

(i) a written statement to be read over to an accused; or

(ii) an exhibit referred to in the written statement to be shown to the accused; or

(b) the accused has informed the magistrate that he does not wish the statement to be read over to him or the exhibit to be shown to him,

the accused may object to the admissibility of the statement or the exhibit or any part of the statement or exhibit, and after hearing any reply which the prosecutor may make, the magistrate shall allow or disallow the objection.

(6) If a magistrate admits in evidence under this section any written statement or exhibit or any part of a written statement or exhibit, he shall make a note in the minute of the proceedings to this effect and shall sign the statement certifying how much of the statement or exhibit has been admitted by him in evidence.

(7) A magistrate—

(a) may if he thinks fit require a person who has made a written statement which is admissible in evidence under this section to give oral evidence at the hearing in accordance with section 81; and

(b) shall require such a person so to give evidence if he is required to do so by either the prosecutor or the accused and at least 3 days' notice of such requirement, or such other notice thereof as the magistrate may order on the application of the prosecutor or the accused, has been given to the magistrate,

whether or not in either case the written statement is admitted in evidence under this section.

(8) For the purposes of this section—

(a) a statement which is made orally in a language other than English and which is written in English shall be deemed to be certified if it bears a certificate which—

(i) purports to be signed by the person who translated the statement into English; and

(ii) certifies that the written statement is an accurate translation in English of the oral statement; and

(b) a written statement shall be deemed to include an abstract or part of any such statement.

(9) This section shall apply notwithstanding anything contained in section 81 or in the Evidence Ordinance.”

Amendment of section 118.

14. Section 118 of the principal Ordinance is amended in subsection (1) by deleting paragraph (c) and substituting the following—

“(c) the appeal shall not operate as a stay of execution except in the case of—

(i) an order for caning; or

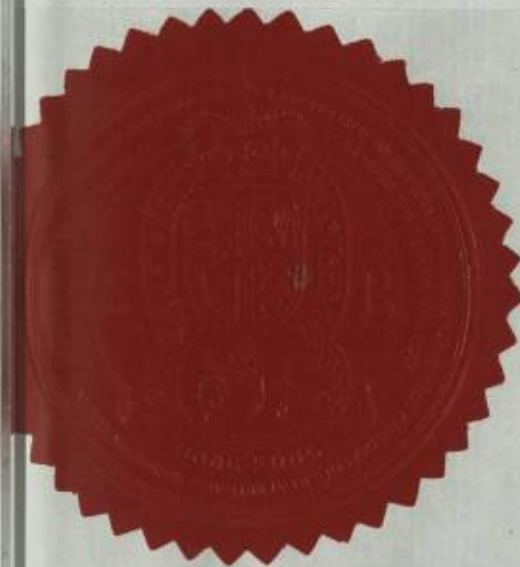
(ii) an order for payment of compensation;”.

Passed by the Hong Kong Legislative Council this 9th day of June, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

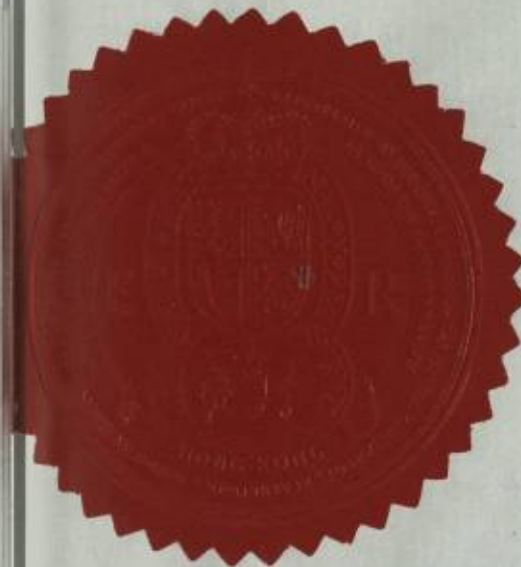
*W. W. W. W.*

*Governor.*

*10th June, 1976.*

**HONG KONG**

No. 37 OF 1976



I assent.

Governor.

10th June, 1976.

An Ordinance to amend the Police Force Ordinance.

[11th June, 1976]

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

1. This Ordinance may be cited as the Police Force (Amendment) Ordinance 1976. Short title.

2. Section 52 of the principal Ordinance is amended by inserting after subsection (3) the following new subsection— Amendment of section 52. (Cap. 232.)

“(3A) (a) Any such police officer may also discharge any such person if such person or a surety, or both such person and a surety, deposit with the officer such sum of money as the officer may specify having regard to all the circumstances, including the seriousness of the alleged offence, the circumstances of such person and the day on or the time at which such sum is to be deposited.

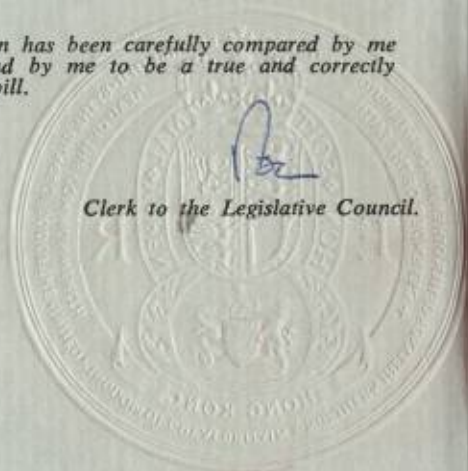
(b) If a person so discharged does not appear before a magistrate, or at such other place as the officer may have specified, at such time as the officer may have specified, a magistrate may order any sum deposited under paragraph (a) to be forfeited.”

Passed by the Hong Kong Legislative Council this 9th day of June, 1976.



*Clerk to the Legislative Council.*

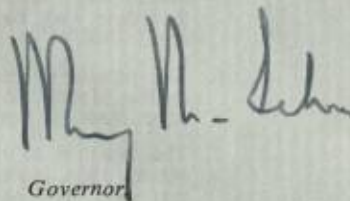
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



*Clerk to the Legislative Council.*



I assent.



*Governor*

24th June, 1976.

**HONG KONG**

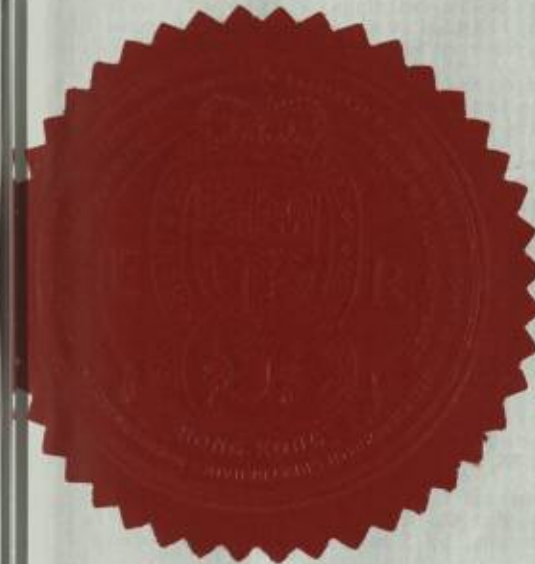
No. 38 OF 1976

Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

Governor

24th June, 1976.

An Ordinance to authorize the grant of increases in widows and orphans pensions.

[25th June, 1976]

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

1. This Ordinance may be cited as the Widows and Orphans Pension (Increase) Ordinance 1976. Citation.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"contribution" means a contribution by an officer to the widows and orphans pension scheme under the Widows and Orphans Pension Ordinance; (Cap. 94.)

"increase in pension" means an increase in the pension under this Ordinance;

"pension" means a pension payable under the Widows and Orphans Pension Ordinance to a widow or orphan of an officer.

3. A pension may be increased in accordance with one or more paragraphs of the Schedule as are applicable in any particular case. Increase in pension. Schedule.

4. The cost of any increase in pension shall be charged on and paid out of the general revenue of Hong Kong. Increases in pension to be paid from general revenue.

5. The Legislative Council may, by resolution, amend the Schedule.

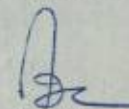
## SCHEDULE

[ss. 3 &amp; 5.]

1. The pension calculated on the contributions up to and including 30th June 1959 may be increased in accordance with any increase granted by the Government up to and including 30th June 1959.
2. The pension calculated on the total contributions up to 30th June 1959 inclusive plus the total increase in pension up to that date may be increased by 13½ per cent with effect from 1st April 1965.
3. The pension calculated on the contributions from 1st July 1959 to 30th June 1963 inclusive may be increased by 13½ per cent with effect from 1st April 1965.
4. The pension calculated on the contributions from 1st July 1963 to 31st March 1965 inclusive may be increased by 1 per cent with effect from 1st April 1965.
5. The pension calculated on the total contributions up to 31st March 1965 inclusive plus the total increase in pension up to that date may be increased by 8 per cent with effect from 1st April 1968.
6. The pension calculated on the contributions from 1st April 1965 to 31st March 1968 inclusive may be increased by 8 per cent with effect from 1st April 1968.
7. The pension calculated on the total contributions up to 31st March 1968 inclusive plus the total increase in pension up to that date may be increased by 5 per cent with effect from 1st April 1969.
8. The pension calculated on the contributions from 1st April 1968 to 31st March 1969 inclusive may be increased by 5 per cent with effect from 1st April 1969.
9. The pension calculated on the total contributions up to 31st March 1969 inclusive plus the total increase in pension up to that date may be increased by 4 per cent with effect from 1st April 1970.
10. The pension calculated on the contributions from 1st April 1969 to 31st March 1970 inclusive may be increased by 4 per cent with effect from 1st April 1970.
11. The pension calculated on the total contributions up to 31st March 1970 inclusive plus the total increase in pension up to that date may be increased by 7 per cent with effect from 1st April 1971.
12. The pension calculated on the contributions from 1st April 1970 to 31st March 1971 inclusive may be increased by 7 per cent with effect from 1st April 1971.
13. The pension calculated on the total contributions up to 31st March 1971 inclusive plus the total increase in pension up to that date may be increased by 3 per cent with effect from 1st April 1972.
14. The pension calculated on the contributions from 1st April 1971 to 31st March 1972 inclusive may be increased by 3 per cent with effect from 1st April 1972.

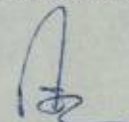
15. The pension calculated on the total contributions up to 31st March 1972 inclusive plus the total increase in pension up to that date may be increased by 8 per cent with effect from 1st April 1973.
16. The pension calculated on the contributions from 1st April 1972 to 31st March 1973 inclusive may be increased by 8 per cent with effect from 1st April 1973.
17. The pension calculated on the total contributions up to 31st March 1973 inclusive plus the total increase in pension up to that date may be increased by 8 per cent with effect from 1st December 1973.
18. The pension calculated on the total contributions up to 31st March 1973 inclusive plus the total increase in pension up to 30th September 1974 inclusive may be increased by 10 per cent with effect from 1st October 1974.
19. The pension calculated on the contributions from 1st April 1973 to 31st March 1974 inclusive may be increased by 10 per cent with effect from 1st October 1974.

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

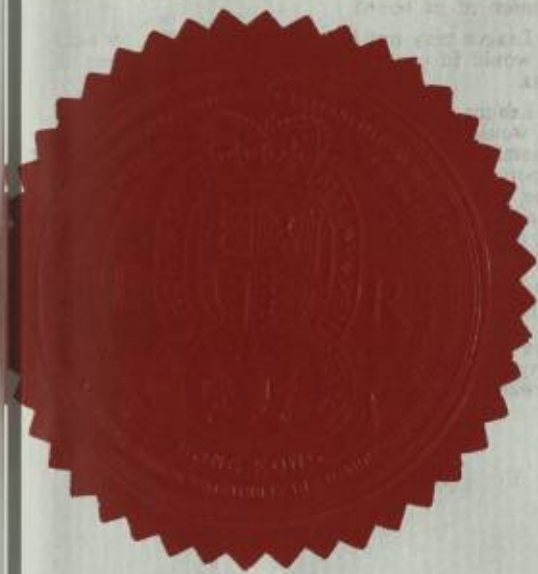


Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

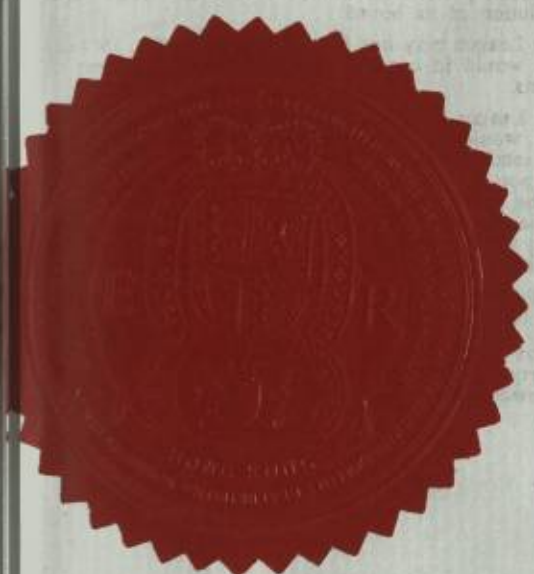


I assent.

*M. N. DeWitt*  
Governor.

**HONG KONG**

No. 39 OF 1976



I assent.

*M. N. L.*  
Governor.

24th June, 1976.

An Ordinance to amend the Credit Unions Ordinance.

[25th June, 1976]

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 Credit Unions (Amendment) Ordinance 1976. Short title.

2. Section 59 of the principal Ordinance is repealed and replaced by the following—

"No deposit required on winding-up. (Cap. 32.)"

59. Notwithstanding any requirement in any rules made under the Companies Ordinance relating to the winding-up of companies, no deposit with the Official Receiver shall be required in respect of a petition under section 57 or 58."

Repeal and replacement of section 59. (Cap. 119.)

3. Section 72(1) of the principal Ordinance is amended by inserting after "this section" the following—

"and shall not be used in any other manner except with the prior approval in writing of the Registrar".

Amendment of section 72.

Addition of  
new sections  
72A and 72B.

4. The principal Ordinance is amended by adding after section 72 the following new sections—

"Borrowing  
powers.

72A. (1) Subject to this section, the League may borrow money for the carrying out of its objects.

(2) No money shall be borrowed by the League save upon a resolution of its board.

(3) The League may not borrow money so that its total indebtedness would in consequence exceed fifty per cent of its total assets.

(4) The League may not borrow money, so that its total indebtedness would in consequence exceed twenty-five per cent of its total assets, except in addition to the board's resolution, upon a resolution passed by not less than three-fourths of the members, present and qualified to vote, at a special meeting of the League called for the purpose or if sanctioned in writing by not less than two-thirds of the total number of the members of the League qualified to vote.

(5) In this section "total assets" does not include the stabilization fund set up under section 72.

Power to  
mortgage etc.  
as security  
for borrowed  
money.

72B. The League may mortgage, charge or pledge any of its property to secure any liability for the repayment of money borrowed in accordance with section 72A."

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

24th June, 1976.

powers.

money for the carrying out of its objects.

(2) No money shall be borrowed by the League save upon a resolution of its board.

(3) The League may not borrow money so that its total indebtedness would in consequence exceed fifty per cent of its total assets.

(4) The League may not borrow money, so that its total indebtedness would in consequence exceed twenty-five per cent of its total assets, except in addition to the board's resolution, upon a resolution passed by not less than three-fourths of the members, present and qualified to vote, at a special meeting of the League called for the purpose or if sanctioned in writing by not less than two-thirds of the total number of the members of the League qualified to vote.

(5) In this section "total assets" does not include the stabilization fund set up under section 72.

Power to mortgage etc. as security for borrowed money.

72B. The League may mortgage, charge or pledge any of its property to secure any liability for the repayment of money borrowed in accordance with section 72A."

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

**HONG KONG**

No. 40 OF 1976



I assent.

Governor.

24th June, 1976.

An Ordinance to amend the Telephone Ordinance and to relieve the Hong Kong Telephone Company Limited from the payment of royalty in respect of the year 1976.

