

(4) Any police officer acting under the authority of a warrant issued under subsection (3) may at any time—

- (a) enter and search the premises or place named in the warrant;
- (b) board and search the vessel so named;
- (c) seize—

(i) any article found in such premises, place or vessel which he reasonably suspects to have been used in or in connexion with any public live performance therein of an indecent, obscene, revolting or offensive nature; and

(ii) anything whatever which he reasonably suspects to be, or to contain, evidence of the commission of an offence under this section,

and may—

- (d) use such force as is reasonably necessary to—

(i) enter any premises or place which he is empowered to enter and search by paragraph (a);

(ii) board and search any vessel which he is empowered to board and search by paragraph (b);

(iii) remove any person or thing obstructing him in the exercise of any power conferred by this subsection;

- (e) detain any person found in or on any premises, place or vessel which he is so empowered to enter or board and search until the search has been completed.

(5) Any article used in or in connexion with any public live performance of an indecent, obscene, revolting or offensive nature shall be liable to forfeiture.

(6) If on application by or on behalf of the Commissioner of Police a magistrate is satisfied that any article is liable to forfeiture under subsection (5), he may order the same to be forfeited.

(7) An order for the forfeiture of the article may be made under subsection (6) notwithstanding that no person has been convicted of an offence under this section.

(8) Before making an order under subsection (6), the magistrate may direct that any person whom he thinks proper shall be given notice of the application and of the time and place at which that person should appear before the magistrate if he wishes to show cause why an order should not be made.

- (9) In this section—

“live performance” includes any play, show, exhibition, act, entertainment, presentation, display or other performance of any kind given or done wholly or in part by a person or persons;

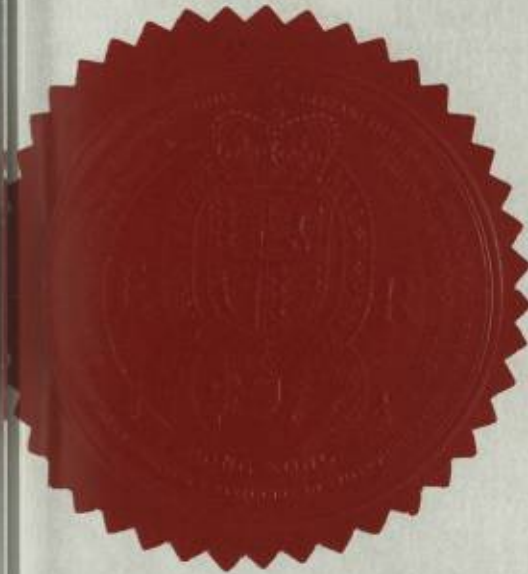
“public live performance” means a live performance in a public place or which is given or done in view of the public or a section of the public or to which the public or a section of the public are admitted, whether on payment or otherwise.”

Passed by the Hong Kong Legislative Council this 13th day of August, 1975.

*W. Green*  
Clerk to the Legislative Council.

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

*W. Green*  
Clerk to the Legislative Council.



I assent.

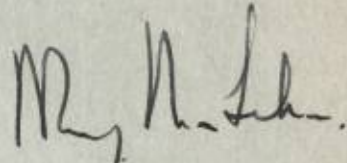
*My N. L.*  
Governor,

**HONG KONG**

No. 62 OF 1975



I assent.

  
Governor.

2nd October, 1975.

An Ordinance to amend the Inland Revenue Ordinance.

[3rd October, 1975]

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

1. This Ordinance may be cited as the Inland Revenue (Amendment) Short title.  
(No. 5) Ordinance 1975.

2. Section 26 of the principal Ordinance is amended—

- (a) by inserting "and" at the end of paragraph (a);
- (b) by deleting "; and" at the end of paragraph (b) and substituting a full stop; and
- (c) by deleting paragraph (c).

Amendment of  
section 26.  
(Cap. 112.)

3. Section 26A of the principal Ordinance is repealed and replaced by the following—

Repeal and  
replacement  
of section 26A.

"Exclusion of  
certain profits  
from tax.

26A. (1) For the purposes of this Part—

- (a) interest paid or payable on a Tax Reserve Certificate issued by the Commissioner;
- (b) interest paid or payable on a Government bond issued under the Loans (Government Bonds) Ordinance 1975; and

(50 of 1975.)

(c) any profit on the sale of such a Government bond, shall not be included in the profits of any corporation or other person chargeable to tax under this Part.

(2) For the purposes of this Part, interest in respect of which interest tax has been paid under Part V shall not be included in ascertaining the profits of a person, other than a corporation, chargeable to tax under this Part."

Amendment of  
section 28.

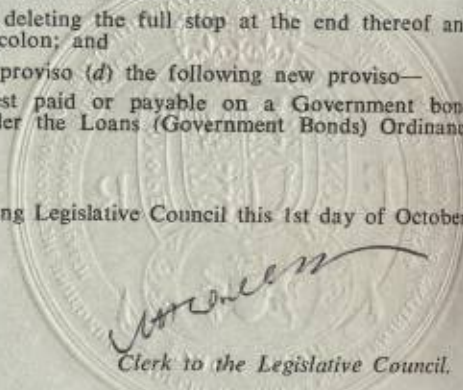
4. Section 28(1) of the principal Ordinance is amended—

(a) in proviso (d), by deleting the full stop at the end thereof and substituting a semicolon; and

(b) by inserting after proviso (d) the following new proviso—

(50 of 1975.) "(e) any interest paid or payable on a Government bond issued under the Loans (Government Bonds) Ordinance 1975."

Passed by the Hong Kong Legislative Council this 1st day of October, 1975.

  
*W. C. Chan*  
Clerk to the Legislative Council.

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

*W. C. Chan*  
Clerk to the Legislative Council.



I assent.

*M. P. N. S. Chan*  
Governor.

24th October, 1975.

Amendment of  
section 28.

"corporation, chargeable to tax under this Part."

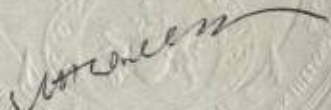
4. Section 28(1) of the principal Ordinance is amended—

(a) in proviso (d), by deleting the full stop at the end thereof and substituting a semicolon; and

(b) by inserting after proviso (d) the following new proviso—

(50 of 1975.) "(e) any interest paid or payable on a Government bond issued under the Loans (Government Bonds) Ordinance 1975."

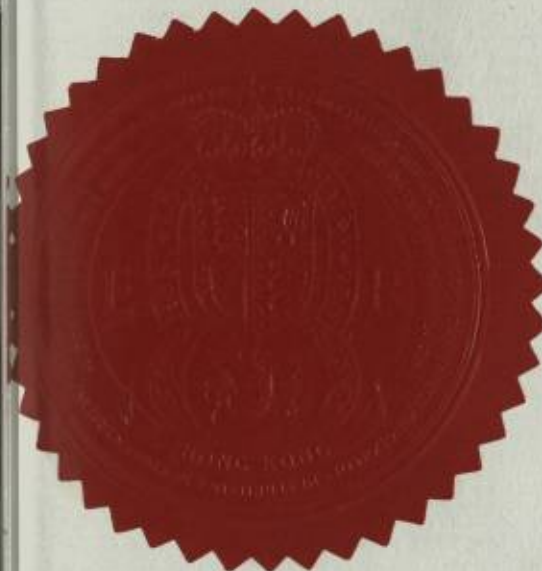
Passed by the Hong Kong Legislative Council this 1st day of October, 1975.

  
Clerk to the Legislative Council.

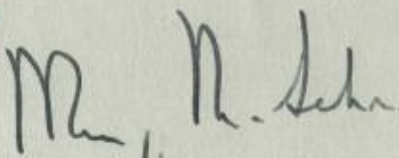
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

**HONG KONG**

No. 63 OF 1975



I assent.

  
Governor.

24th October, 1975.

An Ordinance to amend the Fire and Marine Insurance Companies Deposit Ordinance.

[31st October, 1975]

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

1. This Ordinance may be cited as the Fire and Marine Insurance Companies Deposit (Amendment) Ordinance 1975. Short title.

2. Section 11 of the principal Ordinance is amended by deleting subsections (1) and (2) and substituting the following— Amendment of section 11. (Cap. 34.)

"(1) Subject to subsection (2B), an insurance company which, after production to the Registrar of Companies of such evidence as he may require, obtains from him a declaration that he is satisfied either—

(1974 c. 49.) (a) that the company has complied with the Insurance Companies Act 1974; or

(b) that the company—

(i) is authorized to carry on in Great Britain fire or marine insurance business under the Insurance Companies Act 1974; and

(ii) has deposited with the Secretary of State audited returns of its business for the last financial

year of the company expiring within 12 months preceding the date of the production of evidence, shall be exempt from the provisions of sections 4 to 6.

(2) An insurance company entitled to exemption under subsection (1) shall deposit with the Registrar of Companies a signed copy of every audited return, statement and other document deposited by it with the Secretary of State pursuant to the Insurance Companies Act 1974, and duly signed as required by the Act, within 12 months after the close of the financial year to which the audited return, statement and other document relates.

(2A) An insurance company shall cease to be exempt under subsection (1) if—

(a) in the case of a company to which subsection (1)(a) applies, it ceases to comply with the Insurance Companies Act 1974; or

(b) in the case of a company to which subsection (1)(b) applies—

(i) it ceases to be authorized to carry on in Great Britain fire and marine insurance business under the Insurance Companies Act 1974; or

(ii) it fails to deposit with the Secretary of State audited returns of its business with respect to any financial year of the insurance company, within 12 months after the close of that financial year; or

(c) it fails to comply with subsection (2).

(2B) Subsection (1) shall not apply to an insurance company that has been required by the Secretary of State to restrict its business or to limit its premium income pursuant to the Insurance Companies Act 1974."

Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.

*Maureen*

Clerk to the Legislative Council.

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

*Maureen*

Clerk to the Legislative Council.

NO. 04 OF 1975



I assent.

*M. J. R. Scher*  
Governor.

24th October, 1975.

shall be exempt from the provisions of sections 4 to 6.

(2) An insurance company entitled to exemption under subsection (1) shall deposit with the Registrar of Companies a signed copy of every audited return, statement and other document deposited by it with the Secretary of State pursuant to the Insurance Companies Act 1974, and duly signed as required by the Act, within 12 months after the close of the financial year to which the audited return, statement and other document relates.

(2A) An insurance company shall cease to be exempt under subsection (1) if—

(a) in the case of a company to which subsection (1)(a) applies, it ceases to comply with the Insurance Companies Act 1974; or

(b) in the case of a company to which subsection (1)(b) applies—

(i) it ceases to be authorized to carry on in Great Britain fire and marine insurance business under the Insurance Companies Act 1974; or

(ii) it fails to deposit with the Secretary of State audited returns of its business with respect to any financial year of the insurance company, within 12 months after the close of that financial year; or

(c) it fails to comply with subsection (2).

(2B) Subsection (1) shall not apply to an insurance company that has been required by the Secretary of State to restrict its business or to limit its premium income pursuant to the Insurance Companies Act 1974."

**HONG KONG**

No. 64 OF 1975



I assent.

*M. J. R. Scher*  
Governor.

24th October, 1975.

An Ordinance to amend the Life Insurance Companies Ordinance.

[31st October, 1975]

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

1. This Ordinance may be cited as the Life Insurance Companies Short title. (Amendment) Ordinance 1975.

2. Section 31 of the principal Ordinance is amended by deleting subsections (1) and (2) and substituting the following—

Amendment of section 31. (Cap. 36.)

"(1) Subject to subsection (2B), a company which, after production to the Registrar of such evidence as he may require, obtains from him a declaration that he is satisfied either—

(1974 c. 49.)

(a) that the company has complied with the Insurance Companies Act 1974; or

(b) that the company—

(i) is authorized to carry on in Great Britain the business of life insurance under the Insurance Companies Act 1974; and

(ii) has deposited with the Secretary of State audited returns of its business, for the last financial

year of the company expiring within 12 months preceding the date of the production of evidence, shall be exempt from the provisions of sections 3, 9 to 13, 15 and 16.

(2) A company entitled to exemption under subsection (1) shall deposit with the Registrar a signed copy of every audited return, statement and other document deposited by it with the Secretary of State pursuant to the Insurance Companies Act 1974, and duly signed as required by the Act, within 12 months after the close of the financial year to which the audited return, statement and other document relates.

(2A) A company shall cease to be exempt under subsection (1) if—

(a) in the case of a company to which subsection (1)(a) applies, it ceases to comply with the Insurance Companies Act 1974; or

(b) in the case of a company to which subsection (1)(b) applies—

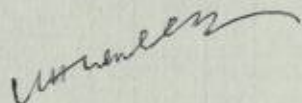
(i) it ceases to be authorized to carry on in Great Britain the business of life insurance under the Insurance Companies Act 1974; or

(ii) it fails to deposit with the Secretary of State audited returns of its business, with respect to any financial year of the company, within 12 months after the close of that financial year; or

(c) it fails to comply with subsection (2).

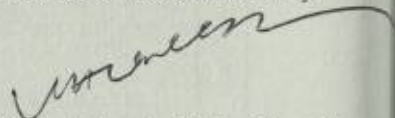
(2B) Subsection (1) shall not apply to a company that has been required by the Secretary of State to restrict its business or to limit its premium income pursuant to the Insurance Companies Act 1974.”

Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.



Clerk to the Legislative Council.

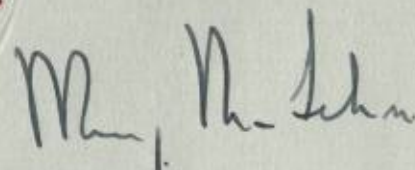
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



Clerk to the Legislative Council.



I assent.



Governor.

shall be exempt from the provisions of sections 3, 7 to 13, 15 and 16.

(2) A company entitled to exemption under subsection (1) shall deposit with the Registrar a signed copy of every audited return, statement and other document deposited by it with the Secretary of State pursuant to the Insurance Companies Act 1974, and duly signed as required by the Act, within 12 months after the close of the financial year to which the audited return, statement and other document relates.

(2A) A company shall cease to be exempt under subsection (1) if—

(a) in the case of a company to which subsection (1)(a) applies, it ceases to comply with the Insurance Companies Act 1974; or

(b) in the case of a company to which subsection (1)(b) applies—

(i) it ceases to be authorized to carry on in Great Britain the business of life insurance under the Insurance Companies Act 1974; or

(ii) it fails to deposit with the Secretary of State audited returns of its business, with respect to any financial year of the company, within 12 months after the close of that financial year; or

(c) it fails to comply with subsection (2).

(2B) Subsection (1) shall not apply to a company that has been required by the Secretary of State to restrict its

## HONG KONG

No. 65 OF 1975



I assent.

Governor.

24th October, 1975.

An Ordinance to constitute a Judicial Service Commission.

[ ]

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

1. This Ordinance may be cited as the Judicial Service Commission Ordinance 1975 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"Commission" means the Judicial Service Commission established by this Ordinance;

"judicial office" means any judicial office specified in the First Schedule; First Schedule.

"judicial officer" means the holder of a judicial office.

3. (1) There is hereby established a Judicial Service Commission, Judicial Service Commission.  
which shall consist of—

(a) the Chief Justice, who shall be the Chairman;

(b) the Attorney General;

(c) the Chairman of the Commission established by the Public Services Commission Ordinance; and (Cap. 93.)

(d) not more than three members appointed by the Governor, one of whom may be a judge of the Supreme Court.

(2) An appointed member—

- (a) may resign his office by notice in writing to the Governor;  
 (b) shall vacate his office after two years, but shall be eligible for re-appointment.

(3) The Chairman and not less than two members may exercise and perform any of the functions, powers and duties of the Commission, but the Commission shall not pass a resolution except by the unanimous vote of the Chairman and every member who considers the resolution.

(4) The Commission may authorize the Chairman to exercise and perform, either generally or in any particular case, such of the functions, powers and duties of the Commission under this Ordinance as it may specify.

(5) Anything which may be done at a meeting of the Commission may be done by the circulation of papers for the consideration of the Chairman and not less than two members and in particular—

- (a) a resolution of the Commission may be passed without a meeting, but the resolution and the voting thereon shall be recorded in writing and the Chairman and any member who considers the resolution shall sign his name to his vote; and  
 (b) advice on any matter may be formulated without a meeting, but the advice of the Chairman and any member who considers the matter shall be recorded in writing and each shall sign his name to the advice given by him.

(6) If any appointed member is absent from Hong Kong or is unable to act, the Governor may appoint another person to act temporarily as a member.

4. A person shall not be appointed to be a member of the Commission if—

- (a) he is a member of the Legislative Council; or  
 (b) he holds a pensionable office (other than the office of judge of the Supreme Court) the emoluments whereof are payable wholly or partly out of public revenue or out of the revenue or funds of the Urban Council, unless he is on leave prior to retirement and has already received official notification of the pension which will be payable to him for service which comprised service in the office or post of which he is the holder.

5. (1) The Governor shall appoint a public officer to act as Secretary to the Commission.

(2) The Secretary shall not be a member of the Commission.

