed by the Governor.
- (3) The members of the Committee appointed by the Governor shall be—
- (a) two representatives of the shipping industry in Hong Kong nominated by the Hong Kong General Chamber of Commerce;

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- (b) a representative of the dockyard industry nominated by the Employers' Federation of Hong Kong;
- (c) an officer of the Royal Navy nominated by the Commodore in Charge in Hong Kong and H.M.S. Tamar;
- (d) the following persons nominated by the Authority—
 - (i) a master mariner who is a British subject holding a Commonwealth certificate of competency as master (foreign-going) and has had at least two years experience in command of ships on long international voyages;
 - (ii) a master mariner who is a British subject holding a Commonwealth certificate of competency as master (foreign-going) and has had experience of berthing and unberthing ships at wharves and piers in Hong Kong;
 - (iii) two licensed pilots; and
 - (iv) two officers of the Marine Department.

(4) The members of the Committee, other than those members who are public officers, shall be appointed for a period of two years or for such lesser period as the Governor may in any particular case determine and shall be eligible for reappointment.

(5) Any member of the Committee who is not a public officer may at any time by notice in writing to the Governor resign from the Committee.

(6) Five members of the Committee shall form a quorum at any meeting of the Committee.

(7) The chairman of the Committee shall preside at all meetings of the Committee:

Provided that, if the chairman is absent from any meeting or any part thereof, he may nominate a member to preside in his absence as chairman at the meeting or part thereof.

(8) The chairman of the Committee or any member presiding in his absence shall have a vote on all matters coming before the Committee; and in the case of an equality of votes he shall also have a casting vote.

(9) The Director of Marine shall appoint an officer of the Marine Department to be the secretary of the Committee.

(10) The secretary of the Committee shall furnish to the Authority a record in writing of every meeting of the Committee.

(11) Subject to the provisions of this Ordinance, the Authority may make rules regulating the procedure at meetings of the Committee.

Functions
of the
Committee.

5. (1) Without prejudice to any other provision of this Ordinance, the Authority may seek the advice of the Committee on any matter which is connected with or incidental to—

- (a) the exercise of his powers, or the performance of his duties, under this Ordinance; or
- (b) the general regulation or control of pilotage in Hong Kong.

(2) The Committee shall advise the Authority on any matter referred to it under subsection (1).

PART III.

ISSUE OF LICENCES, CLASSIFICATION OF PILOTS AND PERIODIC EXAMINATION OF PILOTS.

Application
for licence.

6. (1) Any person who—

- (a) is a British subject or has the permission of the Governor under subsection (2);
- (b) has the prescribed qualifications; and
- (c) unless he has the permission of the Authority under subsection (3), has the prescribed experience,

may apply for a licence.

(2) The Governor may permit a person to apply for a licence notwithstanding that he is not a British subject.

(3) The Authority may permit a person to apply for a licence notwithstanding that he does not have the prescribed experience.

Examination of
applicants.

7. (1) Save as otherwise provided in this Ordinance, the Authority shall, on application in the prescribed manner and on payment of the prescribed fee, cause an applicant for a licence to be examined—

- (a) as to his competence to pilot ships, by a board of examiners consisting of such members of the Committee as the Authority may appoint;
- (b) as to his physical and mental fitness, by a medical officer appointed by the Director of Medical and Health Services;
- (c) as to his eyesight, by an officer of the Marine Department appointed by the Authority.

(2) An applicant shall be required to attain such standards of competence to pilot ships and of eyesight as may be determined by the Authority.

(3) The Committee shall notify the Authority of the results of an examination under subsection (1)(a).

8. (1) The Authority may, if he is satisfied as to the competence, physical and mental fitness and eyesight of an applicant who has been examined in accordance with section 7, issue to him, on payment of the prescribed fee, a licence to act as a pilot and shall specify in such licence the prescribed class of pilotage which in his opinion the holder may undertake.

