

D.45. No 8/31

ORDS.
OF
H. K.

1964



HONG KONG

No. 1 OF 1964.



I assent.

Governor.

9th January, 1964.

An Ordinance further to amend the Fire Services Ordinance, 1954.

[10th January, 1964.]

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

1. This Ordinance may be cited as the Fire Services (Amendment) Ordinance, 1964. Short title.

2. The long title of the Fire Services Ordinance, 1954 (hereinafter referred to as the principal Ordinance) is amended by the insertion, after the word "provision" where it occurs for the second time, of the following— Amendment of the long title. (32 of 1954).

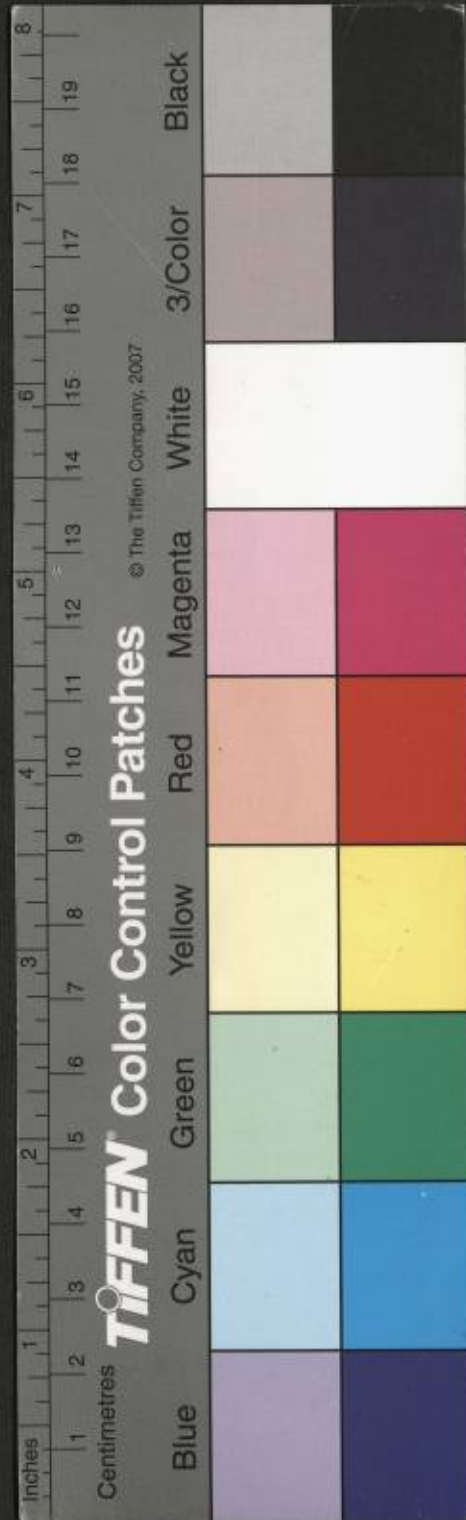
"for the prevention of fire hazards and".

3. Section 2 of the principal Ordinance is amended by the insertion, in the appropriate place in the alphabetical order having regard to the initial letter of each of them, of the following definitions— Amendment of section 2.

"fire hazard" means—

- (a) any alteration to any building in contravention of the Buildings Ordinance, 1955, such as might render escape in the event of fire or other calamity materially more difficult;

(68 of 1955, 1960 Reprint).



- (b) the overcrowding of any place of public entertainment or public assembly such as might render escape in the event of fire or other calamity materially more difficult;
- (c) any removal from any building of any fire service installation or equipment which was provided in such building in accordance with plans certified by the Director for the purposes of section 9B of the Buildings Ordinance, 1955;
- (d) the presence in any building of any fire service installation or equipment, provided in the building in accordance with plans referred to in paragraph (c) of this definition, which from lack of proper maintenance or for any other reason is not in efficient working order;
- (e) any other matter or circumstance which materially increases the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity, or which would materially hamper the Fire Services Department in the discharge of its duties in the event of fire or other calamity;

(68 of 1955,
1960 Re-
print).

“owner”, in respect of any premises, has the meaning assigned to it by section 2 of the Buildings Ordinance, 1955;”;

“premises” includes any place;”.

Addition of
new sections
7A and 7B.

4. The principal Ordinance is amended by the addition, after section 7, of the following new sections—

“General
powers of
entry.

