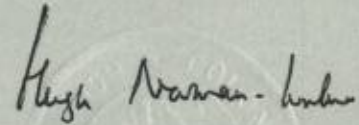


ROAD TRAFFIC (AMENDMENT) ORDINANCE 1969.  
(No. 32 of 1969).

**ROAD TRAFFIC (AMENDMENT) ORDINANCE 1969  
(COMMENCEMENT) NOTICE 1969.**

In exercise of the powers conferred by section 1 of the Road Traffic (Amendment) Ordinance 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said Ordinance shall come into operation.

By Command,



*Hugh Norman-Lindner*

*Colonial Secretary.*

*14th August 1969.*

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PUBLIC TRANSPORT SERVICES (HONG KONG ISLAND)  
(AMENDMENT) ORDINANCE 1969.

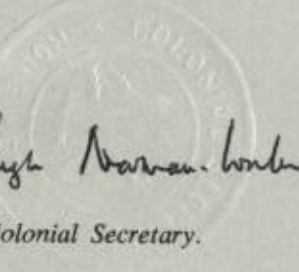

(No. 33 of 1969).

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**PUBLIC TRANSPORT SERVICES (HONG KONG ISLAND)  
(AMENDMENT) ORDINANCE 1969 (COMMENCEMENT)  
NOTICE 1969.**

In exercise of the powers conferred by section 1 of the Public Transport Services (Hong Kong Island) (Amendment) Ordinance 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said Ordinance shall come into operation.

By Command,



*Hugh Norman Gordon*

*Colonial Secretary.*

*14th August 1969.*



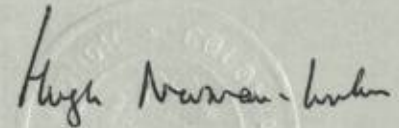
**PUBLIC TRANSPORT SERVICES (KOWLOON AND NEW TERRITORIES) (AMENDMENT) ORDINANCE 1969.**

(No. 34 of 1969).

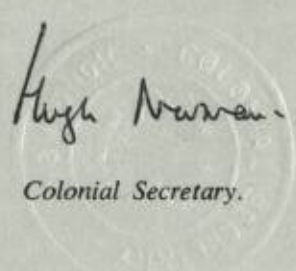
**PUBLIC TRANSPORT SERVICES (KOWLOON AND NEW TERRITORIES) (AMENDMENT) ORDINANCE 1969  
(COMMENCEMENT) NOTICE 1969.**

In exercise of the powers conferred by section 1 of the Public Transport Services (Kowloon and New Territories) (Amendment) Ordinance 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said Ordinance shall come into operation.

By Command,



*Colonial Secretary.*



*14th August 1969.*

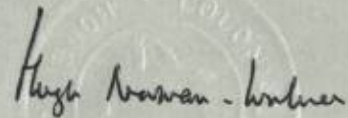


ROAD TRAFFIC (CONSTRUCTION AND USE)  
(AMENDMENT) REGULATIONS 1969.

ROAD TRAFFIC (CONSTRUCTION AND USE)  
(AMENDMENT) REGULATIONS 1969  
(COMMENCEMENT) NOTICE 1969.

In exercise of the powers conferred by regulation 1 of the Road Traffic (Construction and Use) (Amendment) Regulations 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said regulations shall come into operation.

By Command,

  
Colonial Secretary.

14th August 1969.

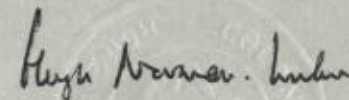

119

ROAD TRAFFIC (DRIVING LICENCES) (AMENDMENT)  
REGULATIONS 1969.

**ROAD TRAFFIC (DRIVING LICENCES) (AMENDMENT)  
REGULATIONS 1969 (COMMENCEMENT) NOTICE 1969.**

In exercise of the powers conferred by regulation 1 of the Road Traffic (Driving Licences) (Amendment) Regulations 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said regulations shall come into operation.

By Command,



Hugh Norman, Under Secretary

*Colonial Secretary.*

*14th August 1969.*

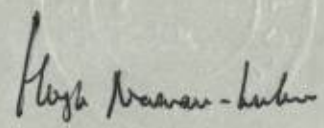


**ROAD TRAFFIC (PARKING AND WAITING)  
(AMENDMENT) REGULATIONS 1969.**

**ROAD TRAFFIC (PARKING AND WAITING)  
(AMENDMENT) REGULATIONS 1969  
(COMMENCEMENT) NOTICE 1969.**

In exercise of the powers conferred by regulation 1 of the Road Traffic (Parking and Waiting) (Amendment) Regulations 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said regulations shall come into operation.

By Command,

  
Floyd Narayan-Lubin

*Colonial Secretary.*

*14th August 1969.*

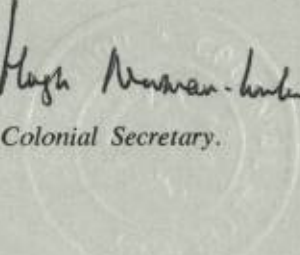
12

ROAD TRAFFIC (PUBLIC OMNIBUS AND PUBLIC CAR)  
(AMENDMENT) REGULATIONS 1969.

ROAD TRAFFIC (PUBLIC OMNIBUS AND PUBLIC CAR)  
(AMENDMENT) REGULATIONS 1969  
(COMMENCEMENT) NOTICE 1969.

In exercise of the powers conferred by regulation 1 of the Road Traffic (Public Omnibus and Public Car) (Amendment) Regulations 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said regulations shall come into operation.

By Command,

  
*Hugh Mansfield-Lambert*  
Colonial Secretary.

14th August 1969.

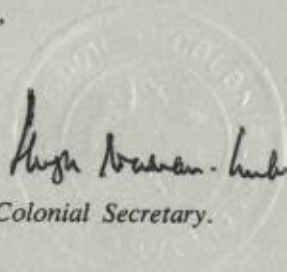
121

ROAD TRAFFIC (REGISTRATION AND LICENSING OF  
VEHICLES) (AMENDMENT) REGULATIONS 1969.

ROAD TRAFFIC (REGISTRATION AND LICENSING OF  
VEHICLES) (AMENDMENT) REGULATIONS 1969  
(COMMENCEMENT) NOTICE 1969.

In exercise of the powers conferred by regulation 1 of the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulations 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said regulations shall come into operation.

By Command,



*Hugh Woodson-Linden*  
Colonial Secretary.

14th August 1969.



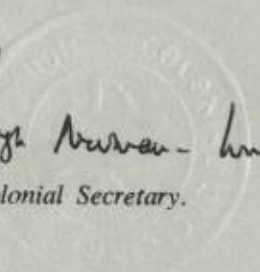
ROAD TRAFFIC (ROADS AND SIGNS) (AMENDMENT)  
REGULATIONS 1969.

ROAD TRAFFIC (ROADS AND SIGNS) (AMENDMENT)  
REGULATIONS 1969 (COMMENCEMENT) NOTICE 1969.

In exercise of the powers conferred by regulation 1 of the Road Traffic (Roads and Signs) (Amendment) Regulations 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said regulations shall come into operation.

By Command,

Colonial Secretary.



14th August 1969.


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ROAD TRAFFIC (TAXIS, PUBLIC OMNIBUSES AND  
PUBLIC CARS) (AMENDMENT) REGULATIONS 1969.

ROAD TRAFFIC (TAXIS, PUBLIC OMNIBUSES AND  
PUBLIC CARS) (AMENDMENT) REGULATIONS 1969  
(COMMENCEMENT) NOTICE 1969.

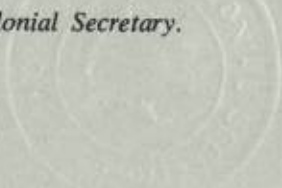
In exercise of the powers conferred by regulation 1 of the Road Traffic (Taxis, Public Omnibuses and Public Cars) (Amendment) Regulations 1969, the Governor hereby appoints the 1st day of September 1969 as the day on which the said regulations shall come into operation.

By Command,



*Hugh Norman-Linden*

Colonial Secretary.



14th August 1969.

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**AGRICULTURAL PRODUCTS (MARKETING)  
ORDINANCE.  
(Chapter 277).**

**AGRICULTURAL PRODUCTS (VEGETABLE)  
(MARKETING) (AMENDMENT) REGULATIONS 1969.**

In exercise of the powers conferred by section 10 of the Agricultural Products (Marketing) Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Agricultural Products (Vegetable) (Marketing) (Amendment) Regulations 1969.

Citation.

2. Regulation 1 of the principal regulations is amended by deleting "(Vegetable)".

Amendment of regulation 1.  
(Cap. 277, sub. leg.)

3. Regulation 10 of the principal regulations is revoked and replaced by the following—

Revocation and replacement of regulation 10.

"Sales at wholesale vegetable markets, etc.

10. (1) All sales at a wholesale vegetable market shall be made through the agency of a market salesman approved by the Director.

(2) The approval of the Director under paragraph (1) may be given subject to such terms and conditions as he thinks fit.

(3) The Director may at any time withdraw his approval under paragraph (1) in the event of a breach by the market salesman of any term or condition to which such approval was subject."

4. Regulation 11 of the principal regulations is amended—  
(a) in paragraph (1), by inserting the following after the word "cash"—

Amendment of regulation 11.

"to the market salesman or to any person authorized by the seller to receive the same"; and

(b) by inserting the following new paragraphs after paragraph (2)—

"(3) No seller shall be required to sell his vegetables on credit.

(4) Neither the Director nor the market manager nor the market salesman shall be liable for any loss sustained by a seller in consequence of the grant of credit facilities by the seller to a purchaser or his agent."

Revocation and replacement of regulation 12.

5. Regulation 12 of the principal regulations is revoked and replaced by the following—

"Commission payable to the Director.

12. (1) Any person who brings vegetables into a wholesale vegetable market shall pay commission to the Director.

(2) The commission payable under paragraph (1) shall be—

- (a) the prescribed percentage of the purchase price of the vegetables brought into the market; or
- (b) the prescribed fee charged on the weight of the vegetables brought into the market.

(3) The Director may, after consulting the Advisory Board, by notice posted in the market declare—

- (a) whether the commission payable under paragraph (1) shall be charged in accordance with sub-paragraph (a) or sub-paragraph (b) of paragraph (2); or
- (b) the cases in which such commission shall be charged in accordance with sub-paragraph (a) and the cases in which it shall be charged in accordance with sub-paragraph (b).

(4) The Director shall not change the method for the time being declared under paragraph (3) as the method for charging the commission payable under paragraph (1) unless he has given one month's notice of his intention to do so.

(5) The Director may, after consulting the Advisory Board, by notice in the *Gazette* prescribed—

- (a) the percentage to be paid where the commission payable under paragraph (1) is charged in accordance with sub-paragraph (a) of paragraph (2); and
- (b) the fee to be charged where the commission payable under paragraph (1) is charged in accordance with sub-paragraph (b) of paragraph (2).

(6) Where, in the case of any vegetables, the commission payable under paragraph (1) will be

charged in accordance with sub-paragraph (a) of paragraph (2), the Director may transport the vegetables without charge from a collecting centre to the wholesale vegetable market."

6. Regulation 13 of the principal regulations is revoked and replaced by the following—

"Bringing of vegetables into market.

13. No person shall bring vegetables into a wholesale vegetable market except at such gate as the market manager directs.

Powers of market manager.

13A. (1) Where he considers it expedient to do so in the interest of the efficient operation of a wholesale vegetable market, the market manager may direct that such vegetables as he may specify shall not be brought into the market until he is satisfied that they may be brought into the market without disturbing its efficient operation.

(2) (a) The market manager may require any person to remove, or cause to be removed, from the wholesale vegetable market, within such period as he may specify, any empty container which has been used for the storage of vegetables and is in the possession or under the control of that person.

(b) If a requirement under sub-paragraph (a) is not complied with, the market manager may dispose of the container in such manner as he thinks fit."

7. Regulation 14 of the principal regulations is amended by—

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

"(a) on such terms and conditions as he thinks fit—

(i) provide such services as he may consider necessary or desirable for the improvement of agriculture or of the marketing of agricultural products; and

(ii) engage in any activity which may improve or assist in the improvement of agriculture;"

(b) deleting "vegetable production" in paragraphs (b) and (c) and substituting the following in each case—

"agriculture".

Revocation and replacement of regulation 13.

Amendment of regulation 14.

Amendment of  
regulation 15.

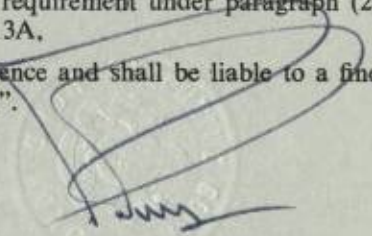
8. Regulation 15 of the principal regulations is amended by—

- (a) deleting "or 9" in paragraph (1) and substituting the following—  
"9 or 13"; and
- (b) inserting the following new paragraph after paragraph (1)—

"(1A) Any person who—

- (a) in contravention of a direction under paragraph (1) of regulation 13A brings any vegetables, or causes any vegetables to be brought, into a wholesale vegetable market; or
- (b) contravenes a requirement under paragraph (2) of regulation 13A,

shall be guilty of an offence and shall be liable to a fine of one thousand dollars."

  
Clerk of Councils.

COUNCIL CHAMBER,  
26th August 1969.

#### Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

The main change effected by these regulations is the introduction of provisions enabling the Director of Marketing to charge the commission payable in respect of vegetables brought into a wholesale vegetable market by reference to the weight of the vegetables as an alternative to charging it by reference to the purchase price of the vegetables. The commission will be a fee charged on the weight of vegetables or a percentage of the purchase price.

2. The regulations also empower the Director of Marketing, after consulting the Vegetable Marketing Advisory Board, to fix the fee to be charged on the weight of vegetables or the percentage of the purchase price. Hitherto, the maximum percentage of the purchase price (the percentage being the only basis for the charging of the commission) has been fixed by the Governor in Council by regulation.

3. The new regulation 13 introduced by regulation 6 of these regulations is consequential on the new method of charging commission and will enable a market manager to ensure that all vegetables are weighed when they are brought into a wholesale vegetable market.

4. The new regulation 13A affords a market manager new powers which he needs to ensure the efficient operation of a wholesale vegetable market. They enable him to control the entry of vegetables and permit him to require empty containers to be removed.

5. The amendment effected by regulation 7 extends the scope of the services which the Director of Marketing may provide so as to embrace the improvement of agriculture generally.

6. The revised regulation 10 introduced by regulation 3 of these regulations enables the Director of Marketing to approve a market salesman subject to conditions and to withdraw his approval on breach thereof. The detailed provisions as to the conduct of sales in wholesale markets, formerly in regulation 10, have been omitted.

