

section 43. If such accounts are not furnished within the time provided by section 43 the Financial Secretary may exercise the powers granted under section 42 and may adjust the royalty for the year accordingly;

- (j) after the adjustment of the royalty the licensee shall pay such sum as may be demanded by the Financial Secretary as royalty owing after adjustment, or the Financial Secretary shall inform the licensee of any refund due to him and may direct the Treasury to make payment accordingly or to credit the licensee with the sum due to be refunded;
- (k) neither payment by a licensee nor acceptance of any sum by the Treasury shall operate in any way to prevent either the licensee or the Government (which term shall include the Financial Secretary) from exercising any right under this section or be deemed to constitute a waiver by either party of any sum which may be payable as royalty or refund;
- (l) for the purpose of this section, "gross takings" means—
- (i) the gross sums payable to the licensee in respect of services or facilities provided, or operations carried on, by the licensee for the purposes of or in connexion with its business as a broadcaster of wireless television, other than bank interest or dividends on investments, the proceeds of the sale or redemption of investments or other capital assets and rent received in respect of any letting of premises that are surplus to the licensee's requirements for the purposes of its business as a broadcaster of wireless television; and
 - (ii) the gross value as determined by the Television Authority of any assets or services received by the licensee in lieu of any such sum as aforesaid.

Powers of Financial Secretary in relation to royalty.

42. (1) For the purposes of calculating and ensuring the payment of royalties the Financial Secretary, and any person authorized in writing by him for such purposes, may inspect at all reasonable times all books of accounts, vouchers, receipts, and all other records of a licensee and may make extracts from such documents and may take away any such documents for further examination.

(2) All documents and copies thereof and all other information obtained under subsection (1) shall be treated as confidential and used only for the purposes set out in subsection (1).

Licensee to submit audited accounts.

43. A licensee shall submit to the Financial Secretary not later than six months after the end of the accounting year of the licensee company audited accounts prepared in such manner and containing such details as may be approved and required by the Financial Secretary.

44. (1) Any royalty declared by the Financial Secretary in writing to be owing to the Government and any financial penalty imposed by the Television Authority and declared by him in writing to be owing to the Government, and not remitted or reduced on appeal by the Governor in Council, shall be recoverable as a civil debt.

Recovery of royalty and financial penalty.

(2) Any declaration in writing made under the hand of the Financial Secretary or the Television Authority shall be *prima facie* evidence of the debt.

(3) Any such royalty or financial penalty shall constitute a first charge on the installations, equipment and other assets of the licensee.

45. (1) Where the Television Authority is of the opinion that—

Investigation of licensees' business.

(a) information contained in an application was incorrect; or

(b) the licensee is not complying with any condition of the licence,

he, or any public officer authorized by him or any agent appointed by him, may at all reasonable times—

(i) inspect all books, accounts, records and other documents of the licensee;

(ii) make extracts of any such documents;

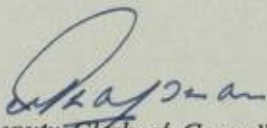
(iii) take away any such documents for further examination; and

(iv) question any director or servant of the licensee.

(2) The directors and servants of the licensee shall assist any person exercising power under this section.

(3) All documents and copies thereof and all other information obtained under this section shall be treated as confidential and used only for the purpose of this Ordinance which shall include any enquiry conducted by the Board.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 4th day of November, 1964, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

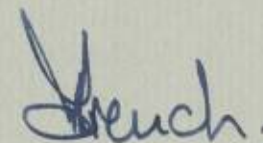
(Secretariat CR5/1056/60IV)

HONG KONG

No. 33 OF 1964.



I assent.


Governor.

19th November, 1964.

An Ordinance further to amend the Road Traffic Ordinance, 1957.

[20th November, 1964.]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) (No. 2) Ordinance, 1964. Short title.

2. Section 4 of the Road Traffic Ordinance, 1957 is amended in subsection (1) by the insertion, after paragraph (a), of the following new paragraphs— Amendment of section 4. (39 of 1957).