7A. (1) Subject to this section, the Director or any person authorized by him in writing on producing, if so required, the writing showing his authority, shall have a right to enter any premises at all reasonable hours for the purpose of—

- (a) ascertaining whether there is, or has been, on or in connexion with the premises, any contravention of any of the provisions of this Ordinance;
- (b) obtaining information required for fire-fighting purposes with respect to the character of the premises, the available water supplies and the means of access thereto, and other material circumstances;
- (c) ascertaining whether or not there exists any fire hazard;

- (d) the performance by the Director or by the Fire Services Department of his or its powers or duties under any enactment:

Provided that the Director, or any person authorized by him in writing, shall not exercise the right of entry conferred by this subsection in respect of such premises as are not a place of public entertainment or public assembly, factory, workshop or workplace nor premises otherwise used for business purposes, unless twenty-four hours' notice in writing of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a magistrate or justice of the peace on sworn information in writing—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any purpose specified in subsection (1); and
- (c) that notice of the intention to apply for the warrant has been given to the occupier of the premises, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry,

the magistrate or justice of the peace may by warrant in the form of Form 1 in the Sixth Schedule authorize the Director, or any person authorized by the Director in writing in that behalf, to enter the premises, if need be by force.

Sixth
Schedule.

(3) The Director or any person entering any premises by virtue of this section, or of a warrant issued hereunder, may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them to be at the time of entry.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who, in compliance with this section or a warrant issued hereunder, enters a factory, workshop, workplace or premises used for business purposes discloses

to any person any information obtained by him in the factory, workshop or workplace or premises used for business purposes with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and shall be liable to a fine of two thousand dollars.

Abatement
of fire
hazards.

7B. (1) (a) The Director, if satisfied of the existence in any premises of any fire hazard, may serve—

(i) upon the person by reason of whose act, default or sufferance the fire hazard arose or continues; or

(ii) if such person is the servant or agent of some other person, upon such other person; or

(iii) if such person or such other person, as the case may be, cannot readily be found or is absent from the Colony, upon the occupier or the owner of the premises in which such fire hazard exists,

Sixth
Schedule.

a notice in the form of Form 2 in the Sixth Schedule (in this section referred to as a fire hazard abatement notice) requiring him to abate the fire hazard within the period specified in the notice, and to do all such things as may be necessary for that purpose, and the notice may, if the Director thinks fit, specify any works to be executed for the purpose aforesaid:

Provided that where the fire hazard arose or continues from any want or defect of a structural character in any premises or such premises are unoccupied, the notice shall be served upon the owner thereof.

(b) The Director may also, by notice under paragraph (a) of this subsection or by a further fire hazard abatement notice, require the person on whom the notice is served to do what is necessary for preventing the recurrence of the fire hazard to which the notice relates and, if the Director thinks it desirable, specify any works to be executed for that purpose, and a notice containing such a requirement may, notwithstanding that the fire hazard to which it relates may for the time being have been abated, be served if the Director considers that the fire hazard is likely to recur in the same premises.

(2) Where the person by reason of whose act, default or sufferance a fire hazard arose or continues cannot be found and it is clear that the fire hazard neither arose nor continues by reason of any act, default or sufferance on the part of the occupier or owner of the premises on which it exists, the Director may abate the hazard and may do what is necessary to prevent a recurrence thereof.

(3) Where a fire hazard abatement notice is served on any person pursuant to subsection (1), then, if either—

(a) the fire hazard to which the notice relates arose by reason of the wilful act or default of that person; or

(b) that person fails to comply with any of the requirements of the notice within the time specified therein,

he shall (whether or not an order under subsection (4) has been made in respect of him) be guilty of an offence and shall be liable to a fine of one thousand dollars and, where the offence is the failure to comply with any of the requirements of a notice within the time specified therein, to a fine of twenty dollars for each day during which the offence continues.

(4) Where a fire hazard abatement notice is served on any person, then if—

(a) that person fails to comply with any of the requirements of the notice within the time specified therein; or

(b) the fire hazard, although abated since the service of the notice, is, in the opinion of the Director, likely to recur in the same premises,

the Director may make a complaint to a magistrate's court and the court hearing the complaint may make a summary order in the form of Form 3 in the Sixth Schedule (in this section referred to as a fire hazard order).

Sixth
Schedule.

(5) A fire hazard order may be—

(a) an abatement order, that is to say, an order which requires a person to comply with all or any of the requirements of a fire hazard abatement notice in connexion with which the order is made, or otherwise to abate the fire hazard or to do what may be necessary to prevent the recurrence of the fire hazard within the period specified in the order; or

- (b) a prohibition order, that is to say, an order which prohibits the recurrence of the fire hazard; or
- (c) a closing order, that is to say, an order which prohibits the use of any premises for human habitation or the storage (including storage in the course of use) of such kinds or categories of goods, or such quantities thereof, specified in the order, as materially increase the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity; or
- (d) a combination of such orders.

(6) A closing order shall only be made if it is proved to the satisfaction of the court that the cause of the fire hazard is the structural character of the premises concerned, or the location of such premises having regard to the nature of the area in which such premises are situated.