7. Regulation 4 enables payment for vegetables sold in a wholesale market to be made directly to the producer and also introduces a provision prohibiting buyers from requiring sales to be on credit terms.

### 農產品(統營)條例(即香港法例第二七七章) 一九六九年農產品(蔬菜)(統營)(修訂)規例

#### 註釋

(本文並非該規例之任何部分,而祇係以簡述該規例之大意為目的。)

本規例所作之修改,主要在於增訂一項規定以便統營處處長,對於送入蔬菜批發市場之蔬菜,除根據原有辦法按照其買價徵收佣金外,得另用一種新辦法按照其重量徵收佣金。故嗣後佣金將為一項費用而按照蔬菜之重量計算或按照其買價徵收百份之若干。

二、本規例並授權統營處處長在與菜類統營顧問委員會磋商後對按照蔬菜重量所徵收或按照其買價之百份率所計算之費用加以訂定。查直至現時為止,該項按照買價徵收之最高百份率(按該百份率係現時徵收佣金之唯一根據)乃係由總督會同行政局制訂規例而加以訂定者。

三、本規例第六款所新訂之規例第十三款係由於徵收佣金新辦法之訂立而連帶引起者。該款之規定可使市場經理得以確保蔬菜送入蔬菜批發市場時均經衡量其重量。

四、新訂之規例第十三甲款賦給市場經理以所需之新權力,以確保蔬菜批發市場能獲得有效率之經營。根據該等權力,該經理得管制蔬菜之送入並得飭令有關人等將空置之盛載器移去。

五、本規例第七款所作之修訂係將統營處處長所提供之服務範圍擴大以便包括農業之一般改進事宜。

六、本規例第三款對原有規例第十款加以修訂,以便統營處處長得將蔬菜賣手予以核准,惟須遵守若干條件之限制,如該賣手有違反該等條件時,則處處長得將該項核准撤回。至於原有條例第十款所載關於在批發市場內進行銷售之詳細規定均經刪去。

七、本規例第四款之規定可使在批發市場內所售出蔬菜之貨款得以直接交付與生產者。本款並禁止投資人要求用賒賬方式購買貨品。

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ROAD TRAFFIC ORDINANCE.

(Chapter 220).

**ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES) (AMENDMENT) (NO. 2) REGULATIONS 1969.**

In exercise of the powers conferred by section 4 of the Road Traffic Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulations 1969 and shall come into operation immediately after the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulations 1969.

Citation and commencement.

(L.N. 99/69.)

2. Regulation 17 of the principal regulations is amended by inserting after paragraph (3) the following paragraphs—

Amendment of regulation 17.  
(Cap. 220, sub. leg.)

“(4) Without prejudice to paragraph (3) and to regulations 17B and 17D the Commissioner may cancel the registration of any motor vehicle which is registered as—

- (a) a public or private omnibus;
- (b) a private car;
- (c) a public car;
- (d) a taxi; or
- (e) a goods vehicle,

if the vehicle—

- (i) was so registered before the coming into operation of the Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulations 1969; and
- (ii) is a light bus.

(5) For the purposes of paragraph (4), the Commissioner, in determining whether a motor vehicle is a light bus shall have regard to the design, type, manufacture and model of the vehicle and to any approval given by him under paragraph (2) of regulation 138 of the Road Traffic (Construction and Use) Regulations in respect of any other motor vehicle of a similar design, type, manufacture or model.”

Amendment  
of Second  
Schedule.

3. The Second Schedule to the principal regulations is amended in paragraph 2, under the heading "PROVISIONS TO BE COMPLIED WITH."—

- (a) in sub-paragraph (1), by inserting after "omnibus," the following—  
"a private light bus,";
- (b) in sub-paragraph (2), by inserting after "omnibus", the following—  
", a public light bus"; and
- (c) in sub-paragraph (3), by deleting ", a taxi and a dual-purpose vehicle" and substituting the following—  
"and a taxi".

Amendment  
of Fifth  
Schedule.

4. The Fifth Schedule to the principal regulations is amended—

- (a) in item 1—  
(i) by deleting "subsection (2) of section 9" and substituting the following—  
"subsections (2) and (3) of section 9"; and  
(ii) by deleting "subsection (2) of section 29" and substituting the following—  
"section 29";
- (b) in item 2, by inserting after "Regulations" the following—  
", read with regulation 169 of those Regulations";
- (c) in item 3, by inserting after "Regulations" the following—  
", read with regulation 34 of those Regulations";
- (d) in item 5, by inserting after "Regulations" the following—  
", read with regulation 44 of those Regulations"; and
- (e) by deleting item 7 and substituting the following—  
"7. Regulation 34(1) of the Road Traffic (Taxis, Public Omnibuses, Public Light Buses and Public Cars) Regulations read with regulation 44(1) of those Regulations."

*Clerk of Councils.*

COUNCIL CHAMBER,  
26th August 1969.

### Explanatory Note.

(This Note is not part of the regulations, but is intended to indicate their general purport).

The main object of these regulations is to empower the Commissioner for Transport to cancel the registration of motor vehicles of the "mini-bus" type which are registered as omnibuses, private cars, public cars, taxis or goods vehicles. Regulation 2 of these regulations further amends regulation 17 of the principal regulations by inserting two new paragraphs giving the Commissioner for Transport this power. It is intended that all motor vehicles of the mini-bus type be registered only as public or private light buses.

By regulation 3, a reference in the Second Schedule to the principal regulations to "dual-purpose vehicles" (which will cease to exist as a class of motor vehicle when the Road Traffic (Amendment) Ordinance 1969 comes into operation) is deleted and references to private and public light buses are inserted where appropriate.

The Fifth Schedule to the principal regulations (which specifies the offences in respect of which the registration of public omnibuses, public light buses, public cars and taxis is liable to cancellation) is amended by regulation 4 so as to include complete references to the offences therein specified.

### 道路交通條例 (即香港法例第二二零章) 一九六九年道路交通(車輛登記及發牌)(修訂)(第二號)規例

#### 註釋

(本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。)

本規例之主要目的，在於授權交通處處長將原有登記為巴士，私人汽車，公共汽車，計程汽車或載貨車輛而屬於「小型巴士」類型之摩托車輛之登記予以取消。本規例第二款對原有規例第十七款再作修訂，該項修訂係將兩項新訂之規定加插在原有條款內，以便將上述權力賦給交通處處長。此舉之目的在於規定所有屬於「小型巴士」類型之摩托車輛祇可登記為公共或私人小型巴士。

本規例第三款將原有規例內第二附表所載「客貨兩用車」一詞刪去（該類車輛乃於一九六九年道路交通（修訂）條例實施時廢除），並將私人或公共小型巴士等詞加插在適當地方。

本規例第四款對原有規例內第五附表（該附表開列各項可使公共巴士，公共小型巴士，公共汽車及計程汽車被取消登記之違例事項）加以修訂，以便將該附表所列違例事項之各項有關規定完全包括在內。

ROAD TRAFFIC ORDINANCE.

(Chapter 220).

ROAD TRAFFIC (TAXIS, PUBLIC OMNIBUSES, PUBLIC LIGHT BUSES AND PUBLIC CARS) (AMENDMENT) (NO. 2) REGULATIONS 1969.

In exercise of the powers conferred by section 3 of the Road Traffic Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Road Traffic (Taxis, Public Omnibuses, Public Light Buses and Public Cars) (Amendment) (No. 2) Regulations 1969 and shall come into operation immediately after the Road Traffic (Taxis, Public Omnibuses and Public Cars) (Amendment) Regulations 1969.

Citation and commencement.

(L.N. 101/69.)

2. Regulation 41B of the principal regulations is amended in paragraph (1) by deleting "against any regulations".

Amendment of regulation 41B. (Cap. 220, sub. leg.)

3. The Fourth Schedule to the principal regulations is amended—

Amendment of Fourth Schedule.

(a) in item 2, by inserting after "Regulations" in the second place where it occurs the following—

" , read with regulation 169 of those Regulations";

(b) in item 3, by inserting after "Regulations" in the second place where it occurs the following—

" , read with regulation 34 of those Regulations";

(c) in item 4, by inserting after "Regulations" the following—

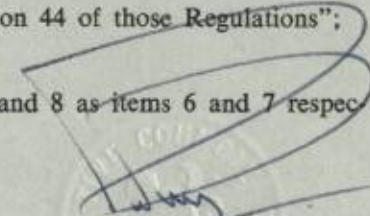
" , read with regulation 39 of those Regulations";

(d) in item 5, by inserting after "Regulations" the following—

" , read with regulation 44 of those Regulations";

(e) by deleting item 6; and

(f) by renumbering items 7 and 8 as items 6 and 7 respectively.

  
Clerk of Councils.

COUNCIL CHAMBER,  
26th August 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

Regulation 41B(1) of the principal regulations provides for the detention of public light buses where a person is found guilty of an offence "against any regulations" specified in the Fourth Schedule thereto. Public light buses cannot therefore be detained in respect of the offences specified in item 1 of the Fourth Schedule as these are offences under the Road Traffic Ordinance and not under any regulations. Regulation 2 of these regulations is designed to remedy this situation.

2. By regulation 3 item 6 of the Fourth Schedule to the principal regulations is deleted. The effect of this amendment will be that public light buses will not be capable of being detained in respect of the offences of stopping on a pedestrian crossing or stopping within 45 feet of an uncontrolled crossing in contravention of regulations 5 and 6 respectively of the Road Traffic (Road Crossing) Regulations. In the near future it is proposed to introduce "Fixed Penalty" legislation which will incorporate the offences specified in items 5 and 6 of the Fourth Schedule to the principal regulations.

3. Regulation 3 also amends items 2 to 5 inclusive of the Fourth Schedule so as to include complete references to the offences specified therein.

道路交通條例（即香港法例第二二零章）  
一九六九年道路交通（計程汽車，公共巴士，公共小型  
巴士及公共汽車）（修訂）（第二號）規例

註 釋

（本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。）

查原有規例第四十一乙款第（一）段規定，如有任何人被判違犯該規例第四附表內開之「任何規例」時，可將該輛有關之公共小型巴士予以扣押，惟第四附表第一項所開列之罪名係關乎觸犯道路交通條例而並非觸犯任何規例者，故不能將牽涉於該等罪名之公共小型巴士予以扣押。本規例第二款之目的乃係對此種情形加以補救。

二、本規例第三款將原有規例內開第四附表之第六項刪去。該項修訂旨在使該等違犯道路交通（橫過道路）規例第五及第六款之公共小型巴士不致被扣押。該等違例小型巴士即指在行人過路線上停車或在距離無警員或無交通燈號管理之行人過路線四十五呎以內地方停車者。在短期內，當局建議增訂法例對若干違例事項科以「一定數額之罰款」，並將原有規例第四附表第五及第六項內開各違例事項納入該增訂法例管制範圍之內。

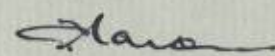
三、本規例第三款亦對第四附表第二至第五各項加以修訂，以便將各該項目所列違例事項之各項有關規定完全包括在內。

CRIMINAL PROCEDURE ORDINANCE.

(Chapter 221).

Resolution made and passed by the Legislative Council under section 9A of the Criminal Procedure Ordinance on the 27th day of August 1969.

Resolved, pursuant to section 9A of the Criminal Procedure Ordinance, that the Legal Aid in Criminal Cases Rules 1969, made by the Chief Justice on the 20th day of August 1969 under section 9A of that Ordinance, be approved.

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
27th August 1969.

LEGAL AID IN CRIMINAL CASES RULES 1969.

ARRANGEMENT OF RULES.

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## CRIMINAL PROCEDURE ORDINANCE.

(Chapter 221).

## LEGAL AID IN CRIMINAL CASES RULES 1969.

In exercise of the powers conferred by section 9A of the Criminal Procedure Ordinance, the Chief Justice has made the following rules—

## PART I.

## PRELIMINARY.

Citation and commencement.

1. These rules may be cited as the Legal Aid in Criminal Cases Rules 1969 and shall come into operation on a day to be appointed by the Chief Justice by notice in the *Gazette*.

Interpretation.

2. (1) In these rules, unless the context otherwise requires—

“aided person” means a person who has been granted a legal aid certificate or an appeal aid certificate;

“appeal aid certificate” means an appeal aid certificate granted under rule 10, 11, 12 or 13;

“appellant” means a person referred to in paragraph (b) or (c) of rule 4 who proposes to appeal to the Full Court or to the Supreme Court;

“counsel” means a person who is enrolled as a barrister on the roll of barristers maintained in accordance with the provisions of the Legal Practitioners Ordinance, and who, at the material time, is not suspended from practice;

(Cap. 159.)

“Director” means the Director of Legal Aid appointed under section 3 of the Legal Aid Ordinance and any Deputy Director and Assistant Director of Legal Aid so appointed;

(Cap. 91.)

“disposable capital”, in relation to an applicant for legal aid, means his capital as assessed under rule 15;

“disposable income”, in relation to an applicant for legal aid, means his income as assessed under rule 15;

“disposable resources”, in relation to an applicant for legal aid, means his disposable capital and his disposable income;

“legal aid” means representation, as provided by these rules, by counsel or solicitor or both;

“legal aid certificate” means a legal aid certificate granted under rule 6, 7, 8 or 13;

“solicitor” means a person enrolled on the roll of solicitors maintained in accordance with the provisions of the Legal Practitioners Ordinance, and who, at the material time, is not suspended from practice.

(Cap. 159.)

(2) In these rules—

(a) references to counsel or solicitor shall be read as including references to the Director if, under rule 14, he is representing an accused person or appellant; and

(b) a reference to a form by number shall be read as a reference to the form so numbered in the First Schedule.

First Schedule.

3. (1) The Director shall prepare and maintain separate panels of counsel and solicitors willing to act for aided persons—

Panels of counsel and solicitors.

(a) in appeals in the Full Court;

(b) in trials in the Supreme Court; or

(c) in appeals in the Supreme Court.

(2) Unless the Director otherwise directs, a counsel or solicitor whose name is for the time being entered in any panel under this rule shall also act for an aided person—

(a) in any proceedings before the Full Court on appeal from a trial in the Supreme Court in which he has acted;

(b) in any proceedings before any court to which the proceedings are referred by the court in which he has acted; and

(c) in any retrial ordered by the court in which he has acted.

(3) The Director shall enter in the appropriate panel any limitation as to the number *per annum* and as to the type of proceedings in which a counsel or solicitor is prepared to act for aided persons and shall give effect to such limitation.