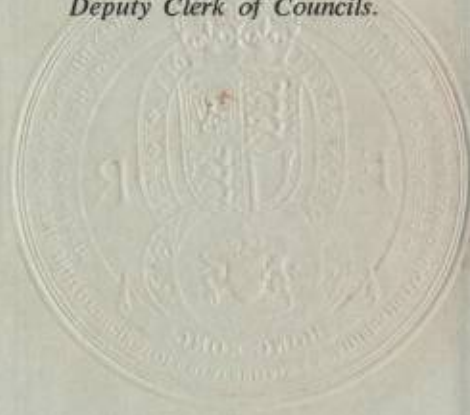
“(aa) making registration of any class of vehicle subject to tender;

(ab) the registration of any class of vehicle at a tendered premium exclusive of registration and licence fee;”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 18th day of November, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

(Secretariat GR33/3231/54II)

[Signature]
Deputy Clerk of Councils.



HONG KONG

No. 34 OF 1964.



I assent.

[Signature]
Governor.

3rd December, 1964.

An Ordinance to extend the jurisdiction of Courts of Law to vary trusts in the interests of the beneficiaries and to sanction dealings with trust property.

[4th December, 1964.]

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

1. This Ordinance may be cited as the Variation of Trusts Ordinance, 1964. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
“discretionary interest” means an interest arising under the trust specified in paragraph (b) of subsection (1) of section 35 of the Trustee Ordinance or any like trust; (Cap. 29).

“principal beneficiary” has the same meaning as in section 35 of the Trustee Ordinance;

“protective trusts” means the trusts specified in section 35 of the Trustee Ordinance or any like trusts.

Jurisdiction
of courts to
vary trusts.

3. (1) Where property is held on trusts arising, whether before or after the commencement of this Ordinance, under any will, settlement or other disposition, the court may if it thinks fit by order approve on behalf of—

- (a) any person having, directly or indirectly, an interest, whether vested or contingent, under the trusts who by reason of infancy or other incapacity is incapable of assenting, or
- (b) any person (whether ascertained or not) who may be or may become entitled, directly or indirectly, to an interest under the trusts as being at a future date or on the happening of a future event a person of any specified description or a member of any specified class of persons, so however that this paragraph shall not include any person who would be of that description, or member of that class, as the case may be, if the said date had fallen or the said event had happened at the date of the application to the court, or
- (c) any person unborn, or
- (d) any person in respect of any discretionary interest of his under protective trusts where the interest of the principal beneficiary has not failed or determined,

any arrangement (by whomsoever proposed, and whether or not there is any other person beneficially interested who is capable of assenting thereto) varying or revoking all or any of the trusts, or enlarging the powers of the trustees of managing or administering any of the property subject to the trusts:

Provided that except by virtue of paragraph (d) of this subsection the court shall not approve an arrangement on behalf of any person unless the carrying out thereof would be for the benefit of that person.

(22 of 1962). (2) Subject to the provisions of paragraph (b) of subsection (1) of section 8 of the District Court (Civil Jurisdiction and Procedure) Ordinance, 1962 (as amended by section 4 of this Ordinance), the jurisdiction conferred by subsection (1) of this section shall be exercisable by the Supreme Court.

(3) Nothing in this section shall apply to trusts affecting property settled by Ordinance.

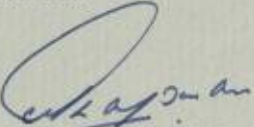
(Cap. 4).
(Cap. 29). (4) Nothing in this section shall be taken to limit the powers conferred by subsection (2) of section 6 of the Supreme Court Ordinance or by section 56 of the Trustee Ordinance.

Amendment
of section 8
of Ordinance
No. 22
of 1962.

4. Paragraph (b) of subsection (1) of section 8 of the District Court (Civil Jurisdiction and Procedure) Ordinance, 1962, is amended by the insertion, after the word "subsists", of the following—

"or proceeding under section 3 of the Variation of Trusts Ordinance, 1964, being (in any case) proceedings".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 2nd day of December, 1964, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

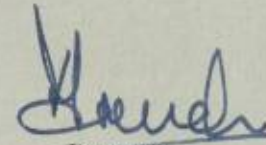
(Secretariat GR10/3231/63)

HONG KONG

No. 35 OF 1964.



I assent.


Governor.

3rd December, 1964.

An Ordinance to give statutory recognition to and to regulate the provision of permanent cemeteries for persons of Chinese race permanently resident in the Colony and to provide for the proper maintenance and administration thereof, and for purposes connected therewith.