[25th June, 1976]

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

1. (1) This Ordinance may be cited as the Telephone (Amendment) Ordinance 1976. Short title and commencement.

(2) Section 7(a)(i) and (ii) shall be deemed to have come into operation on the 1st March 1975.

2. Section 2 of the principal Ordinance is amended in the definition of "concession" by deleting "confirmed to" and substituting the following— Amendment of section 2. (Cap. 269.)  
"conferred on".

3. Section 3 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 3.

"Continuance of telephone concession to company.

3. Notwithstanding anything done under the repealed section 37, the company shall with effect from the 1st July 1975 continue by virtue of this section to have the sole right, subject to the provisions of this Ordinance, to supply and operate public telephonic communication within Hong Kong.

including trunk line telephonic communication therein for communicating with places outside Hong Kong (other than trunk line telephonic communication by means of submarine cables from Hong Kong to places outside Hong Kong landed and operated by Cable and Wireless Limited) for a term of 20 years commencing on the said 1st July."

Amendment of section 4A.

4. Section 4A(1) of the principal Ordinance is amended by deleting "a person to be an additional director" and substituting the following—  
"not more than 2 persons to be additional directors".

Repeal of section 5.

5. Section 5 of the principal Ordinance is repealed.

Repeal of section 37.

6. Section 37 of the principal Ordinance is repealed.

Amendment of Schedule.

7. The Schedule to the principal Ordinance is amended—

(a) in Part I—

- (i) at item 3(a), by deleting "\$400" and substituting "\$250";
- (ii) at item 3(c), by deleting "\$350" and substituting "\$250"; and
- (iii) at item 4(b), by deleting "A charge calculated according to the work necessary as may be agreed between the subscriber and the Company." and substituting the following—

"Subject to prior agreement between the Postmaster General and the Company, a charge calculated according to the work necessary.";

(b) in Part IV—

(i) at items 5(c) and 8(a), by deleting—

"A charge calculated according to the work necessary as may be agreed between the subscriber and the Company." and substituting in each case the following—

"Subject to prior agreement between the Postmaster General and the Company, a charge calculated according to the work necessary."; and

(ii) by deleting the note at the end thereof and substituting the following—

"*Note:* In item 4(c) and (d), subject to prior agreement between the Postmaster General and the Company, a charge will be calculated according to the amount of work necessary and shall not be less than \$500 in respect of item 4(c) and \$200 in respect of item 4(d)."; and

(c) in Part V, at item 16, by deleting "A charge calculated according to the amount of work necessary, as may be agreed between the subscriber and the Company." and substituting the following—

"Subject to prior agreement between the Postmaster General and the Company, a charge calculated according to the work necessary.".

Royalty not payable by company for the year 1976.

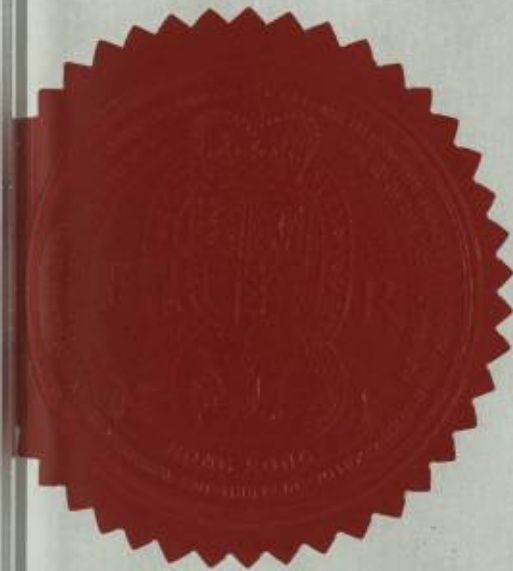
8. Notwithstanding the repealed section 5, no royalty shall be payable by the company in respect of the year commencing on the 1st January 1976.

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

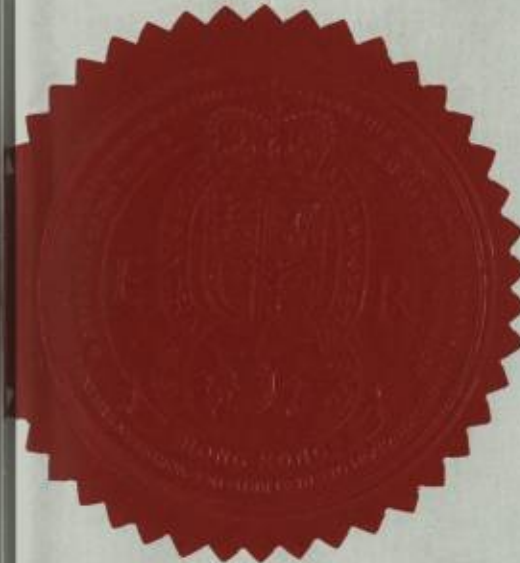
*Wm. W. Averell*

Governor.

24th June 1876

**HONG KONG**

No. 41 OF 1976



I assent.

*Governor.*

*24th June, 1976.*

An Ordinance to provide for the continuation after the 31st March 1976 of membership of the members of the Town Planning Board and to confer validity upon acts and things done, and meetings held, by that Board after that date, until the 3rd June 1976 (inclusive).

[25th June, 1976]

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 Town Planning Board Short title. (Validation) Ordinance 1976.

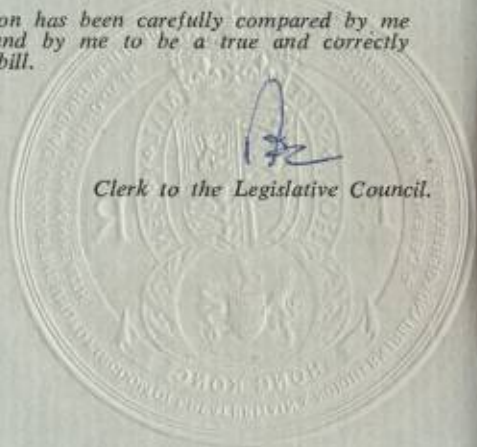
2. Those persons who, whether by reason of office or otherwise, were, on the 31st March 1976, members of the Town Planning Board appointed under section 2 of the Town Planning Ordinance shall for all purposes whatsoever be deemed to have continued thereafter, until the 3rd June 1976 (inclusive), to be members of that Board notwithstanding that they were appointed to be members of that Board for a period of two years with effect from the 1st April 1974; and, accordingly, all acts and things done, and meetings held, by that Board after the 31st March 1976 and before the 4th June 1976 shall not, by reason only that the members were appointed for a period of two years with effect from the 1st April 1974 as aforesaid, be deemed to have been invalidly or ineffectively done or held.

Continuation of membership of and validation of acts of the Town Planning Board. (Cap. 131.)

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

Governor.

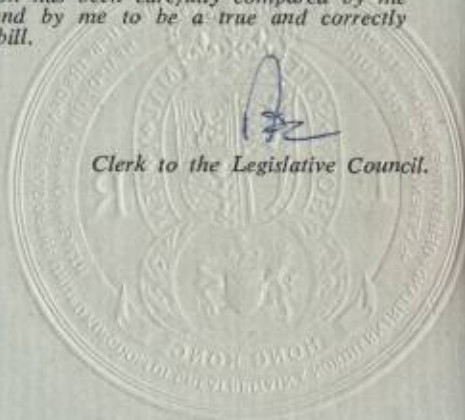
**HONG KONG**

No. 42 OF 1976

*12*  
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.*

*A*  
Clerk to the Legislative Council.



I assent.

*M. N. Lehn*  
Governor.

24th June, 1976.

An Ordinance to amend the Housing Ordinance.

[25th June, 1976]

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 Housing (Amendment) Ordinance 1976. Short title.

2. Section 7 of the principal Ordinance is amended by deleting subsection (2) and substituting the following— Amendment of section 7. (Cap. 283.)

“(2) The Authority shall appoint a committee comprising six members, two of whom shall not be members of the Authority, for the purpose of hearing appeals under section 20(1); and at any meeting of the committee a quorum shall consist of three members, one of whom shall not be a member of the Authority.”

3. Section 19(1) of the principal Ordinance is amended by inserting after paragraph (a) the following new paragraph— Amendment of section 19.

“(aa) without notice, if, in the opinion of the Authority, no person authorized under the lease to occupy the land or part thereof occupies the land or part thereof; or”

Addition of section 19A.

4. The principal Ordinance is amended by adding after section 19 the following new section—

"Notice of termination.

19A. (1) Where a lease has been terminated under section 19(1)(a) or (aa), the Authority shall, as soon as practicable after such termination, serve notice in writing thereof on the tenant specifying the date of the termination and the reasons therefor.

(2) Service of a notice required to be served under subsection (1) may be effected—

- (a) by delivering it to the tenant personally; or
- (b) by sending it by post to the tenant at his last known postal address; or
- (c) where the last known postal address of the tenant is that of the premises which are the subject of the lease, by affixing the notice to the door of the premises."

Amendment of section 20.

5. Section 20 of the principal Ordinance is amended—

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

"(1) Where a lease has been terminated under section 19(1)(a) or (aa), or where a notice to quit has been given under section 19(1)(b), the tenant may appeal to the committee, appointed by the Authority under section 7(2), not later than ten days after the date on which—

- (a) service of the notice of termination has been effected under section 19A(2); or
- (b) notice to quit has been given under section 19(1)(b), as the case may be."; and

(b) in subsection (3)(a), by inserting after "section 19(1)(a)" the following—

"or (aa)".

Amendment of section 28.

6. Section 28 of the principal Ordinance is amended by—

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

"(2) Any person who, knowing that a lease has been altered without the consent of the Authority, makes any claim under, upon or by virtue of the same shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars and to imprisonment for six months."

Addition of new section 29A.

7. The principal Ordinance is amended by adding after section 29 the following new section—

"Limitation of time for prosecution of offences.

29A. A complaint may be made or an information laid in respect of an offence under this Ordinance punishable on summary conviction within two years from the time when the matter of such complaint or information respectively arose."

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

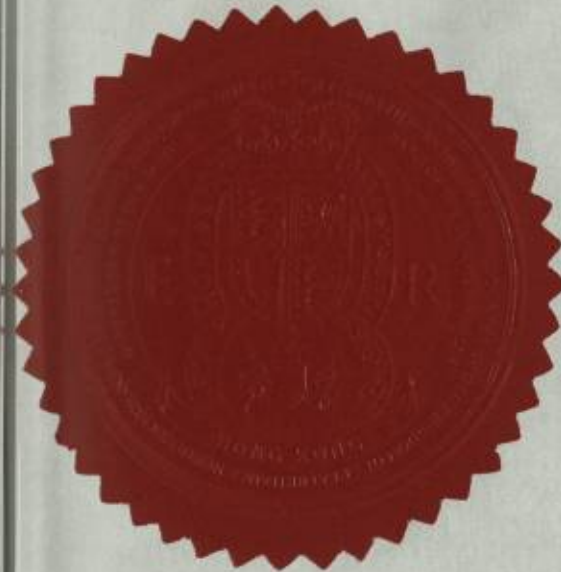
*Wm. R. Wilson*

*Governor.*

*24th June, 1976.*

**HONG KONG**

No. 43 OF 1976



I assent.

Governor.

24th June, 1976.

An Ordinance to amend the Hong Kong Airport (Regulations) Ordinance.

[ ]

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

1. This Ordinance may be cited as the Hong Kong Airport (Regulations) (Amendment) Ordinance 1976 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 2 of the principal Ordinance is amended by deleting the definition of "airport" and substituting the following—

Amendment of section 2. (Cap. 292.)

"airport" means the Hong Kong International Airport and all that piece or parcel of land together with all buildings and erections thereon in Kowloon and New Kowloon within the boundaries delineated on the approved plan;

3. Section 4 of the principal Ordinance is amended—

Amendment of section 4.

(a) in subsection (1)—

(i) by deleting paragraph (d) and substituting the following—

"(d) the control therein or exclusion therefrom, or prohibition or restriction of access to any part thereof, of persons, vehicles, animals and articles;"

- (ii) by deleting paragraph (i) and substituting the following—  
“(i) the fees payable under this Ordinance;”;
- (iii) by substituting a semicolon for the full stop at the end of paragraph (i); and
- (iv) by inserting after paragraph (i) the following new paragraphs—
- “(m) empowering the Director or any person authorized in writing by him for the purpose, to exempt any person, vehicle, animal or article from all or any of the requirements of any regulation;
- “(n) empowering the Director to prepare and certify a plan or plans delineating or describing any part or parts of the airport.”;
- (b) in subsection (2) by deleting “five hundred dollars” and substituting the following—  
“ten thousand dollars and imprisonment for two years”; and
- (c) by adding after subsection (2), the following new subsection—  
“(3) Regulations made under this section may confer authority upon any public officer, authorized in writing by the Director for the purposes of the regulations, to detain within the airport any person reasonably suspected of having contravened this Ordinance, and take such other steps as may be provided for in the regulations to ensure that a person so detained is dealt with in accordance with law.”.

Repeal and replacement of section 5.

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

“Proof of area and boundaries of airport.

5. (1) In any prosecution for an offence against this Ordinance—

- (a) a copy of the approved plan certified by the Director to be a copy of such plan, shall be conclusive proof of the area and boundaries of the airport; and
- (b) a copy of any plan prepared under the regulations incorporating any amendment endorsed thereon under the regulations, certified by the Director to be a copy of such plan, shall be conclusive proof of the area and boundaries of the part or parts of the airport delineated or described thereon.

(2) Any such copy purporting to be certified by the Director shall be presumed, until the contrary is proved, to have been certified by him.”.

Addition of new sections 8 and 9.

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

“Power of Governor to give directions.

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

(2) A person to whom a direction is given by the Governor under subsection (1) shall, in the exercise or performance of his powers or duties under this Ordinance, comply with that direction.

Ordinance binding on the Crown.

9. Save where expressly provided to the contrary and subject to any express exemption, this Ordinance shall apply to vehicles and persons in the public service of the Crown.”.

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

*M. R. L.*

Governor.

1876

HONG KONG

No. 44 of 1976



I assent.

*Governor.*

*24th June, 1976.*

An Ordinance to amend the Wild Animals Protection Ordinance 1976.

[25th June, 1976]

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 Wild Animals Protection Short title.  
(Amendment) Ordinance 1976.
2. Section 10(3)(b) of the principal Ordinance is amended by deleting "armed". Amendment of  
section 10.  
(5 of 1976.)
3. Section 13 of the principal Ordinance is amended— Amendment of  
section 13.
  - (a) in subsection (2)(a) by inserting after "a public officer" the following—  
"or a member of Her Majesty's forces"; and
  - (b) in subsection (3)(a) by inserting after "police officer" the following—  
"or a member of Her Majesty's forces".

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

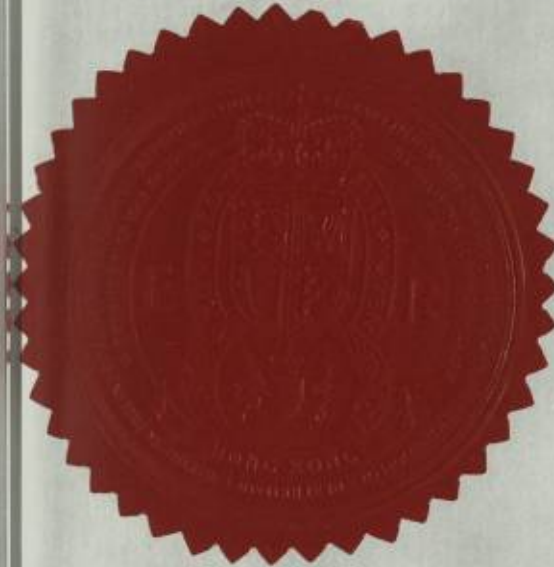


*Clerk to the Legislative Council.*

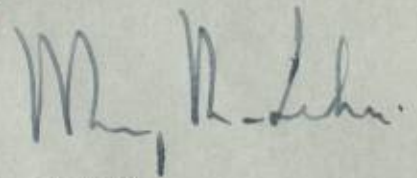
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



*Clerk to the Legislative Council.*



I assent.