(4) Any counsel or solicitor shall be entitled to have his name included on all or any of the panels, unless the Director is satisfied that there is good reason for excluding him by reason of his conduct when acting or assigned to act for persons receiving legal aid or of his professional conduct generally.

(5) The Director shall not include the name of a counsel or solicitor on any panel unless he is satisfied that such counsel or solicitor has a practising certificate, and shall remove from the panels the name of any counsel or solicitor who does not have a practising certificate.

(6) For the removal of doubt, it is hereby declared that where a solicitor is assigned to an aided person for the purpose of any

proceedings, any other solicitor in the same firm as the solicitor assigned may act for such person therein.

(7) Subject to paragraph (8), a counsel or solicitor assigned to act for an aided person shall not discontinue his aid without the leave of the Director.

(8) Nothing in this rule shall prejudice the right of counsel or solicitor to refuse, or to give up, a case on reasonable grounds.

(9) Subject to paragraph (7), a counsel or solicitor may at any time request the Director to remove his name from any panel, and the Director shall comply with such request.

(10) In this rule—

“practising certificate” means a practising certificate in force under section 6 or 30 of the Legal Practitioners Ordinance.

(Cap. 159.)

## PART II.

### GRANT OF LEGAL AID.

Legal aid for  
accused persons  
and appellants.

4. Subject to any requirement to make contributions under Part III—

- (a) an accused person committed for trial before the Supreme Court may be granted legal aid under these rules for the preparation and conduct of his defence and for any plea arising from the indictment;
- (b) a person convicted of any offence before the Supreme Court or the District Court may be granted legal aid under these rules for any appeal to the Full Court and in any proceedings preliminary or incidental thereto; and
- (c) a person who is convicted by, or aggrieved by, an order or determination of a magistrate in respect of or in connexion with any offence and who did not plead guilty or admit the truth of the information or complaint may be granted legal aid under these rules for the purpose of any appeal to the Supreme Court and any proceedings preliminary or incidental thereto,

if his disposable income per month does not exceed one thousand five hundred dollars and the value of his disposable capital does not exceed ten thousand dollars.

Application for  
legal aid.  
Form 1.

5. An application for legal aid under rule 4 shall be made to the Director and shall be in accordance with Form 1.

6. Subject to rule 13 in the case of a capital charge, in determining an application for legal aid by an accused person the Director shall consider—

- (a) all the circumstances of the case and, in particular, any recommendation of the committing magistrate; and
- (b) the disposable resources of the accused person,

and shall not grant the application unless he is satisfied that legal aid is desirable in the interests of justice.

7. (1) Where the Director is satisfied that the accused person should be granted legal aid, the Director shall—

- (a) grant him a legal aid certificate; and
- (b) assign a solicitor and one or two counsel, one of whom may be leading counsel, as he may think fit, to represent him.

(2) A legal aid certificate—

- (a) shall be in accordance with Form 2; and
- (b) shall be forwarded by the Director to the accused person with a copy to the Registrar and to solicitor or counsel assigned under these rules.

8. (1) Where the Director is not satisfied that the accused person should be granted legal aid, the Director shall refuse the application and shall file in the Supreme Court a notice of his refusal in accordance with Form 3.

(2) Where the Director has found that the disposable income or the disposable capital of the accused person exceeds the relevant amount specified in rule 4, the refusal of the application shall be final and may not be disturbed.

(3) Where it appears to a judge that an accused person appearing before him should be granted legal aid notwithstanding that the Director refused his application, the judge may, subject to paragraph (2), grant him a legal aid certificate, and the Director shall thereupon assign a solicitor and one or two counsel, one of whom may be leading counsel, as he may think fit, to represent the accused person.

9. It shall be the duty of solicitor or counsel assigned to an accused person under these rules—

- (a) if the accused person is convicted, to give a certificate to the Director as to whether or not in his opinion the accused person has reasonable grounds for an appeal against his conviction or sentence or both and, if so, specifying those grounds; and

Consideration  
of application  
for legal aid.

Grant of legal  
aid certificate.

Form 2.

Refusal to  
grant legal aid.

Form 3.

Duty of  
solicitor or  
counsel  
assigned.

- (b) if the accused person proposes to appeal, to give notice of appeal or of an application for leave to appeal and to attend to any matter preliminary thereto.

Legal aid for appellants.

10. Subject to rule 13 in the case of an appellant convicted of a capital charge, in determining an application for legal aid by an appellant the Director shall consider—

- (a) all the circumstances of the case and, in particular, the certificate of counsel assigned to represent him at his trial given under rule 9; and  
(b) the disposable resources of the appellant,

and shall not grant the application unless he is satisfied that legal aid is desirable in the interests of justice.

Grant of appeal aid certificate.

11. (1) If the Director is satisfied that the appellant should be granted legal aid, the Director shall—

- (a) grant him an appeal aid certificate; and  
(b) assign a solicitor and one or two counsel, one of whom may be leading counsel, or solicitor or counsel only, as he may think fit, to represent him.

(2) An appeal aid certificate—

- (a) shall be in accordance with Form 4; and  
(b) shall be forwarded by the Director to the appellant with a copy to the Registrar and to solicitor or counsel assigned in accordance with these rules.

Form 4.

Refusal to grant legal aid to appeal.

12. (1) If the Director is not satisfied that the appellant should be granted legal aid to appeal, the Director shall refuse the application and shall file in the Supreme Court a notice of his refusal in accordance with Form 3.

Form 3.

(2) Where the Director has found that the disposable income or the disposable capital of the appellant exceeds the relevant amount specified in rule 4, the refusal of the application shall be final and may not be disturbed.

(3) If on an appeal from any conviction, order or determination of a magistrate in respect of or in connexion with any offence, it appears to a judge or, in the case of an appeal to the Full Court, to the court or a judge thereof that an appellant should be granted legal aid notwithstanding that the Director refused his application, the judge or the Full Court may, subject to paragraph (2), grant him an appeal aid certificate, and the Director shall thereupon assign a solicitor and one or two counsel, one of whom may be leading counsel, or solicitor or counsel only, as he may think fit, to represent the appellant.

13. (1) Notwithstanding anything contained in this Part, where a person—

Legal aid in capital cases.

- (a) is committed for trial upon a capital charge; or  
(b) is convicted of a capital charge and proposes to appeal therefrom,

the Director may, having considered the disposable resources of the accused person or appellant, grant him a legal aid certificate or an appeal aid certificate, as the case may require, and shall do so if his disposable resources do not exceed the relevant amounts specified in rule 4.

(2) The powers of the Director under paragraph (1) may be exercised by a judge or, in the case of an appeal to the Full Court, by the court or a judge thereof, and the court or judge, if it or he thinks fit, may by order exempt the accused person or appellant from the requirements of Part III.

(3) Upon granting a legal aid certificate or an appeal aid certificate under this rule, the Full Court, the judge or the Director shall assign a solicitor and one or two counsel, one of whom may be leading counsel, as it or he may think fit, to represent the accused person or appellant.

14. The Director may, in lieu of assigning solicitor or counsel to an accused person or appellant under these rules, represent the accused person or appellant.

Director may represent aided person.

### PART III.

#### ASSESSMENT OF CONTRIBUTIONS.

15. For the purposes of this Part—

- (a) the Director shall assess the disposable capital and disposable income of each applicant for legal aid in accordance with the Legal Aid (Assessment of Contributions) Regulations as if he were a person seeking legal aid under the Legal Aid Ordinance; and  
(b) the application of regulations 4, 5, 6 and 7 of those regulations shall extend accordingly.

Assessment of disposable capital and disposable income.  
(Cap. 91, sub. leg.)

(Cap. 91.)

16. (1) An aided person may be required to pay to the Director a contribution towards the sums payable on his account by the Director in any case where—

Contributions by aided person.  
(cf. Cap. 91, s. 18.)

- (a) his disposable income exceeds five hundred dollars per month; or  
(b) his disposable capital exceeds three thousand dollars,

unless he is exempted from the requirements of this Part by virtue of an order made under rule 13.

(2) A contribution payable by an aided person to the Director under paragraph (1) shall be a debt due to the Director payable—

- (a) from income or from capital;
- (b) in a lump sum or by instalments; and
- (c) on such day or within such periods,

as the Director may determine.

17. A contribution which an aided person is required to pay shall be—

- (a) in respect of capital, an amount determined in accordance with Table A in the Second Schedule; and
- (b) in respect of income, an amount determined in accordance with Table B in the Second Schedule.

18. If the total contribution made by a person in respect of any proceedings is more than the net liability of the Director on his account, the excess shall be repaid to him.

#### PART IV. MISCELLANEOUS.

19. Upon committing an accused person for trial before the Supreme Court the committing magistrate shall inform the accused person of his right to apply for legal aid.

20. Solicitor or counsel assigned to an accused person or to an appellant under these rules shall be entitled upon application to receive free of charge from the appropriate court a copy of the transcript of the proceedings or of the depositions, including documentary exhibits, if any, in the case.

21. (1) The fees payable to solicitor or counsel assigned under these rules to represent an aided person shall be determined by the Director having regard to the work actually and reasonably done and, subject to this rule, in accordance with the following scales—

- (a) to solicitor assigned under a legal aid certificate or an appeal aid certificate a fee not exceeding seven hundred and fifty dollars; and additionally, if the trial or appeal is not concluded on the day on which it started, a daily

fee not exceeding two hundred and fifty dollars in respect of the second and every subsequent day;

- (b) to counsel assigned under a legal aid certificate or an appeal aid certificate a fee of not less than five hundred dollars and not exceeding one thousand six hundred dollars or, in the case of Queen's Counsel, a fee of not less than seven hundred and fifty dollars and not exceeding two thousand four hundred dollars; and additionally, if the trial or appeal is not concluded on the day on which it started, such daily fee not exceeding one-third of the fee allowed under this sub-paragraph in respect of the second and every subsequent day as appears to be proper in the circumstances.

(2) If in the opinion of the court before which the trial or appeal is heard the case is of exceptional length or complexity, the court may so certify and thereupon—

- (a) the fee payable to Queen's Counsel under paragraph (1) may be increased to not more than three thousand six hundred dollars;
- (b) the fee payable to counsel under paragraph (1) may be increased to not more than two thousand four hundred dollars; and
- (c) the fee payable to solicitor under paragraph (1) may be increased to not more than one thousand one hundred and twenty-five dollars,

and, in each case, the daily fee mentioned in that paragraph may be increased proportionately.

(3) In addition to the fees payable under paragraph (1), there shall be payable to a solicitor—

- (a) expenses actually and reasonably incurred by himself and his clerk in travelling to or from the court and to and from any place visited for the purpose of preparing or conducting any trial or appeal; and
- (b) any other out-of-pocket expenses actually and reasonably incurred.

(4) Where a solicitor or counsel represents two or more accused persons or two or more appellants to whom he has been assigned by the Director and who are tried together or whose appeals are heard together, the amount payable to the solicitor or counsel under paragraph (1) or (2) may be increased by such amount as appears to the Director to be proper in the circumstances.

Maximum amounts of contributions.

Second Schedule, Table A.

Second Schedule, Table B.

Excess contributions to be repaid to aided person. [cf. Cap. 91, sub. leg. B, r. 9(1).]

Committing magistrate to inform accused of his right to apply for legal aid.

Copies of transcripts. [cf. Cap. 221, sub. leg. A, r. 5.]

Solicitor and counsel fees.

(5) Where in the Supreme Court counsel represents two or more appellants to whom he has been assigned by the Director and whose appeals are heard on the same day, there shall be payable to counsel, in respect of all the appeals, such fee of not less than five hundred dollars as appears to the Director to be proper in the circumstances.

Transitional.

22. These rules shall apply and have effect in relation to an accused person and an appellant notwithstanding that he was committed for trial or, as the case may be, proposes to appeal from a conviction, sentence, order or determination entered, imposed or made, before the commencement of these rules.

Revocation of existing rules. (Cap. 221, sub. leg.)

23. The Legal Aid in Criminal Cases Rules are revoked.

FIRST SCHEDULE.

FORM 1. [rule 5.]

LEGAL AID IN CRIMINAL CASES RULES 1969.

APPLICATION FOR LEGAL AID IN A CRIMINAL CASE.

[As an applicant for legal aid you are required in pursuance of rule 5 of the Legal Aid in Criminal Cases Rules 1969 to complete the particulars on this form.

You must enter true and correct particulars against each numbered heading. If the answer is "None" or "No", this must be written in.

The declaration at the end must be duly made and the form sent to the Director of Legal Aid.]

- 1. Name (in block letters)
2. Full Address
3. State whether single man/woman, married man/woman, widow or widower
4. Occupation
5. Average monthly income from all sources, including overtime \$
6. Amount per month of rent (or mortgage repayments) and rates \$
7. What persons do you support? If any are children at school state their ages
8. What money have you that could be used for obtaining legal representation at your own expense?

9. What other assets have you that could be used for obtaining legal representation at your own expense?

10. If you are under twenty-one, are your parents or guardian able and willing to provide legal representation for you to assist you in providing yourself with legal representation?

Statutory declaration by applicant.

I, (a) do solemnly and sincerely declare that to the best of my knowledge and belief the above particulars are true and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

(a) Name of applicant in full.

Signature of Applicant.

Declared at Hong Kong this day of 19. Before me,

Commissioner for Oaths.

(Alternative declarations to be used if the applicant does not understand the English language)

Declaration by interpreter.

I, (a) do solemnly and sincerely declare that I well understand the English and (b) languages, that I have truly, distinctly and audibly interpreted the contents of this document to the said (c) and that I will truly and faithfully interpret the declaration about to be administered to him.

(a) Name of interpreter in full (b) Name of other language.

(c) Name of applicant in full.

Signature of Interpreter.

Declared at Hong Kong this day of 19. Before me,

Commissioner for Oaths.

*Declaration by applicant.**(a) Name of applicant in full.*

I, *(a)* ..... do solemnly and sincerely declare that to the best of my knowledge and belief the above particulars are true and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

.....  
*Signature of Applicant.*

*(a) Name of applicant in full.  
 (b) Name of interpreter in full.  
 (c) Address of interpreter.*

Declared at Hong Kong this ..... day of ..... 19....., by the said *(a)* ..... through the interpretation of *(b)* ..... of *(c)* ..... the said interpreter having been also first declared that he had truly, distinctly and audibly interpreted the contents of this document to the declarant, and that he would truly and faithfully interpret the declaration about to be administered to him.

Before me,

.....  
*Commissioner for Oaths.*

## FORM 2.

[rule 7(2).]

LEGAL AID IN CRIMINAL CASES RULES 1969.