[4th December, 1964.]

WHEREAS—

Preamble.

- (a) by three deeds of appropriation dated respectively the 16th June, 1913, the 22nd August, 1929 and the 31st May, 1963 (hereinafter referred to as the Deeds of Appropriation) certain parcels of land were thereby appropriated for use as cemeteries for persons of Chinese race who were permanent residents of the Colony although the title to the said land remained vested in the Crown;
- (b) the cost of laying out the land the subject of the said Deed of Appropriation dated the 16th June, 1913, was met by subscription and by the said Deed it was provided that the application of the sums so raised, and the duty of managing the cemetery the subject thereof, be entrusted to a Board of

Management (in this Ordinance referred to as the former Board where the context so requires) subject to the rules and regulations set out in the said Deed;

- (c) the said rules and regulations provided, *inter alia*, that the former Board should be composed of not less than twelve nor more than twenty members of whom the Director of Public Works, the Secretary for Chinese Affairs (then styled Registrar General) and the Director of Urban Services (then styled the Head of the Sanitary Department) were *ex-officio* members and the remaining members were to be selected from and elected by those who subscribed as mentioned in paragraph (b) and were, subject to certain exceptions, to hold office for life;
- (d) by the subsequent Deeds of Appropriation the additional pieces of land therein described were appropriated to the former Board upon terms similar to those upon which the first piece of land was appropriated thereto and the cost of laying out such subsequent pieces of land as cemeteries was met out of the funds, then held by the former Board, derived from the management of the first cemetery;
- (e) all of the said pieces of land are now used exclusively as cemeteries and burial grounds for persons of the Chinese race permanently resident in the Colony;
- (f) it is considered desirable that the said former Board be dissolved and replaced by a body corporate having perpetual succession and full powers to provide, administer and manage cemeteries and burial grounds for such persons of the Chinese race:

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

Short title.

1. This Ordinance may be cited as the Chinese Permanent Cemeteries Ordinance, 1964.

Interpretation.

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

“Board” means the Board of Management of the Chinese Permanent Cemeteries established by virtue of the provisions of section 3;

“Chairman” means the Secretary for Chinese Affairs;

“Chinese Permanent Cemetery” means any cemetery or burial ground for the time being under the management and control of the Board;

“Deeds of Appropriation” means the Deeds of Appropriation referred to in paragraph (a) of the preamble to this Ordinance;

“former Board” means the Board of Management referred to in paragraph (b) of the preamble;

“permanently resident in the Colony”, in relation to any person, means continuously resident in the Colony for such period of time and subject to such conditions as the Board may prescribe by rules made under section 8.

3. (1) There shall be established in the Colony a Board which shall be called the Board of Management of the Chinese Permanent Cemeteries.

Establishment and constitution of the Board.

(2) The Board shall consist of—

(a) the following *ex-officio* members—

(i) the Secretary for Chinese Affairs, who shall be the Chairman of the Board;

(ii) the Director of Public Works;

(iii) the Director of Urban Services; and

(b) not less than nine nor more than seventeen other members who shall be appointed by the Governor and shall hold office for three years and shall thereafter be eligible for reappointment to the Board for further such periods from time to time as the Governor shall think fit.

(3) Any *ex-officio* member, other than the Secretary for Chinese Affairs, may appoint in writing a senior member of the staff of his Department to act on his behalf at all or any meetings of the Board:

Provided that no such appointment shall be valid for more than twelve months from the date thereof.

(4) Any member of the Board, other than an *ex-officio* member, may, on giving not less than one month's notice in writing to the Governor, resign from the Board.

(5) The Governor may terminate the appointment to the Board of any member, other than an *ex-officio* member, during the term of office of such member—

(a) on being requested in writing so to do by a majority of three quarters of the members present at any meeting resolving such course;

(b) in the case of incapacity of such member;

(c) in the case of absence from the Colony for more than twelve months of such member.

(6) There shall be a Treasurer and a Secretary to the Board who shall be from time to time appointed by the Board.

Meetings of
the Board.