6. The Commission shall advise the Governor regarding—

- (a) the filling of vacancies in judicial offices;  
 (b) such representations from a judicial officer concerning conditions of service as may be referred to it by the Governor;  
 (c) any matter affecting judicial officers which may be prescribed or which the Governor may refer to the Commission.

7. Members appointed under section 3(1) or appointed temporarily under section 3(6) shall on first appointment take an oath or make an affirmation in the form in the Second Schedule, which shall be administered by a judge.

Certain persons ineligible for appointment as members of Commission.

Secretary to the Commission.

Functions of Commission.

Oath of Chairman and members. Second Schedule.

8. Any person who, in connexion with any matter on which it is the duty of the Commission to advise the Governor under this Ordinance, wilfully gives to the Commission or a member thereof any information which is false in a material particular shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars and to imprisonment for two years.

Offence of giving false information to Commission.

9. Any report, statement or other communication which the Commission may in the exercise of its functions or the discharge of its duties make to the Governor or to the Chief Justice shall be privileged in that its production may not be compelled in any legal proceedings.

Reports and statements or other communications of Commission privileged.

10. A member of the Commission shall have the same protection and privileges in proceedings brought against him for any act done in the execution of his duty as such member as a judge has when acting in the execution of his office.

Protection to members.

11. (1) Any member of the Commission or other person who, without the permission of the Governor, publishes or discloses to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under or in connexion with this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars and to imprisonment for one year.

Publication and disclosure of information to unauthorized persons prohibited.

(2) If any person having any information which to his knowledge has been disclosed in contravention of this section publishes or discloses such information to any other person otherwise than for the purpose of any prosecution under this Ordinance, he shall be guilty of an offence and shall be liable on conviction to a fine of two thousand dollars and to imprisonment for one year.

12. Any person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence a decision of the Commission or any member shall be guilty of an offence and shall be liable on conviction to a fine of four thousand dollars and to imprisonment for two years:

Offence to influence or attempt to influence Commission.

Provided that this section shall not prohibit—

- (a) any person from giving a certificate or testimonial to any applicant or candidate for appointment as a judicial officer or from supplying any information or assistance on request made by the Commission; or  
 (b) any judicial officer from making representations to the Commission in such manner and to such extent as the Governor may provide.

13. (1) The Governor in Council may by regulation provide for—

- (a) the discharge by the Commission of additional functions;  
 (b) the time, place and manner of the exercise by the Commission of its functions;  
 (c) forms and fees in connexion with applications to the Commission, reports or communications from the Commission or any other matter required by or under this Ordinance;  
 (d) any matter which is to be or may be prescribed.

Power of Governor in Council to make regulations.

(2) Regulations may provide for the manner in which the Commission is to proceed in any case in which the advice tendered is not the unanimous advice of the Commission or the members by whom a matter has been considered.

Amendment of  
First Schedule.

14. The Legislative Council may by resolution amend the First Schedule.

Saving.

15. Nothing in this Ordinance shall derogate from—

- (a) any provision of the Letters Patent vesting in the Governor the power of appointing judicial officers; or  
(b) any instructions given to the Governor by Her Majesty through the Secretary of State as to how such power should be exercised and in particular any instructions contained in Colonial Regulations.

Amendment of  
Public Services  
Commission  
Ordinance.  
(Cap. 93.)

16. The Public Services Commission Ordinance is amended—

- (a) in section 2, by deleting the definition of "judicial officer" and substituting the following—

"judicial office" means any judicial office specified in the First Schedule to the Judicial Service Commission Ordinance 1975; and

- (b) in section 6(2), by deleting paragraph (b) and substituting the following—

"(b) any judicial office;"

#### FIRST SCHEDULE

[s. 2.]

##### JUDICIAL OFFICE

Judge of the Supreme Court, other than the Chief Justice  
District Judge  
Magistrate  
President, Lands Tribunal  
Member of the Lands Tribunal  
Presiding Officer, Labour Tribunal  
Registrar of the Supreme Court  
President, Tenancy Tribunal

#### SECOND SCHEDULE

[s. 7.]

##### OATH OF OFFICE

I, \_\_\_\_\_, having  
been appointed to act as member of the Judicial Service Commission,  
do swear \_\_\_\_\_ } that I will freely and  
solemnly and sincerely declare and affirm \_\_\_\_\_ }  
without fear or favour, affection or ill-will, give my counsel and advice  
to the Governor of Hong Kong in connexion with all such matters as  
may be referred to the Judicial Service Commission under the Judicial  
Service Commission Ordinance.

SWORN  
DECLARED this \_\_\_\_\_ day of \_\_\_\_\_ 197 .

Before me

.....  
.....

Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.

*W. M. Lee*  
Clerk to the Legislative Council.

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

*W. M. Lee*  
Clerk to the Legislative Council.



I assent.

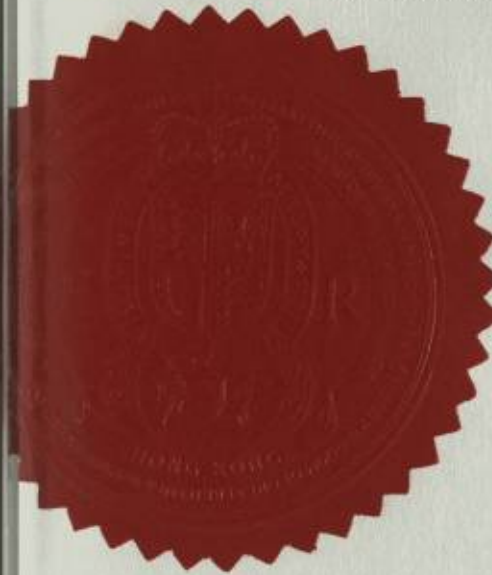
*M. M. Mahipala*

Governor.

24th October, 1975

**HONG KONG**

No. 66 OF 1975



I assent.

*Mary M. Lehn*  
Governor.

24th October, 1975.

An Ordinance to amend the Copyright Ordinance.

[31st October, 1975]

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

1. This Ordinance may be cited as the Copyright (Amendment) Ordinance 1975. Short title.

2. Section 5 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 5.

\*Offences in connexion with infringing copies.

5. (1) Without prejudice to section 21 of the Act, any person who for the purposes of trade or business has in his possession any infringing copy of a work or other subject matter in which copyright subsists under the Act or this Ordinance shall, unless he proves to the satisfaction of the court that he did not know and that he had no reason to believe that it was an infringing copy of any such work or other subject matter, be guilty of an offence and shall be liable on conviction to a fine of \$1,000 in respect of each such infringing copy and to imprisonment for 12 months.

(2) Without prejudice to section 21 of the Act, any person who for the purposes of trade or business has in his possession any plate used or intended to be used for making an infringing copy of any work or other subject matter in

(Cap. 39.)

which copyright subsists under the Act or this Ordinance shall, unless he proves to the satisfaction of the court that he did not know and that he had no reason to believe that the plate was used or intended to be used for making an infringing copy of any such work or other subject matter, be guilty of an offence and shall be liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

(3) Where a person is charged with an offence under subsection (1) or (2) the court may, if it is satisfied that any article seized by an authorized officer under section 6 in connexion with the offence—

- (a) is an infringing copy of a work or other subject matter in which copyright subsists under the Act or this Ordinance;
- (b) is a plate which has been used, or is intended to be used, for making infringing copies of any such work or other subject matter; or
- (c) has been used in connexion with any offence under the Act or this Ordinance,

order that the article be—

- (i) destroyed;
- (ii) delivered up to the person who appears to the court to be the owner of the copyright in question; or
- (iii) disposed of in such other way as the court may think fit,

whether or not the person charged is convicted of the offence with which he was charged.

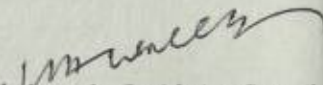
(4) Where any article is seized by an authorized officer under section 6 in connexion with a suspected offence under the Act or this Ordinance a court, on the application of the Attorney General or the Director, may, if it is satisfied that the article—

- (a) is an infringing copy of a work or other subject matter in which copyright subsists under the Act or this Ordinance;
- (b) is a plate which has been used, or is intended to be used, for making infringing copies of any such work or other subject matter; or
- (c) has been used in connexion with any offence under the Act or this Ordinance,

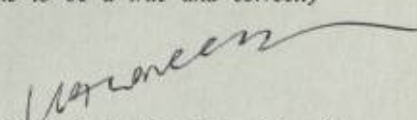
order that the article be—

- (i) destroyed;
- (ii) delivered up to the person who appears to the court to be the owner of the copyright in question; or
- (iii) disposed of in such other way as the court may think fit.”.

Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

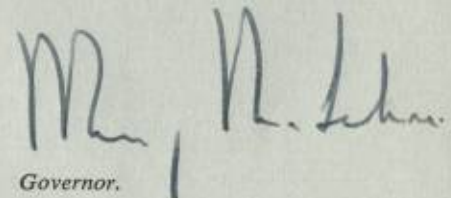
*M. L. Schenck*  
Governor.

**HONG KONG**

No. 67 OF 1975



I assent.

  
Governor.

24th October, 1975.

An Ordinance to amend the Interpretation and General Clauses Ordinance.

[31st October, 1975]

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

1. This Ordinance may be cited as the Interpretation and General Clauses (Amendment) (No. 2) Ordinance 1975. Short title.

2. Section 30 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 30.

30. Subsidiary legislation shall be judicially noticed. “Subsidiary legislation to be judicially noticed.” (Cap. 1.)

3. The principal Ordinance is amended by adding after section 54 the following new section— Addition of new section 54A.

54A. (1) The Legislative Council may by resolution provide for the transfer to any public officer of any functions exercisable by virtue of any Ordinance by another public officer. “Power to transfer functions of public officers. 1946 c. 31, s. 1.”

(2) A resolution under this section may contain such incidental, consequential and supplemental provisions as may

be necessary or expedient for the purpose of giving full effect to the resolution.

(3) A certificate issued by the Colonial Secretary that any property vested in a public officer immediately before a resolution under this section takes effect has been transferred by virtue of the resolution to another public officer shall be conclusive evidence of the transfer.

(4) In this section—

“functions” includes powers and duties;

“public officer” includes any corporation created for the purpose of incorporating a person for the time being holding a public office.”

4. Section 55 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 55.  
“Change of title of office. 1946 c. 31, s. 2.

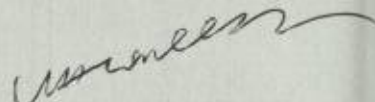
55. The Colonial Secretary may, by notice (which may be given retrospective effect) in the *Gazette*, declare a change in title of any public officer or public body, or of any person referred to in any Ordinance, and the notice may contain provisions substituting the new title in any Ordinance relating to the public officer, public body or person and in any instrument, contract or legal proceedings made or commenced before the date on which the notice takes effect.”

5. Section 84 of the principal Ordinance is amended by inserting after “or other officer concerned in the management of the company,” the following—

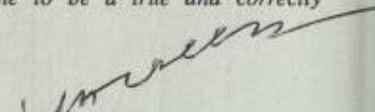
“or any person purporting to act as such director or officer.”

Amendment of section 84.

Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.

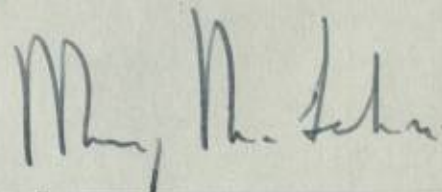
  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.



**HONG KONG**

No. 68 OF 1975

any property vested in a public officer immediately before a resolution under this section takes effect has been transferred by virtue of the resolution to another public officer shall be conclusive evidence of the transfer.

(4) In this section—

"functions" includes powers and duties;

"public officer" includes any corporation created for the purpose of incorporating a person for the time being holding a public office."

Repeal and replacement of section 55.

4. Section 55 of the principal Ordinance is repealed and replaced by the following—

"Change of title of office. 1946 c. 31, s. 2.

55. The Colonial Secretary may, by notice (which may be given retrospective effect) in the *Gazette*, declare a change in title of any public officer or public body, or of any person referred to in any Ordinance, and the notice may contain provisions substituting the new title in any Ordinance relating to the public officer, public body or person and in any instrument, contract or legal proceedings made or commenced before the date on which the notice takes effect."

Amendment of section 84.

5. Section 84 of the principal Ordinance is amended by inserting after "or other officer concerned in the management of the company," the following—

"or any person purporting to act as such director or officer,".



I assent.

*Henry M. S. S. S.*  
Governor.

24th October, 1975.

An Ordinance to amend the Public Services Commission Ordinance.

[31st October, 1975]

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

1. This Ordinance may be cited as the Public Services Commission (Amendment) Ordinance 1975. Short title.

2. Section 6 of the principal Ordinance is amended—

(a) in subsection (2)—

(i) in paragraph (a) by deleting "the Deputy Colonial Secretary"; and

(ii) by deleting paragraphs (e) and (f) and substituting the following—

"First Schedule. (e) any office specified in the First Schedule."; and

(b) by inserting the following new subsection—

"(3) The Legislative Council may by resolution amend the First Schedule. the First Schedule."

Amendment of section 6. (Cap. 93.)

Amendment of  
section 8.

3. Section 8 of the principal Ordinance is amended by inserting, before "Schedule", the following—

"Second".

Addition of  
new Schedule.

4. The principal Ordinance is amended by—

(a) adding after section 15 the following—

"FIRST SCHEDULE [s. 6(2)(e) & (3).]

SPECIFIED OFFICES

The Director of Audit.

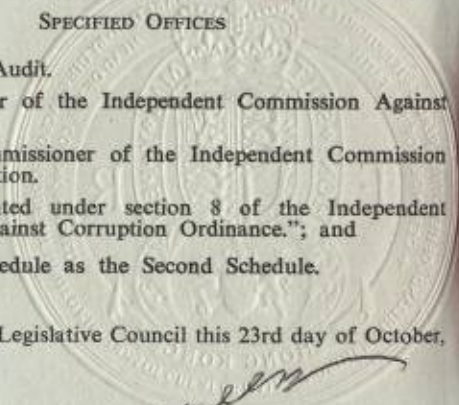
The Commissioner of the Independent Commission Against Corruption.

The Deputy Commissioner of the Independent Commission Against Corruption.

(Cap. 204.) A person appointed under section 8 of the Independent Commission Against Corruption Ordinance."; and

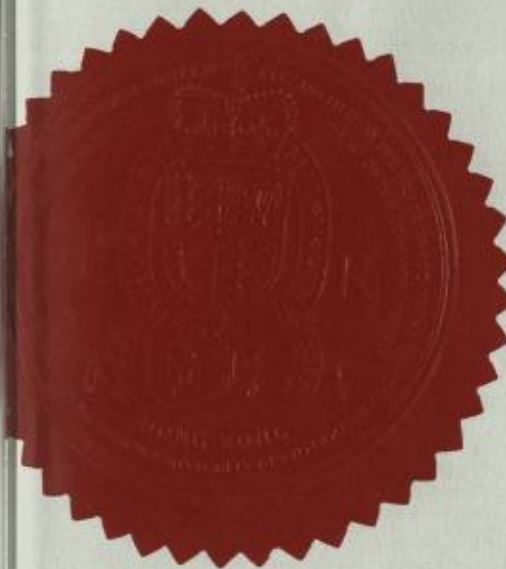
(b) re-numbering the Schedule as the Second Schedule.

Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.

  
*W. J. M. ...*  
Clerk to the Legislative Council.

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

*W. J. M. ...*  
Clerk to the Legislative Council.



I assent.

*M. J. ...*  
Governor.

24th October, 1975.

(a) adding after section 15 the following—

"FIRST SCHEDULE [s. 6(2)(e) & (3).]  
SPECIFIED OFFICES

The Director of Audit.

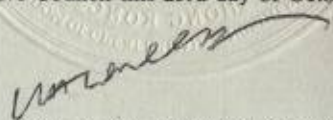
The Commissioner of the Independent Commission Against Corruption.

The Deputy Commissioner of the Independent Commission Against Corruption.

(Cap. 204.) A person appointed under section 8 of the Independent Commission Against Corruption Ordinance."; and

(b) re-numbering the Schedule as the Second Schedule.

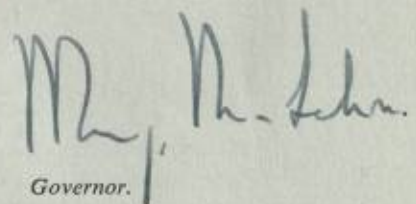
Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.

  
Clerk to the Legislative Council.

**HONG KONG**

No. 69 OF 1975

I assent.

  
Governor.

24th October, 1975.

An Ordinance to amend the Road Traffic Ordinance.

[31st October, 1975]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1975. Short title.

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

(a) in subsection (1) by inserting, after paragraph (f), the following new paragraph— (Cap. 220.)

"(fa) restricting the number of passengers who may be carried in or on any vehicle;" and

(b) in subsection (3) by inserting after "offence" where it first occurs the following—

"on the part of the registered owner of the vehicle or any other person".