(2) If—

- (a) a licensed pilot has such experience, and has passed such examination, as may be prescribed; and
- (b) the Authority is satisfied that the licensed pilot is qualified to undertake a prescribed class of pilotage higher than that specified in his licence,

the Authority may amend the licence accordingly.

(3) Subject to any conditions of the licence, a licence shall entitle the holder thereof to undertake the prescribed class of pilotage specified therein.

(4) The Authority shall maintain a register of licensed pilots, containing such particulars as he thinks fit.

9. (1) A licence shall—

- (a) be in such form as the Authority may determine; and
- (b) subject to this Ordinance, be valid until the 31st December next following the day on which it was issued.

(2) On—

- (a) application by a licensed pilot in the prescribed manner, not later than fourteen days after the expiry of his licence; and
- (b) payment of the prescribed fee,

the Authority shall renew the licence for one year with effect from its expiry.

(3) If a licence is lost, destroyed or defaced, the Authority may, on application by the licensed pilot and payment of the prescribed fee, issue a copy of the licence.

(4) A licence relating to a pilot who has died shall be deposited forthwith with the Authority by any person into whose possession it comes.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

10. (1) A licensed pilot shall submit to an examination as to his physical and mental fitness and his eyesight—

- (a) at least once in every two years; and

Issue of
licences, and
classification
of pilots.

General
provisions
relating to
licences.

Re-examination
of licensed
pilots.

- (b) at such other times as the Authority may require.
- (2) An examination under subsection (1) as to the physical and mental fitness of a licensed pilot shall be carried out by a medical officer appointed by the Director of Medical and Health Services and as to the eyesight of a licensed pilot shall be carried out by an officer of the Marine Department appointed by the Authority.
- (3) The prescribed fee shall be payable in respect of every examination under this section.
- (4) A licensed pilot who is required under subsection (1)(b) to submit to an examination shall forthwith deposit his licence with the Authority.
- (5) If—
- (a) a licensed pilot contravenes subsection (1)(a) or does not submit to an examination in accordance with a requirement under subsection (1)(b) within fourteen days after he receives notice in writing of such requirement; or
- (b) the Authority is not satisfied as to the physical and mental fitness and eyesight of a licensed pilot who has been examined in accordance with this section,
- the Authority may cancel the licence of the licensed pilot or suspend it for such period as he thinks fit.

PART IV.

RESTRICTION ON PERFORMANCE OF PILOTAGE AND PAYMENT OF PILOTAGE DUES ETC.

Restrictions on pilotage.

- 11.** (1) A person shall not pilot a ship unless he is a licensed pilot or the master of the ship.
- (2) A licensed pilot shall not pilot a ship unless his licence is of the appropriate class.
- (3) A person shall not engage or permit another person to pilot a ship unless such other person is a licensed pilot whose licence is of the appropriate class or is the master of the ship.
- (4) A licence is of the appropriate class for the purposes of this section only if there is specified therein such prescribed class of pilotage as entitles the licensed pilot to undertake the pilotage which he undertakes in relation to the ship concerned.
- (5) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for one year.

- 12.** (1) A licensed pilot may require the master of a ship which he is piloting to furnish to him such information as he may specify about the draught of water, length or beam, or the performance or handling characteristics, of the ship.
- (2) A master of a ship who—
- (a) contravenes a requirement under subsection (1);
- (b) furnishes pursuant to any such requirement any information which he knows or reasonably ought to know to be false in a material particular; or
- (c) permits any other person to furnish any such information, shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for one year.
- 13.** (1) The prescribed pilotage dues shall be paid for any pilotage service rendered by a licensed pilot.
- (2) The master of the ship and the person who engaged the licensed pilot shall be liable for the payment of the prescribed pilotage dues.
- (3) The Director of Marine may refuse to grant clearance to a ship until all pilotage dues payable in respect of pilotage services rendered for that ship have been paid.

Licensed pilot may require master to furnish specified information.