4. (1) The Board shall meet at such times and in such places as the Chairman may appoint:

Provided that—

- (a) the Board shall meet not less than twice in each calendar year and one of such meetings shall be an annual general meeting at which the annual accounts of the Board shall be presented; and
- (b) no meeting of the Board shall be deemed to have been validly convened unless not less than four days' or, in the case of an annual general meeting, fourteen days' notice in writing thereof has been given to each member of the Board then present in the Colony.

(2) At any meeting of the Board seven members shall constitute a quorum.

(3) The validity of any proceedings of the Board shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereof.

(4) All questions coming or arising before a meeting of the Board shall be determined by a majority of the members thereof present and voting thereon.

(5) The Chairman at any meeting of the Board shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote.

(6) If the Chairman is unable to take the chair at any meeting of the Board he may nominate any other member thereof to take the chair in his stead, or, in the absence of the Chairman and such other member, if any, the members present and voting at the meeting shall elect from among their number one member to take the chair thereat.

(7) The Board may make standing orders for regulating the procedure at, and in connexion with, its meetings.

Conduct of
business of
the Board.

5. (1) The Board may conduct its business in such manner as appears to it expedient and may for that purpose appoint from among its members select committees and may authorize any such committee to coopt thereto such additional members, not necessarily being members of the Board, as may appear to it to be necessary for the proper conduct of the business delegated to it by the Board.

(2) The Board may employ, upon such terms and conditions as it may think fit, such staff as shall appear to it to be necessary for the proper conduct of the business of the Board.

6. The purposes of the Board shall be to provide, maintain and administer cemeteries and burial grounds for persons of the Chinese race permanently resident in the Colony. Purposes of
the Board.

7. (1) For the purposes specified in section 6 the Board shall have full power— Powers of
the Board.

- (a) subject to the provisions of the Charities (Land Acquisition) Ordinance, 1958, to acquire, accept leases of, purchase, take and otherwise hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate; (23 of 1958).
- (b) to acquire, by purchase or otherwise, goods and chattels of what nature or kind soever;
- (c) to invest moneys on deposit in any bank in the Colony or in any Government bonds or on mortgage of any lands, buildings, messuages or tenements in the Colony or in or on debentures, debenture stocks, funds, shares or securities of any corporation or company carrying on business in the Colony;
- (d) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of any lands, or buildings, messuages, tenements, mortgages, debentures, debenture stocks, funds, securities, goods and chattels for the time being vested in the Board, upon such terms as the Board may deem fit;
- (e) to erect any buildings, messuages or tenements and effect any improvement thereto;
- (f) to borrow money upon such terms as the Board shall think fit, and to raise money by public or private subscription; and
- (g) generally to do such other things as may appear to be incidental or conducive to the proper carrying out of the purposes of the Board as set out in this subsection.

(2) In addition to and notwithstanding anything contained in subsection (1), the Board may donate to any charity operating for the benefit of persons of the Chinese race in the Colony any moneys vested in it which are or may become surplus to the requirements of the proper management, and administration and maintenance of any Chinese Permanent Cemetery for the time being under the control of the Board.

8. (1) The Board may make rules to govern— Power of the
Board to
make rules.
- (a) the conduct of the internal affairs of the Board; and
 - (b) the management and use of any Chinese Permanent Cemetery.

(2) Without prejudice to the generality of subsection (1) such rules may—

- (a) lay down a scale of fees to be charged on the grant to any person of a right to use or designate a grave space for the burial of himself or any member of his family;
- (b) regulate the manner of burial and the forms of burial service, ceremonies or rites to be performed in commemoration of the dead;
- (c) regulate the dimensions, allocation and use or reservation of grave spaces;
- (d) provide for the termination and cancellation of any right referred to in paragraph (a); and
- (e) provide for the disinterment and removal of human remains.

(3) Nothing in this section shall be construed to empower the Board to make any rule—

- (a) which derogates from any of the provisions of any by-laws or regulations made pursuant to any of the provisions of the Public Health and Urban Services Ordinance, 1960, which relate to the control of private cemeteries within the meaning of that Ordinance; or
- (b) the contravention of which shall constitute a criminal offence by any person.

(30 of 1960).

Incorporation
of the Board
and use of
common seal.