## LEGAL AID CERTIFICATE.

Regina v. ....

WHEREAS it appears to me, on consideration of an application for legal aid by ..... that it is desirable in the interests of justice that he should have legal representation in the preparation and conduct of his defence † and that his disposable resources do not exceed the relevant amounts specified in rule 4:

NOW THEREFORE I do hereby grant this legal aid certificate in respect of .....

Dated this ..... day of ..... 19.....

.....  
*Puisne Judge\*.  
 Director of Legal Aid\*.*

The following have been assigned—

Solicitor .....  
 Counsel .....

.....  
*Director of Legal Aid.*

Date .....

† Delete if inapplicable in a case where certificate granted under rule 13.

\* Delete whichever is inapplicable.

## FORM 3.

[rules 8(1) &amp; 12(1).]

LEGAL AID IN CRIMINAL CASES RULES 1969.

IN THE COURT OF

CRIMINAL JURISDICTION.

MEMORANDUM OF NOTIFICATION THAT AN ACCUSED PERSON  
 (or APPELLANT) HAS BEEN REFUSED LEGAL AID.

Criminal Case or Appeal No. .... of 19.....

BETWEEN .....

AND

.....  
 WHEREAS ..... of ....., the accused person (or appellant) in the above proceedings, made application for legal aid:

NOW THEREFORE TAKE NOTICE that I, having thoroughly considered the said accused person's (or appellant's) case and having assessed his disposable resources, have refused him legal aid.

I certify, for the purposes of rule 8 in the case of an accused person or for the purposes of rule 12 in the case of an appellant, that I have found—

- \**(a)* that the disposable income or disposable capital of the said accused person (or appellant) exceeds the relevant amount specified in rule 4;
- \**(b)* that the disposable resources of the said accused person (or appellant) do not exceed the relevant amounts specified in rule 4.

Dated at Hong Kong this ..... day of ..... 19.....

.....  
*Director of Legal Aid.*

\* Delete paragraph *(a)* or paragraph *(b)*, whichever is inapplicable.

## FORM 4.

[rule 11(2).]

LEGAL AID IN CRIMINAL CASES RULES 1969.

## APPEAL AID CERTIFICATE.

..... v. Regina.

WHEREAS it appears to me, on consideration of an application for legal aid by ..... that it is desirable in the interests of justice that he should have legal representation in the preparation and conduct of his appeal † and that his disposable resources do not exceed the relevant amounts specified in rule 4:

Now THEREFORE I do hereby grant this appeal aid certificate in respect of .....

Dated this ..... day of ..... 19.....

.....  
*Puisne Judge\*.*  
*Director of Legal Aid\*.*

The following have been assigned—

Solicitor .....

Counsel .....

.....  
*Director of Legal Aid.*

Date .....

† Delete if inapplicable in a case where certificate granted under rule 13.

\* Delete whichever is inapplicable.

SECOND SCHEDULE. [rule 17.]

Table A.

*Contributions from Capital by Aided Person.*

Disposable capital.	Amount of contribution.
Over \$ 3,000 but not exceeding \$ 4,000 ... ..	\$ 500
" \$ 4,000 " " " \$ 5,000 ... ..	\$ 700
" \$ 5,000 " " " \$ 6,000 ... ..	\$ 900
" \$ 6,000 " " " \$ 7,000 ... ..	\$1,100
" \$ 7,000 " " " \$ 8,000 ... ..	\$1,400
" \$ 8,000 " " " \$ 9,000 ... ..	\$1,700
" \$ 9,000 " " " \$10,000 ... ..	\$2,000
" \$10,000 ... ..	\$2,000 plus \$300 for every \$1,000 or part thereof by which the disposable capital exceeds \$10,000.

Table B.

*Contributions from Income by Aided Person.*

Disposable income per month.	Amount of contribution.
Over \$ 500 but not exceeding \$ 600 ... ..	\$ 500
" \$ 600 " " " \$ 700 ... ..	\$ 600
" \$ 700 " " " \$ 800 ... ..	\$ 700

Disposable income per month.	Amount of contribution.
Over \$ 800 but not exceeding \$ 900 ... ..	\$ 900
" \$ 900 " " " \$1,000 ... ..	\$1,100
" \$1,000 " " " \$1,100 ... ..	\$1,400
" \$1,100 " " " \$1,200 ... ..	\$1,700
" \$1,200 " " " \$1,300 ... ..	\$2,100
" \$1,300 " " " \$1,400 ... ..	\$2,500
" \$1,400 " " " \$1,500 ... ..	\$3,000
" \$1,500 ... ..	\$3,000 plus \$500 for every \$1,000 or part thereof by which the disposable income per month exceeds \$1,500.

Made this 20th day of August 1969.

*Michael Hogan*  
 Chief Justice.

*Explanatory Note.*

*(This Note is not part of the rules, but is intended to indicate their general purport).*

These rules provide for the grant of legal aid in criminal trials in the Supreme Court, in appeals from a magistrate to the Supreme Court and in appeals from the Supreme Court or District Court to the Full Court if the disposable monthly income of the accused person or appellant does not exceed \$1,500 and the value of his disposable capital does not exceed \$10,000 (rule 4). Under rule 6 the Director of Legal Aid must be satisfied that the legal aid is desirable in the interests of justice. Under rules 8(3) and 12(3) legal aid may be assigned by the court notwithstanding that the Director has previously refused the application.

The grant of legal aid will be subject to payment of contributions by the aided person under Part III of the rules if his disposable monthly income exceeds \$500 or his disposable capital exceeds \$3,000. The disposable resources of an aided person will be assessed for this purpose in the manner provided by the Legal Aid (Assessment of Contributions) Regulations. The amount which he will be required to pay will be determined in accordance with the tables set out in the Second Schedule to these rules.

In capital cases legal aid may be granted whatever the disposable resources of the accused person or appellant and the court may dispense with the requirement to make contributions.

Solicitors and counsel will be assigned from a panel kept by the Director under rule 3. They will be remunerated for their services up to the maximum amounts provided by rule 21.

刑事訴訟程序條例（即香港法例第二二一章）  
一九六九年刑事案件法律援助規則

註 釋

（本文並非該規則之任何部分，而祇係以簡述該規則之大意為目的。）

本規則規定，凡在高等法院刑事審訊案，或在裁判司判令後向高等法院提出之上訴案，或在高等法院或地方法院判令後向合議庭提出之上訴案中之被告人或上訴人，如其可自由處理之每月收入不超過一千五百元而其可自由處理之資本價值又不超過一萬元者，均可申請法律援助（見第四款）。第六款規定，法律援助處處長必須查明滿意認為站在公理立場上有此需要時然後方可批准給予法律援助。第八款第（三）段及第十二款第（三）段規定，雖然一項申請曾遭該處長拒絕，但法庭仍得安排予以法律援助。

任何受助人，如其可自由處理之每月收入超過五百元，或其可自由處理之資本超過三千元者，必須在獲得法律援助後依照本規則第三部之規定分擔部份款額。上文所指受助人可自由處理之資源將依照法律援助（分擔款額估計辦法）規例之規定加以估計。受助人所應繳付之分擔款額將依照本規則第二附表所開列之明細表加以決定。

在死罪案件中，不論被告人或上訴人可自由處理之資源為何，該處長均得批准給予法律援助而法庭亦可豁免受助人分擔款額。

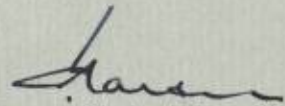
該處長將從其根據本規則第三款所編訂之名單中指派律師或大律師作法律援助之服務。該等律師及大律師將獲得服務酬金，其最高金額則由本規則第二十一款規定。

13  
**FACTORIES AND INDUSTRIAL UNDERTAKINGS  
ORDINANCE.**

(Chapter 59).

Resolution made and passed by the Legislative Council under section 7 of the Factories and Industrial Undertakings Ordinance on the 27th day of August 1969.

Resolved, pursuant to section 7 of the Factories and Industrial Undertakings Ordinance, that the Factories and Industrial Undertakings (Amendment) (No. 2) Regulations 1969, made by the Commissioner of Labour on the 20th day of August 1969 under section 7 of that Ordinance, be approved.

  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
27th August 1969.

FACTORIES AND INDUSTRIAL UNDERTAKINGS  
ORDINANCE.

(Chapter 59).

FACTORIES AND INDUSTRIAL UNDERTAKINGS  
(AMENDMENT) (NO. 2) REGULATIONS 1969.

In exercise of the powers conferred by section 7 of the Factories and Industrial Undertakings Ordinance, the Commissioner of Labour has made the following regulations—

1. These regulations may be cited as the Factories and Industrial Undertakings (Amendment) (No. 2) Regulations 1969 and shall come into operation on the 1st day of October 1969.

Citation and commencement.

2. Regulation 2 of the principal regulations is amended—

Amendment of regulation 2.  
(Cap. 59, sub. leg.)

(a) in the definition of "dangerous occurrence", by deleting "Schedule" and substituting the following—

"First Schedule";

(b) by adding, after the definition of "dangerous occurrence", the following new definition—

" "executive", in relation to a trade union, means the body to which the management of the affairs of the trade union is entrusted by the members and also means any person for the time being carrying out the functions of a president, chairman, vice-chairman, secretary or treasurer of a trade union;"

(c) by adding, after the definition of "fire-resisting material", the following new definition—

(Cap. 177.) " "identity card" means an identity card issued under the Registration of Persons Ordinance;"

(d) by adding, after the definition of "tenement factory", the following new definition—

(Cap. 332.) " "trade union" means a trade union which is registered under the Trade Union Registration Ordinance;"

3. Regulation 5 of the principal regulations is amended by adding, after "quarry", the following—

Amendment of regulation 5.

" , or in any industrial undertaking involving a tunnelling operation".

Amendment of regulation 10.

4. Regulation 10 of the principal regulations is amended by deleting paragraph (1) and substituting the following—

“(1) No proprietor shall employ any woman or young person in an industrial undertaking unless there is conspicuously posted at a place which is conveniently accessible to the persons employed in the industrial undertaking a notice—

- (a) fixing within the limits prescribed in regulation 9 and, in the case of shift work, regulation 12, the period of employment for each day of the week for women and young persons employed in the industrial undertaking;
- (b) fixing within the limits prescribed in regulation 9 and, in the case of shift work, regulation 12, the intervals allowed for meals and rest for women and young persons employed in the industrial undertaking; and
- (c) specifying the day of the week, in accordance with sub-paragraph (h) of paragraph (2) of regulation 15, on which women and young persons shall not be employed in the industrial undertaking or, if such day is not the same for every woman or young person so employed, specifying that fact.”.

Amendment of regulation 12.

5. Regulation 12 of the principal regulations is amended in paragraph (2)—

- (a) in sub-paragraph (b), by inserting, after “on”, the following—  
“and which has been approved in writing by the Commissioner”;
- (b) by deleting sub-paragraph (c);
- (c) in sub-paragraph (d)—
  - (i) by deleting the colon and substituting a full stop;
  - (ii) by deleting the proviso;
- (d) by deleting sub-paragraph (e).

Revocation and replacement of regulation 14.

6. Regulation 14 of the principal regulations is revoked and replaced by the following new regulation—

“Rest days. 14. Notwithstanding anything contained in this Part, no proprietor of an industrial undertaking shall employ therein any woman or young person on any day of the week specified in a register under sub-paragraph (h) of paragraph (2) of regulation 15 as a day of the week on which the woman or young person shall not be employed in the industrial undertaking.”.

7. Regulation 15 of the principal regulations is revoked and replaced by the following new regulations—

Revocation and replacement of regulation 15.

“Register of women and young persons employed in industrial undertaking.

15. (1) The proprietor of every industrial undertaking shall maintain or cause to be maintained therein a register in accordance with this regulation.

(2) The register shall in respect of every woman or young person employed in the industrial undertaking—

- (a) specify his or her name and residential address;
- (b) specify the number of his or her identity card, if any;
- (c) specify his or her date of birth;
- (d) contain a full face photograph of the woman or young person;
- (e) specify the date on which he or she first commenced to work in the industrial undertaking;
- (f) specify the period of employment of the woman or young person for each day of the week as fixed by the notice posted under paragraph (1) of regulation 10;
- (g) specify the intervals allowed for meals and rest for the woman or young person as fixed by the notice under paragraph (1) of regulation 10;
- (h) specify a day of the week on which the woman or young person shall not be employed in the industrial undertaking; and
- (i) specify the nature of his or her employment, and shall also specify such particulars as may be prescribed under regulation 16, being particulars required in order to assist the Commissioner to ascertain whether or not the provisions of regulation 9, 10, 11, 12 or 14 are being or have been complied with.

(3) At the request of any woman or young person employed in an industrial undertaking, the proprietor shall produce for inspection by that woman or young person the entry in the register specifying the day of the week on which that woman or young person shall not be employed in the industrial undertaking.

Rest day not to be changed without permission of Commissioner.

**15A.** (1) No proprietor shall change, or cause or permit to be changed, any day of the week specified under sub-paragraph (h) of paragraph (2) of regulation 15 in a register unless, not less than forty-eight hours before such change is to come into operation, he has served on the Commissioner a notice in writing of the intention to make such change.

(2) No proprietor shall change, or cause or permit to be changed more often than once in every month any day of the week specified under sub-paragraph (h) of paragraph (2) of regulation 15 in a register unless for special reasons the Commissioner permits him in writing to do so."

Addition of new Part IIA.

**8.** The principal regulations are amended by adding, after Part II, the following new Part—

"PART IIA.

MEDICAL EXAMINATIONS OF PERSONS EMPLOYED TO WORK UNDERGROUND.

Application of Part IIA.

**16A.** This Part shall apply to the following industrial undertakings—

- (a) mines;
- (b) quarries; and
- (c) industrial undertakings involving tunnelling operations.

Register of persons employed underground in industrial undertaking.  
Second Schedule, Form 1.

**16B.** (1) The proprietor of every industrial undertaking to which this Part applies shall maintain or cause to be maintained therein a register in accordance with this regulation.

(2) The register shall be in the prescribed form and shall in respect of every person employed to work underground in the industrial undertaking—

- (a) specify his name and residential address;
- (b) specify the number of his identity card, if any;
- (c) specify his date of birth;
- (d) contain a full face photograph of the person;
- (e) specify the date on which he first commenced to work underground in the industrial undertaking; and
- (f) specify the date of every medical examination undergone by him in accordance with paragraph (3) of regulation 16C.

Employees not to work underground unless examined medically.