*Governor.*

*24th June, 1976.*


An Ordinance to amend the Road Traffic Ordinance

**HONG KONG**

No. 45 OF 1976

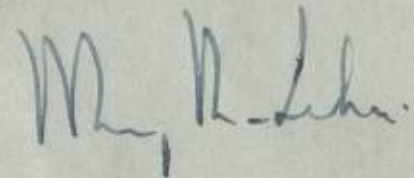
  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.



Governor.

24th June, 1976.

An Ordinance to amend the Road Traffic Ordinance.

[ ]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1976 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 2 of the principal Ordinance is amended—

Amendment of section 2.

(a) in subsection (1) by deleting the definition of "taxi" and substituting the following—

(Cap. 220.)

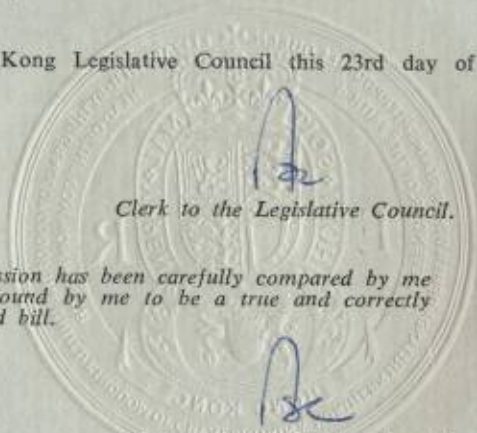
““taxi” means a car which is registered as a Hong Kong and Kowloon taxi or a New Territories taxi under this Ordinance;”;

(b) in subsection (2) by deleting paragraph (b) and substituting the following—

“(b) Hong Kong and Kowloon taxis, that is to say any cars, not being New Territories taxis, which stand or ply for hire within Hong Kong, Kowloon or the New Territories and in which the passengers are carried for hire or reward under a contract expressed or implied for the use of the vehicles as a whole at a rate indicated by the taximeters;

(ba) New Territories taxis, that is to say any cars, not being Hong Kong and Kowloon taxis, which stand or ply for hire within such area of the New Territories as may be prescribed and in which the passengers are carried for hire or reward under a contract expressed or implied for the use of the vehicles as a whole at a rate indicated by taximeters;"

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.

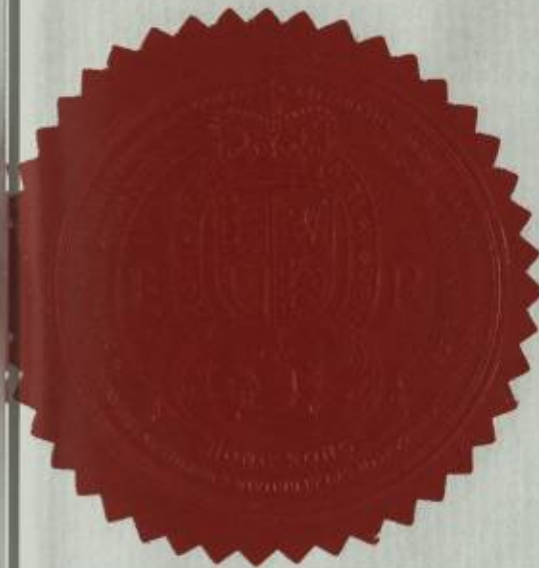


*Clerk to the Legislative Council.*

*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.*

*Ae*

*Clerk to the Legislative Council.*



I assent.

*Henry M. Luke*  
Governor.

taximeters;"

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.



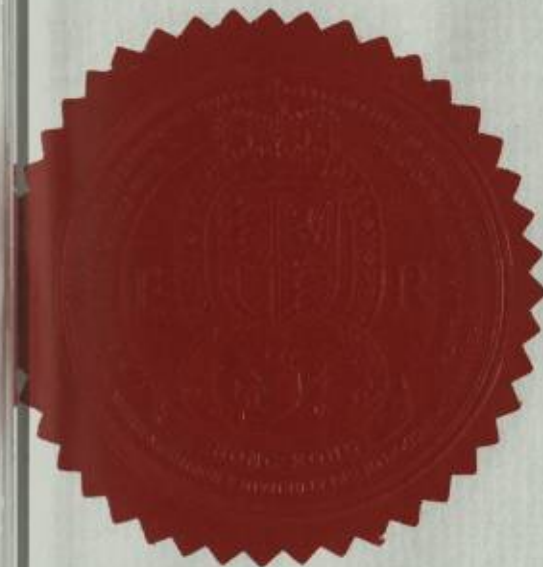
Clerk to the Legislative Council.

*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. 46 OF 1976



I assent.

A handwritten signature in blue ink, appearing to read 'Mary K. Leung', written over a faint circular seal.

Governor.

24th June, 1976.

An Ordinance to authorize The Hong Kong General Chamber of Commerce to amend clause 4 of its Memorandum of Association.

[25th June, 1976]

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

1. This Ordinance may be cited as The Hong Kong General Chamber of Commerce (Amendment of Memorandum) Ordinance 1976. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"Chamber" means The Hong Kong General Chamber of Commerce;  
"memorandum" means the Memorandum of Association of the Chamber;  
"Registrar" has the same meaning as in the Companies Ordinance. (Cap. 32.)

3. (1) The Chamber may by special resolution amend the memorandum by deleting clause 4 thereof and substituting the following— Amendment of clause 4 of memorandum.

"4. The funds and business of the Chamber shall be managed and carried on in accordance with the Memorandum and Articles of Association."

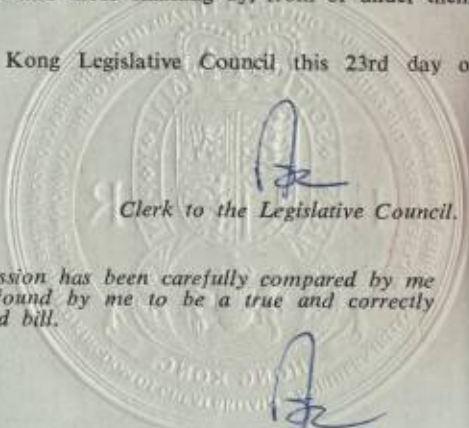
(2) The resolution referred to in subsection (1) shall not take effect unless within one month of the passing thereof the Chamber files with the Registrar—

- (a) a certificate under the seal of the Chamber that such resolution has been duly passed; and
- (b) a printed copy of the memorandum as amended.

Saving.

4. 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 of any other person except as are mentioned in this Ordinance and those claiming by, from or under them.

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.



*Clerk to the Legislative Council.*

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

*Clerk to the Legislative Council.*



I assent.

*Henry Roberts*

Acting Governor.

8th July, 1976.

- (a) a certificate under the seal of the Chamber that such resolution has been duly passed; and  
 (b) a printed copy of the memorandum as amended.

Saving.

4. 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 of any other person except as are mentioned in this Ordinance and those claiming by, from or under them.

Passed by the Hong Kong Legislative Council this 23rd day of June, 1976.



*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. 47 OF 1976



I assent.

*Henry Roberts*

Acting Governor.

8th July, 1976.

An Ordinance to make special provision to exempt certain persons from the obligation to be contributors under the Widows and Orphans Pension Ordinance.

[9th July, 1976]

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

1. This Ordinance may be cited as the Widows and Orphans Pension (Exemption) Ordinance 1976. Short title.

2. Notwithstanding the provisions of the Widows and Orphans Pension (Application) Regulations, the term "officer" in the Widows and Orphans Pension Ordinance shall not apply and shall be deemed never to have applied to the persons named in the Schedule to this Ordinance. Exemption from obligation to contribute. (Cap. 94.) Schedule.

3. All contributions made by George Haring and Peter Anthony Surtees Wise under the Widows and Orphans Pension Ordinance shall be refunded to them. Refund of contributions.

SCHEDULE

[s. 2.]

CHAN Chun-kit  
 Johnny CHAN  
 CHAN Kwok-keung

LEE Tsim-man  
 LEUNG Chung-kin  
 MA Man-chong

CHAU Kai-chung  
 CHENG Ching-shan  
 CHU Chi-sing  
 CHUNG Man-wui  
 Keith Denys DONOVAN  
 Martin Edward FOWLER  
 FUNG Tze-wai  
 George HARING  
 Ho Che-man  
 Ho Hiu-tung  
 Hui Yee-hoi  
 Christopher John KERSHAW  
 KUNG Bow-cheung  
 LAI Hoi  
 LAI Kar-yan  
 LAI Yeung-kit  
 LAU Wo-hong  
 LAU Ying-yin  
 LEE Chi-sang  
 LEE Shu-hung  
 LEE Tsim-fung

NGAI Yuk-kwong  
 NG Siu-ching  
 Ralph William PARTRIDGE  
 James Michael PATTISON  
 POON Shun-fat  
 David Bruce SUTHERLAND  
 TAM Kwong-wah  
 TAM Man-chuen  
 TAM Shung-yau  
 TANG Chan-kui  
 TANG Ka-man  
 TANG Pui-shiu  
 TO Kam-chuen  
 TSANG Chin-pang  
 WAI Fuk-kit  
 Peter Anthony Surtees WISE  
 WONG Chi-pui  
 WONG Kin-biu  
 WONG Sui-shing  
 WU Tat-sun  
 YU Tung-cheung

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.

*Clerk to the Legislative Council.*

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

*Clerk to the Legislative Council.*



I assent.

Acting Governor.

8th July, 1976.

KEITH DENYS DONOVAN  
MARTIN EDWARD FOWLER  
FUNG TZE-WAI  
GEORGE HARING  
HO CHE-MAN  
HO HIU-TUNG  
HUI YEE-HOI  
CHRISTOPHER JOHN KERSHAW  
KUNG BOW-CHEUNG  
LAI HOI  
LAI KAR-YAN  
LAI YEUNG-KIT  
LAU WO-HONG  
LAU YING-YIN  
LEE CHI-SANG  
LEE SHU-HUNG  
LEE TSI-M FUNG

POON SHUN-FAT  
DAVID BRUCE SUTHERLAND  
TAM KWONG-WAH  
TAM MAN-CHUEN  
TAM SHUNG-YAU  
TANG CHAN-KUI  
TANG KA-MAN  
TANG PUI-SHIU  
TO KAM-CHUEN  
TSANG CHIN-PANG  
WAI FUK-KIT  
PETER ANTHONY SURTEES WISE  
WONG CHI-PIU  
WONG KIN-BIU  
WONG SUI-SHING  
WU TAT-SUN  
YU TUNG-CHEUNG

Passed by the Hong Kong Legislative Council this 7th day of July,  
1976

**HONG KONG**

No. 48 OF 1976



I assent.

*Denis Roberts*  
Acting Governor.

8th July, 1976.

An Ordinance to provide for the replacement in enactments of non-metric units by metric units and for matters connected therewith.

[9th July, 1976]

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 Metrication Ordinance 1976. Short title.
2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

"International System of Units" means the system of units of measurement from time to time recommended for international use by the General Conference of Weights and Measures;

"metric units" means—

- (a) the base units, supplementary units, derived units and symbols of the International System of Units specified in the second and third columns of Parts I, II and III of the First Schedule and defined, in the case of the base units and supplementary units, in the fourth column of the said Part I or II, as the case may be, opposite each such unit; First Schedule.

- (b) any other units of measurement belonging to the International System of Units;
- (c) such decimal multiples and sub-multiples of the metric units referred to in paragraphs (a) and (b) as may be formed by the use of the prefixes of the International System of Units specified in the second and third columns of Part IV of the First Schedule and determined, in respect of any particular decimal multiple or sub-multiple of a metric unit by reference to the factor, specified in the first column of that Part, by which such metric unit is multiplied;
- (d) the units of measurement in general international use, but not belonging to the International System of Units, which are specified in the second column of the Second Schedule, the respective equivalent values whereof, expressed in SI units, being specified or referred to in the fourth column of that Schedule;

Second  
Schedule.

“non-metric units” means all units of measurement other than metric units.

(2) In this and in any other Ordinance, unless the context otherwise requires—

- (a) the abbreviation SI stands for the International System of Units; and
- (b) each of the symbols in the third column of the First and Second Schedules stands for the unit or prefix opposite thereto in the second column.

Governor may  
amend  
Ordinance  
by order.

3. (1) The Governor may, by order published in the *Gazette*, amend any Ordinance for the purpose of replacing references therein to non-metric units by references to metric units which are either equivalent or approximate thereto or which enable the references to non-metric units to be expressed in convenient metric terms.

(2) In any order made under subsection (1) the Governor may, for the purposes of the Ordinance amended thereby—

- (a) prohibit the use of non-metric units after a date specified in the order;
- (b) declare the extent to which, and the period during which, non-metric units may continue to be used;
- (c) provide for exemptions from the use of metric units for such periods and on such conditions as he may specify;
- (d) generally make such incidental provisions as he thinks expedient to achieve the purposes of this Ordinance.

(3) For the purposes of subsection (1), the non-metric base units set out in the second column of the Third Schedule shall be equivalent to the values expressed in SI base units set out in the third column thereof.

Third  
Schedule.

Amendment of  
Schedules.

4. The Governor may, by order published in the *Gazette*, amend the First, Second or Third Schedule.

## FIRST SCHEDULE

[s. 2.]

## THE INTERNATIONAL SYSTEM OF UNITS

## PART I

*The SI base units* (See Note <sup>(1)</sup>)

| Quantity                  | Name     | Symbol | Definition   |
|---------------------------|----------|--------|--|
| length                    | metre    | m      | the length equivalent to 1 650 763.73 wavelengths in vacuum of the radiation corresponding to the transition between the levels $2p_{10}$ and $5d_5$ of the krypton-86 atom.   |
| mass                      | kilogram | kg     | the mass equal to the mass of the international prototype of the kilogram kept by the International Bureau of Weights and Measures.  |
| time                      | second   | s      | the duration of 9 192 631 770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium-133 atom.   |
| electric current          | ampere   | A      | that constant current which if maintained in two straight parallel conductors of infinite length, of negligible circular cross section, and placed 1 metre apart in vacuum, would produce between these conductors a force equal to $2 \times 10^{-7}$ newton per metre of length. |
| thermodynamic temperature | kelvin   | K      | the fraction $1/273.16$ of the thermodynamic temperature of the triple point of water.   |
| luminous intensity        | candela  | cd     | the luminous intensity, in the perpendicular direction, of a surface of a $1/600\,000$ square metre of a black body at the temperature of freezing platinum under a pressure of 101 325 newtons per square metre.  |
| amount of substance       | mole     | mol    | the amount of substance of a system which contains as many elementary entities as there are atoms in 0.012 kilogram of carbon 12.  |

Note: When the mole is used, the elementary entities must be specified and may be atoms, molecules, ions, electrons, other particles, or specified groups of such particles.