3. Section 26B of the principal Ordinance is amended by inserting before "Schedule" in each place where it occurs the following— Amendment of section 26B.

"First".

Addition of new section 30A.

4. The principal Ordinance is amended by adding after section 30, the following new section—

"Evidence by certificate.  
Second Schedule.

30A. (1) In any proceedings for an offence under this Ordinance, a certificate in the form set out in Form 1 of the Second Schedule purporting to be signed by a police officer and certifying that a plan or drawing exhibited thereto is a plan or drawing made by him of the place or object specified in the certificate, and that the plan or drawing is correctly drawn to a scale so specified, shall be admissible as evidence of the relative positions of the things shown on the plan or drawing.

Second Schedule.

(2) In any proceedings for an offence under this Ordinance, a certificate in the form set out in Form 2 of the Second Schedule purporting to be signed by a police officer and certifying that a person specified in the certificate stated to the police officer—

- (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion; or
- (b) that a particular motor vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner; or
- (c) that a particular motor vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or to whom it belonged, as the case may be, on that occasion.

(3) Nothing in subsection (1) or (2) shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(4) Nothing in subsection (1) or (2) shall be deemed to make a certificate admissible as evidence in proceedings for an offence—

- (a) unless a copy thereof has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; or
- (b) if that person, not later than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the form set out in Form 3 of the Second Schedule on the prosecutor requiring attendance at the trial of the person who signed the certificate.

Second Schedule.

(5) A certificate or other document required by subsection (4) to be served on any person may be served—

- (a) by delivering it personally to the person to be served, or by addressing it to him and leaving it at, or sending it by registered post to his last or usual place of abode or place of business; or

(b) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or by sending it by registered post addressed to the secretary or clerk of that body at that office."

5. The Schedule to the principal Ordinance is amended by deleting the heading "SCHEDULE." and substituting the following—  
"FIRST SCHEDULE".

Amendment of Schedule.

6. The principal Ordinance is amended by adding at the end thereof the following new Schedule—

Addition of new Schedule.

"SECOND SCHEDULE [s. 30A(1), (2) & (4)(b).]

FORM 1  
表格一

FORM OF CERTIFICATE BY POLICE OFFICER AS TO DRAWING OR PLAN  
警務人員就所繪圖樣或圖則而簽署之證明書表格

I, A.B., of ..... hereby certify  
本人(某甲), 地址為 ..... , 茲證明  
that this plan or drawing was made by me and is correctly drawn to a  
明此圖則或圖樣乃由本人所製, 並  
scale of ..... to .....  
依照 ..... 比 ..... 之比例準確繪成。

Dated this ..... day of ....., 19.....  
日期: 一九 .. 年 .. 月 .. 日。

A.B.  
(某甲)

Rank .....  
職階 .....

FORM 2  
表格二

FORM OF CERTIFICATE BY POLICE OFFICER OF STATEMENT AS TO MOTOR VEHICLE  
警務人員按照車輛之有關人士所陳述而簽署之證明書表格

I, A.B., of ..... hereby certify  
本人(某甲), 地址為 ..... , 茲證明  
that on the ..... day of ....., 19.....  
在 一九 .. 年 .. 月 .. 日

at ..... C.D. of .....  
 在 ..... (某乙), 其地址為 ..... 者,  
 stated to me that on the ..... day of .....  
 曾向本人陳述謂在一九 ..... 年 ..... 月  
 19....., at ..... a.m./p.m. a \* .....  
 日上午/下午 時 分, 一輛\* .....  
 registered number .....  
 其登記號碼為 ..... 者,

† (i) was being driven [or used] by him/her, and  
 乃由其本人駕駛 [或 使用], 及

(ii) † (a) belonged to him/her, or  
 為其本人所擁有, 或

† (b) [was being used by] [and] [or belonged to] the firm  
 [乃為一商號所使用] [及] [或為一商號所擁有], 該商號  
 of .....  
 名為 .....  
 of † ..... and that  
 地址為 † ..... , 而在其  
 he/she was at the time of the statement a partner in  
 作該項陳述時, 其本人為該商號之一名合  
 that firm; or  
 夥人; 或

† (c) [was being used by] [and] [or belonged to] the corpora-  
 [乃為一間註冊公司所使用] [及] [或為一間註冊公司所擁  
 tion of .....  
 有], 該公司名為 .....  
 of § .....  
 地址為 § .....  
 and that at the time of the statement he/she was a  
 而在其作該項陳述時, 其本人為該 ..... 公司之  
 ¶ ..... of [employed as ¶ ..... by]  
 ¶ [受僱於該 ..... 公司為 ¶] .....  
 the said .....

Dated this ..... day of ..... 19.....  
 日期: 一九 ..... 年 ..... 月 ..... 日。

A.B.  
 (某甲)

Rank .....  
 職階

\* State description of motor vehicle, e.g., goods vehicle.  
 述明何種車輛, 例如貨車。

† Delete if not applicable.  
 不適用之字句應予刪除。

‡ State principal office or place where the firm conducts its business.  
 述明商號之主要辦事處或營業地址。

§ State registered office or, if no registered office, principal office or place  
 where the corporation conducts its business.  
 述明註冊公司之註冊辦事處地址, 如無註冊辦事處, 則其主要辦事處或營業地址。

¶ State nature of office or employment.  
 述明職位或受僱之職。

FORM 3  
 表格三

FORM OF NOTICE BY DEFENDANT REQUIRING  
 ATTENDANCE OF WITNESS

被告人要求證人出庭通知書表格

To A.B. of .....  
 受文者: (某甲), 地址為 .....

Whereas I, C.D., of .....  
 本人(某乙), 地址為 .....

have been served under section 30A(4)(a) of the Road Traffic Ordinance  
 現接獲一份根據道路交通條例第三十甲條第(四)款(甲)段所送  
 with a copy of a plan or drawing authenticated by a certificate [or a  
 遠之圖則或圖樣, 並附有證明書, 證明其內容屬實 [或一份  
 certificate relating to a statement made by .....]:  
 與一項陳述有關之證明書, 而該項陳述係由 ..... 所作者]:

I hereby give notice under section 30A(4)(b) of the Road Traffic  
 本人茲根據道路交通條例第三十甲條第  
 Ordinance that I require the attendance at the hearing or trial of the  
 (四)款(乙)段發出通知, 要求簽署該證明書之  
 charge against me of the person who signed the said certificate.  
 人士於控告本人案件進行聆訊或審判時出席。

Dated this ..... day of ..... 19.....  
 日期: 一九 ..... 年 ..... 月 ..... 日。

C.D.  
 (某乙)

Passed by the Hong Kong Legislative Council this 23rd day of October,  
 1975.

*W. W. W. W.*  
 Clerk to the Legislative Council.

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

*W. W. [unclear]*

Clerk to the Legislative Council.



I assent.

*[Signature]* *[Signature]*  
Governor.

*W. H. Wong*  
Clerk to the Legislative Council.

**HONG KONG**

No. 70 OF 1975



I assent.

*M. J. [Signature]*  
Governor.

24th October, 1975.

An Ordinance to amend the Medical Registration Ordinance.

[31st October, 1975]

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

1. (1) This Ordinance may be cited as the Medical Registration (Amendment) Ordinance 1975. Short title and commencement.

(2) Sections 2, 3, 4, 5, 6, 7 and 10 shall come into operation on the 1st January 1976.

(3) Where a medical practitioner makes an application before 1st January 1976 for a certificate to practise under section 25 of the Stamp Ordinance in respect of the year 1976, the application shall be treated as an application for a practising certificate under section 20A of the Medical Registration Ordinance and the Registrar may issue a practising certificate before that date as if that section were already in operation. (Cap. 117.) (Cap. 161.)

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

(a) by inserting after the definition of "practice" the following— (Cap. 161.)  
" "practising certificate" means a certificate issued under section 20A(2);"; and

(b) in the definition of "Registrar", by deleting the following—  
"Director as".

Amendment of section 3.

3. Section 3 of the principal Ordinance is amended by deleting subsections (3), (4), (5) and (6) and substituting the following—

“(3) Subject to subsections (4) and (6), a member of the Council appointed under subsection (2)(c), (d), (e) or (f) shall hold office for a period of 3 years from the date of his appointment and, at the expiry of his period of appointment or of any period for which he is reappointed, shall be eligible for reappointment for further periods of 3 years each.

(4) Any appointed member of the Council may at any time resign by giving notice in writing to the Chairman.

(5) Where, before the expiry of the period of his appointment, any appointed member of the Council resigns or his office becomes vacant, the Governor may appoint a person who is suitably qualified for appointment under subsection (2) to hold office in place of that member until the expiry of the period for which he was appointed.

(6) If any appointed member—

- (a) is sentenced to a term of imprisonment for any offence;
- (b) is the subject of an order made under section 21;
- (c) becomes bankrupt or makes an arrangement with his creditors;
- (d) is, in the opinion of the Governor, incapacitated from carrying out the duties of his office by reason of physical or mental illness;
- (e) is no longer ordinarily resident in Hong Kong; or
- (f) is, in the opinion of the Governor, unable or unfit to perform his duties and exercise his powers as a member of the Council,

the Governor may declare the member's office of membership of the Council to be vacant.

(7) Notwithstanding anything in this section, a person—

- (a) against whom an order under section 21 has at any time been made; or
- (b) who is—
  - (i) undergoing a sentence of imprisonment;
  - (ii) detained in a mental hospital; or
  - (iii) an undischarged bankrupt,

shall not be eligible for appointment or reappointment as a member of the Council.”.

Addition of new sections 3A, 3B and 3C.

4. The principal Ordinance is amended by adding, after section 3, the following new sections—

“Chairman of the Council.

3A. (1) The Director shall be the Chairman of the Council.

(2) If the Director is absent from any meeting of the Council, the members of the Council present at the meeting shall elect one of their members to act in his place.

Secretary of, and legal adviser to the Council.

3B. The Council shall have a secretary and a Legal Adviser who shall be appointed by the Governor.

Temporary members.

3C. (1) If any appointed member of the Council is, because of illness, absence from Hong Kong or any other

reason, unable to perform his duties and exercise his powers as a member of the Council for any period, the Governor may appoint another person who is suitably qualified for appointment under section 3(2) (not being one who is disqualified from holding office under section 3 or who has been removed from office under that section) to be a temporary member of the Council in the place of the member during that period.

(2) While any person is acting as a temporary member of the Council, he shall be capable of performing all the duties and of exercising all the powers of the member whom he is temporarily replacing.”.

5. Section 16(1) of the principal Ordinance is amended by deleting “Every” and substituting the following—

Amendment of section 16.

“Subject to section 20A, every”.

6. Section 19 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 19.

“Power of Council to order removal of names from register.

19. (1) The Council may order the removal from the register of the name of any person who—

- (a) is deceased;
- (b) is no longer practising medicine, surgery or midwifery in Hong Kong;
- (c) being a person required to be the holder of a practising certificate, has practised medicine, surgery or midwifery in Hong Kong for a period exceeding 6 months without having obtained such a certificate; or
- (d) has failed to supply the Registrar with an address in Hong Kong at which notices from the Council may be served on him.

(2) Any person who fails to acknowledge within 12 months after the date of dispatch the receipt of a registered letter or a telegram addressed to him at the last address in Hong Kong supplied by him to the Registrar shall be deemed to have failed to supply the Registrar with an address under subsection (1)(d).”.

7. The principal Ordinance is amended by adding, after section 20, the following new sections—

Addition of new sections 20A and 20B.

“Medical practitioner not to practise without practising certificate.

20A. (1) Subject to this section, a registered medical practitioner shall not practise medicine, surgery or midwifery in Hong Kong, or any branch of medicine or surgery in Hong Kong, unless he is the holder of a practising certificate which is then in force.

(2) Subject to the payment of the prescribed fee for the issue of a practising certificate, the Registrar, on application made to him for that purpose by a registered medical practitioner, shall issue to him a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to practise medicine, surgery and midwifery in Hong Kong.

(3) Where a practising certificate is issued pursuant to an application made during the course of a year in respect

of that year, the certificate shall, subject to subsection (5), be in force from the time of its issue until the end of that year.

(4) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of the following year, the certificate shall, subject to subsection (5), be in force for a period of 12 months commencing on 1st January in that following year.

(5) If at any time during the currency of a practising certificate issued under this section, the holder of the certificate ceases to be registered under this Ordinance, or, as the case may be, ceases to be exempt from registration under section 29(d), the certificate shall thereupon be deemed to be cancelled.

(6) Any person who is required under this section to be the holder of a practising certificate under this section shall be deemed to have obtained the certificate when he has duly applied to the Registrar and paid the prescribed fee for the issue of the practising certificate.

(7) This section applies to—

- (a) any person registered under section 14; and
- (b) any person deemed to be a registered medical practitioner by virtue of section 29(d),

but does not apply to—

- (i) any person provisionally registered under section 12;
- (ii) any person deemed to be registered as a medical practitioner by virtue of section 29(a), (b) or (c);
- (iii) any person in respect of whom the Governor has given a consent under section 30;
- (iv) any person to whom section 31 relates; or
- (v) any qualified person in so far as he renders medical or surgical treatment to a person in an emergency.

(8) A person who is required under this section to be the holder of a practising certificate shall not be entitled to recover any fees, costs or other remuneration unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.

Recovery of  
practising  
fees.

**20B.** (1) If any registered medical practitioner contravenes subsection (1) of section 20A, the amount of the prescribed fee payable by him under subsection (2) of that section shall be recoverable as a civil debt by complaint made in the name of the Registrar to a magistrate.

(2) A summons issued in relation to the recovery of the prescribed fee for the issue of a practising certificate under this section may, notwithstanding section 8(2) of the Magistrates Ordinance, be served by sending it by post to the medical practitioner concerned at his last known address; and a certificate purporting to be signed by or on behalf of the Registrar shall, until the contrary is proved, be evidence of service of the summons.

(Cap. 227.)

(3) If in any proceedings under this section—

- (a) the medical practitioner concerned does not appear before a magistrate at the time and place specified in the summons; and
- (b) service of the summons under subsection (2) is proved,

the magistrate shall, if he is satisfied that the practitioner has been given an adequate period of notice of the proceedings, proceed to deal with the complaint as if the practitioner had appeared.

(4) In any proceedings under this section a certificate purporting to be under the hand of the Registrar to the effect that the medical practitioner concerned had not paid the prescribed fee for the issue of a practising certificate shall, until the contrary is proved, be evidence of non-payment of the fee.

(5) If the magistrate makes an order requiring the medical practitioner to pay the prescribed fee for the issue of a practising certificate, he shall at the same time make an order requiring the medical practitioner to pay an additional amount by way of surcharge at the rate of treble the amount of the said prescribed fee.

(6) For the purposes of section 51 of the Magistrates Ordinance any fee and surcharge which a medical practitioner is liable to pay under this section shall be deemed to be a sum of money required to be paid under an order by a magistrate.

(7) On recovery from a medical practitioner of a prescribed fee under this section, together with the surcharge ordered to be paid under subsection (5), the Registrar shall, if—

- (a) the medical practitioner's name appears on the register; or
- (b) the medical practitioner is exempt from registration under section 29(d),

issue the medical practitioner with the appropriate practising certificate."

**8.** Section 29 of the principal Ordinance is amended by deleting paragraph (d) and substituting the following—

Amendment of  
section 29.

"(d) any person, other than a person serving a prescribed period of employment under section 9(1), who is in the full time service of—

- (i) the Government as a Government medical officer; or
- (ii) the University as a medical practitioner for the purpose of teaching or performing hospital work in the clinical departments of the Faculty of Medicine, being the Departments of Community Medicine, Medicine Microbiology, Obstetrics and Gynaecology, Paediatrics, Pathology, Psychiatry and Orthopaedic Surgery."

**9.** Section 33 of the principal Ordinance is amended—

Amendment of  
section 33.

- (a) by being renumbered as subsection (1) thereof;

(b) by deleting subsection (1)(e) and substituting the following—

“(e) any fee required to be paid under this Ordinance and, in the case of fees for practising certificates issued under this Ordinance, the imposition of a surcharge for late payment of any such fee;

(ea) the disposal of any fee or surcharge paid or recovered under this Ordinance;”;

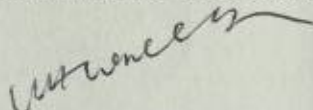
(c) by inserting the following new subsection—

“(2) Any regulations made under subsection (1)(e) may provide for different fees to be paid by different categories of medical practitioners.”.

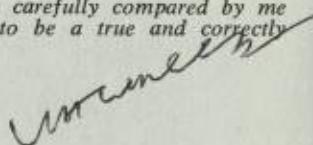
Amendment of  
section 25  
of the Stamp  
Ordinance.  
(Cap. 117.)