**16C.** (1) Subject to regulations 16D and 16E, no person shall be permitted to commence to work underground in an industrial undertaking to which this Part applies unless within the month preceding the date on which the person first commences so to work—

- (a) the proprietor has engaged a medical practitioner to examine the person medically in accordance with paragraph (3); and
- (b) the senior industrial health officer has issued a certificate under paragraph (4) that the person is fit to work underground in such an industrial undertaking.

(2) No person under the age of twenty-one years—

- (a) who is employed to work underground in an industrial undertaking to which this Part applies, and
- (b) who has been so employed for more than twelve months,

shall be permitted to continue in such employment at any time unless within the preceding period of twelve months—

- (i) the proprietor has engaged a medical practitioner to examine the person medically in accordance with paragraph (3); and
- (ii) the senior industrial health officer has issued a certificate under paragraph (4) that the person is fit to work underground in such an industrial undertaking:

Provided that a person under the age of twenty-one years who is employed at the date of commencement of this regulation to work underground in an industrial undertaking to which this Part applies may continue to be so employed for a period not exceeding three months from such date, notwithstanding that he has not been examined medically as required under sub-paragraph (i) of this paragraph.

(3) Where any person is required to be examined medically for the purposes of this regulation—

- (a) the proprietor of the industrial undertaking in which the person is employed or is to be

Second  
Schedule,  
Form 2.

employed to work underground shall complete Part I of the prescribed medical examination report in duplicate,

Second  
Schedule,  
Form 2.

(b) the person required to be examined shall complete Part II of the prescribed medical examination report in duplicate, and

Second  
Schedule,  
Form 2.

(c) a medical practitioner shall carry out a medical examination of the person, and—

(i) complete Part III of the prescribed medical examination report in duplicate in respect of the person,

(ii) forward one copy of the completed report to the senior industrial health officer, and

(iii) retain one copy of the completed report.

Second  
Schedule,  
Form 3.

(4) Where the senior industrial health officer receives a medical examination report under paragraph (3) in respect of any person, he shall forthwith forward a certificate in the prescribed form and in accordance with the report to the proprietor of the industrial undertaking by whom the medical practitioner has been engaged.

(5) The expenses of the medical examination of any person for the purposes of this regulation shall in no case be payable by or recoverable from the person.

Exemption  
from  
medical  
examination  
where  
employee  
examined  
within  
previous  
twelve  
months.

**16D.** (1) Any person—

(a) who has attained the age of twenty-one years,

(b) who is or has at any time been employed to work underground in an industrial undertaking to which this Part applies,

(c) who has been examined medically in accordance with paragraph (3) of regulation 16C for the purposes of such employment, and

(d) in respect of whom the senior industrial health officer has, as a result of the medical examination, issued a certificate of fitness under paragraph (4) of regulation 16C,

may, at any time within twelve months after the date of the medical examination—

(i) be re-employed to work underground in the industrial undertaking; or

(ii) be employed, subject to paragraph (2), to work underground in any other industrial undertaking to which this Part applies.

notwithstanding that in respect of his re-employment in such industrial undertaking, or his employment in such other industrial undertaking, the person has not been examined medically as required under subparagraph (a) of paragraph (1) of regulation 16C.

(2) Before employing any person under subparagraph (ii) of paragraph (1), the proprietor of the industrial undertaking shall obtain from the senior industrial health officer a copy of the certificate issued under paragraph (4) of regulation 16C in respect of the medical examination.

Exemption  
from  
medical  
examination  
where work  
unlikely to  
take more  
than six  
months to  
complete.

**16E.** Where any person who has attained the age of twenty-one years is to be employed to work underground in any industrial undertaking to which this Part applies, and the Commissioner of Labour or any officer authorized in writing by him is satisfied that the underground work on which the person is to be employed is unlikely to take more than six months to complete, the Commissioner of Labour or the authorized officer may give written permission for the employment of the person on such work for such period, not exceeding six months, as the Commissioner of Labour or the authorized officer shall specify, notwithstanding that in respect of such employment, the person has not been examined medically as required under subparagraph (a) of paragraph (1) of regulation 16C.

Disclosure  
of medical  
information.

**16F.** (1) At the request of an authorized member of the executive of any trade union which in the opinion of the Commissioner of Labour, or any officer authorized in writing by him, represents any person under the age of twenty-one years who is employed to work underground in any industrial undertaking to which this Part applies, the Commissioner of Labour or the authorized officer shall supply to such member the following information in respect of the person so employed—

- (a) his name;
- (b) his identity card number, if any;
- (c) his date of birth;
- (d) the date which, in the latest medical examination report received by the senior industrial health officer under paragraph (4) of regulation 16C in respect of the person, is specified as the date on which he first commenced to work underground in the industrial undertaking or as the proposed date on which he was to first commence so to work; and
- (e) the nature of his occupation,

and shall produce for inspection to such member the latest certificate issued under paragraph (4) of regulation 16C in respect of the person so employed.

(2) No—

- (a) proprietor of an industrial undertaking to which this Part applies; or
- (b) public officer,

shall disclose to any person any medical information which is obtained on the examination of a person in accordance with paragraph (3) of regulation 16C, unless—

- (i) the person to whom the information relates consents to the disclosure;
- (ii) the information is disclosed to a public officer acting in the course of his duty; or
- (iii) the disclosure of the information is permitted or required under any enactment.”.

Amendment of regulation 44.

9. Regulation 44 of the principal regulations is amended, in paragraph (a), by inserting after “regulation” the following—  
“16F(2).”.

Amendment of regulation 45.

10. Regulation 45 of the principal regulations is amended, in paragraph (b), by inserting after “regulation” the following—  
“16C(1), 16C(2), or”.

Amendment of regulation 46.

11. Regulation 46 of the principal regulations is amended, in paragraph (a), by deleting “or 15” and substituting the following—  
“, 15, 15A or 16B”.

12. The Schedule to the principal regulations is amended by deleting “SCHEDULE.” and substituting the following—  
“FIRST SCHEDULE.”.

Amendment of Schedule.

13. The principal regulations are amended by adding, after the First Schedule, the following new Schedule—

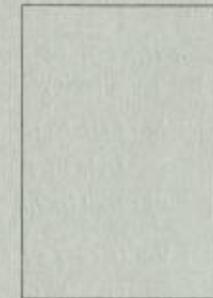
Addition of new Second Schedule.

“SECOND SCHEDULE.

FORM 1. [reg. 16B.]

FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS.  
REGISTER OF PERSONS EMPLOYED TO WORK UNDERGROUND IN INDUSTRIAL UNDERTAKINGS.

- 1. Name of industrial undertaking: .....
- 2. Full name of person employed to work underground: .....
- 3. Residential address: .....
- 4. Identity Card No.: .....
- 5. Date of birth: .....
- 6. Date on which worker first commenced to work underground in the undertaking: .....
- 7. Dates of medical examinations undergone by worker in accordance with regulation 16C(3):  
(a) .....  
(b) .....  
(c) .....



(Full face photograph of worker).

FORM 2. [reg. 16C(3).]

FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS.  
MEDICAL EXAMINATION REPORT.

Part I. (To be completed in duplicate by the proprietor of the industrial undertaking).

To: .....  
(name of medical practitioner by whom examination is to be carried out)

1. I, .....  
(full name of proprietor)

.....  
(residential address of proprietor)  
 the proprietor of .....  
(name of Industrial undertaking)  
 situated at .....  
(address of Industrial undertaking)  
 request you to examine .....  
(full name of Employee/proposed Employee\*)  
 in accordance with regulation 16C(3) of the Factories and Industrial Undertakings Regulations.

2. This Employee/proposed Employee\* is/will be\* employed to work underground as a .....  
(specify nature of Employee's/proposed Employee's\* occupation)  
 and first commenced/will commence\* such work on .....  
(specify date or proposed date)

Date: .....

Signature of proprietor: .....

**Part II.** (To be completed in duplicate by the Employee or proposed Employee).

A. Full Name of Employee/proposed Employee\* .....  
 Date of Birth .....  
 Residential Address .....

B. History of Past Illnesses.

(a) Is there a history of pulmonary tuberculosis? .....  
 If so give details .....

(b) Is there a history of other chronic respiratory disease? .....  
 .....

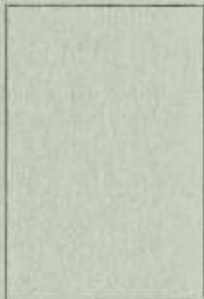
(c) Is there a history of heart disease, diabetes mellitus or any other serious or prolonged disease? .....

C. Present Complaints (if any).  
 .....

I declare that to the best of my knowledge the answers given above are accurate.

Date: .....

Signature of Employee/proposed Employee\*: .....



(Full face photograph of person examined).

**Part III.** (To be completed in duplicate by examining medical practitioner).

A. General Nutrition .....

Weight ..... lbs. Height ..... ins.  
 Eyes: Visual acuity R. .... L. .... Ears .....  
 Cardiovascular System Pulse rate ..... B.P. ....

Abdomen .....  
 Hernias .....

Genito-urinary System .....

Urine ..... Sp. G. .... Alb. .... Sugar .....

Skeletal System .....

Upper limbs .....  
 Lower limbs .....

Nervous System .....

B. Chest X-ray Examination (date .....)  
 Dr. .... reports as  
(medical practitioner by whom X-ray examination is made)  
 follows: .....

C. I have examined the above named .....  
(full name)  
 in accordance with this report, and consider that he is fit/unfit\* to work underground in an industrial undertaking to which Part IIA of the Factories and Industrial Undertakings Regulations applies.

Date: .....

Signature of Examining Medical Practitioner: .....

Name of Examining Medical Practitioner: .....  
(block capitals)

Address: .....

Telephone Number: .....

Notes: (a) One copy of this completed form should be sent by the examining medical practitioner under confidential cover to the senior industrial health officer, Industrial Health Division, Labour Department. The other copy is to be retained by the examining medical practitioner.

(b) \* Delete whichever is inapplicable.

FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS.

CERTIFICATE AS TO FITNESS OF EMPLOYEE/PROPOSED  
EMPLOYEE\*.

To: .....  
(proprietor of industrial undertaking)

.....  
(address of industrial undertaking)

I hereby certify that Mr. ....  
(full name)

of .....  
(residential address)

has been examined medically in accordance with regulation 16C(3) of the  
Factories and Industrial Undertakings Regulations and is fit/unfit\* to  
work underground in an industrial undertaking to which Part IIA of the  
regulations applies.

Date of issue: .....

Signed: .....  
(senior industrial health officer)

Note: \* Delete whichever is inapplicable."

Made by the Commissioner of Labour on the 20th day of  
August 1969.

*A*  
Commissioner of Labour.

*Explanatory Note.*

(This Note is not part of the regulations, but is intended  
to indicate their general purport).

The main purpose of these regulations is to provide for medical  
examinations of persons employed to work underground in mines, quarries  
and industrial undertakings involving tunnelling operations.

2. No person may be so employed unless he is first examined  
medically and certified as fit for such work. However, a person of or  
over the age of twenty-one who is already employed underground in an  
undertaking when these regulations come into force will not have to  
undergo an examination in respect of such employment.

3. Persons under twenty-one who are employed on underground  
work are also required to be re-examined at yearly intervals. Persons  
under twenty-one who are already employed underground at the date of  
commencement of these regulations, however, will be exempted from this  
requirement for a period of three months.

4. If at any time a person of or over the age of twenty-one has been  
examined within the preceding twelve months and certified as fit, he may  
commence new employment without having to undergo a further medical  
examination.

5. The Commissioner of Labour or an authorized officer may permit  
the employment of a person who is twenty-one or older for up to six  
months without medical examination if the Commissioner or the authorized  
officer considers that the work on which he is to be employed is unlikely  
to take more than six months to complete.

6. If the Commissioner of Labour or an authorized officer is of the  
opinion that a registered trade union represents an underground worker  
who is under twenty-one, the Labour Department must supply to the  
officers of the trade union certain information regarding the employment  
of the worker and must produce for inspection the certificate of fitness  
issued in respect of the worker.

7. Proprietors are required to keep registers of persons working  
underground. They are responsible for compliance with the new provi-  
sions and are liable to prosecution if persons are employed in breach of  
the regulations.

8. The principal regulations are also amended to prohibit the em-  
ployment of women and children in underground work in tunnelling  
operations and to make other minor amendments relating to the employ-  
ment of women and children and the keeping of registers in respect of  
such persons.

9. At present a proprietor is simply required to provide a suitable  
room for dining and rests for women and young persons employed on  
shift work. A new requirement will now be added whereby such rooms  
will have to be specifically approved by the Commissioner. The require-  
ment that women and young persons may only be employed on shift work  
if the scheme provides for rotating shifts is revoked. Rest days for women  
and young persons will now be fixed by entry in the register which a  
proprietor is required to keep. A proprietor must give the Commissioner  
forty-eight hours notice before changing rest days and not more than one  
change per month may be made without his permission.

10. The amending regulations will come into operation on the 1st day  
of October 1969.

工廠暨工業經營條例（即香港法例第五十九章）  
一九六九年工廠暨工業經營（修訂）（第二號）規例

註 釋

（本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。）

本規例之制訂，主要目的在於對該等受僱於礦場，石礦場與涉及隧道工程之工業經營中從事地底工作者之體格檢驗問題加以規定。

二、 任何人士，必須先經體格檢驗並經證明適宜擔任該類工作，方可受僱。惟二十一歲或二十一歲以上之人士如在本規例實施時已受僱於此種工業經營從事地底工作者，則毋須接受關於該項僱用之體格檢驗。

三、 凡受僱從事地底工作而未滿二十一歲之人士均須按年接受體格檢驗。惟未滿二十一歲之人士，如在本規例開始實施時已受僱從事地底工作者，則可在三個月之期間內免受該項規定之限制。

四、 凡二十一歲或二十一歲以上之人士，如在就任新職前之十二個月內曾經接受體格檢驗並經證明適宜於擔任該類工作者，得開始受僱而毋須再行接受體格檢驗。

五、 勞工處長或其授權人員，如認為任何二十一歲或二十一歲以上之人士所受僱擔任之工作似毋須超過六個月時間方可完成者，得批准該人受僱不超過六個月之期間而毋須體格檢驗。

六、 勞工處長或其授權人員，如認為某註冊職工會係代表任何未滿二十一歲而從事地底工作之職工者，則勞工處必須向該職工會之職員供給有關該職工受僱工作之若干資料，並且必須將證明該職工適宜擔任該類工作之證明書出示，以供查閱。

七、 凡僱主必須存備登記冊，將其在地底工作之職工加以記錄，並且必須遵守本規例所制訂之新規定，如有不遵照本規例而僱用職工者，則有被控之虞。

八、 本規例修訂原有規例以便禁止僱用婦女及兒童在地底擔任隧道工作。本規例復對婦女及兒童之僱用以及設置有關該等人員之登記冊等規定事宜作輕微之修訂。

九、 根據現行法例，僱主祇需設置適當房間以供值班之女工及年青工人用膳及休息之用。本規例茲特增訂一項新規定，使該等房間必須獲得勞工處長之特別批准方可。原有規例係規定必須在計劃內有輪流值班制方得僱用女工及年青工人值班，此項規定現予撤銷。新規例規定，在僱主所須設置之登記冊內必須列明女工及年青工人之休息日。僱主如欲更改休息日，必須在四十八小時之前通知勞工處長，又，除經該處長批准者外，每月不得將休息日作超過一次之更改。

十、 本修訂規例由一九六九年十月一日起實施。

MENTAL HEALTH ORDINANCE,  
(Chapter 136).