## PART II

*The SI supplementary units (See Note (2))*

| Quantity    | Name      | Symbol | Definition  |
|-------------|-----------|--------|---|
| Plane angle | radian    | rad    | the plane angle between two radii of a circle which cut off on the circumference an arc equal in length to the radius.  |
| solid angle | steradian | sr     | the solid angle which, having its vertex in the centre of a sphere, cuts off an area of the surface of the sphere equal to that of a square with sides of length equal to the radius of the sphere. |

## PART III

*SI derived units having special names and symbols  
(See Notes (3) & (4))*

| Quantity  | Name      | Symbol | Expression in terms of other SI units |
|---|-----------|--------|---------------------------------------|
| frequency   | hertz     | Hz     | 1/s                                   |
| force   | newton    | N      | m kg/s <sup>2</sup>                   |
| pressure stress   | pascal    | Pa     | N/m <sup>2</sup>                      |
| energy, work, quantity of heat                                | joule     | J      | N m                                   |
| power, radiant flux   | watt      | W      | J/s                                   |
| quantity of electricity, electric charge                      | coulomb   | C      | A s                                   |
| electric potential, potential difference, electromotive force | volt      | V      | W/A                                   |
| capacitance   | farad     | F      | C/V                                   |
| electric resistance   | ohm       | Ω      | V/A                                   |
| conductance   | siemens   | S      | A/V                                   |
| magnetic flux   | weber     | Wb     | V s                                   |
| magnetic flux density   | tesla     | T      | Wb/m <sup>2</sup>                     |
| inductance  | henry     | H      | Wb/A                                  |
| luminous flux   | lumen     | lm     | cd sr                                 |
| illuminance   | lux       | lx     | cd sr/m <sup>2</sup>                  |
| radioactivity   | becquerel | Bq     | 1/s                                   |
| amount of absorbed radiation                                  | gray      | Gy     | J/kg                                  |

## PART IV

*The SI Prefixes (See Note (5))*

| Factor by which the unit is multiplied | Name  | Symbol |
|--|-------|--------|
| 10 <sup>18</sup>                       | exa   | E      |
| 10 <sup>15</sup>                       | peta  | P      |
| 10 <sup>12</sup>                       | tera  | T      |
| 10 <sup>9</sup>                        | giga  | G      |
| 10 <sup>6</sup>                        | mega  | M      |
| 10 <sup>3</sup>                        | kilo  | k      |
| 10 <sup>2</sup>                        | hecto | h      |
| 10 <sup>1</sup>                        | deca  | da     |
| 10 <sup>-1</sup>                       | deci  | d      |
| 10 <sup>-2</sup>                       | centi | c      |
| 10 <sup>-3</sup>                       | milli | m      |
| 10 <sup>-6</sup>                       | micro | μ      |
| 10 <sup>-9</sup>                       | nano  | n      |
| 10 <sup>-12</sup>                      | pico  | p      |
| 10 <sup>-15</sup>                      | femto | f      |
| 10 <sup>-18</sup>                      | atto  | a      |

*Notes*

- (1) An SI base unit is a unit recommended by the General Conference of Weights and Measures as a fundamental unit of SI. By convention the seven SI base units are regarded as dimensionally independent.
- (2) An SI supplementary unit is a unit for the time being not classified by the General Conference of Weights and Measures as either an SI base or an SI derived unit.
- (3) An SI derived unit is a unit which can be expressed algebraically in terms of the SI base units and/or the SI supplementary units.
- (4) The derived units in Part III have been given special names and symbols which may themselves be used to express other derived units.
- (5) The SI prefixes are used to form names and symbols of decimal multiples and sub-multiples of the SI units.

## SECOND SCHEDULE

[s. 2.]

## NON-SI UNITS IN GENERAL INTERNATIONAL USE

| Quantity                               | Name                             | Symbol | Value in SI units               |
|--|----------------------------------|--------|---------------------------------|
| time                                   | minute                           | min    | 60 s                            |
| time                                   | hour                             | h      | 3 600 s                         |
| time                                   | day                              | d      | 86 400 s                        |
| plane angle                            | degree                           | °      | ( $\pi$ / 180) rad              |
| plane angle                            | minute                           | '      | ( $\pi$ / 10 800) rad           |
| plane angle                            | second                           | "      | ( $\pi$ / 648 000) rad          |
| area                                   | hectare                          | ha     | 10 <sup>4</sup> m <sup>2</sup>  |
| volume                                 | litre                            | l      | 10 <sup>-3</sup> m <sup>3</sup> |
| mass                                   | tonne                            | t      | 10 <sup>3</sup> kg              |
| Celsius temperature                    | degree Celsius                   | °C     | See Note 1                      |
| mass per unit length<br>(see Note (2)) | tex                              | tex    | 10 <sup>-6</sup> kg/m           |
| length<br>(see Note (3))               | nautical mile<br>(international) |        | 1 852 m                         |
| speed velocity<br>(see Note (3))       | knot<br>(international)          |        | (1 852/3 600) m/s               |

## Notes

- (1) In addition to the thermodynamic temperature (symbol T), expressed in kelvins, use is also made of Celsius temperature (symbol t) defined by the equation  $t = T - T_0$  where  $T_0 = 273.15\text{K}$  by definition. Celsius temperature is expressed in degrees Celsius (symbol °C). The unit "degree Celsius" is equal to the unit "kelvin" and an interval or a difference of Celsius temperature may also be expressed in degrees Celsius.
- (2) This unit is used in the textile industry for the measurement of the linear density of yarn.
- (3) Related to nautical and aeronautical navigation and meteorology. One knot is equal to one nautical mile per hour.

## THIRD SCHEDULE

[s. 3.]

## VALUES OF NON-METRIC BASIC UNITS EXPRESSED IN TERMS OF SI BASE UNITS

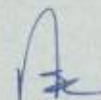
| Quantity             | Non-metric basic unit | Value in SI base unit  |
|----------------------|-----------------------|--|
| length               | yard                  | 0.914 4 m  |
| mass                 | pound                 | 0.453 592 37 kg  |
| capacity             | gallon                | 4.546 09 × 10 <sup>-3</sup> m <sup>3</sup><br>(see Note (1)) |
| temperature interval | degree Fahrenheit     | 5/9 K (see Note (2))   |

## Notes

(1) Correct to 6 significant figures.

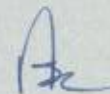
(2) A formal definition of the Fahrenheit scale of temperature is not thought to exist, but for most practical purposes Fahrenheit temperature may be defined by the equation  $f = 1.8 T - 459.67$  where  $f$  is the Fahrenheit temperature expressed in degrees Fahrenheit (symbol °F) and  $T$  is the thermodynamic temperature expressed in kelvins (symbol K).

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

*David Roberts*  
Acting Governor.  
8th July, 1976.

An Ordinance to amend the Commissions of Inquiry Ordinance.

**HONG KONG**

No. 49 OF 1976



I assent.

*Douglas Roberts*  
Acting Governor.

8th July, 1976.

An Ordinance to amend the Commissions of Inquiry Ordinance.

[9th July, 1976]

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 Commissions of Inquiry (Amendment) Ordinance 1976. Short title.
2. Section 3 of the principal Ordinance is amended by deleting "4" in paragraph (e) and substituting the following— Amendment of section 3. (Cap. 36.)  
"4(1)".
3. Section 4 of the principal Ordinance is amended by— Amendment of section 4.
  - (a) deleting "and" at the end of paragraph (m);
  - (b) inserting after paragraph (m) the following new paragraph—

"(ma) where the Commission has been appointed to inquire into the conduct or management of a public body or any other body of persons, corporate or unincorporate, then, subject to subsection (3), appoint, on such terms as to remuneration as the Financial Secretary may approve, one or more inspectors—

    - (i) to inspect all the books and documents of or relating to the affairs of such body; and

(ii) if the Commission is satisfied that such body has, or has had, an association with any other public body or body of persons, corporate or unincorporate, which is or may be relevant to the subject of the Commission's inquiry, to inspect all the books and documents of or relating to the affairs of such other body,

and to report thereon to the Commission in such manner and within such period or further period as the Commission may direct; and";

(c) being re-numbered as subsection (1) thereof; and

(d) adding after subsection (1) the following new subsections—

"(2) Without prejudice to the powers conferred on a Commission by subsection (1)(ma), where the Commission consists of one Commissioner he may himself, and where the Commission consists of more than one Commissioner one or more of the Commissioners, selected by the Commission may, subject to subsection (3), inspect the books and documents referred to in subsection (1)(ma), and in so doing he or they shall, for the purposes of this Ordinance, be deemed to have been duly appointed an inspector or inspectors, as the case may be, under subsection (1)(ma).

(3) The power to appoint an inspector or inspectors under subsection (1), and the powers conferred by subsection (2), shall not be exercised by a Commission or Commissioner without the consent of the Governor in Council, and in giving such consent the Governor in Council may limit the power of inspection to inspection only of the books and documents referred to in subsection (1)(ma)(i) or, where consent is given in relation to the inspection of books and documents referred to in subsection (1)(ma)(ii), may limit the power of inspection to inspection only of the books and documents of or relating to the affairs of a particular public body or other body of persons, corporate or unincorporate."

Amendment of section 5.

4. Section 5 of the principal Ordinance is amended by deleting "4" and substituting the following—

"4(1)".

Addition of section 7A.

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

"Production of documents, and evidence, to Commission's inspectors.

7A. (1) It shall be the duty of all officers and agents of a public body or other body of persons to produce to an inspector appointed under section 4(1)(ma) to inspect its books and documents, all books and documents in their custody or power of or relating to such body's affairs or the affairs of any other body of persons the books and documents of which the inspector is appointed under section 4(1)(ma) to inspect, and otherwise to give to the inspector all assistance that they are reasonably able to give.

(2) In this section, any reference to officers or to agents of a public body or other body of persons shall include past, as well as present, officers or agents, as the case may be, and for the purposes of this section "agents" shall include the bankers and solicitors of such body and any person employed by such body as auditor, whether such person is or is not an officer of such body."

6. Section 8(1) of the principal Ordinance is amended by inserting after paragraph (c) the following new paragraph—

Amendment of section 8.

"(ca) being an officer or agent of a public body or other body of persons within the meaning of section 7A—

(i) after the appointment of a Commission and with intent to avoid or prevent production, destroys, suppresses, defaces or makes away with any book or document that it would be his duty to produce to an inspector in the event of an inspector being appointed under section 4(1)(ma), or

(ii) refuses, without lawful authority or reasonable excuse, to produce any such book or document to an inspector so appointed, or

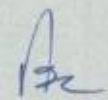
(iii) refuses, without lawful authority or reasonable excuse, to answer any question put to him by an inspector so appointed with respect to the affairs of such body or any other body the books and documents of which the inspector has been appointed to inspect;"

7. Section 12 of the principal Ordinance is amended by adding after subsection (2) the following new subsection—


Amendment of section 12.

"(3) A legal officer, barrister or solicitor appearing before a Commission, whether as counsel for the Commission or otherwise under or by virtue of section 6, shall be entitled to the same immunities as if he were appearing for a party in proceedings before the High Court."

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

*Leup Roberts*

Acting Governor.

8th July, 1976.

An Ordinance to amend the Supreme Court Ordinance.

**HONG KONG**

No. 50 OF 1976



I assent.

*Deputy Roberts*  
Acting Governor.  
8th July, 1976.

An Ordinance to amend the Supreme Court Ordinance.

[9th July, 1976]

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 Supreme Court (Amendment) Ordinance 1976. Short title.

2. Section 9 of the principal Ordinance is amended—

Amendment of  
section 9.  
(Cap. 4.)

(a) in subsection (2)—

(i) by deleting "or" at the end of paragraph (vi);

(ii) by deleting the full stop at the end of paragraph (vii) and substituting the following—

“; or”;

(iii) by inserting, after paragraph (vii), the following new paragraph—

(viii) been a Director, Deputy Director or Assistant Director of Legal Aid appointed in accordance with section 3 of the Legal Aid Ordinance.”; and (Cap. 91.)

(b) in subsection (3) by deleting “(vii)” and substituting the following—

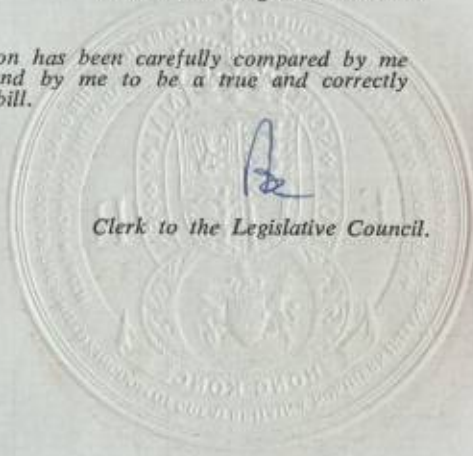
“(viii)”.

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.



Clerk to the Legislative Council.

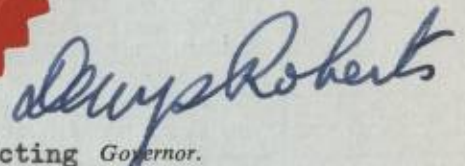
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



Clerk to the Legislative Council.



I assent.



Acting Governor.

8th July, 1976.

**HONG KONG**

No. 51 OF 1976

172  
Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

*Alwyn Roberts*

Acting Governor.

8th July, 1976.

An Ordinance to amend the Places of Public Entertainment Ordinance.

[9th July, 1976]

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 Places of Public Entertainment (Amendment) Ordinance 1976. Short title.

2. Section 4 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 4. (Cap. 172.)

"Licences for places of public entertainment.

4. (1) No person shall keep or use any place of public entertainment without a licence granted under this Ordinance.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of ten thousand dollars and imprisonment for six months, and to a further fine of one thousand dollars for every day during which the offence has continued."

3. Section 5 of the principal Ordinance is amended—

(a) in subsection (1) by inserting after "film" the following—  
"(including any trailer or excerpt)";

Amendment of section 5.

(b) by deleting subsection (2) and substituting the following—

“(2) For the purposes of this section, if any film (including any trailer or excerpt) or any poster, picture, figure or the text of any advertisement exhibited in connexion therewith is altered in any way whatsoever after being approved for exhibition as required in subsection (1) or, where the approval is subject to any conditions, there is a breach of any such condition, such film (including any trailer or excerpt) or such poster, picture, figure or text, as the case may be, shall be deemed not to have been so approved.”;

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

“(2A) Any person to whom approval has been granted under subsection (1) to advertise, present or carry on a cinematograph display may also be required to submit for approval any other matter, other than those items to which subsection (1) applies, which is being exhibited or is intended for exhibition at such a display.

(2B) Where matter is required to be submitted for approval under subsection (2A) no person shall exhibit or continue to exhibit such matter unless approval has been granted.

(2C) Any matter submitted for approval under subsection (2A) which is altered in any way after being approved for exhibition shall be deemed not to have been so approved.”; and

(d) in subsection (3) by deleting “two thousand dollars” and substituting the following—

“ten thousand dollars and imprisonment for six months”.

Amendment of  
section 7.

4. Section 7 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by deleting paragraph (h) and substituting the following—

“(h) the censoring of cinematograph films (including trailers and excerpts), posters, pictures, figures and advertisements and any other matter intended for exhibition at a cinematograph display, in such manner and on such principles as may be prescribed in the regulations;”;

(ii) by inserting after paragraph (j) the following new paragraph—

“(ja) the grant of authority to persons to take or receive statutory declarations pertaining to matters provided for in the regulations;”;

(b) in subsection (2) by deleting “one” and substituting the following—

“ten”.

Amendment of  
section 8.

5. Section 8 of the principal Ordinance is amended in subsections (4) and (5) by deleting “two thousand dollars” in each place where it occurs and substituting in each place the following—

“ten thousand dollars and imprisonment for six months”.


Passed by the Hong Kong Legislative Council this 7th day of July, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

I assent.



*David Roberts*  
Acting Governor.

8th July, 1976.

**HONG KONG**

No. 52 OF 1976



I assent.

*Amph Roberts*  
Acting Governor.

8th July, 1976.

An Ordinance to amend the Immigration Ordinance.

[9th July, 1976]

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

1. This Ordinance may be cited as the Immigration (Amendment) Ordinance 1976. Short title.

2. Section 25 of the principal Ordinance is amended by inserting after subsection (5) the following new subsection— Amendment of section 25. (Cap. 115.)

“(6) Without prejudice to subsection (5), the Colonial Secretary may require any person to whom paragraph (a) of subsection (5) applies to use for the purposes of the voyage from Hong Kong any aeroplane or ship ticket or voucher issued in respect of that person.”.

3. Section 36 of the principal Ordinance is amended by inserting after subsection (2) the following new subsections— Amendment of section 36.

“(3) If it appears to a magistrate on the application of the Director that any person may become liable to be detained under section 32(2), the magistrate may order that person to enter into a recognizance in the prescribed form in such amount and with such number of sureties as he thinks fit.

(4) The magistrate may order any person who wilfully fails to comply with an order under subsection (3) to be imprisoned for 6 months.