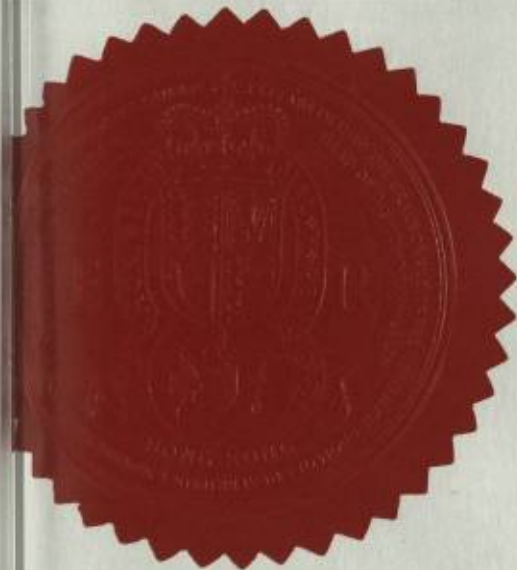
10. Section 25(1) of the Stamp Ordinance is amended by deleting  
“, medical practitioner”.

Passed by the Hong Kong Legislative Council this 23rd day of October,  
1975.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

*Wm. J. Thayer*  
Governor.

**HONG KONG**

No. 71 OF 1975



I assent.

*M. N. Leung*  
Governor.

24th October, 1975.

An Ordinance to amend The Chinese University of Hong Kong Ordinance.

[31st October, 1975]

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

1. This Ordinance may be cited as The Chinese University of Hong Kong (Amendment) Ordinance 1975. Short title.

2. Section 19(1) of the principal Ordinance is amended by—

(a) deleting "Commerce and"; and

(b) inserting, after "Social Science", the following—  
" a Faculty of Business Administration".

Amendment of  
section 19.  
(Cap. 1109.)

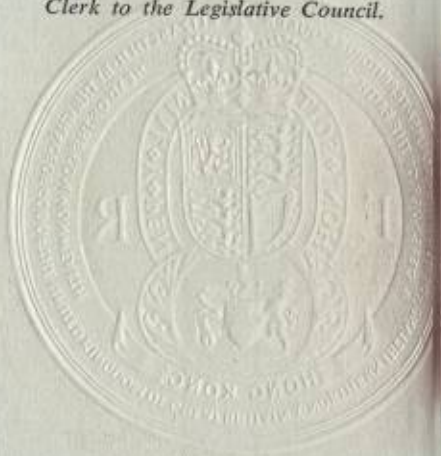
Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.

*W. S. Williams*  
Clerk to the Legislative Council.

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

*W. M. M. M.*

Clerk to the Legislative Council.



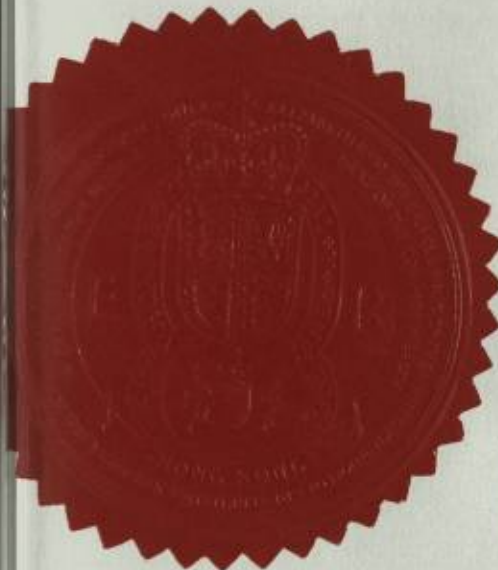
I assent.

*M. N. L.*

**HONG KONG**

No. 72 OF 1975

*[Handwritten signature]*  
Clerk to the Legislative Council.



I assent.

*[Handwritten signature]*  
Governor.

24th October, 1975.

An Ordinance to amend the Chater Masonic Scholarship Fund Ordinance.

[31st October, 1975]

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

1. This Ordinance may be cited as the Chater Masonic Scholarship Fund (Amendment) Ordinance 1975. Short title.

2. The principal Ordinance is amended by adding after section 1 the following new section— Addition of new section 1A. (Cap. 1007.)

"Object of Chater Masonic Scholarship Fund.

**1A.** (1) The object of the Chater Masonic Scholarship Fund is to provide scholarships for the sons and daughters of—

- (a) freemasons, without distinction of class or nationality, who are members of any masonic bodies in the District of Hong Kong and the Far East; and
- (b) deceased freemasons who were members of any of such masonic bodies as aforesaid.

(2) The scholarships provided under subsection (1) shall be at the University of Hong Kong, the Chinese University of Hong Kong or the Hong Kong Polytechnic."

Amendment of section 4.

- 3. Section 4(1) of the principal Ordinance is amended by deleting—
  - (a) “, with the approval of the Governor in Council,”; and
  - (b) “and approved as aforesaid”.

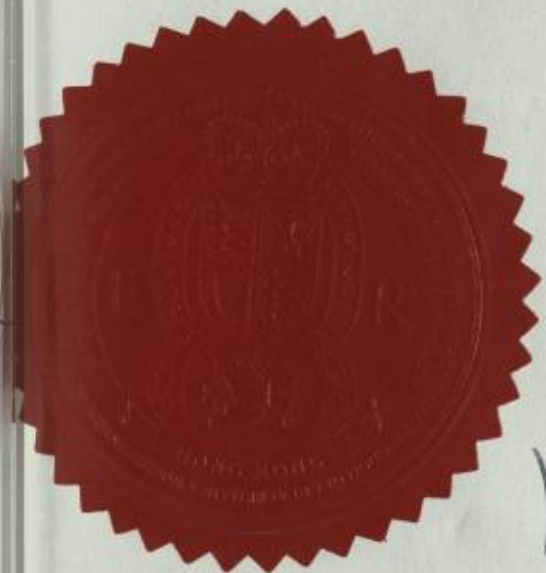
Deletion of by-law 3.

- 4. The Chater Masonic Scholarship Fund By-laws are amended by deleting by-law 3.

Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.



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

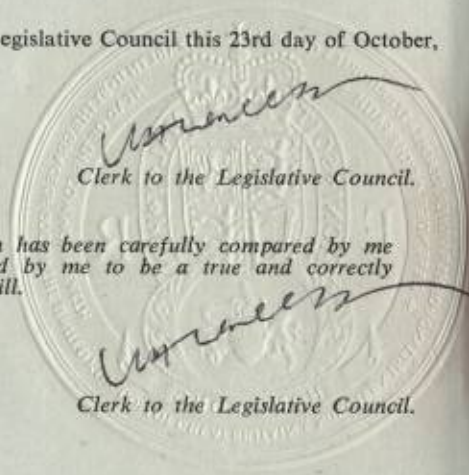


I assent.

*W. M. ...*  
 Governor.

by-law 3. deleting by-law 3.

Passed by the Hong Kong Legislative Council this 23rd day of October, 1975.



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

**HONG KONG**

No. 73 OF 1975



I assent.

*M. S. Lehman*  
Governor.

6th November, 1975.

An Ordinance to amend the Railways Ordinance.

[7th November, 1975]

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

1. This Ordinance may be cited as the Railways (Amendment) Ordinance 1975. Short title.

2. Section 29 of the principal Ordinance is amended—

(a) in subsection (1)(f)—

(i) by deleting the comma at the end of sub-paragraph (iii) and substituting the following—

“; and”; and

(ii) by inserting, after sub-paragraph (iii), the following—

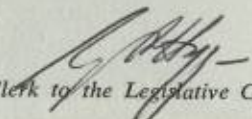
“(iv) to vendors of intoxicating liquor in any train;” and

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

“(1A) No person may be granted more than one licence under subsection (1)(f)(iv).”.

Amendment of  
section 29.  
(Cap. 99.)

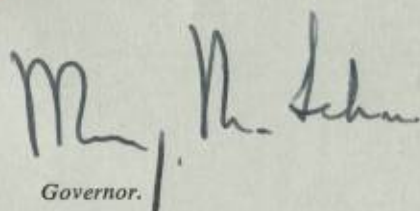
Passed by the Hong Kong Legislative Council this 5th day of November, 1975.

  
Clerk to the Legislative Council.

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



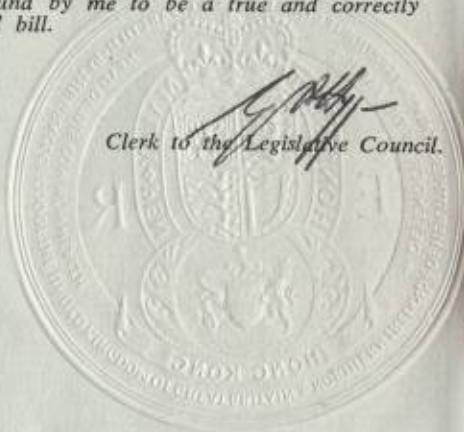
I assent.

  
Governor.

6th November, 1975.

*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*

**HONG KONG**

No. 74 OF 1975



I assent.

*M. H. Schen*  
Governor.

6th November, 1975.

An Ordinance to amend the Companies Ordinance.

[7th November, 1975]

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

1. This Ordinance may be cited as the Companies (Amendment) (No. 3) Ordinance 1975. Short title.

2. The principal Ordinance is amended by adding after section 149 the following new section— Addition of section 149A. (Cap. 32.)


\*Admissibility in evidence of certain matter. 1967 c. 81, s. 50.

**149A.** An answer given by a person to a question put to him in exercise of powers conferred by—

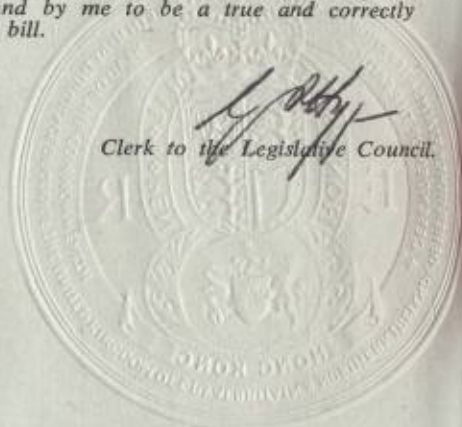
- (a) section 145; or
- (b) general rules made under section 296(1) for carrying into effect the objects of this Ordinance so far as relates to the winding up of companies,

may be used in evidence against him, and a statement required by section 190 may be used in evidence against any person making or concurring in making it.”

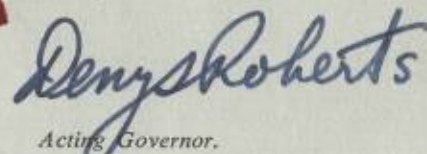
Passed by the Hong Kong Legislative Council this 5th day of November, 1975.

  
Clerk to the Legislative Council.

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



I assent.

  
Acting Governor.

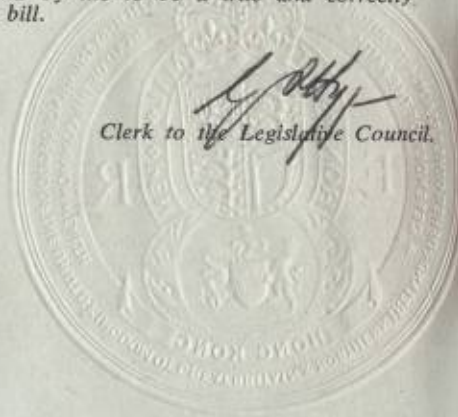
20th November 1975

**HONG KONG**

No. 75 OF 1975

Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

*Denys Roberts*  
Acting Governor.

20th November, 1975.

An Ordinance to authorize the grant of increases in pensions.

[21st November, 1975]

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

1. This Ordinance may be cited as the Pensions (Increase) Ordinance 1975. Short title.

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

"adjusted pension" means the basic pension plus any authorized increase;

"authorized increase" means an increase in the basic pension authorized under section 4;

"basic pension" means the yearly amount of any pension or other allowance payable by way of periodical payments under an Ordinance specified in the First Schedule and, where part of such pension or allowance has been commuted, means the yearly amount of the pension or allowance as reduced by the commutation; First Schedule.

"non-pensionable office" means an office which is not a pensionable office;

"pensionable office" means a pensionable office as defined in section 2(1) of the Pensions Ordinance; (Cap. 89.)

"salary" means—

- (a) in the case of a person who held a pensionable office, his pensionable emoluments as defined in section 2(1) of the Pensions Ordinance; and
- (b) in the case of a person who held a non-pensionable office, his salary as defined in regulation 25 of the Pensions Regulations.

(Cap. 89,  
sub. leg.)

Application of  
Ordinance.

3. (1) This Ordinance shall apply to a basic pension payable—

- (a) to a person who is aged not less than 55;
- (b) to a person under section 6(e) of the Pensions Ordinance or regulation 26(4)(c) of the Pensions Regulations;
- (c) to a person who, to the satisfaction of the Governor, is incapacitated from engaging in full time employment;
- (d) to a widow by virtue of the service of her deceased husband; or
- (e) in respect of a male child under the age of 18, or an unmarried female child under the age of 21, by virtue of the service of a deceased officer.

(Cap. 89.)  
(Cap. 89,  
sub. leg.)

(2) As regards a basic pension payable in respect of service which is not wholly in Hong Kong, an authorized increase shall apply only to that part of the basic pension payable by the Government in respect of service in Hong Kong.

Authorized  
increases.

Second  
Schedule.

4. A basic pension to which this Ordinance applies may, in respect of any period beginning on or after the commencement of this Ordinance, be increased in accordance with such Part of the Second Schedule as is applicable in the particular case.

Limitation on  
maximum  
pension not  
to apply.  
(Cap. 89.)

5. The amount of an authorized increase shall not be taken into account for the purposes of section 9 of the Pensions Ordinance.

Authorized  
increases to be  
paid from  
general  
revenues.

6. The cost of an authorized increase shall be charged on and paid out of the general revenues of Hong Kong.

Power to  
amend  
Schedules.

7. The Legislative Council may, by resolution, amend any Schedule.

#### FIRST SCHEDULE

[s. 2.]

(Cap. 89.)

Pensions Ordinance

(37 of 1932.)

Police Force Ordinance 1932

(21 of 1954.)

Police Officers (Special Cases) Pensions Ordinance 1954

#### SECOND SCHEDULE

[s. 4.]

##### PART I

*Applicable to a basic pension based on a salary in force on or before the 31st March 1965*

1. The basic pension payable on the 31st March 1968, plus any increase in pension payable at that date, may be increased by 8 per cent.

2. The adjusted pension under paragraph 1 may be further increased by 5 per cent.
3. The adjusted pension under paragraph 2 may be further increased by 4 per cent.
4. The adjusted pension under paragraph 3 may be further increased by 7 per cent.
5. The adjusted pension under paragraph 4 may be further increased by 3 per cent.
6. The adjusted pension under paragraph 5 may be further increased by 8 per cent.
7. The adjusted pension under paragraph 6 may be further increased by 8 per cent.
8. The adjusted pension under paragraph 7 may be further increased by 10 per cent.

#### PART II

*Applicable to a basic pension based on a salary in force from the 1st April 1965 to the 31st March 1968 inclusive*

1. The basic pension payable on the 31st March 1969, plus any increase in pension payable at that date, may be increased by 5 per cent.
2. The adjusted pension under paragraph 1 may be further increased by 4 per cent.
3. The adjusted pension under paragraph 2 may be further increased by 7 per cent.
4. The adjusted pension under paragraph 3 may be further increased by 3 per cent.
5. The adjusted pension under paragraph 4 may be further increased by 8 per cent.
6. The adjusted pension under paragraph 5 may be further increased by 8 per cent.
7. The adjusted pension under paragraph 6 may be further increased by 10 per cent.

#### PART III

*Applicable to a basic pension based on a salary in force from the 1st April 1968 to the 31st March 1969 inclusive*

1. The basic pension may be increased by 5 per cent.
2. The adjusted pension under paragraph 1 may be further increased by 4 per cent.
3. The adjusted pension under paragraph 2 may be further increased by 7 per cent.
4. The adjusted pension under paragraph 3 may be further increased by 3 per cent.
5. The adjusted pension under paragraph 4 may be further increased by 8 per cent.

6. The adjusted pension under paragraph 5 may be further increased by 8 per cent.
7. The adjusted pension under paragraph 6 may be further increased by 10 per cent.

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PART IV

*Applicable to a basic pension based on a salary in force from the 1st April 1969 to the 31st March 1970 inclusive*

1. The basic pension may be increased by 4 per cent.
2. The adjusted pension under paragraph 1 may be further increased by 7 per cent.
3. The adjusted pension under paragraph 2 may be further increased by 3 per cent.
4. The adjusted pension under paragraph 3 may be further increased by 8 per cent.
5. The adjusted pension under paragraph 4 may be further increased by 8 per cent.
6. The adjusted pension under paragraph 5 may be further increased by 10 per cent.

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PART V

*Applicable to a basic pension based on a salary in force from the 1st April 1970 to the 31st March 1971 inclusive*

1. The basic pension may be increased by 7 per cent.
2. The adjusted pension under paragraph 1 may be further increased by 3 per cent.
3. The adjusted pension under paragraph 2 may be further increased by 8 per cent.
4. The adjusted pension under paragraph 3 may be further increased by 8 per cent.
5. The adjusted pension under paragraph 4 may be further increased by 10 per cent.