MENTAL HEALTH (AMENDMENT) REGULATIONS 1969.

In exercise of the powers conferred by section 72 of the Mental Health Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Mental Health (Amendment) Regulations 1969 and shall come into operation on the day on which the Mental Health (Amendment) Ordinance 1969 comes into operation.

Citation and commencement.

2. The principal regulations are amended in the Schedule thereto—

Amendment of Schedule.  
(Cap. 136, sub. leg.)

(a) in Form 1, by deleting "District Judge" and substituting the following—

"\* a District Judge/magistrate/justice of the peace";

(b) in Form 2—

(i) by inserting after "District Judge" in the first place where it occurs the following—

" , magistrate or justice of the peace";

(ii) by deleting "District Judge" in the second place where it occurs and substituting the following—

"\* a District Judge/magistrate/justice of the peace";

(iii) by deleting "District Judge" in the third place where it occurs and substituting the following—

"\* District Judge/Magistrate/Justice of the Peace";  
and

(iv) by inserting immediately before the Note at the end thereof the following—

"\* Delete whichever is inapplicable.";

(c) in Form 3, by deleting "District Judge" in the first place where it occurs and substituting the following—

"\* District Judge/magistrate/justice of the peace".

COUNCIL CHAMBER,  
5th August 1969.

Clerk of Councils.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

Jurisdiction to make an order under section 31 of the principal Ordinance is conferred upon magistrates and justices of the peace by the Mental Health (Amendment) Ordinance 1969. The forms in the Schedule to the principal regulations are amended accordingly.

精神健康條例（即香港法例第一三六章）  
一九六九年精神健康（修訂）規例

註釋

（本文並非該規例之任何部份，而祇係以簡述該規例之大意為目的。）

一九六九年精神健康（修訂）條例授權裁判司及太平紳士得根據原有條例第三十一款發出羈留令，故原有規例內開附表所規定之表格內有關字句，亦因此而需予以修訂。



**CORONERS RULES 1969.**

**ARRANGEMENT OF RULES.**

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CORONERS ORDINANCE.  
(Chapter 14).

CORONERS RULES 1969.

In exercise of the powers conferred by section 22 of the Coroners Ordinance, the Chief Justice hereby makes the following rules—

- Citation. 1. These rules may be cited as the Coroners Rules 1969.
- Interpretation. 2. In these rules, unless the context otherwise requires—  
 "coroner" means a person appointed as such under section 3 of the Ordinance;  
 "deceased" means a person whose death is reported to the coroner, whether or not a post-mortem examination is ordered or an inquiry is held by the coroner;  
 "post-mortem examination" means a post-mortem examination which is ordered by a coroner to be made under section 5 or section 6 of the Ordinance;  
 "registered medical practitioner" means a person who is registered or is deemed to be so registered under the Medical Registration Ordinance.

(Cap. 161.)

POST-MORTEM EXAMINATIONS.

Post-mortem examinations to be made as soon as reasonably practicable.

Matters to be considered in selecting person to make post-mortem examination.

- 3. If a coroner orders that a post-mortem examination shall be made, it shall be made as soon after the death of the deceased as is reasonably practicable.
- 4. In considering what registered medical practitioner shall be ordered to make a post-mortem examination the coroner shall have regard to the following considerations—
  - (a) the post-mortem examination should be made, whenever practicable, by a pathologist with suitable qualifications and experience and having access to laboratory facilities;
  - (b) if the coroner is informed by the Commissioner of Police that a person may be charged with the murder, manslaughter or infanticide of the deceased, the coroner should consult the Commissioner of Police regarding the registered medical practitioner who is to make the post-mortem examination;

- (c) if the deceased died in a hospital, the coroner should not order a pathologist on the staff of, or associated with, that hospital to make a post-mortem examination if—
  - (i) that pathologist does not desire to make the examination; or
  - (ii) the conduct of any member of the hospital staff is likely to be called in question; or
  - (iii) any relative of the deceased asks the coroner that the examination be not made by such a pathologist, unless the obtaining of another pathologist with suitable qualifications and experience would cause the examination to be unduly delayed.

5. (1) If a coroner orders a registered medical practitioner to make a post-mortem examination, the coroner shall inform the persons and bodies set out in paragraph (2) of this rule of the date, hour and place at which the examination will be made, unless it is impracticable to inform such persons or bodies or to do so would cause the examination to be unduly delayed.

Persons and bodies who may be informed as to a post-mortem examination.

(2) The persons and bodies to be informed by the coroner are as follows—

- (a) any relative of the deceased who has notified the coroner of his desire to attend, or be represented at, the post-mortem examination;
- (b) the deceased's regular medical practitioner;
- (c) if the deceased died in hospital, the hospital;
- (d) any government department which has notified the coroner of its desire to be represented at the examination;
- (e) if the Commissioner of Police has notified the coroner of his desire to be represented at the examination, the Commissioner of Police or some other police officer representing him;
- (f) if the death of the deceased may have been caused by any accident of which notice is required by any Ordinance to be given to any person appointed under that Ordinance, the person to whom such notice has been, or is to be, given.

(3) Any person or body as aforesaid shall be entitled to be represented at a post-mortem examination by a registered medical practitioner, or if any such person is a registered medical practitioner he shall be entitled to attend the examination in person.

(4) Nothing in this rule shall limit the discretion of the coroner to inform any person of the date, hour and place at which a post-mortem examination will be made and to permit him to attend the examination.

Non-interference with post-mortem examinations.

6. A person attending a post-mortem examination by virtue of rule 5 shall not interfere with the performance of the examination.

Preservation of material bearing upon the cause of death.

7. A person making a post-mortem examination shall make provision so far as possible, for the preservation of material which in his opinion bears upon the cause of death for such period as the coroner thinks fit.

Post-mortem report.  
(Cap. 14, sub. leg.)

8. (1) The person making a post-mortem examination shall report to the coroner in Form 6 set out in the Schedule to the Coroners (Forms) Rules.

(2) Unless authorized by the coroner, the person making a post-mortem examination shall not supply a copy of his report to any person other than the coroner.

Places where post-mortem examinations to be made.  
(Cap. 14, sub. leg.)

9. No post-mortem examination shall take place other than in a place specified in the Places for Post-Mortem Examination Order.

#### INQUIRIES.

Inquiries to be public.

10. Every inquiry shall be held in open court, unless the coroner directs that the public be excluded from an inquiry or any part of an inquiry.

Inquiries not to be held on holidays or Sundays.  
(Cap. 149.)

11. An inquiry shall not be held on a general holiday as defined in the Holidays Ordinance unless the coroner considers it requisite on grounds of urgency that an inquiry shall be held on such a day, and no inquiry shall be held on a Sunday.

Questioning of witnesses.

12. (1) Without prejudice to any enactment with regard to the examination of witnesses at an inquiry, any person who in the opinion of the coroner is a properly interested person shall be entitled to examine any witness at an inquiry either in person or by counsel or solicitor.

(2) The Commissioner of Police, unless interested otherwise than in that capacity, shall only be entitled to examine a witness by counsel or solicitor.

(3) The coroner shall disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(4) If the death of the deceased may have been caused by an injury received in the course of his employment or by an industrial disease, any person appointed by a trade union to which the deceased at the time of his death belonged shall be a properly interested person for the purposes of this rule.

13. Unless the coroner otherwise determines, a witness at an inquiry shall be examined first by the coroner or his officer and, if the witness is represented at the inquiry, lastly by his representative.

14. (1) No witness at an inquiry shall be obliged to answer any question if to do so would tend to incriminate him.

(2) If it appears to the coroner that a witness has been asked such a question, the coroner shall inform the witness that he may refuse to answer.

15. Any person whose conduct is likely in the opinion of the coroner to be called in question at an inquiry, shall, if not summoned to give evidence at the inquiry, be given reasonable notice of the date, hour and place at which the inquiry will be held.

16. If the conduct of any person is called in question at an inquiry on grounds which the coroner thinks substantial and which relate to any matter referred to in rule 23 and if that person is not present at the inquiry and has not been summoned to attend or otherwise given notice of the holding of the inquiry, the inquiry shall be adjourned to enable him to be present.

17. When a coroner has fixed a date, hour and place for the holding of an adjourned inquiry he may, at any time before the date so fixed, alter the date, hour or place fixed and shall then give notice of the alteration to the members of the jury, if any, the witnesses, and any other person appearing in person or represented at the inquiry.

18. (1) If the Commissioner of Police requests a coroner to adjourn an inquiry on the ground that a person may be charged with the murder, manslaughter or infanticide of the deceased or with dangerous driving causing the death of such person, the coroner shall adjourn the inquiry.

(2) At any time before the date fixed for the holding of the adjourned inquiry, the Commissioner of Police may ask the coroner for a further adjournment and the coroner shall comply with his request.

Order in which witness is to be questioned.

Witness not to incriminate himself.

Notice to be given to a person whose conduct is likely to be called in question.

Adjournment of inquiry where conduct of an absent person is called in question.

Alteration of date, hour or place of adjourned inquiry.

Commissioner of Police may request adjournment of inquiry in certain cases.

Inquiry not to be adjourned solely on grounds of criminal proceedings arising out of death of deceased.

Resumption and non-resumption of inquiry.

Recognizance to be void in certain circumstances.

Coroner to inform Registrar, Supreme Court of adjournment in certain cases.

Matters to be ascertained at an inquiry.

(Cap. 174.)

**19.** Subject to subsection (2) of section 14 of the Ordinance and to rule 18 an inquiry shall not be adjourned solely by reason of the institution of criminal proceedings arising out of the death of the deceased.

**20.** (1) If an inquiry which has been adjourned in pursuance of subsection (2) of section 14 of the Ordinance is not to be resumed, the coroner shall notify the jurors, the witnesses, the Commissioner of Police and any other person appearing in person or represented at the inquiry that the inquiry will not be resumed.

(2) If an inquiry which has been adjourned as aforesaid is to be resumed, the coroner shall give reasonable notice of the date, hour and place at which the inquiry will be resumed to the jurors, the witnesses, the Commissioner of Police and any other person appearing in person or represented at the inquiry.

**21.** When any witness or juror who has been bound over to attend at an adjourned inquiry, whether without further notice or conditionally on receiving further notice, is notified by the coroner that his attendance at the adjourned inquiry is not required or that the inquiry will not be resumed, the recognizance entered into by him shall be void.

**22.** When a magistrate commits a person for trial on a charge of murder, manslaughter, infanticide or causing death by dangerous driving, and the coroner who is responsible for holding an inquiry on the body adjourns the inquiry in pursuance of subsection (2) of section 14 of the Ordinance, the coroner shall inform the Registrar of the Supreme Court of such adjournment.

**23.** The proceedings and evidence at an inquiry shall be directed solely to ascertaining the following matters—

- (a) the identity of the deceased;
- (b) how, when and where the deceased came by his death;
- (c) the persons, if any, to be charged with murder, manslaughter, infanticide or causing death by dangerous driving, or of being accessories before the fact should the jury find that the deceased came by his death by murder, manslaughter, infanticide or dangerous driving;
- (d) the particulars for the time being required by the Births and Deaths Registration Ordinance to be registered concerning the death.

**24.** (1) Neither the coroner nor the jury shall express any opinion on any matters other than those referred to in rule 23.

(2) Notwithstanding paragraph (1) the coroner or the jury may make a recommendation designed to prevent the recurrence of fatalities similar to that in respect of which the inquiry is being held.

**25.** (1) Documentary evidence as to how the deceased came by his death shall not be admissible at an inquiry unless the coroner is satisfied that there is good and sufficient reason why the maker of the document should not attend the inquiry.

(2) If such documentary evidence is admitted at an inquiry, the inquiry shall be adjourned to enable the maker of the document to give oral evidence if the coroner or any properly interested person so desires.

**26.** All exhibits produced in evidence at an inquiry shall be marked with consecutive numbers and each number shall be preceded by the letter "C".

**27.** The coroner shall take notes of the evidence or depositions at every inquiry except in cases of murder, manslaughter, infanticide or death by dangerous driving when he shall take depositions.

**28.** No person shall be allowed to address the coroner or the jury as to the facts.

**29.** When the coroner sits with a jury, he shall sum up the evidence to the jury and direct them as to the law before they consider their verdict and shall draw their attention to rules 23, 24, 30 and 31 of these rules.

**30.** No verdict shall be framed in such a way as to appear to determine any question of civil liability.

**31.** The coroner shall not record any rider unless the rider is, in the opinion of the coroner, designed to prevent the recurrence of fatalities similar to that in respect of which the inquiry is being held.

#### RECORDS, DOCUMENTS AND EXHIBITS.

**32.** A coroner shall keep an indexed register of all deaths reported to him which shall contain the particulars specified in Form 7 set out in the Schedule to the Coroners (Forms) Rules.

Opinions not to be expressed on matters other than those in rule 23.

Admissibility of documentary evidence.

Exhibits to be marked.

Coroner to take notes of evidence or depositions.

Facts.

Duties of coroner as to matters of law and evidence.

Civil liability not to be determined.

Riders.

Register of deaths.

(Cap. 14, sub. leg.)

Retention and disposal of exhibits.

33. Every exhibit at an inquiry shall, unless a court otherwise directs, be retained by the coroner until he is satisfied that the exhibit is not likely to be, or will no longer be, required for the purposes of any other legal proceedings, and shall then, if a request for its delivery has been made by a person appearing to the coroner to be entitled to the possession thereof, be delivered to that person, or, if no such request has been made, be destroyed or otherwise disposed of as the coroner thinks fit.

Retention and disposal of documents other than exhibits.