(5) A recognizance entered into pursuant to subsection (3) shall cease to have effect—

- (a) where the person who has entered into the recognizance has been detained under section 32(2);
- (b) where the person who has entered into the recognizance has a removal order or deportation order made against him;
- (c) where it is decided that a removal order will not be made in respect of him;
- (d) upon the expiration of 6 months from the date on which the recognizance was entered into or upon the expiration of the period for which the recognizance has been extended under subsection (6),

whichever is the earlier.

(6) A magistrate may, on application by the Director prior to the expiration of a recognizance entered into pursuant to subsection (3), extend the recognizance for such period not exceeding 6 months as the magistrate thinks fit."

Repeal and replacement of section 46.

4. Section 46 of the principal Ordinance is repealed and replaced by the following—

"Limitation of time for prosecution of summary offences.

46. (1) Subject to subsection (2), a complaint may be made or an information laid in respect of an offence under this Ordinance punishable only on summary conviction within 2 years from the time when the matter of such complaint or information respectively arose.

(2) A complaint may be made or an information laid in respect of an offence under section 38(1)(b) or section 41 within 3 years from the time when the matter of such complaint or information respectively arose."

Addition of new sections 57A and 57B.

5. The principal Ordinance is amended by adding after section 57 the following new sections—

"Powers of arrest by Her Majesty's forces.

57A. (1) Without prejudice to this Ordinance or any other law, any member of Her Majesty's forces acting in the course of his duty and for the purposes of this Ordinance may arrest any person whom he reasonably suspects to be a person who—

- (a) by virtue of section 7 may not land in Hong Kong without the permission of an immigration officer and who lands or attempts to land without such permission; or
- (b) having landed in Hong Kong unlawfully, remains in Hong Kong without the authority of the Director,

and may use such force as may be reasonably necessary for the purpose.

(2) Any person arrested under subsection (1) shall be delivered into the custody of a police officer or an immigration officer as soon as practicable.

Resisting arrest by, and obstruction of, Her Majesty's forces.

57B. (1) Any person being a person liable to arrest under subsection (1) of section 57A who resists arrest by a member of Her Majesty's forces under that subsection shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 and to imprisonment for 6 months.

(2) Any person who obstructs any member of Her Majesty's forces acting in the course of his duty and for the purposes of this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 and to imprisonment for 6 months."

6. Section 65 of the principal Ordinance is amended by deleting "section 36(1) may be recovered in the District Court as a debt due to the Crown" and substituting the following—

Amendment of section 65.

"section 36(1) or (3) shall be recovered in the District Court as a debt due to the Crown, notwithstanding that the amount is in excess of \$20,000".

7. Where a person has, before the commencement of this Ordinance, committed an offence under section 38(1)(b) or section 41 of the principal Ordinance and, but for this Ordinance, would not be liable to be prosecuted for that offence by reason of section 46 of the principal Ordinance repealed by section 4 of this Ordinance, he shall, notwithstanding this Ordinance, not be liable to be prosecuted for that offence.

Saving.

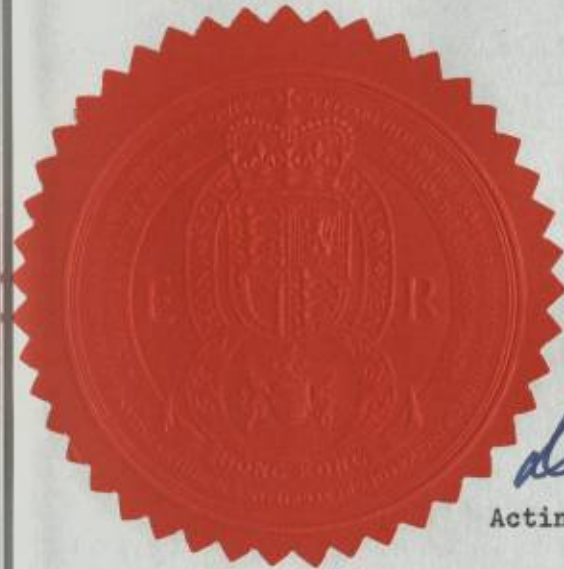
Passed by the Hong Kong Legislative Council this 7th day of July, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

I assent.



*DeWitt Roberts*

Acting Governor.

8th July, 1976.

**HONG KONG**

No. 53 OF 1976



I assent.

*David Robert*  
Acting Governor.

8th July, 1976.

An Ordinance to amend the Employment Ordinance.

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

[1st January, 1977]

1. This Ordinance may be cited as the Employment (Amendment) Ordinance 1976 and shall come into operation on the 1st January 1977. Short title and commencement.

2. Section 39 of the principal Ordinance is amended—

Amendment of section 39. (Cap. 57.)

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

“(1) Subject to subsections (2) and (3), an employee shall be granted a holiday by his employer on each of the following days—

- (a) Lunar New Year's Day;
- (b) the second day of Lunar New Year;
- (c) the third day of Lunar New Year;
- (d) Ching Ming (清明) Festival;
- (e) Tuen Ng (端午, Dragon Boat) Festival;
- (f) the day following the Chinese Mid-Autumn (中秋) Festival;
- (g) the Chung Yeung (重阳) Festival;

- (h) the Chinese Winter Solstice Festival (冬 節) or Christmas Day, at the option of the employer; and
- (i) the first day of January.”;
- (b) in subsection (4) by inserting after the words “substituted holiday” where they twice appear the following—  
“or a holiday under subsection (5) or (8)”; and
- (c) by inserting after subsection (4) the following new subsections—  
“(5) In addition to the holidays granted by subsection (1) an employee shall each year be granted a holiday by his employer on a day to be fixed by the employer not being a statutory holiday, an alternative holiday or a substituted holiday.  
(6) A day fixed as a holiday under subsection (5) shall be notified by an employer to each of his employees by notice posted in a conspicuous place in the place of employment not later than the end of the year next preceding the year in which the holiday under subsection (5) is granted.  
(7) An employer shall cause any notice posted under subsection (6) to remain so posted until the end of the year next following the year in which it was posted.  
(8) If an employer does not fix a day to be a holiday under subsection (5) or notify a day so fixed in the manner required by subsection (6) every employee shall be granted a holiday on the first weekday in July or on the first Monday in August, at the option of the employer.”.

Amendment of  
section 40.

3. Section 40 of the principal Ordinance is amended—

- (a) by inserting after the words “statutory holiday” where they first appear the following—  
“or a holiday under section 39(5) or (8)”; and
- (b) by inserting after the words “substituted holiday” the following—  
“or a holiday under section 39(5) or (8)”.

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Acting Governor.

8th July, 1976.

**HONG KONG**

No. 54 OF 1976

day where they first appear in the following

"or a holiday under subsection (5) or (8)"; and

(c) by inserting after subsection (4) the following new subsections—

"(5) In addition to the holidays granted by subsection (1) an employee shall each year be granted a holiday by his employer on a day to be fixed by the employer not being a statutory holiday, an alternative holiday or a substituted holiday.

(6) A day fixed as a holiday under subsection (5) shall be notified by an employer to each of his employees by notice posted in a conspicuous place in the place of employment not later than the end of the year next preceding the year in which the holiday under subsection (5) is granted.

(7) An employer shall cause any notice posted under subsection (6) to remain so posted until the end of the year next following the year in which it was posted.

(8) If an employer does not fix a day to be a holiday under subsection (5) or notify a day so fixed in the manner required by subsection (6) every employee shall be granted a holiday on the first weekday in July or on the first Monday in August, at the option of the employer."

Amendment of section 40.

3. Section 40 of the principal Ordinance is amended—

(a) by inserting after the words "statutory holiday" where they first appear the following—

"or a holiday under subsection (5) or (8)"; and



I assent.

*Seung Shobert*  
Acting Governor.

8th July, 1976.

An Ordinance to amend the Road Traffic Ordinance.

[ ]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) (No. 2) Ordinance 1976 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. The principal Ordinance is amended by adding after section 20 the following new section— Addition of new section 20A. (Cap. 220.)

"Prohibition of use of motor cycles on certain roads and on unleased Crown land.

**20A.** (1) Subject to this section, any person who uses a motor cycle on—

(a) a pedestrian road; or

(b) any unleased Crown land which is not a road,

shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000.

(2) Subsection (1) shall not apply to any person in the public service of the Crown while he is driving a motor cycle in the course of his duties.

(3) Nothing in subsection (1) shall prohibit a person from driving a motor cycle on a pedestrian road or on

any unleased Crown land which is not a road for the purposes of agriculture, forestry, construction work or similar activity.

(4) The Commissioner, and any public officer authorized by the Commissioner for the purposes of this subsection, may issue to any person a permit in writing to use a motor cycle on—

(a) a pedestrian road; or

(b) any unleased Crown land which is not a road, specified in the permit subject to any conditions specified in the permit.

[cf. 1072 c. 20,  
s. 36(3).]

(5) In any proceedings against a person in respect of the use of a motor cycle in contravention of subsection (1), it shall be a defence for the person charged to prove that the motor cycle was used in contravention of subsection (1) for the purpose of saving life, extinguishing fire or meeting any other emergency.

(6) The Commissioner may by notice in the *Gazette* declare—

(a) any road, or any portion thereof, over unleased Crown land to be a pedestrian road; or

(b) any pedestrian road, or any portion thereof, to be a pedestrian road to which subsection (1) does not apply.

(7) In this section—

(Cap. 59.)

“construction work” has the meaning assigned to it by section 2 of the Factories and Industrial Undertakings Ordinance;

“pedestrian road” means a road, or any portion of a road, over unleased Crown land which—

(a) (i) is not a surfaced road; or

(ii) is a surfaced road of less than 6' 6" in width at any point; or

(b) is declared under subsection (6)(a) to be a pedestrian road;

“person in the public service of the Crown” means a person who is—

(a) a public officer;

(b) a member of Her Majesty's armed forces; or

(c) a member of—

(i) the Royal Hong Kong Regiment;

(ii) the Royal Hong Kong Auxiliary Air Force;

(iii) the Royal Hong Kong Auxiliary Police Force;

(iv) the Essential Services Corps;

(v) the Civil Aid Services;

(vi) the Auxiliary Medical Services; or

(vii) the Auxiliary Fire Services;

“surfaced road” means a road constructed with a surface suitable for the regular passage of motor vehicles;

“unleased Crown land” means land which is not—

(a) held under a Crown lease or a tenancy granted by the Crown or any agreement for such a lease or tenancy;

(b) vested in a person by an Ordinance; or

(c) occupied under—

(Cap. 28.)

(i) a licence issued under section 5 of the Crown Land Ordinance;

(ii) a licence or permit granted or issued under any other Ordinance; or

(iii) a deed or memorandum of appropriation.”.

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

*Dewy Roberts*

Acting Governor.

8th July, 1976.

An Ordinance to amend the Electricity Supply Ordinance

**HONG KONG**

No. 55 of 1976



I assent.

*De Wyzkowski*

Acting Governor.

8th July, 1976.

An Ordinance to amend the Electricity Supply Ordinance.

[9th July, 1976]

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 Electricity Supply (Amendment) Ordinance 1976. Short title.

2. The principal Ordinance is amended by adding after section 3, the following new section— Addition of new section 3A. (Cap. 103.)

"Regulation of supply to special areas.

3A. (1) Where the Secretary for Housing is satisfied that, having regard to its special circumstances, an area should be subject to special regulations to control the supply of electricity in that area he may, by notice in the *Gazette* designate such an area as a special area for the purposes of this Ordinance.

(2) The Governor in Council may make regulations to provide for—

(a) the control and regulation of the supply of electricity in a special area;

(b) securing, so far as is practicable in the circumstances, the safety of the public in respect of electricity, electric lines and works in a special area;

(c) the application or disapplication to or in respect of a special area of regulations made under section 3."

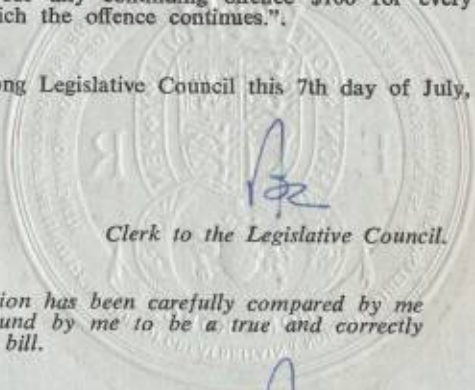
Repeal and replacement of section 5.

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

"Penalties may be imposed in regulations.

5. Any regulation under this Ordinance may impose penalties for offences against the same not exceeding imprisonment for 3 months and a fine of \$2,000 for each offence, with or without penalties for continuing offences not exceeding for any continuing offence \$100 for every day during which the offence continues."

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.



*[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.



I assent.

*[Handwritten signature: Douglas Roberts]*

Acting Governor.

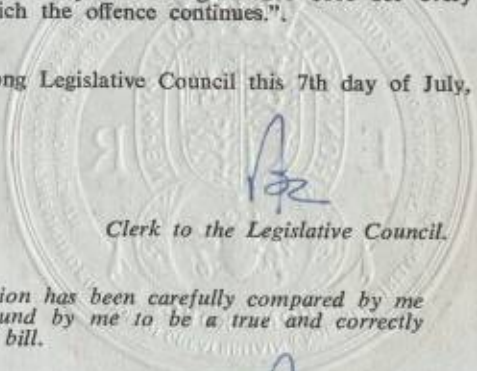
8th July, 1976.

of section 5. of the following

"Penalties may be imposed in regulations.

5. Any regulation under this Ordinance may impose penalties for offences against the same not exceeding imprisonment for 3 months and a fine of \$2,000 for each offence, with or without penalties for continuing offences not exceeding for any continuing offence \$100 for every day during which the offence continues."

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.



*[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. 56 OF 1976



I assent.

*[Handwritten signature: Douglas Roberts]*

Acting Governor.

8th July, 1976.

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

[9th July, 1976]

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

1. This Ordinance may be cited as the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1976. Short title.

2. Section 10 of the principal Ordinance is amended—

(a) in subsection (3)—

(i) by deleting "\$1,000" and substituting the following—  
"\$5,000"; and

(ii) by deleting "12 per cent" and substituting the following—  
"20 per cent"; and

(b) by inserting after subsection (3) the following new subsections—

"(3A) Subject to subsection (3B), in determining the amount of expenditure on additions or improvements for the purposes of subsection (3), expenditure incurred in the 6 months immediately prior to the date of the application to the tenancy tribunal may be aggregated.

Amendment of section 10. (Cap. 7.)

- (3B) No account shall be taken of—
- (a) expenditure incurred prior to the commencement of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1976;
  - (b) expenditure in respect of which an increase in rent has previously been made under this section.”.

Amendment of section 51.

3. Section 51 of the principal Ordinance is amended—

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

“(4A) Whether or not a dispute arises as to whether a tenancy or sub-tenancy is domestic, a landlord, tenant, principal tenant or sub-tenant may apply in the specified form to the Commissioner for his certificate as to the primary user of the premises.

(4B) Where a person applies to the Commissioner under subsection (4A) he shall—

- (a) specify in the application form a day, other than a public holiday, on which he would like the inspection to be carried out;
- (b) at the time when he lodges the application, pay such fee as may be determined by the Financial Secretary; and
- (c) lodge the application form with the Commissioner not less than 10 days before the day specified in the form.

(4C) Any fee paid under subsection (4B)(b) shall be refunded if the applicant withdraws his application not less than 3 days before the day for the inspection specified therein.

(4D) The Commissioner shall, where practicable, carry out the inspection under subsection (5) on the day specified in the application or, if the inspection cannot be carried out on that day, as soon thereafter as is reasonably possible.”;

- (b) in subsection (5)—

(i) by inserting after “subsection (4)” the following—  
“or (4A)”; and

(ii) in paragraphs (a) and (b) by inserting after “issue free of charge” in both places where it occurs the following—  
“in the case of an application under subsection (4)”.

Amendment of section 52.