---

PART VI

*Applicable to a basic pension based on a salary in force from the 1st April 1971 to the 31st March 1972 inclusive*

1. The basic pension may be increased by 3 per cent.
2. The adjusted pension under paragraph 1 may be further increased by 8 per cent.
3. The adjusted pension under paragraph 2 may be further increased by 8 per cent.
4. The adjusted pension under paragraph 3 may be further increased by 10 per cent.

PART VII

*Applicable to a basic pension based on a salary in force from the 1st April 1972 to the 31st March 1973 inclusive*

1. The basic pension may be increased by 8 per cent.
2. The adjusted pension under paragraph 1 may be further increased by 8 per cent.
3. The adjusted pension under paragraph 2 may be further increased by 10 per cent.

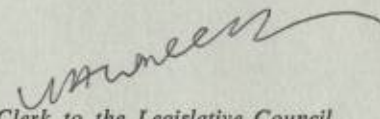
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PART VIII

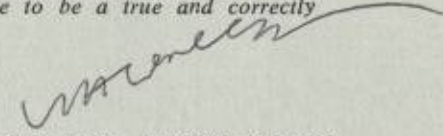
*Applicable to a basic pension based on a salary in force from the 1st April 1973 to the 31st March 1974 inclusive*

1. The basic pension may be increased by 8 per cent.
2. The adjusted pension under paragraph 1 may be further increased by 10 per cent.

Passed by the Hong Kong Legislative Council this 19th day of November, 1975.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



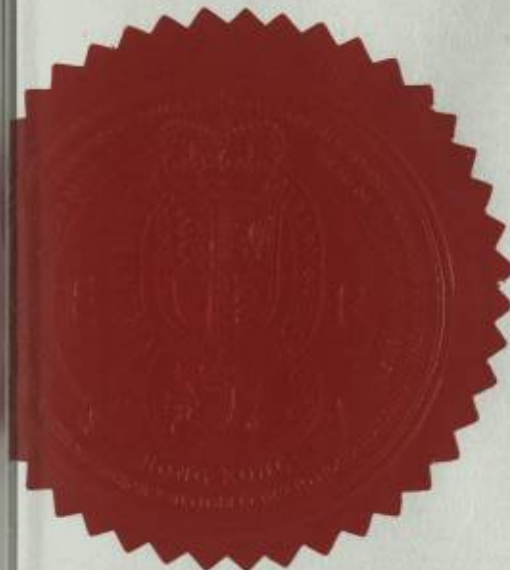
I assent.

*Deuyshoberts*  
Acting Governor.

18  
19  
20  
21  
22

**HONG KONG**

No. 76 OF 1975



I assent.

*Devis Roberts*

Acting Governor.

20th November, 1975.

An Ordinance to amend the Inland Revenue Ordinance.

[21st November, 1975]

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

1. (1) This Ordinance may be cited as the Inland Revenue (Amendment) (No. 6) Ordinance 1975.

Short title and commencement.

(2) Sections 3, 4, 5, 6, 7, 8 and 9 shall come into operation on a day to be appointed by the Governor by notice in the *Gazette* and shall apply to assessments for such year of assessment as may be specified in the notice and to subsequent years of assessment.

2. Section 2(1) of the principal Ordinance is amended in the definition of "approved charitable donation" by inserting, after "section 88", the following—

Amendment of section 2. (Cap. 112.)

"or to the Government for charitable purposes".

3. Section 5 of the principal Ordinance is amended—

Amendment of section 5.

(a) in subsection (1)—

(i) by deleting "the rateable value of such land or buildings or land and buildings for each such year as assessed for rating

purposes under the Rating Ordinance, less an allowance for repairs and outgoings of twenty *per cent* of the said rateable value" and substituting the following—

"the net assessable value of such land or buildings or land and buildings for each such year"; and

(ii) by deleting paragraphs (a) and (d) of the proviso; and

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

"(1A) In subsection (1), "net assessable value" means the assessable value of land or buildings or land and buildings, ascertained in accordance with section 5A, less an allowance for repairs and outgoings of 20 *per cent* of that assessable value.

(1B) The percentage allowance specified in subsection (1A) may be amended by resolution of the Legislative Council."

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

"Ascertainment of assessable value.

(Cap. 7.)

5A. (1) In a case where subsection (4) applies, the assessable value of land or buildings or land and buildings shall be an amount equal to the estimated annual rent which would be permitted under Part I or authorized under Part II, as the case may be, of the Landlord and Tenant (Consolidation) Ordinance if—

(a) the tenant undertook to pay all usual tenant's rates and taxes; and

(b) the landlord undertook to pay the Crown rent, the costs of repairs and insurance and any other expenses necessary to maintain the property in a state to command that rent.

(2) In any other case, the assessable value of land or buildings or land and buildings shall be an amount equal to the rent at which on the first day of any year of assessment such property might reasonably be expected to let from year to year if—

(a) the tenant undertook to pay all usual tenant's rates and taxes; and

(b) the landlord undertook to pay the Crown rent, the costs of repairs and insurance and any other expenses necessary to maintain the property in a state to command that rent:

Provided that—

(i) in respect of any property which became chargeable to property tax on a date after the first day of the year of assessment for which an assessable value falls to be ascertained, the assessable value of such property shall be ascertained by reference to that date;

(ii) where in relation to any year of assessment a fresh assessable value of any property has not been ascertained, the assessable value of the property for that year shall be deemed to be the same as that last ascertained in respect of such property.

Repeal of section 5A and addition of a new section 5A.

(3) For the purpose of ascertaining the assessable value of land or buildings or land and buildings under this section—

(a) subject to paragraph (b), all machinery (including lifts) used as adjuncts to the property shall be regarded as part of the property, but the reasonable expenses incurred in working such machinery shall be allowed for in arriving at the assessable value of the property;

(b) no account shall be taken of the value of any machinery in or on the property for the purpose of manufacturing operations or trade processes.

(4) This subsection applies where—

(a) any building or any part thereof is wholly let on the first day of any year of assessment;

(b) Part I or Part II of the Landlord and Tenant (Consolidation) Ordinance applies on the first day of any year of assessment to that letting; and

(c) the Commissioner is satisfied that no consideration has been given or required or will be given or required, whether in money or in kind or in any other manner, as a condition of the grant or continuation of such letting other than the payment of such rent as is permitted or authorized under the Landlord and Tenant (Consolidation) Ordinance."

(Cap. 7.)

5. Section 7 of the principal Ordinance is amended by deleting "unoccupied during one or more entire months of" and substituting the following—

"occupied for less than 12 months in".

Amendment of section 7.

6. Section 7A of the principal Ordinance is amended by deleting the definition of "unoccupied" and substituting the following—

"occupied", in relation to land or buildings or land and buildings, means land or buildings or land and buildings which are being put to beneficial use."

Amendment of section 7A.

7. Section 9(2) of the principal Ordinance is amended in paragraph (b) of the proviso by deleting "the rateable value arrived at in accordance with section 5" and substituting the following—

"the assessable value ascertained in accordance with section 5A".

Amendment of section 9.

8. Section 16(1)(b) of the principal Ordinance is amended—

Amendment of section 16.

(a) by deleting "the rateable value of the land or buildings as determined under the Rating Ordinance:" and substituting the following—

"the assessable value of the land or buildings as ascertained in accordance with section 5A."; and

(b) by deleting the proviso.

9. Section 42(1)(a) of the principal Ordinance is amended by deleting "net amount (after deduction of the allowance for repairs and outgoings)" and substituting the following—

"net assessable value as defined in section 5(1A)".

Amendment of section 42.

Passed by the Hong Kong Legislative Council this 19th day of November, 1975.

*[Handwritten signature]*  
Clerk to the Legislative Council.

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

*[Handwritten signature]*  
Clerk to the Legislative Council.



I assent.

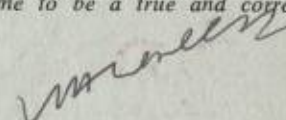
*[Handwritten signature: Deys Roberts]*

HONG KONG

No. 77 of 1975

Clerk to the Legislative Council.

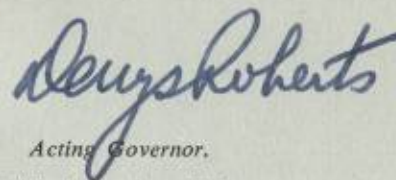
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



Clerk to the Legislative Council.



I assent.



Acting Governor,  
20th November, 1975.

An Ordinance to amend the Peak Tramway Ordinance.

[21st November, 1975]

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

1. This Ordinance may be cited as the Peak Tramway (Amendment) Ordinance 1975. Short title.

2. Section 21(5) of the principal Ordinance is amended by inserting after "year" in the second place where it occurs the following— Amendment of section 21(5). (Cap. 265.)  
"preceding that".

3. Section 21A of the principal Ordinance is amended by— Amendment of section 21A.

(a) being renumbered as subsection (1); and

(b) inserting the following new subsection—

"(2) Notwithstanding section 21, the permit fee payable by the company for each of the years ending on the 31st of December 1974 and the 31st of December 1975 shall be \$25,000."

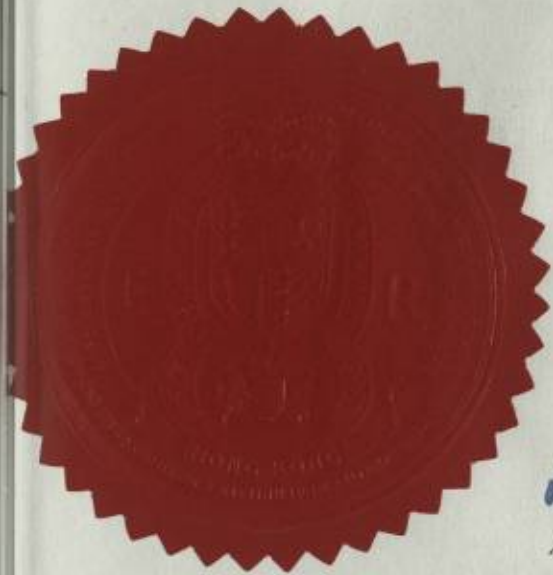
Passed by the Hong Kong Legislative Council this 19th day of November, 1975.

*W. Green*  
Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

*Deays Roberts*  
Acting Governor.

20th November, 1975.

**HONG KONG**

No. 78 OF 1975

*[Handwritten signature]*  
Clerk to the Legislative Council.

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

*[Handwritten signature]*  
Clerk to the Legislative Council.



I assent.

*[Handwritten signature: David Roberts]*  
Acting Governor.

20th November, 1975.

An Ordinance to amend the Tramway Ordinance.

[21st November, 1975]

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

1. (1) This Ordinance may be cited as the Tramway (Amendment Ordinance 1975. Short title and commencement.

(2) Section 2 shall be deemed to have come into operation on the 1st January 1974:

Provided that nothing in this subsection or in section 2 shall be taken to affect the liability of the company to pay any royalty in respect of the year commencing on the 1st January 1973.

(3) Section 3 shall come into operation on the 1st December 1975.

2. Section 49 of the principal Ordinance is repealed. Repeal of section 49. (Cap. 107.)

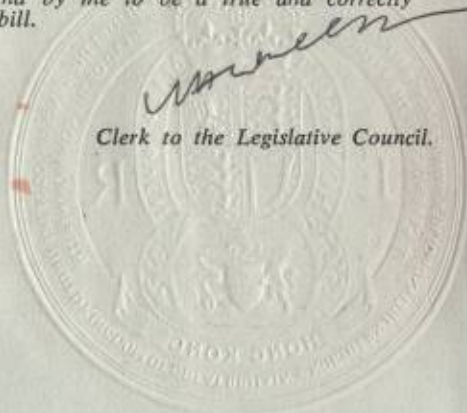
3. Section 50(1) of the principal Ordinance is amended by deleting "twenty cents" and substituting the following—  
"thirty cents". Amendment of section 50.

Passed by the Hong Kong Legislative Council this 19th day of November, 1975.

*W. M. Allen*

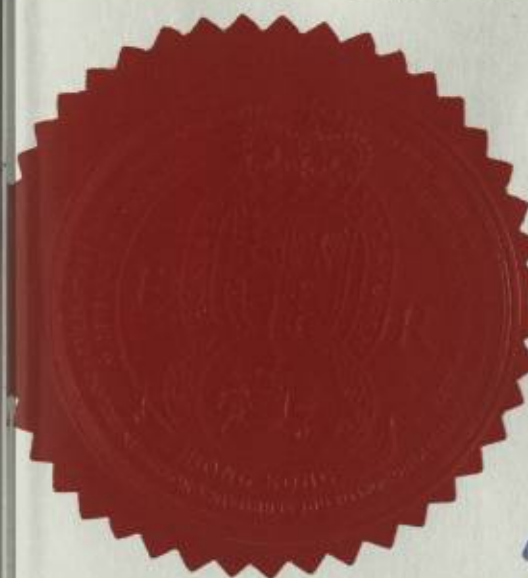
Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

IND. 19 OF 1975



I assent.

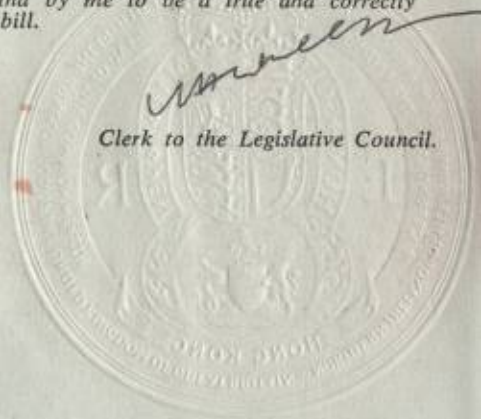
*Douglas Roberts*

Acting Governor.

*W. W. Wong*  
Clerk to the Legislative Council.

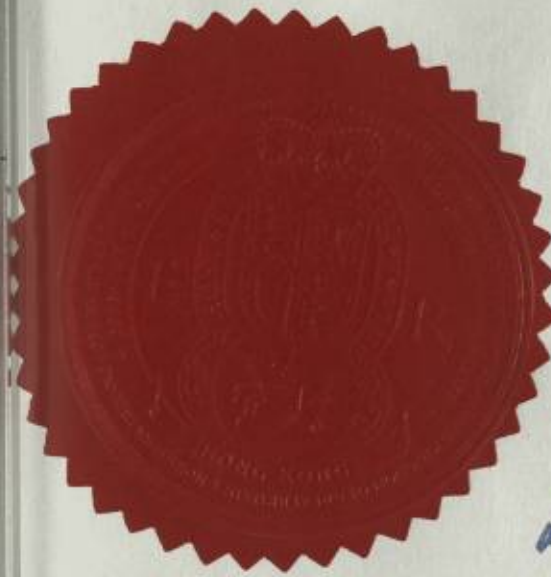
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

*W. W. Wong*  
Clerk to the Legislative Council.



**HONG KONG**

No. 79 OF 1975



I assent.

*Douglas Roberts*  
Acting Governor.  
20th November, 1975.

An Ordinance to establish a tribunal to be known as the Small Claims Tribunal having limited civil jurisdiction, and to make provision for the jurisdiction, procedure and practice thereof, and for matters connected therewith.

[ ]

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

**PART I  
PRELIMINARY**

1. This Ordinance may be cited as the Small Claims Tribunal Ordinance 1975 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
“adjudicator” means an adjudicator appointed under section 4;  
“claim” means a proceeding in the tribunal between a claimant and a defendant;

“claimant” means a person bringing a claim other than—

- (a) a defendant entering a counterclaim; and
- (b) a person who is being represented in a representative claim;

"defendant" means a person against whom a claim is made by a claimant other than—

- (a) a claimant against whom relief is sought by way of counterclaim; and
- (b) a person who is being represented in a representative claim;

"party" means a claimant or defendant and any person joined as a third party;

"registrar" means the Registrar of the District Court;

"representative claim" means a claim brought in the name of one claimant on behalf of himself and one or more other claimants;

"tribunal" means the Small Claims Tribunal established by section 3.

## PART II

### CONSTITUTION OF TRIBUNAL

Establishment of tribunal.

3. (1) There is hereby established a tribunal to be known as the Small Claims Tribunal and to be known in the Chinese language as "小額錢債審裁處".

(2) The tribunal, which shall consist of such adjudicators as may be appointed under section 4, shall be a court of record with such jurisdiction and powers as are conferred on it by this or any other Ordinance.

(3) All proceedings in the tribunal shall be heard and determined by an adjudicator sitting alone.

(4) The tribunal shall have a seal of a design approved by the Chief Justice, and all awards, orders, summonses, and other processes of the tribunal shall be sealed therewith.

Appointment of adjudicators.

4. (1) The Governor shall appoint such number of adjudicators as he considers necessary.

(2) No person shall be appointed to be an adjudicator unless he is qualified to practise as a barrister, solicitor or advocate in a court in Hong Kong, England, Scotland, Northern Ireland, or some other part of the Commonwealth, or the Republic of Ireland, having unlimited jurisdiction either in civil or criminal matters.

(3) An adjudicator shall be known in the Chinese language as "審裁官".

(4) Subject to subsection (5), an appointment made under subsection (1) may be given retrospective effect.