9. (1) The Board shall be a body corporate and shall have the corporate name of "The Board of Management of the Chinese Permanent Cemeteries" and in that name shall have perpetual succession and may sue and be sued in all courts and shall have and may use a common seal bearing such name.

(2) Any deed, document or other instrument requiring the seal of the Board shall be sealed with the common seal and signed by the Chairman and by the Secretary or the Treasurer of the Board or by such other person as the Board may by resolution appoint for that purpose and such signing shall for all purposes be taken as sufficient evidence of the due sealing of such deed, document or other instrument.

Vesting of
property.

10. With effect from the commencement of this Ordinance all moneys, securities for money, goods, chattels or other property whatsoever vested in the former Board are hereby transferred to and vested in the Board and the Board shall become liable for all outstanding debts or liabilities whatsoever of the former Board.

Accounts.

11. (1) The Board shall cause proper accounts to be kept of all transactions of the Board and shall cause to be prepared from the date of the commencement of this Ordinance until the 31st day of December,

1965, and thereafter for every period of twelve months ending on the 31st day of December, in each year, a statement of the accounts of the Board, which statement shall include an income and expenditure account and a balance sheet.

(2) The accounts of the Board and the statement of the accounts shall be audited by an authorized auditor to be appointed by the Board, not being a member or ex-member of the Board, from the list of authorized auditors kept by the Registrar of Companies in accordance with the provisions of section 131 of the Companies Ordinance and such auditor shall certify the statement subject to such report, if any, as he may think fit. (Cap. 32).

(3) The audited statement of accounts together with the auditor's report, if any, shall thereafter be laid before the Board at the next succeeding annual general meeting thereof.

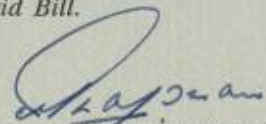
12. On the commencement of this Ordinance—

Transitional
provisions.

- (a) the former Board is dissolved;
- (b) all those pieces or parcels of land appropriated by the several Deeds of Appropriation to the use of the former Board are deemed to have been appropriated to the use of the Board upon the same terms and conditions upon which they were appropriated to the use of the former Board until the said land be vested in the Board by appropriate leases of the same;
- (c) the Deeds of Appropriation are revoked;
- (d) the existing rules governing the maintenance and management of Chinese Permanent Cemeteries made by the former Board shall be deemed to have been made by the Board and shall remain in operation unless and until the same be revoked or replaced by new rules made by the Board pursuant to the provisions of section 8.

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

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 2nd day of December, 1964, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat BL3751/48)

HONG KONG

NO. 36 OF 1964.



I assent.

Governor.

23rd December, 1964.

An Ordinance further to amend the Societies Ordinance.

[24th December, 1964.]

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

1. This Ordinance may be cited as the Societies (Amendment) Short title.
(No. 2) Ordinance, 1964.

2. Section 9 of the Societies Ordinance (hereinafter referred to as the principal Ordinance) is amended by the insertion in subsection (3), after the word "ritual", of the following— Amendment of section 9. (Cap. 151).

"or which adopts or makes use of any triad title or nomenclature".

3. Section 10 of the principal Ordinance is amended by the insertion, after the expression "office-bearer", of the following— Amendment of section 10.

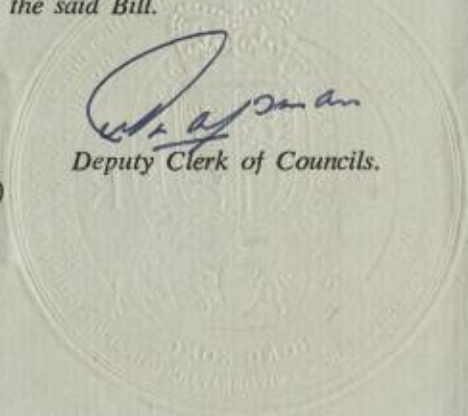
"or any person professing or claiming to be an office-bearer".

Amendment
of section 11.

4. Section 11 of the principal Ordinance is amended by the insertion in subsection (2), after the word "Society" in the first place where it occurs, of the following—

"or professes or claims to be a member of a Triad Society".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 23rd day of December, 1964, and is found by me to be a true and correctly printed copy of the said Bill.



[Signature]
Deputy Clerk of Councils.

(Secretariat CR37/3231/47III)

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