Pilotage dues to be paid for pilotage service.

- 14.** (1) No person shall demand or receive any fee or other payment for any pilotage service other than the prescribed pilotage dues.
- (2) No person shall pay or offer to pay to any licensed pilot or other person any fee or other payment for any pilotage service other than the prescribed pilotage dues.
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for one year.

No payment other than prescribed pilotage dues to be made for pilotage service.

- 15.** A licensed pilot shall—
- (a) keep his licence in his possession at all times when he is acting as a pilot; and
- (b) produce it for inspection whenever he is required to do so by the Authority, any officer of the Marine Department not below the rank of marine officer or any person who has engaged, or intends to engage, him to pilot a ship.

Licensed pilot to carry licence where on duty.

- 16.** (1) A licensed pilot shall, when an accident occurs while a ship is being piloted by him, report the accident to the Authority, orally forthwith and in writing within twenty-four hours.

Accidents to ships under pilotage to be reported.

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

PART V.

DISCIPLINARY PROCEEDINGS AGAINST LICENSED PILOTS.

Complaints in respect of misconduct, etc. of licensed pilots.

17. (1) Any person who has reasonable grounds for believing that a licensed pilot—

- (a) has been guilty of misconduct as a pilot;
- (b) has otherwise failed in, or neglected without reasonable excuse, his duties as a pilot; or
- (c) is otherwise not a fit and proper person to act as a pilot, may report the matter in writing to the Authority.

(2) The Authority may refuse to take any action on a report under subsection (1)(a) (b) unless it is made in writing within a reasonable time after the occurrence of the matter to which it relates.

(3) For the purposes of this Ordinance, any licensed pilot who—

- (a) without reasonable excuse, refuses to pilot a ship if he is engaged to do so, or is directed to do so by the Authority;
- (b) without reasonable excuse, delays in piloting a ship which he is engaged to pilot;
- (c) refuses to navigate a ship, which he is piloting, to any port or place within the waters of the Colony when directed to do so by the Authority, or requested to do so by the master or owner of the ship, unless he has reasonable grounds for believing that to do so would endanger the ship;
- (d) leaves a ship which he is piloting—
 - (i) without the consent of the master of the ship before completing the pilotage service for which he was engaged; or
 - (ii) if he is piloting the ship on the direction of the Authority, without the consent of the Authority;
- (e) pilots a ship when he is under the influence of alcohol or drugs;
- (f) pilots a ship while his licence is suspended;
- (g) gives his licence to any other person for such other person's use, whether on loan or otherwise; or

(h) unnecessarily cuts or slips, or causes to be cut or slipped, any cable which forms part of the equipment of any ship,

shall be guilty of misconduct as a pilot.

18. The Authority may appoint an officer of the Marine Department to hold a preliminary inquiry in the prescribed manner into—

Preliminary inquiry.

- (a) any matter reported to the Authority under section 17(1); or
- (b) any accident which occurs while a ship is being piloted by a licensed pilot.

19. (1) If, on consideration of—

- (a) the report of the officer who held a preliminary inquiry under section 18; or
- (b) the report made after a preliminary inquiry under section 51 of the Merchant Shipping Ordinance,

Cancellation or suspension of licence after inquiry by board of investigation.

(Cap. 281.)

the Authority considers that—

- (i) any matter reported to the Authority under section 17(1); or
- (ii) any accident which occurred while a ship was being piloted by a licensed pilot,

should be further investigated, the Authority shall appoint a board of investigation in accordance with this Ordinance.

(2) If, after due inquiry, a board of investigation is satisfied that a licensed pilot—

- (a) has been guilty of misconduct as a pilot;
- (b) has otherwise failed in, or neglected without reasonable excuse, his duties as a pilot; or
- (c) is otherwise not a fit and proper person to be a licensed pilot,

the board shall recommend to the Authority that the licence of that licensed pilot be cancelled or suspended, and the Authority may, on consideration of the recommendation of the board, cancel the licence or suspend the same for such period as he thinks fit.