34. Any document, other than an exhibit at an inquiry, in the possession of a coroner in connexion with an inquiry or post-mortem examination shall, unless a court otherwise directs, be retained by the coroner for at least fifteen years:

Provided that the coroner may deliver any such document to any person who in the opinion of the coroner is a proper person to have possession of it.

Copy documents.

35. A coroner shall, on application, supply to any person who, in the opinion of the coroner, is a properly interested person a copy of any notes of evidence or depositions taken by the coroner at an inquiry, or of any report of a post-mortem examination, or of any document put in evidence at an inquiry; or may, on application, permit such person to inspect such notes of evidence, depositions, report or document.

Vacation of office.

36. When a coroner vacates his office by death or otherwise, all documents, exhibits, registers and other things in the custody of the coroner in connexion with inquiries or post-mortem examinations shall be transferred to the coroner next appointed to that office.

Dated this 18th day of August 1969.

*Michael Hogan*  
Chief Justice.

*Explanatory Note.*

*(This Note is not part of the rules, but is intended to indicate their general purport).*

The rules are made by the Chief Justice under section 22 of the Ordinance and set out the practice and procedure at or in connexion with post-mortem examinations and inquiries. They are based on the English Coroners Rules 1953.

死因裁判官條例（即香港法例第十四章）  
一九六九年死因裁判官規則

註 釋

（本文並非該規則之任何部分，而祇係以簡述該規則之大意為目的。）

本規則係由正按察司根據死因裁判官條例第二十二款所賦予之權力而制訂，並對驗屍及調查死因或與其有關之慣例及程序加以規定。本規則之制訂係以一九五三年英國死因裁判官規則為根據。

CORONERS ORDINANCE.  
(Chapter 14).

**CORONERS (FORMS) (AMENDMENT) RULES 1969.**

In exercise of the powers conferred by section 22 of the Coroners Ordinance, the Chief Justice hereby makes the following rules—

1. These rules may be cited as the Coroners (Forms) (Amendment) Rules 1969. Citation.

2. Rule 2 of the Coroners (Forms) Rules is amended by inserting, after "Coroners Ordinance" the following—  
"and the Coroners Rules". Amendment of rule 2.  
(Cap. 14, sub. leg.)

3. The Schedule to the Coroners (Forms) Rules is amended by adding, after Form 5, the following new forms— Amendment of Schedule.

"FORM 6. [rule 8.]

POST-MORTEM EXAMINATION REPORT.

Name of deceased .....  
Observers present at examination .....  
Date and time of examination .....  
Place where examination performed .....  
Estimated time of death .....

EXTERNAL EXAMINATION

Apparent age .....  
Height .....  
Rigor mortis .....  
Nourishment .....  
Marks of violence, or identification, e.g. tattoo marks, old scars .....

INTERNAL EXAMINATION

*Cranial cavity*  
Skull .....  
Brain, meninges, etc. ....  
*Thoracic cavity*  
Mouth, tongue, oesophagus, larynx, trachea, lungs and pleurae .....  
Pericardium, heart and blood vessels .....

*Abdominal cavity*

Stomach and contents .....	
Peritoneum, intestines and mesenteric glands .....	
Liver and gall bladder .....	
Spleen .....	
Kidneys and ureters .....	
Bladder and urine .....	
Generative organs .....	
Are all other organs healthy? .....	

---

The cause of death as shown by the examination appears to be .....

Any further remarks .....

---

Signature and qualifications .....

Address .....

FORM 7.

[rule 32.]

## REGISTER OF DEATHS REPORTED TO THE CORONER.

Date on which death is reported	Burial/ Cremation order number	Name of deceased	Sex and age of deceased	Cause of death	"E" cause (if applicable)	Verdict at inquiry (if any)

Dated this 18th day of August 1969.

*Michael Bogan*  
Chief Justice.

*Explanatory Note.*

*(This Note is not part of the rules, but is intended to indicate their general purport).*

Rule 3 amends the Schedule to the Coroners (Forms) Rules by adding two forms which are to be used for the purposes of the Coroners Rules.

Rule 2 makes a consequential amendment.

死因裁判官條例（即香港法例第十四章）  
一九六九年死因裁判官（表格）（修訂）規則

## 註 釋

（本文並非該規則之任何部分，而祇係以簡述該規則之大意為目的。）

本規則第三款將兩款表格附加在死因裁判官（表格）規則之附表內。該等表格均為執行死因裁判官規則之規定而設。

本規則第二款所指之修訂事項係由於上述之修訂而連帶引起者。

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IMMIGRATION (CONTROL AND OFFENCES)  
ORDINANCE.

(Chapter 243).

IMMIGRATION (CONTROL AND OFFENCES)  
(AMENDMENT) REGULATIONS 1969.

In exercise of the powers conferred by section 47 of the Immigration (Control and Offences) Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Immigration (Control and Offences) (Amendment) Regulations 1969.

Citation.

2. Regulation 16 of the principal regulations is amended by—

Amendment of regulation 16.  
(Cap. 243, sub. leg.)

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

(b) inserting the following new paragraph—

“(2) Any fee payable under paragraph (1) in respect of a visa may be remitted or refunded by the Director in such cases as the Governor may direct.”

Clerk of Councils.

COUNCIL CHAMBER,  
2nd September 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

The object of this amendment is to enable the Director of Immigration in appropriate cases to remit or refund fees payable in respect of visas.

人民入境（管制及違例事項）條例（即香港法例第二四三章）  
一九六九年人民入境（管制及違例事項）（修訂）規例

註 釋

（本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。）

本規例所作之修訂，旨在使人民入境事務處處長遇有適當之情形時得核准豁免簽證費用或將該項費用發還。



EMERGENCY REGULATIONS ORDINANCE.  
(Chapter 241).

EMERGENCY (PUBLIC HEALTH AND URBAN SERVICES  
ORDINANCE) (AMENDMENT) REGULATIONS 1967  
(REPEAL) ORDER 1969.

In exercise of the powers conferred by section 2 of the  
Emergency Regulations Ordinance, the Governor in Council has  
made the following order—

1. This order may be cited as the Emergency (Public  
Health and Urban Services Ordinance) (Amendment) Regulations  
1967 (Repeal) Order 1969.

Citation.

2. The Emergency (Public Health and Urban Services  
Ordinance) (Amendment) Regulations 1967 are repealed.

Repeal of  
Emergency  
(Public Health  
and Urban  
Services  
Ordinance)  
(Amendment)  
Regulations  
1967.  
(L.N. 109/67.)

Clerk of Councils.

COUNCIL CHAMBER,  
2nd September 1969.

*Explanatory Note.*

*(This Note is not part of the order, but is intended  
to indicate its general purport).*

This order repeals the Emergency (Public Health and Urban Services  
Ordinance) (Amendment) Regulations 1967. The regulations are no longer  
required as their provisions (which related to the disposal of unclaimed  
human remains) have been incorporated into the permanent law by an  
amendment to the Public Health and Urban Services Ordinance.

緊急規例條例 (即香港法例第二四一章)  
一九六九年 (撤銷) 一九六七年緊急 (公眾衛生及市政  
事務條例) (修訂) 規例令

註 釋

(本文並非該令之任何部分，而祇係以簡述該令之大意為目的。)

本令將一九六七年緊急 (公眾衛生及市政事務條例) (修訂) 規例撤銷。由於  
公眾衛生及市政事務條例之修訂條文現已將該規例之條文 (有關殮房內無人認領之  
遺體之處理辦法) 編入永久性之法例內，故該規例當無復另行存在之必要。

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1969 No. 1060.

MARRIAGE.

THE HONG KONG DIVORCE JURISDICTION  
(AMENDMENT) ORDER 1969.

Made - - - - - 31st July 1969

Coming into Operation 1st August 1969

At the Court at Arundel Park, the 31st day of July 1969

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred upon Her in that behalf by section 2 of the Indian and Colonial Divorce Jurisdiction Act 1926(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

1. (1) This Order may be cited as the Hong Kong Divorce Jurisdiction (Amendment) Order 1969.

(2) This Order shall be construed as one with the Hong Kong Divorce Jurisdiction Order in Council 1935(b) and this Order and that Order may be cited together as the Hong Kong Divorce Jurisdiction Orders 1935 and 1969.

(3) This Order shall come into operation on 1st August 1969.

2. Article 3 of the Hong Kong Divorce Jurisdiction Order in Council 1935 is amended by the deletion from paragraph (c) of the words "the Secretary of State for the Colonies" and the substitution of the words "a Secretary of State".

W. G. AGNEW.

*Explanatory Note.*

*(This Note is not part of the Order).*

This Order amends Article 3(c) of the Hong Kong Divorce Jurisdiction Order in Council 1935 by substituting a reference to one of Her Majesty's Principal Secretaries of State for the reference to the Secretary of State for the Colonies.

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(a) 1926 c. 40.

(b) S.R. & O. 1935/836 (Rev. VI, p. 18; 1935, p. 585).

STAMP ORDINANCE.

(Chapter 117).

**STAMP (NEW TERRITORIES) (EXEMPTION AND  
MODIFICATION) (AMENDMENT) REGULATIONS 1969.**

In exercise of the powers conferred by section 4 of the Stamp Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Stamp (New Territories) (Exemption and Modification) (Amendment) Regulations 1969. Citation.
  
2. Regulation 2 of the principal regulations is amended—
  - (a) by deleting “and” in the first place where it occurs; and
  - (b) by inserting after “*inter vivos*” the following—

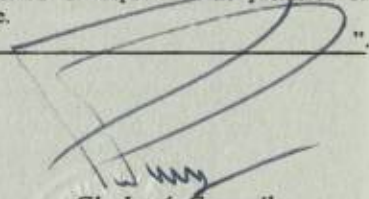
“and conveyances or transfers operating as voluntary dispositions *inter vivos*”.Amendment of regulation 2.  
(Cap. 117, sub. leg.)
  
3. Regulation 3 of the principal regulations is amended—
  - (a) in paragraph (a), by deleting “or the instrument is a surrender of a lease or an agreement for the surrender of a lease”;
  - (b) in paragraph (b), by deleting the full stop at the end and substituting a colon; and
  - (c) by inserting a proviso at the end as follows—

“Provided that this regulation shall not apply to any instrument chargeable with stamp duty under subhead (4) or (5) of head 32 of the Schedule to the Ordinance.”.Amendment of regulation 3.
  
4. The principal regulations are amended by deleting the Schedule and substituting the following— Deletion and substitution of the Schedule.

“SCHEDULE.

<i>Instrument.</i>	<i>Modified Duty.</i>
Conveyance on sale.	For purposes of regulation 2, where the amount or value of the consideration does not exceed \$2,000, no stamp duty shall be chargeable.

<i>Instrument.</i>	<i>Modified Duty.</i>
Voluntary disposition <i>inter vivos</i> and conveyance or transfer operating as a voluntary disposition <i>inter vivos</i> .	For purposes of regulation 2, where the value of the land does not exceed \$2,000, no stamp duty shall be chargeable.
Lease, agreement for lease or any other instrument to which head 32 of the Schedule to the Ordinance applies.	(a) For purposes of paragraph (a) of regulation 3, where the amount or value of the premium or fine does not exceed \$2,000, no stamp duty shall be chargeable. (b) For purposes of paragraph (b) of regulation 3, where the amount or value of the premium or fine does not exceed \$2,000, no stamp duty shall be assessed in respect of the premium or fine.

  
Clerk of Councils.

COUNCIL CHAMBER,  
9th September 1969.

#### *Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

The amendments in these regulations are all consequential upon amendments to the Stamp Ordinance. The reference to surrenders of leases or agreements for the surrender of leases is deleted in regulation 3 of the principal regulations because such documents are no longer chargeable with *ad valorem* duty under the Ordinance. Such instruments are now chargeable a flat rate of \$3 under head 32(4) of the Schedule to the Ordinance. The duty on leases and agreements for leases remains the same as in the case of conveyances on sale.

In the Schedule all provisions relating to excess stamp duty have been deleted as this duty has been abolished. The modification as regards duty on voluntary dispositions *inter vivos* and conveyances or transfers operating as voluntary dispositions *inter vivos* is now brought into line with the modification as regards the duty payable on conveyances on sale.

### 印花條例 (即香港法例第一一七章) 一九六九年印花 (新界) (豁免及改變辦法) (修訂) 規例

#### 註 釋

(本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。)

本規例所作之各項修訂均係因印花條例之修訂而連帶引起者。由於原有條例對於與歸還租約或歸還租約之協約有關之文件現已不再徵收從價稅之故，本規例茲特將原有規例第三款內所載「與歸還租約或歸還租約之協約有關之文件」一詞刪去。該類文件現時係根據原有條例內開附表第三十二項第(四)段之規定，須一律徵收印花稅三元。至於租約及預立租賃協約所應繳之印花稅則仍舊與售賣方式之轉讓所應繳者相同。

二、由於現已取消徵收附加印花稅之故，本規例茲特將原有規例附表內一切有關於附加印花稅之條文刪去。本規例復使兩項關於印花稅之改變辦法趨於一致，此即在生前分贈或以生前分贈方式將土地轉讓或移轉時繳納印花稅之改變辦法與以售賣方式轉讓時繳納印花稅之改變辦法互相配合。

CIVIL AVIATION ACT 1949.

**AIR TRANSPORT (LICENSING OF AIR SERVICES)  
(AMENDMENT) REGULATIONS 1969.**

In exercise of the powers conferred by section 13 of the Civil Aviation Act 1949, as applied to Hong Kong by the Colonial Civil Aviation (Application of Act) Orders 1952 to 1965, and of all other powers enabling him in that behalf, the Governor, with the approval of the Secretary of State, has made the following regulations—

1. (1) These regulations may be cited as the Air Transport (Licensing of Air Services) (Amendment) Regulations 1969 and, except for regulation 10, shall come into operation on the expiration of the day next preceding the day on which they are published in the *Gazette*.

Citation  
and com-  
mencement.

(2) Regulation 10 shall come into operation on the 12th day of November 1969.

2. Regulation 1 of the principal regulations is amended by—

Amendment of  
regulation 1.  
(Vol. 15, App. I,  
p. G 1.)

(a) adding, after the definition of "air service", the following new definitions—

"authorized person" means any person authorized by the Director of Civil Aviation, either generally or in relation to a particular case or class of cases;

"Board of Trade" means the Board of Trade of the United Kingdom;"

(b) adding, after the definition of "Licensing Authority", the following new definition—

"operating permit" means an operating permit issued by the Board of Trade;"

3. Part II of the principal regulations is amended, in the heading, by inserting after "LICENCES" the following—

Amendment  
of heading  
to Part II.

"AND OPERATING PERMITS".

4. Regulation 3 of the principal regulations is amended—

Amendment of  
regulation 3.