(7) An abatement order or a prohibition order shall, if the person in respect of whom the order is made so requires or if the court making the order considers it desirable, specify the works to be executed by such person for the purpose of abating, or of preventing the recurrence of, the fire hazard to which the order relates.

(8) A magistrate's court if satisfied that any premises in respect of which a closing order is in force has been rendered suitable for human habitation or the storage of goods of the kind or category or in the quantity specified in the order, as the case may be, may declare that it is so satisfied and revoke the closing order.

- (9) (a) Any person who without reasonable excuse knowingly contravenes a fire hazard order shall be guilty of an offence and shall be liable to a fine of two thousand dollars and to a fine of fifty dollars for each day during which the offence continues.
- (b) Without prejudice to paragraph (a), where a fire hazard order has not been complied with the Director may, subject to paragraph (c) of subsection (10), abate the fire hazard and may do whatever may be necessary in execution of the order, and may recover any expenses reasonably incurred thereby from the person against whom the order was made.

(Cap. 227).

(10) Part VI of the Magistrates Ordinance shall apply in relation to proceedings in a magistrate's court under this section subject to the following provisions—

- (a) in the event of an appeal against a fire hazard order, the order shall be suspended pending the determination or abandonment of the appeal and, in the case of an order other than an order quashed in the appeal, the time for compliance with the requirements thereof shall not commence to run until the determination or abandonment of the appeal;
- (b) in the case of a fire hazard order which is or includes a prohibition order or a closing order or requires structural works, if the appeal is dismissed or abandoned, then, notwithstanding paragraph (a), the appellant shall be liable to a fine of fifty dollars for each day, during which the order was not complied with, after the expiry of the time that would have been permitted for compliance with the requirements of the order if there had been no appeal against the order, until the day immediately preceding the day of the dismissal or abandonment of the appeal, unless he satisfies the court hearing the appeal in the case of an appeal which is dismissed, or the court before which proceedings are taken for the recovery of the fine in the case of an appeal which was abandoned, that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay; and in the case of an appeal which is dismissed, the fine (if any) imposed under this paragraph shall be imposed by the court hearing the appeal, and in the case of an appeal which was abandoned the maximum fine of fifty dollars for each day aforesaid shall, for the purpose of proceedings for the recovery thereof, be deemed to have been imposed by the court before which such proceedings are taken but so, however, that the court may reduce or cancel the amount of the fine if it sees fit;
- (c) in the event of an appeal against a fire hazard order which requires the execution of structural work, no work, save as hereinafter mentioned, shall be done pursuant to paragraph (b) of subsection (9) under the order until after the determination or abandonment of the appeal:

Provided that, if the court by which the order was made is of the opinion that the nature of the fire hazard is such as to require immediate abatement, the court may, notwithstanding that the appeal is pending, authorize the Director immediately to abate the hazard, so, however, that—

(i) if the appeal is allowed, the Director shall pay to the person against whom the order was made the amount of any damage sustained by him by reason of the abatement of the hazard by the Director; and

(ii) if the appeal is dismissed or abandoned the Director may recover from such person the expenses incurred by him in abating the hazard.

(11) (a) Any property removed by the Director in abating, or doing what is necessary to prevent the recurrence of, a fire hazard may be sold by public auction, or, if the Director thinks the circumstances of the case require it, may otherwise be sold, or may be disposed of without sale.

(b) The money arising from the sale of any property under this subsection may be retained by the Director and applied in payment of the expenses incurred by him in connexion with the abatement of the fire hazard and the surplus, if any, shall be paid, on demand, to the owner of the property.”.

Amendment
of section
13A.

5. Section 13A of the principal Ordinance is amended—

(a) by the deletion of subsection (1) and the substitution therefor of the following—

“(1) Where it appears to the Governor that a member is or has been—

(a) maintaining a standard of living above that which is commensurate with, or

(b) in control of pecuniary resources in excess of,

his official emoluments, the Governor may, after consultation with the Attorney General, direct that such member be notified in writing by the Director of the grounds on which the allegations against him are based, and be called upon to give an explanation in writing before a date to be specified.”; and

(b) by the deletion from subsection (4) of the words “the Director” and the substitution therefor of the following—

“the chairman of the Tribunal”.

6. The principal Ordinance is amended by the addition, after section 19, of the following new section—

Addition of
new section
19A.

“Provision
and main-
tenance of
fire escapes.

19A. (1) Every building which has a storey the floor of which is more than thirty-five feet above the level of the street or ground surface adjoining any part of the building shall be provided in every such storey, with either—

(a) adequate free and unobstructed means of escape therefrom leading to the roof of the building and to the street or ground surface adjoining the building; or

(b) such other means of escape in the event of fire as the Director may require:

Provided that this subsection shall not apply to a building constructed and maintained to a standard not less than that laid down by regulations 34, 35, 36 and 37 of the Building (Planning) Regulations, 1956.