(5) No person appointed as an adjudicator shall discharge any judicial function before the date of the instrument by which he is appointed or before the requirements of section 17 of the Oaths and Declarations Ordinance have been fulfilled.

(Cap. 11.)

## PART III

### JURISDICTION

Jurisdiction of the tribunal, First Schedule.

5. (1) The tribunal shall have jurisdiction to hear and determine the claims specified in the First Schedule.

(2) Save as provided in this Ordinance, no claim within the jurisdiction of the tribunal shall be actionable in any other court in Hong Kong.

(3) A claim within the jurisdiction of the tribunal may be brought in another court if there is included in such claim a claim for some other relief, redress or remedy, other than a claim for costs.

(4) Subject to the Limitation Ordinance, the jurisdiction of the tribunal shall extend to a claim which arose before the commencement of this Ordinance. (Cap. 347.)

6. The Legislative Council may, by resolution, amend the First Schedule. Power to amend First Schedule.

7. The tribunal may at any stage of proceedings in the tribunal, either of its own motion or upon the application of any party, transfer the proceedings to the District Court or the Supreme Court, whereupon the practice and procedure of the District Court or the Supreme Court, as the case may be, shall apply. Transfer of claims.

8. No claim shall be split or divided and pursued in separate proceedings in the tribunal for the sole purpose of bringing the sum claimed in each of such proceedings within the jurisdiction of the tribunal. Division of causes of action.

9. (1) Where a claimant has a claim for more than \$3,000 which, if it were not for more than \$3,000, would be within the jurisdiction of the tribunal, the claimant may abandon the excess, and thereupon the tribunal shall have jurisdiction to hear and determine the claim, so, however, that the claimant shall not recover in the claim an amount exceeding \$3,000. Abandonment of part claim to give tribunal jurisdiction. 1959 c. 22, s. 41.

(2) Where the tribunal has jurisdiction to hear and determine a claim by virtue of this section, the award of the tribunal on the claim shall be in full discharge of all demands in respect of the claim, and judgment shall be deemed to be entered accordingly.

10. (1) Where any counterclaim or set-off and counterclaim in proceedings in the tribunal is a monetary claim which is not within the jurisdiction of the tribunal, the tribunal shall order that the proceedings on the counterclaim or set-off and counterclaim be transferred to the District Court or the Supreme Court. Jurisdiction as to counterclaim.

(2) Where an order is made under subsection (1) and judgment on the claim is given for the claimant, execution thereon shall, unless the tribunal otherwise orders, be stayed until the proceedings transferred to the District Court or the Supreme Court have been determined.

(3) Where a defendant has a counterclaim or set-off and counterclaim for more than \$3,000 which, if it were not for more than \$3,000, would be within the jurisdiction of the tribunal, the defendant may abandon the excess and thereupon the tribunal shall have jurisdiction to hear and determine the counterclaim or set-off and counterclaim, so, however, that the defendant shall not recover in the counterclaim or set-off and counterclaim an amount exceeding \$3,000.

(4) Where a tribunal has jurisdiction to hear and determine a counterclaim or set-off and counterclaim by virtue of this section, the award of the tribunal on the counterclaim or set-off and counterclaim shall be in full discharge of all demands in respect thereof, and judgment shall be deemed to be entered accordingly.

11. Where any proceedings on a claim or counterclaim or set-off and counterclaim are transferred under section 7 or section 10 from the tribunal to the District Court or the Supreme Court, the costs of the proceedings Costs in transferred cases.

both before and after the transfer shall, subject to any order of the tribunal, be in the discretion of the court to which the proceedings are transferred, and that court may make orders with respect thereto and as to the scales on which the costs of the proceedings are to be taxed; and the costs of the whole proceedings shall be taxed in that court.

#### PART IV

##### COMMENCEMENT OF PROCEEDINGS

Filing claims.

12. (1) A proceeding in the tribunal shall be commenced by filing a claim with the registrar.

(2) Subject to subsection (3), a claim shall be in writing in the prescribed form, in either the English or Chinese language, and shall be signed by the claimant.

(3) The registrar may permit a claim to be made orally and shall cause it to be reduced to writing and shall supply a copy thereof to the claimant and, if the registrar thinks it appropriate, a translation thereof if it is reduced to writing in the English language.

(4) In any joint or representative claim—

- (a) the registrar may permit the claim to be filed notwithstanding that it has not been signed by all the claimants or persons represented on condition that all the claimants or such persons shall do so before the date of hearing; and
- (b) the name of a claimant or person represented who has not signed the claim before the hearing may, if the tribunal so directs, be deleted from the claim and the amount of the claim reduced accordingly.

Contents of claim.

13. A claim shall contain—

- (a) the name and address of each claimant, and, in the case of a representative claim, the name and address of each person represented;
- (b) the name and address of each defendant;
- (c) the sum of money claimed by each claimant or person represented;
- (d) such particulars of the claim as are reasonably sufficient to inform the defendant of the ground for the claim and the manner in which the amount claimed by each claimant or person represented has been calculated.

Service of claim and notice of hearing.

14. (1) The registrar shall, when a claim has been filed—

- (a) fix a place and date for hearing the claim which shall, unless the parties otherwise agree, be not earlier than 10 days nor later than 60 days after the filing of the claim; and
- (b) cause a copy of the written claim and a notice in the prescribed form of the date and place of hearing to be served on every defendant in the manner specified in subsection (2).

(2) Service of a copy of the written claim and the notice of hearing—

- (a) shall be carried out by such person as may be appointed by the registrar for the purpose; and
- (b) shall be effected—
  - (i) by delivering them personally to the defendant;

- (ii) by leaving them with some person for him at his last known place of residence or at his place of business; or
- (iii) in such other manner as may be directed by the registrar.

#### PART V

##### PROCEDURE

15. The adjudicator shall keep a summary of the evidence, submissions or statements made or given in proceedings in the tribunal and of any point of law and of his decision thereon. Keeping of summary of evidence, etc.

16. (1) The hearing of proceedings in the tribunal shall be conducted in an informal manner. Hearing to be informal.

(2) The tribunal may summon any witness and require the production of any document, record, book of account or other thing, which is relevant in any proceedings.

(3) The tribunal shall inquire into any matter which it may consider relevant to a claim, whether or not it has been raised by a party.

17. If a defendant who has been duly served with a copy of the written claim and a notice of hearing fails to appear at the hearing, by himself or a person authorized by the tribunal to appear on his behalf, the tribunal may hear the claim notwithstanding the absence of the defendant. Hearing of claim in absence of defendant.

18. (1) The tribunal shall determine a claim and make such award or order thereon as it thinks fit as soon as possible after the conclusion of the hearing of the claim. Determination of claims.

(2) The reasons for an award or order may be given orally or in writing as the tribunal thinks fit.

(3) An adjudicator shall, when he has made an award or order orally, reduce it to writing as soon as possible, and in any case not later than 14 days after the date of the award or order.

(4) Every written award or order shall be served by the registrar on the parties, and it shall not be necessary for the party in whose favour an award or order has been made to prove that it reached the party to be served.

(5) Service of an award or order under subsection (4) shall be effected—

- (a) by delivering it personally to the party to be served;
- (b) by leaving it with some person for him at his last known place of residence or at his place of business; or
- (c) in such other manner as the registrar thinks fit.

19. (1) The following persons shall have a right of audience before the tribunal— Right of audience.

- (a) any party;
- (b) an officer or servant of a corporation, if the corporation is a party;
- (c) a member of a partnership, if the persons comprising the partnership are parties;
- (d) with the leave of the tribunal, any person, other than counsel or a solicitor, who is authorized in writing by a party to appear as his representative.

(2) No barrister or solicitor, including a barrister or solicitor who is a public officer whether or not qualified to practise in a court in Hong Kong, shall have a right of audience before the tribunal unless he is acting on his own behalf as a claimant or defendant.

Claims may be heard together.

20. (1) If two or more claims are filed and it appears to the tribunal that—

- (a) a common question of law or fact arises in both or all of them;
- (b) the claims arise out of the same cause of action; or
- (c) it would be in the interests of justice,

the tribunal may order that such claims be heard at the same time.

(2) The power conferred by this section may be exercised notwithstanding that the hearing of one or more of the claims has begun.

Representative claims.

21. (1) Subject to subsection (2), if two or more persons have claims against the same defendant, such claims may be brought in the name of one of such persons as the representative of some or all of them.

(2) The tribunal may, if at any stage of the proceedings it considers that a representative claim may prejudice the defendant, order that the claims of all or any of the persons represented shall be heard separately.

(3) Each person represented in a representative claim shall be deemed to have authorized the representative on his behalf to—

- (a) call and give evidence and make submissions to the tribunal on any matter arising during the hearing of the claim;
- (b) file affidavits, statements or other documents;
- (c) agree to an adjournment or change of venue;
- (d) agree to a settlement of the claim on such terms as he thinks fit;
- (e) amend or abandon the claim; and
- (f) act generally in as full and free a manner as such claimant may act on his own behalf.

(4) The authority deemed to be given to a representative by subsection (3) shall not be withdrawn save by leave of the tribunal.

(5) The tribunal may, at any time before determining any claim, grant leave to any person to join in the claim as a person represented on such terms as it may think fit.

(6) The tribunal may cause public notice to be given, in such manner as it may think fit, of the particulars of a representative claim which has been filed and of the date and place fixed for the hearing of the claim.

Joint defendants.

22. (1) If two or more persons are defendants in proceedings in the tribunal, as partners or otherwise, the claim may be heard and determined in relation to any of such defendants who have been duly served with a written claim notwithstanding that other defendants have not been so served or are not within the jurisdiction of the tribunal.

(2) If an award is made against a defendant under subsection (1) and is satisfied by him, he shall be entitled to claim in proceedings in the tribunal contribution from any other person jointly liable with him.

(3) An award against a defendant in respect of a liability jointly with another person shall not discharge such other person from his liability.

(4) A person against whom a claim is made in respect of a liability jointly with any other person may set up any defence or counterclaim which

he would have been entitled to set up if all the persons jointly liable with him were defendants.

(5) If two or more persons are joined as defendants, the claimant may obtain an award against any one or more of the defendants and may enforce the award without prejudice to his right to proceed with the claim against any other defendant.

23. (1) The rules of the common law relating to the admissibility of evidence shall not apply in proceedings in the tribunal, which may receive any material which it considers relevant. Evidence.

(2) The Evidence Ordinance shall apply to proceedings in the tribunal. (Cap. 8.)

24. (1) Subject to subsection (2), the tribunal may award to a party costs and expenses, which may include— Costs.

- (a) any reasonable expenses necessarily incurred and any loss of salary or wages suffered by that party; and
- (b) any reasonable sum paid to a witness for expenses necessarily incurred and any loss of salary or wages suffered by him,

in attending the hearing.

(2) In making an award of costs under this section, the tribunal shall include a direction as to the amount to be paid by each party who is liable to pay costs.

(3) An award of costs shall be enforceable in the same manner as any other award of the tribunal.

25. The tribunal may at any time dismiss a claim which it considers to be frivolous or vexatious on such terms as to payment of costs as it may think fit. Frivolous or vexatious claims.

26. The tribunal may at any time, either of its own motion or on the application of any party, adjourn the hearing of proceedings on a claim on such terms as it thinks fit. Adjournments.

## PART VI

### APPEALS

27. (1) Where the tribunal has under section 7 transferred a claim to the District Court or the Supreme Court, the Full Court may, within 14 days from the date on which the tribunal transferred the claim, review the tribunal's decision and on such review it may— Review of decision concerning transfer.

- (a) confirm the decision of the tribunal or remit the claim to the tribunal; and
- (b) make such order as to costs and expenses as it thinks fit.

(2) The power conferred by subsection (1) may be exercised, on the application of a party, within 7 days of the date on which the tribunal transferred the claim, on notice in the prescribed form to all other parties.

28. (1) Any party who is aggrieved by a decision of the tribunal—

- (a) on any ground involving a question of law alone; or
- (b) on the ground that the claim was outside the jurisdiction of the tribunal,

Leave to appeal on point of law.

may, within 7 days after the date on which the award or order of the tribunal was reduced to writing apply to the Full Court for leave to appeal and the Full Court may grant such leave if it thinks fit.

- (2) An application for leave to appeal under this section shall be—
  - (a) in the prescribed form, specifying the ground of the appeal and the reasons in support of such ground; and
  - (b) lodged with the Registrar of the Supreme Court.
- (3) A refusal by the Full Court to grant leave to appeal shall be final.
- (4) Nothing in this section shall affect any right of appeal under section 37A of the Supreme Court Ordinance.

(Cap. 4.)

Powers of Full Court on appeal.

- 29. (1) On an appeal under section 28, the Full Court may—
  - (a) allow the appeal;
  - (b) dismiss the appeal; or
  - (c) remit the matter to the tribunal with such directions as it thinks fit, which may include a direction to the tribunal for a new hearing.
- (2) On an appeal under section 28 the Full Court may—
  - (a) draw any inference of fact; and
  - (b) make such order as to costs and expenses as it thinks fit, but may not—
    - (i) reverse or vary any determination made by the tribunal on questions of fact; or
    - (ii) receive further evidence.

Procedure on appeal.

30. Subject to this Part, an appeal from the tribunal shall be brought in such manner and shall be subject to such conditions as may be prescribed.

Stay of execution on appeal.

31. The filing of an application for leave to appeal under section 28 shall not operate as a stay of execution of an award or order unless the tribunal or Full Court, as the case may be, otherwise orders and any stay of execution may be subject to such conditions as to costs, payment into the tribunal, the giving of security or otherwise as the tribunal or Full Court thinks fit.

PART VII  
MISCELLANEOUS

Enforcement of award of tribunal.

32. An award of the tribunal may be enforced in the same manner as a judgment of the District Court.

Interest on awards.

33. (1) The tribunal may include in the amount of an award interest at such rate as may be prescribed on the whole or any part of the sum claimed for the whole or any part of the period between the date when the cause of action arose and the date of the award.

- (2) The powers conferred by subsection (1) may be exercised—
  - (a) whether or not interest is expressly claimed;
  - (b) at any time after the date of the award if it appears to the tribunal that the failure to claim or to award interest was through inadvertence; and
  - (c) where an award is made against the defendant in his absence.

34. (1) In a joint or representative claim the amount of an award shall be paid into the tribunal and there shall be allocated to the parties to the claim the sum of money claimed by each claimant or person represented.

Payment of award.

(2) When money is paid into the tribunal by a defendant, in full or part discharge of an award made against him in a joint or representative claim, the defendant shall be deemed to have satisfied his liability under the award to the extent of the amount so paid and shall not be liable to any claimant as to the manner in which such money is allocated by the tribunal.

35. (1) Any person on whom a summons under section 16 has been served who—

Penalty for neglect of witness summons. 1959 c. 22, s. 84.

- (a) refuses or neglects, without sufficient cause, to appear or produce any documents required by the summons to be produced; or
- (b) refuses to be sworn or give evidence,

shall forfeit such fine not exceeding \$1,000 as the adjudicator may direct.

(2) A person to whom subsection (1) applies shall not forfeit a fine under that subsection unless there has been paid or tendered to him at the time of service of the summons a reasonable sum in respect of his expenses including any loss of salary or wages.

(3) Any person present before the tribunal who is required to give evidence but refuses to be sworn or to give evidence shall forfeit a fine in accordance with subsection (1).

(4) An adjudicator may, in his discretion, direct that the whole or any part of any such fine shall, after deducting the costs, be applied towards indemnifying the party injured by the refusal or neglect but without prejudice to the right of the party so injured to institute civil proceedings in respect of the injury.

36. The Chief Justice may make rules—

Chief Justice may make rules.

- (a) regulating the procedure for—
  - (i) applying for leave to appeal, and the hearing of such applications, under section 28;
  - (ii) the hearing of appeals under section 29;
- (b) regulating the transfer of proceedings to the District Court or the Supreme Court;
- (c) providing for matters of procedure which are not provided for in this Ordinance;
- (d) prescribing anything which is to be or may be prescribed;
- (e) prescribing the fees and costs applicable to proceedings in the tribunal;
- (f) generally for the better carrying out of the provisions of this Ordinance.

37. Where no provision is made by this Ordinance or rules made under section 36, the practice and procedure in the tribunal shall be such as the tribunal may determine, either generally or in any particular proceeding.

Procedure generally.

38. This Ordinance binds the Crown.

Application to Crown.

39. This Ordinance shall expire at the end of 3 years from the commencement of the Ordinance, unless continued in force by a resolution of the Legislative Council.

Duration of Ordinance.

40. The enactments specified in the first column of the Second Schedule are amended to the extent and in the manner set out in the second column of that Schedule.

FIRST SCHEDULE [s. 5.]