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

"(1) Subject to the provisions of these regulations, no person shall use any aircraft for the carriage

in the Colony of passengers, mail or cargo for hire or reward upon any scheduled journey between two places, one of which is in the Colony, except under and in accordance with the provisions of—

- (a) in the case of an aircraft which is registered in a country or place other than—
  - (i) the United Kingdom;
  - (ii) any of the Channel Islands or the Isle of Man;
  - (iii) any colony for the government of which Her Majesty's Government in the United Kingdom is responsible; or
  - (iv) any country or place, outside Her Majesty's dominions, in which for the time being She has jurisdiction in right of Her Majesty's Government in the United Kingdom,

an operating permit which has been granted by or under the authority of the Board of Trade to the operator or charterer of the aircraft;

- (b) in any other case, a licence or provisional licence granted by the Licensing Authority.”;

(b) in paragraph (2), by—

- (i) deleting “eight” and substituting the following—  
“seven”;
- (ii) deleting “eighty” and substituting the following—  
“seventy”;

(c) by inserting, after paragraph (3), the following—

“(4) Notwithstanding the provisions of paragraph (1), a person may use an aircraft under and in accordance with the provisions of—

- (a) a licence granted by the Licensing Authority under regulation 5; or
- (b) a provisional licence granted by the Licensing Authority under regulation 13,

if such licence or provisional licence, as the case may be, was granted before the commencement of the Air Transport (Licensing of Air Services) (Amendment) Regulations 1969, other than regulation 10 thereof.”.

5. Regulation 26 of the principal regulations is amended by inserting after “licence”, wherever it occurs, the following—  
“, operating permit”.

Amendment of regulation 26.

6. Regulation 27 of the principal regulations is amended by—

Amendment of regulation 27.

- (a) inserting after “licence”, wherever it occurs, the following—  
“, operating permit”;
- (b) inserting after “Licensing Authority” the following—  
“, the Board of Trade”.

7. Regulation 28 of the principal regulations is amended by—

Amendment of regulation 28.

- (a) inserting after “licence” the following—  
“, operating permit”;
- (b) inserting after “Licensing Authority”, wherever it occurs, the following—  
“, the Board of Trade”.

8. Regulation 30 is amended by inserting after “licence”, wherever it occurs, the following—  
“, operating permit”.

Amendment of regulation 30.

9. The principal regulations are amended by adding, after regulation 30, the following new regulation—

Addition of new regulation 30A.

“Power of Director or authorized person to prohibit flight.

30A. (1) Where it appears to the Director of Civil Aviation or an authorized person that any aircraft is intended or is likely to be flown in such circumstances that any provision of regulation 3 or 22 would be contravened in relation to the flight, the Director of Civil Aviation or an authorized person may—

- (a) direct the operator or commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director of Civil Aviation or by an authorized person; and
- (b) take such steps as are necessary to detain the aircraft.

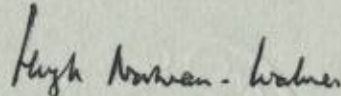
(2) For the purposes of paragraph (1), the Director of Civil Aviation and an authorized person may enter upon and inspect any aircraft.

(3) Any person who, being the operator or commander of an aircraft, contravenes any direction given to him under sub-paragraph (a) of paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine of seven thousand dollars or to imprisonment for three months."

10. Regulation 32 of the principal regulations is revoked and replaced by the following new regulation—

"Exceptions. 32. Subject to the provisions of paragraph (3) of regulation 22, nothing in these regulations shall apply to the two Corporations in respect of such journeys, on such routes, as the Governor may from time to time specify."

By Command,



Colonial Secretary.

5th September 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

Licences required under the principal regulations are now granted by the Hong Kong Air Transport Licensing Authority. The effect of the new regulation 3(1) of the principal regulations, contained in regulation 4(a), is to make the Board of Trade the licensing authority in respect of scheduled flights made to or from Hong Kong by aircraft registered in a country other than the United Kingdom, the colonies and territories which are subject to the jurisdiction of the United Kingdom Government.

2. Regulation 4(b) reduces the monetary penalties for offences against regulation 3 of the principal regulations to seven thousand and seventy thousand dollars respectively, in consequence of the devaluation of sterling in 1967; section 13 of the Civil Aviation Act 1949, as applied to Hong Kong, only permits monetary penalties equivalent to five hundred and five thousand pounds sterling to be imposed under the regulations.

3. Regulation 4(c) will enable the holders of current licences issued by the Hong Kong Air Transport Licensing Authority to continue to operate under such licences until they expire.

Revocation and replacement of regulation 32.

4. The new regulation 30A of the principal regulations, contained in regulation 9, enables the Director of Civil Aviation, or an authorized person, to prevent a flight from being made in breach of the regulations by directing the operator or commander of the aircraft not to make such a flight or by detaining the aircraft. An operator or commander who contravenes such a direction is liable to a maximum penalty of a fine of seven thousand dollars or imprisonment for three months.

5. Regulation 2 makes consequential amendments to the interpretation provisions in the principal regulations.

6. Regulations 5, 6, 7 and 8 make consequential amendments to regulations 26, 27, 28 and 30 of the principal regulations by including references to the Board of Trade and to operating permits issued by the Board in every place where reference is made to the Licensing Authority and licences issued by the Authority.

7. Regulation 10 replaces regulation 32 of the principal regulations. This is consequential on the amendment made in regulation 4. In order that operators who are at present exempted from regulation 3 of the principal regulations will have sufficient opportunity to obtain operating permits, regulation 10 will not come into operation until the 12th day of November 1969.

一九四九年民航法

一九六九年空運(航空服務牌照)(修訂)規例

註釋

(本文並非該規例之任何部分，而祇係以簡述該規例之大意為目的。)

查原有規例所規定領取之牌照現時係由香港空運牌照局所發給者。本規例第四款(甲)節茲特對原有條例第三款第(一)段加以修訂。該項修訂規定，對凡在除英聯合王國或英聯合王國政府轄下之殖民地及領土以外之國家註冊之飛機所作來港或離港之定期班次飛行，均以英國貿易局為發牌當局。

二、由於一九六七年英鎊貶值，本規例第四款(乙)節遂對違犯原有規例第三款者所規定判處之罰款分別減低至七千元及七萬元；蓋該項適用於香港之一九四九年民航法第十三款祇准根據該規例判處相等於五百及五千英鎊之罰款。

三、本規例第四款(丙)節之制訂，旨在使該等現時仍然持有香港空運牌照局所發給之牌照者得用該等牌照繼續經營，直至該牌照期滿時為止。

四、本規例第九款係將新增訂之第三十甲款加入原有規例內，使民航處長或其授權人員得飭令任何飛機之經營人或機長停止將該機飛行或得飭令將該機扣押，以防止該機作違反本規例之飛行。任何經營人或機長如有違反該項命令者最高得被判罰款七千元或監禁三個月。

五、第二款對原有規例內之釋義條文作連帶引起之修訂。

六、本規例第五、第六、第七及第八款對原有規例第二十六、第二十七、第二十八及第三十款作連帶引起之修訂。該等修訂乃係凡遇有「發牌當局」一詞之時即在其後加上「英國貿易局」一詞；遇有「當局所發給之牌照」一詞之時，則在其後加上「英國貿易局所發給之經營許可證」一詞。

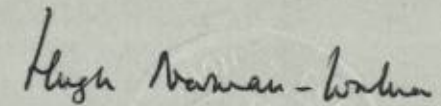
七、本規例第十款替代原有規例第三十二款，此乃由於原有規例第四款所作之修訂而連帶引起者。為使該等在現時獲得豁免受原有規例第三款所限制之經營人有充份機會領取經營許可證起見，該第十款將俟至一九六九年十一月十二日方告生效。

**DELEGATION OF FINANCIAL POWERS.**

In accordance with the provisions of Colonial Regulation 223(2)(c) and the Resolution of the Legislative Council passed on the 13th day of August 1969 the Governor has delegated such of the powers conferred upon him by Colonial Regulation 223(2)(a) and the Resolution of the Legislative Council passed on the 13th day of August 1969 as are specified in the Schedule to the Resolution to the extent specified in the third column thereof to the public officers mentioned in the fourth column thereof.

(L.N. 114/69.)

By Command,



Hugh Norman-Walker

Colonial Secretary.

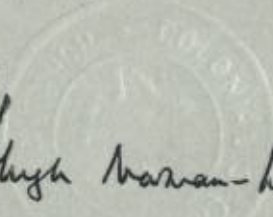
8th September 1969.

**DELEGATION OF FINANCIAL POWERS.**

In accordance with Colonial Regulation 223(2)(c) and the Resolution of Legislative Council passed on the 13th day of August 1969 the Governor has delegated the powers conferred on him by Colonial Regulation 223(2)(b) to the Financial Secretary and the Deputy Financial Secretary on condition that the additional provision authorized does not exceed a sum of \$75,000 in the case of the Financial Secretary and of half that amount in the case of the Deputy Financial Secretary.

(L.N. 114/69.)

By Command,



*Hugh Norman-Holmes*

*Colonial Secretary.*

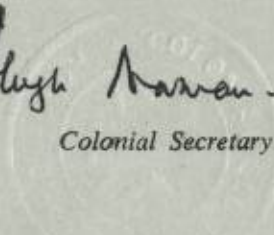
*8th September 1969.*

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**DELEGATION OF FINANCIAL POWERS.**

In accordance with Colonial Regulation 214(2) the Governor has delegated to the Financial Secretary and the Deputy Financial Secretary power to sign, in their own capacities, special warrants in respect of expenditure approved by them pursuant to any delegation of powers authorized under the provision of Colonial Regulation 223(2)(c).

By Command,

  
*Hugh Morrison - Lushen*

*Colonial Secretary.*

*8th September 1969.*



**PROCLAMATION.**

**No. 2 of 1969.**

BY HIS EXCELLENCY SIR DAVID CLIVE CROSBIE TRENCH, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, upon whom has been conferred the decoration of the Military Cross, Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies, and Vice-Admiral of the same.

WHEREAS it is provided by paragraph (3) of Order 5 of the Standing Orders of the Legislative Council of Hong Kong that the sessions of the Legislative Council shall be held at such place and shall begin at such time as the Governor may from time to time appoint by proclamation published in the *Gazette*:

NOW, THEREFORE I, DAVID CLIVE CROSBIE TRENCH, do hereby PROCLAIM that the next session of the Legislative Council of Hong Kong shall be held at the Legislative Council Chamber in the City of Victoria in Hong Kong and shall commence at half past two o'clock in the afternoon of Wednesday, the 1st day of October 1969.

GIVEN under my hand and the Public Seal of the Colony of Hong Kong this 16th day of September 1969.



*David Clive Crosbie Trench*

*Governor.*

GOD SAVE THE QUEEN.

LAUNDRIES (NEW TERRITORIES) REGULATIONS 1969.

LAUNDRIES (NEW TERRITORIES) REGULATIONS 1969  
(COMMENCEMENT) NOTICE 1969.

In exercise of the powers conferred by regulation 1 of the  
Laundries (New Territories) Regulations 1969, the Governor hereby  
appoints the 1st day of October 1969 as the day on which the  
said regulations shall come into operation.

By Command,

*Hugh Morrison-Walker*  
Colonial Secretary.

16th September 1969.



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**THE HOSEINEE SOCIETY OF HONG KONG  
INCORPORATION ORDINANCE.**

**(Chapter 1074).**

It is hereby notified that in exercise of the powers conferred by subsection (2) of section 7 of The Hoseinee Society of Hong Kong Incorporation Ordinance, and with the prior approval of His Excellency the Governor, the Committee of The Hoseinee Society of Hong Kong has on the 4th day of September 1969 by resolution amended the Constitution of the Corporation as follows—

1. In Article IV—

- (i) by deleting paragraphs (1), (2) and (3) and substituting the following—

“(1) The committee shall be composed of seven persons, one of whom shall be nominated by each of the following four *Shiah* companies carrying on business in Hong Kong—

Abdoolally Ebrahim & Co. (Hong Kong)  
Ltd.;

H. T. Barma Ltd.;

Kayamally Ltd.;

Tyeb & Co., Ltd.,

and three persons appointed by resolution at each annual general meeting.

(2) The three persons appointed by resolution at each annual general meeting shall hold office for one year but shall be eligible for re-election at the next annual general meeting.

(3) If no such persons are so appointed by resolution at any annual general meeting or if the number so appointed is less than three the remaining members of the committee may appoint such other persons as may be necessary to bring the number of members of the committee up to seven.

(4) No person shall be eligible as a member of the committee unless he is at the time of his nomination or appointment a member of the *Shiah* faith.

(5) Wherever any vacancy on the committee occurs from time to time by reason of a member of

the committee dying resigning or becoming incapable or unwilling to act or being absent from Hong Kong for longer than six months then—

- (a) if such member is a nominee of a company referred to in paragraph (1), the committee may require the company to nominate another person and if such person is not nominated within one month the committee shall be entitled to invoke the powers contained in paragraphs (7) and (8);
- (b) if such member is appointed by resolution or by the committee under paragraph (3), the committee shall have the same power to fill the vacancy as is provided for in paragraph (3).

(6) Notwithstanding any vacancy in their body, the members of the committee may exercise all powers conferred on them by the Ordinance:

Provided that should the members of the committee be reduced in number to less than four those members shall exercise none of the powers conferred by the Ordinance save those relating to the appointment of members of the committee contained in paragraph (5) of this Article.”;


- (ii) in paragraph (4)—
  - (a) by deleting “firms or business houses” and substituting the following—  
“companies”;
  - (b) by deleting “firm or business house” and substituting the following—  
“company or firm”;
- (iii) in paragraph (5)—
  - (a) by deleting “firm or business house” and substituting the following—  
“company or firm”;
  - (b) by deleting “paragraph (1)” and substituting the following—  
“paragraph (7)”;
  - (c) by inserting, after “nominee of such”, the following—  
“company or”;
- (iv) by renumbering paragraphs (4) and (5) as paragraphs (7) and (8).

2. In Article V by deleting paragraph (1) and substituting the following—

“(1) Whenever a person is nominated or appointed as a member of the committee under Article IV, a copy of a minute signed on behalf of the company or firm making the nomination or a copy of a minute signed by a committee to the effect that a person has been nominated or appointed as the case may be, shall be sufficient for the purposes of registration of the appointment.”.

  
Chairman.

I, Shabbir H. BARMA being the Secretary of The Hoseinee Society of Hong Kong do hereby certify the above to be a true copy of the amendments to the constitution of the Corporation made by the committee on the 4th day of September 1969.

  
Secretary.