4. Section 52(4) of the principal Ordinance is amended in paragraph (a) by deleting “section 56” and substituting the following—

“section 55A or 56”.

Addition of new section 55A.

5. The principal Ordinance is amended by adding after section 55 the following new section—

“Increase in rent on account of improvements. *cf.* 1968, c. 23, ss. 25 and 38.”

**55A.** (1) Where the landlord of any premises incurs expenditure of \$5,000 or more on improvements to such premises, the landlord may, subject to subsection (2), increase the rent payable in respect of those premises by 20 per cent *per annum* of the amount expended on the improvements.

(2) Where rent is increased under this section the increase shall not take effect except in pursuance of a notice of

increase in the specified form served by the landlord on the tenant, specifying the increase and the date from which it is to take effect.

(3) The date specified in a notice of increase under subsection (2) shall be not earlier than the first day when rent becomes due after the expiry of one month from the service of the notice.

(4) Where the landlord of any premises incurs expenditure of \$5,000 or more on improvements to such premises and those premises comprise 2 or more tenements then the amount expended shall be apportioned between the tenements and the rent payable in respect of any tenement may be increased in accordance with this section by reference to the part of the expenditure apportioned to it.

(5) Subject to subsection (6), in determining the amount of expenditure incurred on improvements expenditure incurred in the 6 months immediately prior to the date of service of the notice of increase under subsection (2) may be aggregated.

(6) No account shall be taken of—

- (a) expenditure incurred prior to the commencement of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1976;
- (b) expenditure in respect of which an increase in rent has previously been made under this section.

(7) Where a landlord serves on a tenant a notice of increase under subsection (2), the landlord shall send a copy of that notice to the Commissioner.

(8) A tenant on whom a notice of increase in rent is served under this section may, not later than one month after the service of the notice, apply to the court for an order cancelling or reducing the increase on the ground—

(a) that the improvement was unnecessary:

Provided that where the premises the subject of the improvement comprise 3 or more tenements and more than two thirds of the tenants of those premises (other than sub-tenants) have consented in writing to the improvement, the improvement shall be deemed to be necessary;

- (b) that a greater amount was expended on the improvement than was reasonable; or
- (c) where the increase follows an apportionment under subsection (4), that the apportionment was unreasonable,

and the court may make an order accordingly.

(9) In this section—

“improvement” includes structural alteration, extension or addition and the provision of additional fixtures and fittings, but does not include anything done by way of decoration or repair;

“landlord” includes principal tenant;

“tenant” includes sub-tenant.”.

Amendment of section 62. 6. Section 62(1) of the principal Ordinance is amended by deleting "section 56" and substituting the following—  
"section 55A or 56".

Addition of new section 63A. 7. The principal Ordinance is amended by adding after section 63 the following new section—

"Increase in rent of sub-tenancy on account of improvements.

63A. (1) Where the rent of a tenancy has been increased under section 55A and a sub-tenancy has been created out of that tenancy, the principal tenant may, subject to subsection (3), increase the rent payable by the sub-tenant by such appropriate amount as may be agreed between them.

(2) In the absence of any agreement between the principal tenant and his sub-tenant under subsection (1), the amount by which the rent payable by the sub-tenant is to be increased may be determined by the court.

(3) Where the rent payable by a sub-tenant is increased following a determination of the court under this section the increase shall not take effect except in pursuance of a notice of increase in the specified form served by the principal tenant on the sub-tenant, specifying the increase and the date from which it is to take effect.

(4) The date specified in a notice of increase under subsection (3) shall be such date as shall be determined by the court.

(5) Where a principal tenant serves on a sub-tenant a notice of increase under subsection (3), the principal tenant shall send a copy of that notice to the Commissioner."

Amendment of section 74B. 8. Section 74B of the principal Ordinance is amended by deleting "1976" and substituting the following—  
"1979".

Passed by the Hong Kong Legislative Council this 7th day of July, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

*Donny Roberts*  
Acting Governor.

Addition of new section 63A.

7. The principal Ordinance is amended by adding after section 63 the following new section—

"Increase in rent of sub-tenancy on account of improvements.

63A. (1) Where the rent of a tenancy has been increased under section 55A and a sub-tenancy has been created out of that tenancy, the principal tenant may, subject to subsection (3), increase the rent payable by the sub-tenant by such appropriate amount as may be agreed between them.

(2) In the absence of any agreement between the principal tenant and his sub-tenant under subsection (1), the amount by which the rent payable by the sub-tenant is to be increased may be determined by the court.

(3) Where the rent payable by a sub-tenant is increased following a determination of the court under this section the increase shall not take effect except in pursuance of a notice of increase in the specified form served by the principal tenant on the sub-tenant, specifying the increase and the date from which it is to take effect.

(4) The date specified in a notice of increase under subsection (3) shall be such date as shall be determined by the court.

(5) Where a principal tenant serves on a sub-tenant a notice of increase under subsection (3), the principal tenant shall send a copy of that notice to the Commissioner."

Amendment of section 74B.

8. Section 74B of the principal Ordinance is amended by deleting "1976" and substituting the following—  
"1979".

**HONG KONG**

No. 57 OF 1976



I assent.

*Donip Roberts*  
Acting Governor.

22nd July, 1976.

An Ordinance to amend the Fixed Penalty (Criminal Proceedings) Ordinance and the Road Traffic (Amendment) (No. 3) Ordinance 1974.

[23rd July, 1976]

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 Miscellaneous Amendments (Road Traffic) Ordinance 1976. Short title.

2. The Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance is amended by inserting, after item 5 under the heading "Road Traffic Ordinance", the following new item—

"5A. Section 5(4A) Failing to carry driving licence \$50".

Amendment of Schedule to Fixed Penalty (Criminal Proceedings) Ordinance. (Cap. 240.)

3. Section 3(a) of the Road Traffic (Amendment) (No. 3) Ordinance 1974 is amended in new subsection (4B)—

(a) by deleting "and to imprisonment for 3 months"; and

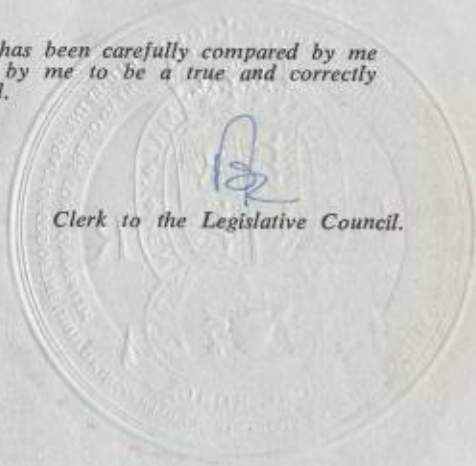
(b) by deleting "and to imprisonment for 6 months".

Amendment of Road Traffic (Amendment) (No. 3) Ordinance 1974. (65 of 1974.)

Passed by the Hong Kong Legislative Council this 21st day of July, 1976.

*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*



I assent.

*Acting Governor.*

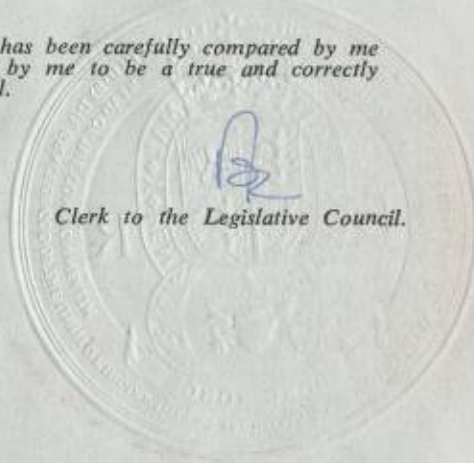
*22nd July, 1976.*

**HONG KONG**

No. 58 OF 1976

Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

*Henry Roberts*  
Acting Governor.  
22nd July, 1976.

An Ordinance to amend the Legal Practitioners Ordinance.

[23rd July, 1976]

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 Legal Practitioners (Amendment) Ordinance 1976. Short title.
2. Section 2(1) of the principal Ordinance is amended by deleting the definition of "practising certificate" and substituting the following— Amendment of section 2. (Cap. 159.)
  - " "practising certificate" means—
  - (a) a certificate issued by the Society under section 6; and
  - (b) a certificate issued by the Registrar under section 30;"
3. Section 3 of the principal Ordinance is amended— Amendment of section 3.
  - (a) in subsection (1)—
    - (i) by deleting "British subject" and substituting the following—  
"person";

(ii) by inserting after "Ordinance" the following—

"and who—

- (a) is a British subject; or
- (b) has been ordinarily resident in Hong Kong for a total period of not less than 7 years";

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

"(1A) For the purposes of subsection (1), a person shall be treated as ordinarily resident in any one year if he is present in Hong Kong for a period of not less than 180 days in that year.

(1B) The Court may, when admitting a person as a solicitor, sit in chambers."; and

(c) in subsection (3)—

(i) by inserting after "High Court" the following—  
", the Crown Court";

(ii) by deleting "the Solicitors Act 1957" and substituting the following—  
"the Solicitors Act 1974".

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

6. (1) The Society, on application in writing by a solicitor in the month of November in any year in such form as may be prescribed by the Committee and on payment of such fee as may be so prescribed, shall, subject to subsection (3), issue to the applicant a practising certificate as a solicitor for the period of one calendar year from the 1st January next following the date of the application.

(2) A practising certificate issued under subsection (1) shall be in such form as may be prescribed by the Committee.

(3) A practising certificate shall not be issued under subsection (1) unless the applicant has, where necessary, delivered to the Committee an accountant's report under section 8 and has paid to the Society the membership subscription in respect of the year for which the practising certificate is to be issued.

(4) Notwithstanding subsection (1), the Society may, upon such conditions as it thinks fit, permit an application for a practising certificate to be made under this subsection at any time and upon such application may issue to the applicant a practising certificate for any period not exceeding one calendar year and ending on the 31st December in the year in which it is issued.

(5) Notwithstanding subsection (1), the Society may—

- (a) refuse to issue a practising certificate on such grounds as may be prescribed by the Chief Justice; or
- (b) issue a practising certificate to an applicant subject to such conditions as may be prescribed by the Chief Justice.

(6) It shall be a condition of a practising certificate issued for the first time on or after the 1st August 1976

Repeal and replacement of section 6.

"Practising certificates—solicitors.

to any solicitor who does not satisfy the Committee that since being admitted as a solicitor he has been *bona fide* employed in the practice of a solicitor in Hong Kong for at least 2 years prior to his application for such practising certificate, that he shall not practise as a solicitor on his own account or in partnership for such period not exceeding 2 years after his admission as the Committee may direct:

Provided that if the Committee considers that an applicant has acquired substantial experience in the law, either in Hong Kong or in the United Kingdom over a considerable period of time the Committee may declare that this subsection shall not apply.

(7) Where the name of a solicitor is removed from or struck off the roll of solicitors or where a receiving order in bankruptcy is in force against him, the practising certificate of that solicitor shall automatically determine and in any such case no part of the fee paid in respect thereof shall be repayable.

(8) The publication in the *Gazette* by the Society of a list of the names and addresses of those solicitors who have obtained practising certificates for the period stated therein shall, until the contrary is proved, be evidence that each person named therein is a person qualified under section 7 to act as a solicitor and to whom a practising certificate for the period stated in such list has been issued under this section; and the absence from any such list of the name of any person shall, until the contrary is proved, be evidence that such person is an unqualified person.

(9) Where the Society, in the exercise of the powers conferred on it under subsection (5), refuses to issue a practising certificate or issues a certificate subject to conditions, the applicant may appeal to the Chief Justice against the decision of the Society within 1 month of being notified of it.

(10) Where the Committee refuses to disapply subsection (6) in the case of an applicant who claims to have acquired substantial experience in the law, either in Hong Kong or in the United Kingdom, over a considerable period of time, the applicant may appeal to the Chief Justice against the decision of the Committee within 1 month of being informed of that decision.

(11) On an appeal to the Chief Justice under subsection (9) or (10) he may—

- (a) affirm the decision of the Society or Committee; or
- (b) direct the Society to issue a practising certificate to the applicant free from conditions or subject to such conditions as he thinks fit."

5. Section 8 of the principal Ordinance is amended by deleting subsection (4).

Amendment of section 8.

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

Repeal and replacement of section 21.

"Power to prohibit taking articulated clerks.

21. (1) Where the Society refuses to issue a practising certificate to a solicitor under section 6, the Committee may by notice in writing to that solicitor prohibit him from taking an articulated clerk.

(2) If a solicitor contravenes a notice given to him under subsection (1) a complaint may be made in respect thereof to the Society or to the Court under section 9 or 14."

Amendment of section 27.

7. Section 27 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by deleting sub-paragraph (iii) of paragraph (a) and substituting the following new sub-paragraphs—

"(iii) he is a Bachelor of Laws of the University of Hong Kong and has obtained the Post Graduate Certificate in Laws awarded by that University; or

(iv) he has obtained the Post Graduate Certificate in Laws awarded by the University of Hong Kong and he is either a Chinese resident or a Hong Kong belonger within the meaning of the Immigration Ordinance;" and

(Cap. 115.)

(ii) by deleting paragraph (d);

(b) in subsection (2) by deleting paragraph (a); and

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

"(3) The Court may, when admitting a person as a barrister, sit in chambers."

Amendment of section 28.

8. Section 28 of the principal Ordinance is amended by deleting "his certificate of call to the Bar" and substituting the following—

"his certificate of call to the Bar in England or Northern Ireland, his certificate of admission as an advocate in Scotland or his Post Graduate Certificate in Laws awarded by the University of Hong Kong, as the case may be."

Amendment of section 30.

9. Section 30(1) of the principal Ordinance is amended by inserting after "is qualified to practise as a barrister" the following—

"or is qualified to practise to a limited extent under section 31(2)".

Repeal and replacement of section 31.

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

"Qualifications for practising as barrister.

31. (1) A barrister shall not be qualified to practise as such—

(a) subject to subsection (2), unless he has completed the prescribed qualifying period of active practice;

(b) unless he holds a valid practising certificate;

(c) having qualified for admission as a barrister by virtue of paragraph (a)(i) or (ii) of section 27(1), unless he continues to be a barrister in England or Northern Ireland or an advocate in Scotland and is not there suspended from practice as such;

(d) if he is suspended from practise under section 32 or section 37;

(e) if he is a solicitor on his own account or a partner or a salaried employee of a firm of lawyers in a country where a person is able to practise both as a barrister and as a solicitor at the same time.

(2) After the expiry of the first six months of the prescribed qualifying period of active practice, a barrister shall be qualified to practise as a barrister to such limited extent as the Bar Committee may determine."

11. Section 72 of the principal Ordinance is amended in paragraph (a)— Amendment of section 72.

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

"(viii) regulating the issue to barristers of practising certificates and the fees payable for, the conditions of issue of, the manner of applying for, the period and form of, the publication of the issue and the suspension of such practising certificates and generally in relation thereto;" and

(b) by deleting sub-paragraph (ix).

12. Section 72A of the principal Ordinance is amended— Amendment of section 72A.

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

"(b) regulating the manner in which pupillage may be served, including applications for pupillage, disqualifications in respect of pupillage, approval and termination of pupillage and the period and requirements of pupillage;" and

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

"(ba) regulating the examinations to be passed by students seeking to become barristers in Hong Kong;

(bb) prescribing the qualifying period of active practice for the purposes of section 31, which period may include such periods of active practice served before admission as a barrister in Hong Kong or before call to the Bar in England or Northern Ireland or admission as an advocate in Scotland as may be prescribed;"

13. Section 73(1) of the principal Ordinance is amended by inserting after paragraph (a) the following new paragraph— Amendment of section 73.

"(aa) regulating the issue to solicitors of practising certificates and the fees payable for, the conditions of issue of, the manner of applying for, the period and form of, the publication of the issue and the suspension of such practising certificates and generally in relation thereto;"

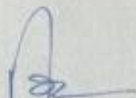
14. The Schedule to the principal Ordinance is amended in paragraph 10 by deleting "on a resolution in that behalf made by the Society" and substituting the following— Amendment of Schedule.