JURISDICTION OF TRIBUNAL

1. Any monetary claim founded in contract, quasi-contract or tort where the amount claimed is not more than \$3,000, whether on balance of account or otherwise:

Provided that the tribunal shall not have jurisdiction to hear and determine—

- (a) any action in respect of—
- (i) defamation;
  - (ii) the loss of services of a woman or girl in consequence of her rape or seduction;
  - (iii) the inducement of one spouse to leave or remain apart from the other;
- (b) any action or proceeding in respect of a maintenance agreement within the meaning of section 14 of the Matrimonial Proceedings and Property Ordinance;
- (c) any action by a money-lender licensed under the Money-lenders Ordinance for the recovery of any money lent, or the enforcement of any agreement or security made or taken in respect of money lent;
- (d) any action that lies within the jurisdiction of the Labour Tribunal established under the Labour Tribunal Ordinance.

(Cap. 192.)

(Cap. 163.)

(Cap. 25.)

2. Any claim for the recovery of any penalty, expenses, contribution or other amount which is recoverable by virtue of any enactment and for the recovery of any amount which is declared by any enactment to be recoverable as a civil debt if—

- (a) it is not expressly provided by that or any other enactment that the demand shall be recoverable only in some other court; and
- (b) the amount claimed does not exceed \$3,000.

For the purposes of this paragraph, "penalty" shall not include a fine imposed on the conviction of any person for an offence.

SECOND SCHEDULE [s. 40.]

CONSEQUENTIAL AMENDMENTS

(Cap. 5.)

Official  
Languages  
Ordinance.

The Schedule is amended by inserting, after item 5, the following—

"6. Any Small Claims Tribunal."

Oaths and  
Declarations  
Ordinance.

The Third Schedule is amended by deleting— (Cap. 11.)

"District Judge .....  
Presiding Officer Labour  
Tribunal .....  
Magistrate ....." } The Oaths to  
be tendered  
by a Judge."

and substituting the following—

"District Judge .....  
Presiding Officer, Labour  
Tribunal .....  
Magistrate .....  
Adjudicator, Small Claims  
Tribunal ....." } The Oaths to  
be tendered  
by a Judge."

Legal Aid  
Ordinance.

The Schedule is amended in Part II by inserting, after (Cap. 91.)  
item 8, the following new item—

"9. In the Small Claims Tribunal,  
(79 of 1975.) proceedings under the Small Claims  
Tribunal Ordinance 1975."

District Court  
Ordinance.

The Ordinance is amended by adding, after section 37, (Cap. 336.)  
the following new section—

"Exclusion of  
actions within  
jurisdiction of  
Small Claims  
Tribunal.  
(79 of 1975.)

37A. Notwithstanding this Part but  
subject to section 5(3) of the Small Claims  
Tribunal Ordinance 1975, the Court shall  
not have jurisdiction to hear and determine  
any action or matter that lies within the  
jurisdiction of the Small Claims Tribunal,  
unless the Court has jurisdiction under the  
Small Claims Tribunal Ordinance 1975."

Judicial Service  
Commission  
Ordinance 1975.

The First Schedule is amended by inserting after (65 of 1975.)  
"Presiding Officer, Labour Tribunal" the following—

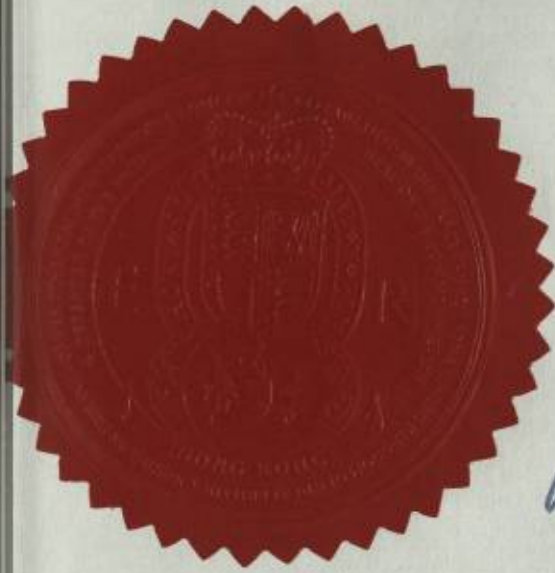
"Adjudicator, Small Claims Tribunal".

Passed by the Hong Kong Legislative Council this 19th day of  
November, 1975.

*W. M. M. M.*  
Clerk to the Legislative Council.

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

*W. M. M. M.*  
Clerk to the Legislative Council.



I assent.

*Abuys Roberts*  
Acting Governor.

HONG KONG

No. 80 OF 1975



I assent.

*Buy Roberts*

*Acting Governor.*

*4th December, 1975.*

An Ordinance to amend the Companies Ordinance.

[5th December, 1975]

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

1. This Ordinance may be cited as the Companies (Amendment) Short title.  
(No. 4) Ordinance 1975.

2. Section 45(1) of the principal Ordinance is amended by— Amendment of  
section 45.

(a) inserting in paragraph (a) after "on each share" the following— (Cap. 32.)  
"and the amount of premium, if any, paid or payable on  
each share"; and

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

"(b) in the case of shares allotted as fully or partly paid up otherwise than in cash, or allotted in consideration of a premium paid or payable wholly or partly otherwise than in cash, a contract in writing constituting the title of the allottee to the allotment together with any contract for sale, or for services or other consideration in respect of which that allotment was made, such contracts being duly stamped, and a return stating the

number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, the extent to which premium paid or payable wholly or partly otherwise than in cash is to be treated as paid, and the consideration for which they have been allotted."

Amendment of section 107. 3. Section 107(3) of the principal Ordinance is amended by inserting after paragraph (e) the following new paragraph—

"(ea) the amount of premium, if any, paid or payable on each share;"

Amendment of Fifth Schedule. 4. The Form of Annual Return of a Company having a Share Capital set out in the Fifth Schedule to the principal Ordinance is amended by—

(a) inserting below "Number of shares issued as partly paid up to the extent of per share otherwise than in cash." the following—

"† Number of shares (if any) issued at a premium.

Total amount of premium paid or payable in cash \$  
on the issue of shares.

Total amount of premium paid or payable otherwise \$  
than in cash on the issue of shares. "†

(b) inserting above "Total amount of calls unpaid ..... \$" the following—

"Total amount (if any) agreed to be considered as \$  
paid by way of premium on shares  
which have been issued at a premium paid or  
payable wholly or partly otherwise than in cash. "

Amendment of Eighth Schedule. 5. Part I of the Eighth Schedule to the principal Ordinance is amended—

(a) in item (b) by inserting below "for registration of every increase in nominal share capital made after the first registration of any company, for every \$1,000 or part of \$1,000 of such increase ..... 4.00" the following—

"Provided that where a company has paid an additional fee under paragraph (c)(ii) in respect of shares allotted at a premium, no fee shall be payable under this paragraph in respect of any increase in the nominal share capital of that company where such increase is made for the purpose of capitalizing the whole or any part of that premium and is applied to that purpose."; and

(b) in item (c) by deleting—

"And, in addition, in the case of a company having on the 1st day of June, 1955 a nominal share capital in excess of \$3,000,000, for every \$1,000 or part of \$1,000 of such excess nominal share capital allotted after the said date ..... 4.00

Provided that no additional fee shall be payable under this paragraph by a company which has increased its nominal share capital and paid the additional fee under paragraph (b)."

and substituting the following—

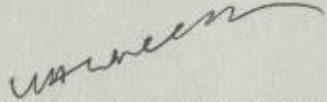
"And, in addition—

(i) in the case of a company having on the 1st day of June 1955 a nominal share capital in excess of \$3,000,000, for every \$1,000 or part of \$1,000 of such excess nominal share capital allotted after the said date ..... 4.00

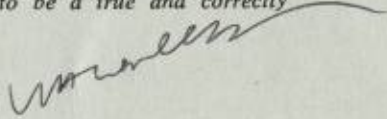
Provided that no additional fee shall be payable under this sub-paragraph by a company which has increased its nominal share capital and paid the additional fee under paragraph (b);

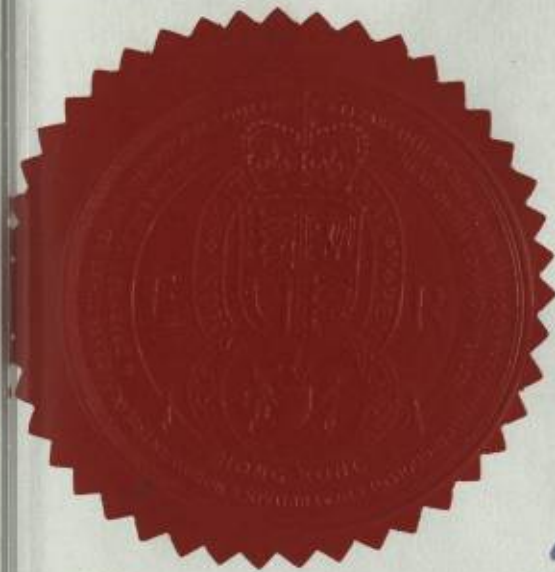
(ii) in the case of a company which allots shares at a premium, whether for cash or otherwise, for every \$1,000 or part of \$1,000 of the aggregate amount or value of the premiums paid or payable on such shares ..... 4.00".

Passed by the Hong Kong Legislative Council this 3rd day of December, 1975.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

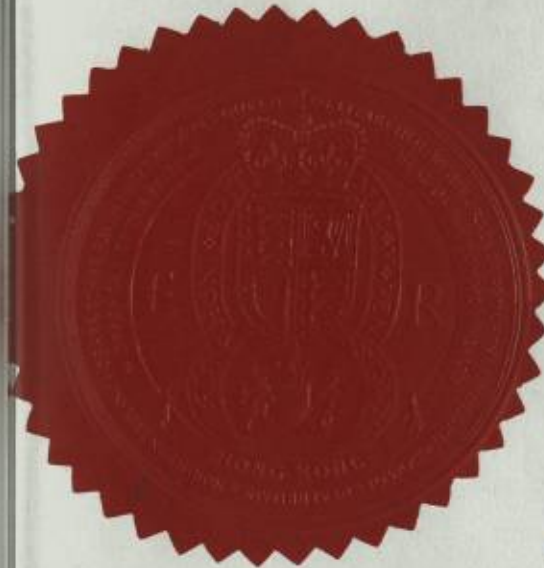


I assent.

*Deup Roberts*

**HONG KONG**

No. 81 OF 1975



I assent.

*Deputy Roberts*

*Acting Governor.*

*4th December, 1975.*

An Ordinance to amend the Post Office Ordinance.

[1st January, 1976]

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

1. This Ordinance may be cited as the Post Office (Amendment) Ordinance 1975 and shall come into operation on the 1st January 1976. Short title and commencement.

2. Section 21 of the principal Ordinance is amended—

Amendment of section 21, (Cap. 98.)

(a) by deleting subsection (3) and substituting the following—

“(3) Where the postage on any postal packet has not been prepaid or has not been fully prepaid, there shall be chargeable upon such postal packet such surcharge as may be prescribed in regulations made by the Governor in Council.”;

(b) in subsection (4) by deleting “such postage or sum or deficiency, as the case may be, shall be payable as follows” and substituting the following—

“payment under this section shall be made”;

- (c) in subsection (5) by deleting "such postage or sum or deficiency shall be payable by the sender" and substituting the following—  
"payment under this section shall be due from the sender";  
and
- (d) in subsection (6) by deleting "such postage or sum or deficiency shall be payable by the addressee" and substituting the following—  
"payment under this section shall be due from the addressee".

Passed by the Hong Kong Legislative Council this 3rd day of December, 1975.



*M. Allen*  
Clerk to the Legislative Council.

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

*M. Allen*  
Clerk to the Legislative Council.




I assent.

*Henry Roberts*

and

- (d) in subsection (6) by deleting "such postage or sum or deficiency shall be payable by the addressee" and substituting the following—  
"payment under this section shall be due from the addressee".

Passed by the Hong Kong Legislative Council this 3rd day of December, 1975.

  
*W. Allen*  
Clerk to the Legislative Council.

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

*W. Allen*  
Clerk to the Legislative Council.

**HONG KONG**

No. 82 OF 1975

  
I assent.

*Henry Roberts*  
Acting Governor.

4th December, 1975.

An Ordinance to amend the Rating Ordinance.

[5th December, 1975]

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

1. This Ordinance may be cited as the Rating (Amendment) (No. 2) Short title Ordinance 1975.

2. Section 7 of the principal Ordinance is amended—

(a) in subsection (4) by deleting "Where" and substituting the following—

"Subject to subsection (4A), where"; and

(b) by inserting after subsection (4) the following—

"(4A) Subsection (4) shall not apply where the Governor has directed that a valuation of tenements shall be made in any other specified area and this valuation is to take effect from the same date as the first valuation of the tenements in a specified area."

Amendment of  
section 7.  
(Cap. 116.)

Amendment of  
section 36.

3. Section 36 of the principal Ordinance is amended—

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

“(1) The following tenements, or parts thereof, shall be exempt from assessment to rates—

(a) agricultural land, and any building, other than a dwelling house, thereon used wholly or mainly in connexion with such land, but not land which is part of an ornamental park, garden or pleasure ground or which is used wholly or mainly for the purpose of sport or recreation;

[cf. 1967  
c. 9, s. 26.]

(b) any dwelling house in the New Territories (except New Kowloon) which—

(i) is occupied in connexion with agricultural land; and

(ii) is used as the dwelling house of any person engaged wholly or mainly in carrying on or directing agricultural operations on that land or employed as an agricultural worker thereon;

(c) any village house within such areas of the New Territories as may be designated by the Governor for the purposes of this paragraph, being—

(Cap. 322,  
sub. leg.)

(i) a building to which paragraph (a) or (b) of regulation 3(2) of the Buildings Ordinance (Application to the New Territories) Regulations, or any regulations replaced thereby, applies or applied; or

(ii) a dwelling house, built before 16th August 1945, of a type which was normally built for New Territories residents;

(d) those used wholly or mainly for public religious worship;

(Cap. 132.)

(e) any cemetery or crematorium within the meaning of section 2 of the Public Health and Urban Services Ordinance;

(f) those occupied for public purposes by or on behalf of the Government, the Urban Council or the Colonial Treasurer Incorporated; and

(g) those owned and occupied for public purposes by the Government of a Commonwealth country.”;

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

“(1A) The exemption provided for by paragraph (b) or (c) of subsection (1) shall take effect on the 1st April 1976.”; and

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

“(5) In this section—

“agricultural land” means land used as farm land, a fish pond, a market garden, an orchard or for animal husbandry;

“New Territories resident” means any person descended through the male line from a person who was in 1898 a resident of a village or town certified by the Secretary for the New Territories for the purposes of this section as an established village or town in the New Territories (except New Kowloon).”.

4. The principal Ordinance is amended by adding after section 40 the following new section—

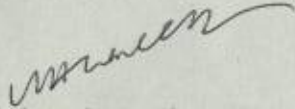
Addition of  
new section  
40A.

“Commissioner  
to consult  
Secretary for  
the New  
Territories in  
certain cases.

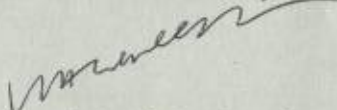
40A. (1) Where any proposal under section 37 or any objection under section 40 relates to the exemption of a tenement on the ground that it is a village house, the Commissioner shall, when considering such proposal or objection, consult the Secretary for the New Territories and shall have regard to his views.

(2) In this section “village house” means a village house exempted by virtue of section 36(1)(c).”.

Passed by the Hong Kong Legislative Council this 3rd day of December, 1975.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

*Samuel Roberts*

**HONG KONG**

No. 83 OF 1975



I assent.

*Donip Roberts*  
*Acting Governor.*

*4th December, 1975.*

An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March 1975.

[5th December, 1975]

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ended the 31st day of March 1975, in addition to the charge upon the revenue and other funds of the Colony authorized by the Appropriation Ordinance 1974: Preamble.

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

1. This Ordinance may be cited as the Supplementary Appropriation (1974-75) Ordinance 1975. Short title.

2. A sum of seven hundred and twenty-three million, two hundred and eight thousand nine hundred and forty-six dollars is hereby charged upon the revenue and other funds of the Colony for the service of the financial year ended the 31st day of March 1975, the appropriation of the sum so charged being approved as specified in the Schedule. Appropriation from general revenue and other funds.  
Schedule.