20. (1) A licensed pilot whose licence has been cancelled or suspended by the Authority under section 19(2) may appeal against the cancellation or suspension to a judge by lodging notice in writing with the Registrar of the Supreme Court within fourteen days after he was notified of the cancellation or suspension.

Appeal against cancellation or suspension of licence under section 19.

(2) On an appeal under subsection (1), the judge may confirm, reverse or vary the decision of the Authority or may make such other order as he thinks fit, including an order that the case be referred for further consideration by the board of investigation.

(3) The Chief Justice may make rules regulating the practice and procedure on any such appeal.

(4) Subject to any rules made under subsection (3), the practice and procedure on any such appeal shall be such as the judge may determine.

PART VI.

SUPPLEMENTARY AND MISCELLANEOUS.

21. The Governor in Council may make regulations providing for all or any of the following matters—

- (a) the conduct and duties of licensed pilots;
- (b) empowering the Authority to give directions to licensed pilots;
- (c) the general supervision of pilotage and pilots in Hong Kong by the Authority;
- (d) the registration of apprentice pilots;
- (e) the manner in which applications for licences and the renewal thereof shall be made;
- (f) the powers of an officer holding a preliminary inquiry under section 18 and the procedure on any such inquiry;
- (g) the composition of boards of investigation;
- (h) the powers of boards of investigation and the procedure on an investigation by a board of investigation;
- (i) anything which is to be or may be prescribed;
- (j) the better carrying out of this Ordinance.

22. The Authority may, after consultation with the Committee, by order published in the *Gazette* provide for—

- (a) the amount of pilotage dues;
- (b) the fees and expenses payable to, and the maintenance of, licensed pilots carried outside Hong Kong;
- (c) the registration of apprentice pilots and the qualifications and experience of applicants for registration;

Power of Governor in Council to make regulations.

Power of Authority to make orders.

- (d) the remuneration of apprentice pilots and liability for payment thereof;
- (e) the training and examination of apprentice pilots;
- (f) requiring apprentice pilots to keep a record of training;
- (g) the qualifications and experience of applicants for a licence;
- (h) the classes of pilotage;
- (i) the training and examination for each class of pilotage;
- (j) standards of competency for each class of pilotage;
- (k) the pilotage services which may be carried out by each class of pilotage.

23. Neither the Authority nor the Government shall be liable for any death, injury, loss or damage caused by or arising out of any act or omission of a licensed pilot.

Exemption of Authority and Government from liability for pilot.

24. The owner or master of a vessel navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory.

Liability of owner or master in the case of a vessel under pilotage.

25. (1) If the licence of a licensed pilot is cancelled or suspended, the Authority shall—

- (a) inform the pilot thereof in writing; and
- (b) record the cancellation or suspension in the register.

Pilot to be notified of cancellation or suspension of licence, etc.

(2) A pilot whose licence is cancelled or suspended shall deposit his licence with the Authority within three days after he is notified of the cancellation or suspension under subsection (1)(a), unless the licence has been so deposited in accordance with section 10(4).

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

PART VII.

TRANSITIONAL AND REPEAL.

26. Notwithstanding any other provision of this Ordinance, the Authority shall issue a licence to each person who at the commencement of this Ordinance holds a valid licence issued under the repealed Pilots Ordinance, and shall in such licence

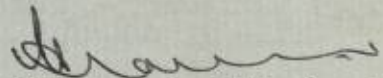
Grant of licences to existing licensed pilots. (Cap. 81.)

specify the prescribed class of pilotage which the Authority, after consultation with the Committee, considers that the holder may undertake.

Repeal.

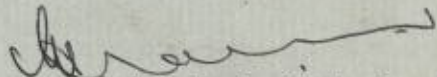
27. The Pilots Ordinance is repealed.

Passed by the Hong Kong Legislative Council this 15th day of December, 1971.



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. **30**

28, 29