"by resolution in that behalf".

Passed by the Hong Kong Legislative Council this 21st day of July, 1976.

Clerk to the Legislative Council.

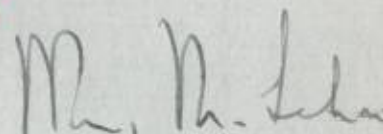
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



*Clerk to the Legislative Council.*



I assent.



*Governor.*

*5th August, 1976.*

An Ordinance to provide for the establishment of a commodity exchange

*[Handwritten signature]*

Clerk to the Legislative Council.

**HONG KONG**

No. 59 OF 1976



I assent.

*[Handwritten signature of the Governor]*

Governor.

5th August, 1976.

An Ordinance to provide for the establishment of a commodity exchange, to control the trading in commodity futures contracts and to provide for matters connected therewith and incidental thereto.

[ ]

**PART I  
PRELIMINARY**

1. This Ordinance may be cited as the Commodities Trading Ordinance 1976 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*, and notices under this section may appoint different dates for different provisions of this Ordinance. Short title and commencement.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.  
"auditor" means a professional accountant registered and holding a practising certificate under the Professional Accountants Ordinance; (Cap. 50.)

"Clearing House" means the Clearing House established by the Exchange Company for the registration and settlement of futures contracts and the day-to-day adjustment of the financial position of such contracts;

"Commission" means the Commodities Trading Commission established under section 3(1);

"Commissioner" means the Commissioner for Commodities Trading appointed under section 3(2);

"commodity" means any commodity, including a specified commodity;

"Commodity Exchange" means the commodity exchange established and operated by the Exchange Company under Part III;

"commodity market" means a place provided and maintained by the Exchange Company for the trading in commodities generally or in particular commodities, whether under futures contracts or otherwise;

"commodity trading adviser" means a person who acts as a commodity trading adviser within the meaning of section 27 and who is registered as such under this Ordinance;

"commodity trading adviser's representative" means a person who acts as a commodity trading adviser's representative within the meaning of section 29 and who is registered as such under this Ordinance;

"compensation fund" means the compensation fund established under Part VIII;

"constitution", in relation to a company, means the memorandum and articles of association of the company or other instrument providing the constitution of the company;

"corporation" means any company or other body corporate formed or incorporated either in Hong Kong or elsewhere; but does not include—

- (a) any body corporate that is incorporated in Hong Kong and is a public authority or an organ or agency of the Crown;
- (b) any corporation sole;
- (c) any credit union registered under the Credit Unions Ordinance; or
- (d) any corporation registered under the Multi-storey Buildings (Owners Incorporation) Ordinance;

(Cap. 119.)

(Cap. 344.)

"dealer" means a person who acts as a dealer within the meaning of section 26 and who is registered as such under this Ordinance;

"dealer's representative" means a person who acts as a dealer's representative within the meaning of section 28 and who is registered as such under this Ordinance;

"defalcation" means a misappropriation of money, commodities or other property;

"default", in relation to the failure of a dealer or shareholder to perform a legal obligation, means a default arising from—

- (a) the bankruptcy or winding up, as the case may be, of the dealer or shareholder;
- (b) any breach of trust, defalcation, fraud or misfeasance committed by the dealer or shareholder or by any director, partner or employee, as the case may be, of the dealer or shareholder in respect of any money, futures contract or other property of a person who is a client of the dealer or shareholder;

"director" includes any person occupying the position of director by whatever name called;

"Disciplinary Committee" means a Disciplinary Committee of the Commission appointed under section 66, and "the Disciplinary Committee" means the Disciplinary Committee concerned with the matter or thing in question;

"Exchange Company" means the company licensed under section 13(1) to establish and operate the Commodity Exchange;

"financial year", in relation to any person, fund or account, means a period not longer than 12 consecutive months which is adopted by or in respect of that person, fund or account as the financial year for accounting purposes;

"firm" means an unincorporate body of 2 or more persons—

- (a) who have entered into partnership with one another within the meaning of section 2 of the Partnership Ordinance; or (Cap. 38.)
  - (b) who have formed a limited partnership under the Limited Partnerships Ordinance and registered it as such under that Ordinance, (Cap. 37.)
- and a reference to a partnership shall be construed as a reference to such a partnership or limited partnership;

"futures contract" means—

- (a) a contract executed on any commodity exchange to buy or sell a commodity for future delivery; or
- (b) an option on a futures contract;

"Guarantee Corporation" means the corporation established by the Exchange Company pursuant to section 13 to provide guarantee of fulfilment of all futures contracts registered by the Clearing House on the commodity exchange;

"legal obligation" includes an obligation arising under a contract, quasi-contract or trust (including a constructive trust);

"licensed bank" means a bank licensed under the Banking Ordinance to carry on banking business in Hong Kong; (Cap. 155.)

"management committee" means the management committee of the Exchange Company referred to in section 15;

"market committee", in relation to a commodity market, means the body of persons authorized by the Exchange Company to operate that commodity market;

"registered person" means a person who is registered under this Ordinance as a dealer, dealer's representative, commodity trading adviser or commodity trading adviser's representative, as the case may be;

"representative" means a dealer's representative or commodity trading adviser's representative, as the case may be;

"rules of the commodity market" means the rules governing the conduct of the commodity market concerned or persons who trade in commodity futures contracts in the commodity or commodities concerned, by whatever name such rules may be called and wherever contained;

"rules of the Exchange Company" means the rules governing the conduct of the Exchange Company or its shareholders, by whatever name such rules may be called and wherever contained;

"segregated account" means a segregated account kept under section 46;

"shareholder" means any person (whether an individual, corporation or firm) who holds a share of the Exchange Company and is a dealer;

"specified commodity" means any goods specified in the First Schedule; (First Schedule.)

"trading in commodity futures contracts", in relation to any person (whether acting as principal or agent), means making or offering to make an agreement with any other person in Hong Kong, or inducing or attempting to induce any other person in Hong Kong to enter into or offer to enter into any agreement for the purchase or sale of a commodity under a futures contract.

(2) For the purposes of this Ordinance, a director or employee of a corporation, or a partner or employee of a firm, shall be deemed to be accredited to the corporation or firm, as the case may be, if he is, in his capacity as such director, partner or employee, duly authorized by the corporation or firm to act for or on behalf of that corporation or firm for the purpose of trading in commodity futures contracts, or as a dealer or commodity trading adviser, as the case may be.

## PART II

## COMMODITIES TRADING COMMISSION

Establishment of the Commission and appointment of Commissioner. (Cap. 333.)

3. (1) There is hereby established a Commodities Trading Commission, which shall be a body corporate with perpetual succession and a common seal and in that name may sue and be sued.

(2) The Commissioner for Securities appointed under section 6 of the Securities Ordinance shall also be the Commissioner for Commodities Trading.

Membership of the Commission. (Cap. 333.)

4. The persons who are the members of the Securities Commission under section 10 of the Securities Ordinance shall also be the members of the Commodities Trading Commission.

Chairman and deputy chairman of the Commission. (Cap. 333.)

5. (1) The member of the Securities Commission who is appointed to be the chairman of the Securities Commission under section 11 of the Securities Ordinance shall also be the chairman of the Commodities Trading Commission.

(2) If the office of chairman is vacant, or the chairman is absent from any meeting of the Commission or is incapacitated by illness or other cause from performing the duties of his office, the remaining members of the Commission may elect one of their number to act as chairman during the vacancy, absence or incapacity, as the case may be.

(3) A member of the Commission elected under subsection (2) shall, for the period that he acts as chairman, have and may exercise all the powers and functions of the chairman.

Meetings of the Commission.

6. (1) Meetings of the Commission shall be held at such times and places as the Commission or its chairman may appoint.

(2) At all meetings of the Commission 4 members shall form a quorum.

(3) At any meeting of the Commission, the chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(4) All questions before any meeting of the Commission shall be decided by a majority of the valid votes recorded thereon. A question shall in the first instance be decided by a show of hands, but any member of the Commission may require a ballot to be held to determine the question.

(5) Subject to subsections (1) to (4), the procedure at meetings of the Commission shall be determined by the Commission, and for that purpose the Commission may make standing orders.

Functions of the Commission.

7. The Commission shall have the following functions—

- (a) to advise the Financial Secretary on all matters relating to trading in commodity futures contracts;
- (b) to advise the Financial Secretary on all matters relating to the purchase or sale of commodities for spot delivery or for deferred shipment or delivery;
- (c) without prejudice to any duties imposed or powers conferred on any other person in regard to the enforcement of the law relating to trading in commodity futures contracts, to be responsible for enforcing the provisions of this Ordinance;
- (d) to be responsible for supervising the activities of the Exchange Company;

(e) to take all reasonable steps to safeguard the interests of persons who trade in commodity futures contracts;

(f) to promote and encourage proper conduct amongst shareholders;

(g) to suppress illegal and improper practices in relation to trading in commodity futures contracts and price manipulations in a commodity market;

(h) to promote and maintain the integrity of dealers, dealers' representatives, commodity trading advisers and commodity trading advisers' representatives, and encourage the promulgation by dealers and commodity trading advisers of balanced and informed advice to their clients;

(i) to consider and suggest reforms of the law relating to trading in commodity futures contracts.

8. The Commission shall have all such powers as may be necessary to enable it to carry out its functions, and in particular may refer any complaint relating to the activities of the Exchange Company to the Disciplinary Committee and, if it considers necessary, hold preliminary investigations into any such complaint.

Powers of the Commission regarding complaints.

9. (1) The Commission may establish standing or special committees and may refer to any such committee any matters for consideration or inquiry.

Commission may establish committees.

(2) The Commission may delegate any of its powers, functions and duties to any committee established under subsection (1).

(3) The Commission may appoint as a member of any committee established under subsection (1) any person, whether such person is a member of the Commission or not.

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

Power of Governor to give directions.

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

(3) The Commission shall, when required by the Financial Secretary, furnish to him reports with respect to the policy that it is pursuing or proposes to pursue in the exercise or performance of any of its powers, duties and functions under this Ordinance.

11. (1) Except as may be necessary for the exercise or performance of any duty or function under this Ordinance or for carrying into effect the provisions of this Ordinance, every person who has been appointed under or who is or has been employed in carrying out or in assisting any person to carry out the provisions of this Ordinance—

Official secrecy.

- (a) shall preserve and aid in preserving secrecy with regard to all matters coming to his knowledge in the exercise or performance of any duty or function under this Ordinance;
- (b) shall not communicate any such matter to any person; 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.

(2) Subsection (1) does not apply—

- (a) to the disclosure of any information authorized to be disclosed or furnished by the Commissioner; or
  - (b) to the disclosure of information for the purpose of any legal proceedings brought under this Ordinance, or for the purpose of any report of any such proceedings.
- (3) Any person who—
- (a) contravenes subsection (1); or
  - (b) aids, abets, counsels or procures any person to contravene subsection (1),

shall be guilty of an offence and shall be liable on conviction upon indictment to a fine of \$10,000 and to imprisonment for 6 months.

12. (1) No person who has been appointed under or who is employed in carrying out or in assisting any person to carry out the provisions of this Ordinance shall directly or indirectly—

- (a) effect or cause to be effected on his own account or for the benefit of any other person any trading in commodity futures contracts; or
- (b) participate in any operation or transaction relating to trading in commodity futures contracts.

(2) Any person who—

- (a) contravenes subsection (1); or
- (b) aids, abets, counsels or procures any person to contravene subsection (1),

shall be guilty of an offence and shall be liable on conviction upon indictment to a fine of \$10,000 and to imprisonment for 6 months.

### PART III

#### COMMODITY EXCHANGE

13. (1) The Governor in Council may, on application made to him in writing by the Exchange Company, issue a licence to establish and operate the Commodity Exchange if he is satisfied that the Company complies with the requirements specified in subsection (3).

(2) An application under subsection (1) shall be accompanied by—

- (a) a copy of the constitution of the Company; and
- (b) such other documents and information as may be required by the Governor in Council for the purposes of issuing a licence under subsection (1).

(3) The requirements referred to in subsection (1) are—

- (a) that the objects contained in the constitution of the Company include a provision for the establishment and operation of a commodity exchange;
- (b) that the Company will—
  - (i) maintain to the satisfaction of the Commission an adequate and properly equipped place of business;

(ii) establish and operate commodity markets only at places approved by the Commission;

(iii) establish a clearing house for the registration and settlement of futures contracts and the day-to-day adjustment of the financial position of such contracts; and

(iv) establish a guarantee corporation to guarantee that futures contracts will be fulfilled in the event of default by either of the 2 parties to such contracts;

- (c) that the authorized share capital of the Company is not less than \$25,000,000 divided into shares of equal value and the issued capital of the Company is not less than \$3,000,000;
- (d) that the constitution of the Company provides for the exclusion from membership of the Company of any person who would be disqualified under section 17 from becoming a shareholder;
- (e) that at least 20 shareholders of the Company will carry on the business of trading in commodity futures contracts independently and in competition with one another in any commodity market;
- (f) that the constitution of the Company provides for the making of rules applicable to the Company in its capacity of Exchange Company and of rules of commodity markets;
- (g) that the constitution of the Company provides that no rules of the Exchange Company, and amendments thereto, will be effective unless approved in writing by the Commission;
- (h) that the constitution of the Company provides that no amendment of the constitution of the Company will be effective unless approved in writing by the Commission;
- (i) that the Company will make the deposits required to be made to the compensation fund established under Part VIII.

14. (1) No—

- (a) amendment of the constitution of the Exchange Company;
  - (b) constitution of the Clearing House or any amendment thereto;
  - (c) constitution of the Guarantee Corporation or any amendment thereto;
  - (d) rules of the Exchange Company or any amendment thereto;
  - (e) rules of the Clearing House or any amendment thereto; or
  - (f) rules of the Guarantee Corporation or any amendment thereto,
- shall have effect unless approved in writing by the Commission.

(2) The Exchange Company shall submit or cause to be submitted to the Commission for its approval—

- (a) every amendment of the constitution of the Exchange Company;
- (b) the constitution of the Clearing House and every amendment thereto;
- (c) the constitution of the Guarantee Corporation and every amendment thereto;

Approval of amendments to the constitution, rules of the Exchange Company, etc.

Prohibited acts by employees, etc.

Licensing of the Commodity Exchange.

- (d) the rules of the Exchange Company and every amendment thereto;
- (e) the rules of the Clearing House and every amendment thereto; and
- (f) the rules of the Guarantee Corporation and every amendment thereto.

(3) The Commission shall, within 14 days after the receipt of any submission under subsection (2), give notice in writing to the Exchange Company of—

- (a) its approval of; or
- (b) its refusal to approve,

the constitution or amendment of the constitution, rules or amendment of the rules, as the case may be, or any part thereof.

15. (1) The management of the Exchange Company shall be vested in a committee to be called "the management committee".

(2) The management committee shall consist of 15 members of whom—

- (a) 3 members shall be nominated by the board of the Exchange Company; and
- (b) 12 members shall be persons elected by the Exchange Company from amongst its shareholders.

(3) Members of the management committee shall hold office for such period as the board of the Exchange Company may decide.

16. Unless otherwise authorized in writing by the Commission, the trading in commodity futures contracts in a commodity market shall be in respect of specified commodities only.

17. (1) An individual shall not be entitled to become a shareholder if he is—

- (a) a director or employee of a licensed bank;
- (b) a director or employee of a deposit-taking company registered under the Deposit-taking Companies Ordinance 1976; or
- (c) a solicitor or professional accountant (within the meaning of the Professional Accountants Ordinance) holding a current practising certificate.

(2) A corporation shall not be entitled to become a shareholder if any director or employee accredited to the corporation would not be entitled to become a shareholder as an individual under subsection (1).

(3) A firm shall not be entitled to become a shareholder—

- (a) if any partner or employee accredited to the firm would not be entitled to become a shareholder as an individual under subsection (1); or

Management committee to manage the Exchange Company.