## SCHEDULE

Number of Vote	Head of Expenditure	Amount of Vote
		\$
21.	His Excellency the Governor's Establishment .....	115,810
22.	Agriculture and Fisheries Department .....	470,045
23.	Audit Department .....	444,843
24.	Census and Statistics Department .....	1,281,778
26.	Colonial Secretariat .....	9,688,910
27.	Colonial Secretariat: London Office .....	1,567,146
28.	Commerce and Industry Department .....	6,690,598
30.	Defence: Auxiliary Medical Service .....	58,274
33.	Defence: Miscellaneous Measures .....	3,008,477
34.	Defence: Hong Kong Auxiliary Air Force .....	152,279
36.	Education Department .....	15,411,778
37.	Fire Services Department .....	14,758,617
38.	Government Supplies Department .....	40,305,005
39.	Home Affairs Department .....	2,709,277
40.	Housing Department .....	9,427,492
41.	Immigration Department .....	4,021,631
43.	Inland Revenue Department .....	3,412,643
44.	Judiciary .....	3,441,371
46.	Labour Department: Labour Division .....	2,387,558
48.	Legal Department .....	389,441
49.	Legal Aid Department .....	962,256
51.	Medical and Health Department .....	44,001,128
53.	New Territories Administration .....	2,699,539
54.	Office of Unofficial Members of Executive and Legislative Councils .....	114,040
55.	Pensions .....	27,631,150
56.	Police: Royal Hong Kong Police Force .....	44,939,545
57.	Police: Royal Hong Kong Auxiliary Police Force .....	59,865
60.	Prisons Department .....	13,941,875
61.	Public Debt .....	100,238
62.	Public Services Commission .....	36,205
64.	Public Works Department: Building Development .....	5,512,259
65.	Public Works Department: Engineering Development .....	18,770,293
66.	Public Works Department: Lands and Survey .....	4,148,041
68.	Public Works Department: Water Supplies .....	8,487,393
69.	Public Works Recurrent .....	28,182,120
71.	Public Works Non-recurrent: Buildings .....	152,121,955
73.	Public Works Non-recurrent: Waterworks .....	95,259,451
74.	Radio Hong Kong .....	1,398,959
75.	Rating and Valuation Department .....	1,832,023
76.	Registrar General's Department .....	2,080,844
77.	Registration of Persons Department .....	691,564
78.	Registry of Trade Unions .....	75,548

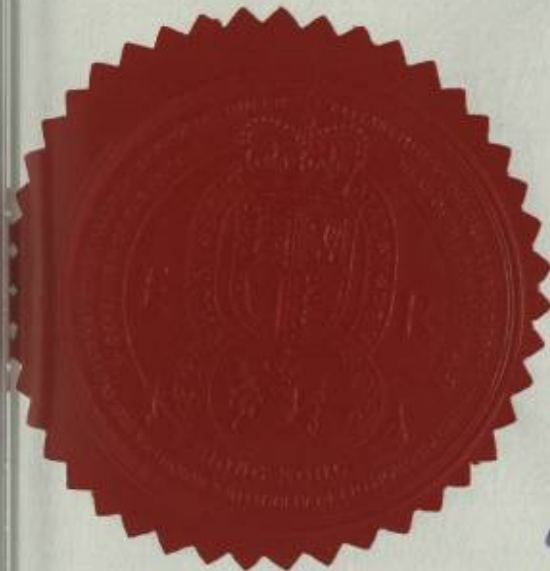
Number of Vote	Head of Expenditure	Amount of Vote
		\$
79.	Royal Observatory .....	220,921
80.	Social Welfare Department .....	57,799,443
81.	Subventions: Education .....	854,050
82.	Subventions: Medical .....	3,244,963
83.	Subventions: Miscellaneous .....	5,093,277
84.	Subventions: Social Welfare .....	1,382,821
85.	Transport Department .....	1,736,530
86.	Treasury .....	720,837
87.	Universities and Polytechnic .....	60,460,966
88.	Urban Services Department (for Urban Council) .....	12,899,182
89.	Urban Services Department: New Territories Region .....	6,006,692
	TOTAL .....	\$723,208,946

Passed by the Hong Kong Legislative Council this 3rd day of December, 1975.

*M. W. W. W.*  
Clerk to the Legislative Council.

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

*M. W. W. W.*  
Clerk to the Legislative Council.

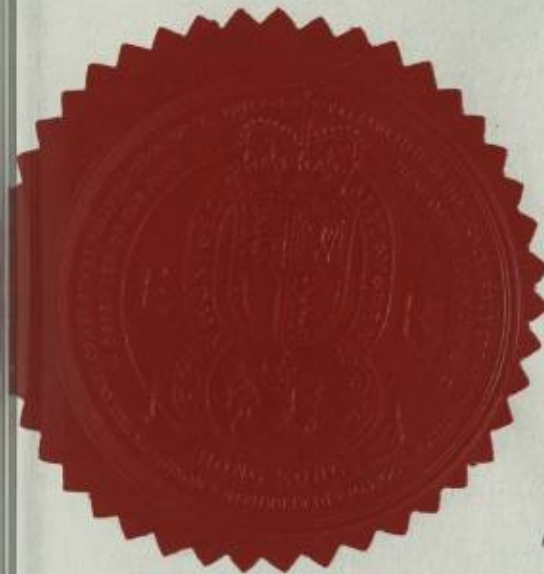


I assent.

*Deup Roberts*  
Acting Governor.

**HONG KONG**

No. 84 OF 1975



I assent.

*Henry Roberts*  
*Acting Governor.*

*4th December, 1975.*

An Ordinance to amend the Banking Ordinance.

[5th December, 1975]

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

1. This Ordinance may be cited as the Banking (Amendment) (No. 2) Ordinance 1975. Short title.

2. Section 2 of the principal Ordinance is amended in subsection (1) by deleting the definition of "auditor" and substituting the following— Amendment of section 2.

"auditor" means a professional accountant holding a practising certificate as provided in the Professional Accountants Ordinance." (Cap. 155.)

3. Section 12B of the principal Ordinance is amended by inserting after subsection (2) the following new subsection— Amendment of section 12B.

"(3) The Governor in Council may by order amend this section so as to vary the fees payable thereunder."

Amendment of  
section 18.

4. Section 18 of the principal Ordinance is amended—

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

"(2) The minimum holding of specified liquid assets to be maintained by a bank in any calendar month shall be not less than 25 per cent of the deposit liabilities of the bank during that month.";

(b) in subsection (3) by deleting "at the close of business on the last business day of the preceding calendar month";

(c) by deleting subsection (4) and substituting the following—

"(4) For the purposes of subsection (2), the specified liquid assets and deposit liabilities shall be the arithmetical means of, respectively, the amounts of specified liquid assets held by, and the deposit liabilities of, the bank according to the bank's books at the close of business on every such week day during the month as the Commissioner may specify:

Provided that if any such specified weekday is a public holiday the specified liquid assets and deposit liabilities as at the close of business on the last working day preceding that specified weekday shall be taken for the purposes of such calculation.";

(d) in subsection (6)—

(i) in paragraph (e) by deleting ", the currency of which is freely remittable to the bank in the Colony" and substituting the following—

"if such treasury bills issued by the Government of any other country are specified by the Financial Secretary and published in the *Gazette*";

(ii) in paragraph (h) by inserting after "Government" the following—

" , or the Government of any other country,"; and

(iii) in paragraph (i) by deleting ", the Government of the United Kingdom or the Government of any other country" and substituting the following—

"or the Government of the United Kingdom"; and

(e) in subsection (7)—

(i) by deleting "Governor in Council" and substituting the following—

"Financial Secretary"; and

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

"raise or".

Amendment of  
section 23.

5. Section 23 of the principal Ordinance is amended in subsection (1) by inserting after paragraph (a) of the proviso the following new paragraph—

"(aa) transactions to the extent to which they are covered by a form of guarantee acceptable to the Commissioner;".

Amendment of  
section 53.

6. Section 53 of the principal Ordinance is amended—

(a) in subsection (1), by deleting "or his executor or the authorized representative of such person or executor" in paragraph (b); and

(b) in subsection (1A)—

(i) by deleting "and" at the end of paragraph (c);

(ii) by deleting the comma at the end of paragraph (d) and substituting the following—

"; and"; and

(iii) by inserting after paragraph (d) the following new paragraph—

"(e) any person employed by or assisting a person to whom this subsection applies by virtue of paragraph (b), (c) or (d),".

7. Section 60 of the principal Ordinance is amended by deleting "five" and substituting the following— "fifty". Amendment of  
section 60.

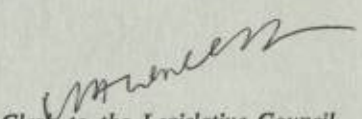
8. Section 63 of the principal Ordinance is amended by deleting "shall be guilty of an offence and shall be liable on conviction on indictment to a fine of two thousand dollars for every day during which the offence continues." and substituting the following— Amendment of  
section 63.

"shall be guilty of an offence and shall—

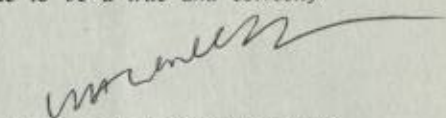
(i) in the case of a continuing offence, be liable on conviction on indictment to a fine of two thousand dollars for every day during which the offence continues; and

(ii) in the case of an offence which is not a continuing offence, be liable on conviction on indictment to a fine of fifty thousand dollars."

Passed by the Hong Kong Legislative Council this 3rd day of December, 1975.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

*Deputy Roberts*

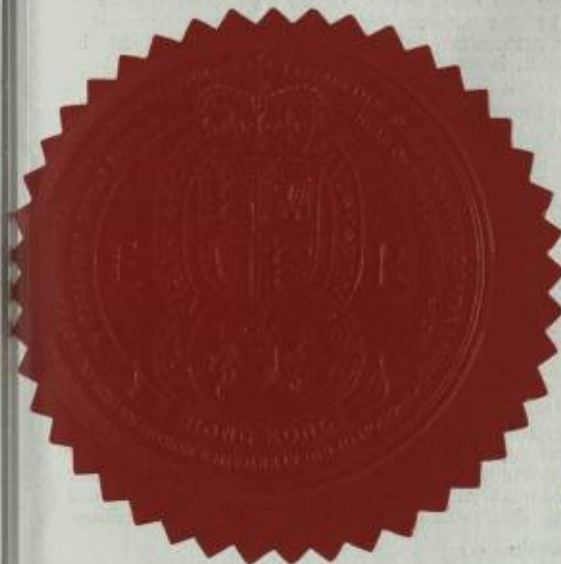
*Acting Governor.*

*4th December, 1975.*

An Ordinance to amend the Arbitration Ordinance to give effect to the

**HONG KONG**

No. 85 OF 1975



I assent.

*David Roberts*

*Acting Governor.*

*4th December, 1975.*

An Ordinance to amend the Arbitration Ordinance to give effect to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

[ ]

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

1. This Ordinance may be cited as the Arbitration (Amendment) Ordinance 1975 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 2 of the principal Ordinance is amended—

Amendment of section 2, 1975 c. 3, s. 7(i). (Cap. 341.)

(a) by deleting the definition "arbitration agreement" and substituting the following—

" "arbitration agreement" means an agreement in writing (including an agreement contained in an exchange of letters or telegrams) to submit to arbitration present or future differences capable of settlement by arbitration whether an arbitrator is named therein or not;";

(b) by adding after the definition "arbitration agreement" the following new definition—

" "Convention award" means an award to which Part IV applies, namely, an award made in pursuance of an arbitration agreement in a State or territory, other than Hong Kong, which is a party to the New York Convention;"; and

- (c) by adding after the definition "foreign award" the following new definition—

"the New York Convention" means the Convention on the Recognition and Enforcement of Foreign Arbitral Awards adopted by the United Nations Conference on International Commercial Arbitration on 10th June 1958 the text of which is set out in the Third Schedule."

Amendment of section 6. 1975 c. 3, s. 8(2)(a). 3. Section 6 of the principal Ordinance is amended by deleting subsection (2).

Addition of new section 6A. 4. The principal Ordinance is amended by adding after section 6 the following new section—

"Staying court proceedings where party proves arbitration agreement. 1975 c. 3, s. 1. 6A. (1) If any party to an arbitration agreement to which this section applies, or any person claiming through or under him, commences any legal proceedings in any court against any other party to the agreement, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to the proceedings may at any time after appearance, and before delivering any pleadings or taking any other steps in the proceedings, apply to the court to stay the proceedings; and the court, unless satisfied that the arbitration agreement is null and void, inoperative or incapable of being performed or that there is not in fact any dispute between the parties with regard to the matter agreed to be referred, shall make an order staying the proceedings.

(2) Subsection (1)—

- (a) does not apply in relation to a domestic arbitration agreement, but  
(b) applies, in relation to other arbitration agreements, instead of section 6(1).

(3) In this section "domestic arbitration agreement" means an arbitration agreement which does not provide, expressly or by implication, for arbitration in a State or territory other than Hong Kong and to which neither—

- (a) an individual who is a national of, or habitually resident in, any State or territory other than Hong Kong; nor  
(b) a body corporate which is incorporated in, or whose central management and control is exercised in, any State or territory other than Hong Kong,

is a party at the time the proceedings are commenced."

Amendment of section 30. 1975 c. 3, s. 8(2)(b). 5. Section 30 of the principal Ordinance is amended by deleting the proviso.

Amendment of section 32. 1975 c. 3, s. 8(2)(c). 6. Section 32 of the principal Ordinance is amended by deleting the following—  
" , except the provisions of subsection (2) of section 6,".

Amendment of section 33. 1975 c. 3, s. 8(2)(d). 7. Section 33 of the principal Ordinance is amended in subsection (2) by deleting the following—  
" , subsection (2) of section 6".

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

#### "PART IV

##### ENFORCEMENT OF CONVENTION AWARDS

Replacement of former provisions. 1975 c. 3, s. 2.

Effect of Convention awards. 1975 c. 3, s. 3(1)(a). 1975 c. 3, s. 3(2).

Evidence. 1975 c. 3, s. 4.

Refusal of enforcement. 1975 c. 3, s. 5.

41. This Part shall have effect with respect to the enforcement of Convention awards; and where a Convention award would, but for this section, be also a foreign award within the meaning of Part III, that Part shall not apply to it.

42. (1) A Convention award shall, subject to this Part, be enforceable either by action or in the same manner as the award of an arbitrator is enforceable by virtue of section 28.

(2) Any Convention award which would be enforceable under this Part shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of those persons by way of defence, set off or otherwise in any legal proceedings in Hong Kong and any reference in this Part to enforcing a Convention award shall be construed as including references to relying on such an award.

43. The party seeking to enforce a Convention award must produce—

- (a) the duly authenticated original award or a duly certified copy of it;  
(b) the original arbitration agreement or a duly certified copy of it; and  
(c) where the award or agreement is in a foreign language, a translation of it certified by an official or sworn translator or by a diplomatic or consular agent.

44. (1) Enforcement of a Convention award shall not be refused except in the cases mentioned in this section.

(2) Enforcement of a Convention award may be refused if the person against whom it is invoked proves—

- (a) that a party to the arbitration agreement was (under the law applicable to him) under some incapacity; or  
(b) that the arbitration agreement was not valid under the law to which the parties subjected it or, failing any indication thereon, under the law of the country where the award was made; or  
(c) that he was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or  
(d) subject to subsection (4), that the award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration or contains decisions on matters beyond the scope of the submission to arbitration; or  
(e) that the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, with the law of the country where the arbitration took place; or

(f) that the award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, it was made.

(3) Enforcement of a Convention award may also be refused if the award is in respect of a matter which is not capable of settlement by arbitration, or if it would be contrary to public policy to enforce the award.

(4) A Convention award which contains decisions on matters not submitted to arbitration may be enforced to the extent that it contains decisions on matters submitted to arbitration which can be separated from those on matters not so submitted.

(5) Where an application for the setting aside or suspension of a Convention award has been made to such a competent authority as is mentioned in subsection (2)(f), the court before which enforcement of the award is sought may, if it thinks fit, adjourn the proceedings and may, on the application of the party seeking to enforce the award, order the other party to give security.

Saving.  
1975 c. 3,  
s. 6.

45. Nothing in this Part shall prejudice any right to enforce or rely on an award otherwise than under this Part or Part III.

Order to be  
conclusive  
evidence.  
1975 c. 3,  
s. 7(2).

46. If the Governor by Order declares that any State or territory specified in the Order is a party to the New York Convention the Order shall, while in force, be conclusive evidence that that State or territory is a party to that Convention."

9. The principal Ordinance is amended by adding after the Second Schedule the following new Schedule—

"THIRD SCHEDULE [s. 2.]

CONVENTION ON THE RECOGNITION AND ENFORCEMENT  
OF FOREIGN ARBITRAL AWARDS. DONE AT  
NEW YORK, ON 10 JUNE 1958

Article I

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.

2. The term "arbitral awards" shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which

Addition of  
new Third  
Schedule.

are considered as commercial under the national law of the State making such declaration.

Article II

1. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.

2. The term "agreement in writing" shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.

3. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.

Article III

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards.

Article IV

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply—

- (a) the duly authenticated original award or a duly certified copy thereof;
- (b) the original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

Article V

1. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that—

- (a) the parties to the agreement referred to in article II were, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or
- (b) the party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or
- (c) the award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it

contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or

- (d) the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or
  - (e) the award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.
2. Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that—
- (a) the subject matter of the difference is not capable of settlement by arbitration under the law of that country; or
  - (b) the recognition or enforcement of the award would be contrary to the public policy of that country.

#### Article VI

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V(1)(e), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

#### Article VII

1. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2. The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.

#### Article VIII

1. This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

#### Article IX

1. This Convention shall be open for accession to all States referred to in article VIII.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### Article X

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

#### Article XI

In the case of a federal or non-unitary State, the following provisions shall apply—

- (a) with respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;
- (b) with respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;
- (c) a federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

#### Article XII

1. This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

#### Article XIII

1. Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.