Restriction on business in a commodity market.

Disqualifications from becoming shareholders.

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- (b) if any partner of the firm is a corporation and such corporation would not be entitled to become a shareholder under subsection (2).

18. (1) Subject to subsection (2), the Commission may revoke the licence issued under section 13 if the Exchange Company—

- (a) ceases to comply with any requirement specified in subsection (3) of that section;
- (b) ceases to operate the Commodity Exchange; or
- (c) is being wound up.

(2) The Commission shall give to the Exchange Company not less than 14 days' notice in writing of its intention to revoke the licence under subsection (1) and the notice shall specify the grounds for revocation.

19. (1) Where the Exchange Company ceases to comply with any requirement specified in section 13(3), the Commission may, instead of revoking the licence under section 18 direct the Exchange Company that the Commodity Exchange be closed forthwith for the transaction of any trading in commodity futures contracts specified in the direction until such time as the Exchange Company has, to the satisfaction of the Commission, complied with such requirement.

(2) The Commission shall give to the Exchange Company not less than 14 days' notice in writing of its intention to direct the closure of the Commodity Exchange under subsection (1) and the notice shall specify the grounds for closure.

20. (1) Where the Disciplinary Committee reports to the Commission under section 67 that the Exchange Company, management committee or a member thereof, or Clearing House has committed misconduct, the Commission may, after considering any recommendation made by the Disciplinary Committee—

- (a) revoke the licence issued under section 13; or
- (b) direct the Exchange Company that the Commodity Exchange be closed forthwith for the transaction of any trading in commodity futures contracts specified in the direction until the Commission revokes the direction.

(2) The Commission shall give to the Exchange Company not less than 14 days' notice in writing of its intention to revoke the licence or to direct the closure of the Commodity Exchange under subsection (1) and the notice shall specify the misconduct committed by the Exchange Company, management committee or a member thereof, or Clearing House.

21. (1) The Governor may direct the Exchange Company that the Commodity Exchange be closed for a period not exceeding 5 bank working days for the transaction of any trading in commodity futures contracts specified in the direction if the Governor is of the opinion that the orderly transaction of such trading is being or is likely to be prevented because—

- (a) an emergency or natural disaster has occurred in Hong Kong; or
- (b) there exists an economic or financial crisis or any other circumstance, whether in Hong Kong or elsewhere.

Revocation of licence issued under section 13.

Closure of the Commodity Exchange for non-compliance with section 13(3).

Closure of the Commodity Exchange for misconduct.

Closure of the Commodity Exchange in an emergency.

(2) The Governor may extend the closure of the Commodity Exchange under subsection (1) for further periods not exceeding 5 bank working days.

(3) The Governor shall specify the grounds for closure in the direction given under subsection (1) and the grounds for any extension of the closure under subsection (2).

Publication of notice of revocation or closure.

**22. Where—**

- (a) a licence is revoked under section 18 or 20; or
- (b) the Exchange Company is directed to close the Commodity Exchange under section 19, 20 or 21,

the Commissioner shall publish in the English and Chinese languages in such manner as he thinks fit a notice of such revocation of the licence or the particulars of the direction for the closure of the Commodity Exchange, as the case may be.

Dealings in commodities prohibited during closure of Commodity Exchange.

**23. (1)** Notwithstanding any other provision of this Ordinance, no person shall in any manner transact any trading in commodity futures contracts of the type specified in a direction under section 19, 20 or 21 during the period of the closure of the Commodity Exchange.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$50,000.

Prevention of entry into Commodity Exchange.

**24. (1)** Where the Commodity Exchange is closed under section 19, 20 or 21 for the transaction of any trading in commodity futures contracts, the Commissioner or any police officer not below the rank of superintendent may, during the period the closure is effective, take such steps as may be necessary to ensure that the premises of the Commodity Exchange provided for the transaction of such trading are locked and secured.

(2) Any person who, without the authority of the Commissioner or a police officer not below the rank of superintendent, enters any premises which are locked and secured under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$50,000.

Appeals.

**25. (1) Where—**

- (a) a licence is revoked under section 18 or 20; or
- (b) the Exchange Company is directed to close the Commodity Exchange under section 19 or 20,

the Exchange Company may appeal to the High Court against the decision of the Commission, and the High Court may confirm, vary or reverse the decision and give such other directions as it thinks just and equitable.

(2) The decision of the High Court on an appeal under subsection (1) shall be final.

**PART IV**

**REGISTRATION OF DEALERS, COMMODITY TRADING ADVISERS AND REPRESENTATIVES**

Dealers to be registered.

**26. (1)** Subject to subsections (2), (3) and (4), no person, whether as principal or agent, shall—

- (a) carry on a business of trading in commodity futures contracts; or

(b) hold himself out as carrying on such a business, unless such person is registered as a dealer under this Ordinance.

(2) No corporation that is a dealer shall carry on business as a dealer unless every director or employee who is accredited to the corporation is registered as a dealer under this Ordinance.

(3) No firm that is a dealer shall carry on business as a dealer unless every partner or employee who is accredited to the firm is registered as a dealer under this Ordinance.

(4) Subsection (1) shall not apply to—

(a) a person who trades in commodity futures contracts only through a dealer registered under this Ordinance;

(b) to any trading in commodity futures contracts on a commodity exchange referred to in section 3(a), (b), (c) or (d) of the Commodity Exchanges (Prohibition) Ordinance. (Cap. 82.)

(5) Any person who knowingly contravenes this section shall be guilty of an offence and shall be liable on conviction upon indictment to a fine of \$50,000 and, in the case of a continuing offence, to a further fine of \$500 for each day during which the offence continues.

(6) Any futures contract made by any person, whether as principal or agent, who is required to be registered under subsection (1) and who is not registered as so required, may be rescinded by any other party to the contract who, upon so doing, shall be entitled to recovery of any money or other thing he may have paid or delivered under the contract.

**27. (1)** Subject to subsections (2) and (3), no person shall—

(a) for direct remuneration carry on a business of advising any other person concerning the purchase or sale of futures contracts;

(b) for direct remuneration as part of a regular business issue or circulate analyses or reports concerning the purchase or sale of futures contracts;

(c) for direct remuneration pursuant to a contract or arrangement with a client, undertake on behalf of the client the management of a portfolio of commodities, including the arranging of purchase, sale, exchange or storage of commodities; or

(d) hold himself out as carrying on the business referred to in paragraph (a),

Commodity trading advisers to be registered.

unless such person is registered as a commodity trading adviser under this Ordinance.

(2) Subsection (1)(a) shall not apply to the giving of advice concerning the purchase or sale of futures contracts by a dealer to his client, if such activity is incidental to his carrying on business as a dealer.

(3) Subsection (1)(a) and (b) shall not apply to the proprietor or publisher of, or contributor to, a publication that is generally available to the public otherwise than on subscription who only in that publication advises other persons concerning the purchase or sale of futures contracts, or issues or circulates analyses or reports concerning the purchase and sale of futures contracts, not being a proprietor or publisher of, or contributor to, a publication whose principal or only object is to advise others

concerning the purchase or sale of futures contracts, or to issue or circulate analyses or reports concerning the purchase and sale of futures contracts. In this subsection "publication" means a *bona fide* newspaper, magazine, journal or other periodical publication.

(4) Any person who knowingly contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and, in the case of a continuing offence, to a further fine of \$200 for each day during which the offence continues.

Dealer's  
representatives  
to be  
registered.

28. (1) No person shall perform for a dealer any of the functions of a dealer within the meaning of section 26 (other than work ordinarily performed by an accountant, clerk or cashier) for remuneration by way of salary, commission or otherwise—

- (a) in the case of a person (not being a dealer) who is an employee of, or acts for or by arrangement with, a dealer who is an individual;
- (b) in the case of a person (not being a dealer) who is an employee of a corporation that is a dealer; or
- (c) in the case of a person (not being a dealer) who is an employee of a firm that is a dealer,

unless such person is registered as a dealer's representative under this Ordinance.

(2) Any person who knowingly contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 and, in the case of a continuing offence, to a further fine of \$100 for each day during which the offence continues.

Commodity  
trading  
adviser's  
representatives  
to be  
registered.

29. (1) No person shall perform for a commodity trading adviser any of the functions of a commodity trading adviser within the meaning of section 27 (other than work ordinarily performed by an accountant, clerk or cashier) for remuneration by way of salary, commission or otherwise—

- (a) in the case of a person (not being a commodity trading adviser) who is an employee of, or acts for or by arrangement with, a commodity trading adviser who is an individual;
- (b) in the case of a person (not being a commodity trading adviser) who is a director or employee of a corporation that is a commodity trading adviser; or
- (c) in the case of a person (not being a commodity trading adviser) who is a partner or employee of a firm that is a commodity trading adviser,

unless such person is registered as a commodity trading adviser's representative under this Ordinance.

(2) Any person who knowingly contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 and, in the case of a continuing offence, to a further fine of \$100 for each day during which the offence continues.

Registration  
of persons  
under this  
Part.

30. (1) Subject to sections 31 and 32, the Commissioner shall, on application made to him by any person in the prescribed manner and on payment of the prescribed fee, register that person as—

- (a) a dealer;
- (b) a commodity trading adviser;

- (c) a dealer's representative; or
- (d) a commodity trading adviser's representative,

as the case may be.

(2) The Commissioner shall issue to a person registered under subsection (1) an appropriate certificate of registration which shall—

- (a) be valid for a period of 12 months beginning with the day on which it is issued; and
- (b) be subject to such conditions as the Commissioner thinks fit.

(3) A certificate of registration issued to a dealer or commodity trading adviser shall specify the name of the person thereby authorized to carry on a business as a dealer or commodity trading adviser, as the case may be.

(4) The issue of a certificate of registration to a person shall not authorize such person to carry on that business under any name other than that specified in the certificate.

(5) Notwithstanding subsection (4), if the Commissioner thinks fit, a certificate of registration to which that subsection relates may, at the request of the applicant for registration, authorize the applicant to carry on business as a dealer or commodity trading adviser, either alone or jointly with any other person who is a registered dealer or registered commodity trading adviser, as the case may be, under such name or style as the applicant may specify.

31. (1) Subject to subsection (2), the Commissioner shall refuse to register an applicant as a dealer under section 30, unless—

Deposits  
to be paid  
by dealers.

- (a) in the case of an applicant (not being an applicant specified in paragraph (b)) who is an individual—

- (i) he is a shareholder of the Exchange Company or member of any exchange specified in the Second Schedule; and
- (ii) he has paid to the Commissioner a deposit of \$100,000 in cash;

Second  
Schedule.

- (b) in the case of an applicant who is a director or employee of a corporation, or a partner or a employee of a firm, and who is accredited to the corporation or firm, as the case may be, as a dealer—

- (i) the corporation or firm is a shareholder of the Exchange Company or member of any exchange specified in the Second Schedule, or the corporation is wholly owned by such a member; and

- (ii) the corporation or firm has paid to the Commissioner a deposit of \$100,000 in cash on the registration of the corporation or firm as a dealer;

- (c) in the case of an applicant that is a corporation or firm—

- (i) the corporation or firm is a shareholder of the Exchange Company or member of any exchange specified in the Second Schedule, or the corporation is wholly owned by such a member; and

- (ii) the corporation or firm has paid to the Commissioner a deposit of \$100,000 in cash.

(2) The following applicants shall not be required to pay the deposit under subsection (1)—

- (a) an applicant that is a corporation, if any director or employee accredited to the corporation as a dealer has paid such deposit;
- (b) an applicant that is a firm, if any partner or employee accredited to the firm as a dealer has paid such deposit;
- (c) an applicant who is a shareholder, if the Exchange Company has made in respect of the shareholder a deposit to the compensation fund under Part VIII;
- (d) an applicant who is accredited to a shareholder as a dealer, if the Exchange Company has made in respect of the shareholder a deposit to the compensation fund under Part VIII.

Refusal of registration.

32. (1) The Commissioner may refuse to register an applicant under section 30—

- (a) in the case of an applicant who is an individual, on the grounds that—
  - (i) the applicant has not provided the Commissioner with such information relating to him or any person employed by or associated with him for the purposes of his business, and to any circumstances likely to affect his method of conducting business, as may be prescribed by or under this Ordinance;

(ii) the applicant is an undischarged bankrupt or has committed an act of bankruptcy within the meaning of section 3 of the Bankruptcy Ordinance or has made a composition or arrangement with his creditors;

(iii) it appears to the Commissioner that, by reason of the applicant, or any person employed by or associated with him for the purposes of his business, having been convicted, whether in Hong Kong or elsewhere, of an offence his conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or having been convicted of an offence against this Ordinance, or having committed a breach of any regulations made under this Ordinance relating to dealers, commodity trading advisers, or their representatives, the applicant is not a fit and proper person to be registered; or

(iv) it appears to the Commissioner that, by reason of any other circumstances whatsoever which either are likely to lead to the improper conduct of business by, or reflect discredit on the method of conducting business of, the applicant or any person employed by or associated with him for the purposes of his business, the applicant is not a fit and proper person to be registered; or

- (b) in the case of an applicant that is a corporation, on the grounds that—

(i) the applicant has not provided the Commissioner with such information relating to it or any person employed by or associated with it for the purposes of its business, and to any circumstances likely to affect its method of conducting business, as may be prescribed by or under this Ordinance;

(ii) any director or employee of the applicant who applies to be registered as a dealer in his capacity as such director or employee, as the case may be, would be refused registration under paragraph (a)(ii);

(Cap. 6.)

(iii) the applicant has at any time prior to the application entered into any composition or scheme of arrangement with its creditors;

(iv) it appears to the Commissioner that, by reason of the applicant, or any director or employee of the applicant, having been convicted, whether in Hong Kong or elsewhere, of an offence its or his conviction for which necessarily involved a finding that it or he acted fraudulently or dishonestly, or having been convicted of an offence against this Ordinance, or having committed a breach of any regulations made under this Ordinance relating to dealers, commodity trading advisers, or their representatives, the applicant is not a fit and proper person to be registered; or

(v) it appears to the Commissioner that, by reason of any other circumstances whatsoever which either are likely to lead to the improper conduct of business by, or reflect discredit on the method of conducting business of, the applicant or any director or employee of the applicant, the applicant is not a fit and proper person to be registered; or

- (c) in the case of an applicant that is a firm, on the grounds that—

(i) the applicant has not provided the Commissioner with such information relating to it or any person employed by or associated with it for the purposes of its business, and to any circumstances likely to affect its methods of conducting business, as may be prescribed by or under this Ordinance;

(ii) any partner or employee of the applicant who applies to be registered as a dealer in his capacity as such partner or employee, as the case may be, would be refused registration under paragraph (a)(ii);

(iii) the applicant has at any time prior to the application entered into any composition or scheme of arrangement with its creditors;

(iv) it appears to the Commissioner that, by reason of the applicant, or any partner or employee of the applicant, having been convicted, whether in Hong Kong or elsewhere, of an offence its or his conviction for which necessarily involved a finding that it or he acted fraudulently or dishonestly, or having been convicted of an offence against this Ordinance, or having committed a breach of any regulations made under this Ordinance relating to dealers, commodity trading advisers, or their representatives, the applicant is not a fit and proper person to be registered; or

(v) it appears to the Commissioner that, by reason of any other circumstances whatsoever which either are likely to lead to the improper conduct of business by, or reflect discredit on the method of conducting business of, the applicant or any partner or employee of the applicant, the applicant is not a fit and proper person to be registered.

(2) The Commissioner shall not refuse to register an applicant under subsection (1) without first giving the applicant an opportunity of being heard.

(3) Where the Commissioner refuses to register an applicant under subsection (1), he shall notify the applicant in writing to that effect stating the reasons for the refusal.

33. (1) Subject to subsection (14), if—

- (a) an individual who is a dealer becomes bankrupt, the Commissioner shall transfer the deposit paid by or in respect of such individual under section 31 to his trustee in bankruptcy;

Disposal and accounts of deposits paid under section 31.