(G.N.A.
37/56).

(2) The owner of any building to which subsection (1) applies who fails to provide a means of escape in accordance with subsection (1) or who fails to maintain and keep such means of escape so provided in good condition, order and repair shall be guilty of an offence and shall be liable to a fine of five hundred dollars.”.

7. The Third Schedule to the principal Ordinance is amended by the insertion, after the word “stoppage”, where the same occurs in item (iii) of sub-paragraph (a) of paragraph (1) of Part I and in item (iii) of sub-paragraph (a) of paragraph (1), and item (ii) of sub-paragraph (a) of paragraph (2), of Part II, of the following—

Amendment
of Third
Schedule.

“or deferment”.

8. The principal Ordinance is amended by the addition, after the Fifth Schedule, of the following new Schedule—

Addition of
new Sixth
Schedule.

“SIXTH SCHEDULE.

FORM 1.

[s. 7A(2).]

FIRE SERVICES ORDINANCE, 1954.

(Section 7A(2)).

Warrant to effect entry in premises.

WHEREAS application has been made by or on behalf of the Director of Fire Services to me, C.D., a magistrate/justice of the peace of the Colony of Hong Kong, for authority to enter certain premises
..... (here insert description of premises),
and whereas I, C.D., am satisfied by information on oath that there is reasonable ground for entry to such premises and that
..... (here insert ground on which warrant is issued):

NOW, THEREFORE, I, the said C.D., do hereby authorize the Director of Fire Services or any person authorized by the Director of Fire Services in writing in that behalf to enter the said premises, if need be by force, taking with him such persons as may be necessary.

Dated this day of, 196.....

[L.S.]

(Signed)
Magistrate/Justice of the Peace.

FORM 2. [s. 7B(1).]

FIRE SERVICES ORDINANCE, 1954.

(Section 7B(1)(a)).

Fire Hazard Abatement Notice.

To (person by reason of whose own or whose servant's or agent's act, default or sufferance the fire hazard arose or exists, or owner or occupier of the premises at which the fire hazard exists, as the case may be).

1. Take notice that under section 7B of the Fire Services Ordinance, 1954, the Director of Fire Services, being satisfied of the existence at (describe premises where fire hazard exists) of a fire hazard, being (describe the fire hazard), does hereby require you, within (specify the time) from the service of this notice, to abate the fire hazard, and for that purpose to (specify any works to be executed) [and the said Director of Fire Services does hereby require you within the said period to do what is necessary for preventing the recurrence of the fire hazard and for this purpose to (specify any works to be executed)].

[1. (Where the fire hazard has been abated but is likely to recur, say, in place of the foregoing) Take notice that under section 7B of the Fire Services Ordinance, 1954, the Director of Fire Services, being satisfied that at (describe premises where the fire hazard existed) there existed recently, namely, on or about the (specify date), the following fire hazard, namely, (describe the fire hazard), and that although the said fire hazard has since the last-mentioned day been abated the fire hazard is likely to recur at the said premises, does hereby require you, within (specify the time) from the service of this notice, to do what is necessary for preventing the recurrence of the fire hazard, and for that purpose to (specify any works to be executed).]

2. If you make default in complying with the requirements of this notice (or if the said fire hazard, although abated, is likely to recur) application will be made to a magistrate's court for a summons to be issued requiring your attendance before such court to answer a complaint which will be made for the purpose of enforcing the abatement of the fire hazard and/or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of, 196.....

Signature

FORM 3.

[s. 7B(4).]

FIRE SERVICES ORDINANCE, 1954.

(Section 7B(4)).

Fire Hazard Order.

To A.B. of (or to the owner or occupier of) (describe premises) situated (insert such description of the situation as may be sufficient to identify the premises).

WHEREAS the said A.B. (or, the owner or occupier of the said premises, namely (describing the court), to answer the matter of a complaint made by etc. that at etc. (follow the words of complaint in summons):

[or, in the case where the party charged does not appear, say, in place of the foregoing)

WHEREAS it has been now proved to my/our satisfaction that a summons has been duly served requiring the said A.B. (or the owner or occupier of the said premises) to appear this day before me/us to answer the matter of a complaint made by etc. that at etc. (following the words or complaint in summons):]

(Any of the following orders may be made or a combination of any of them, as the case seems to require).

Now on proof here had before me/us that the fire hazard so complained of does exist at the said premises (add, where the order is made on the person causing the fire hazard—and that the fire hazard is caused by the act, default or sufferance of A.B.), I/we, in pursuance of section 7B of the Fire Services Ordinance, 1954, do order the said A.B. (or, the said owner or occupier) within (specify the time) from the service of this order to abate (here specify the fire hazard to be abated and the manner, whether by compliance with the requirements of the relevant fire hazard abatement notice, or otherwise).

Abatement order.

And I/we being satisfied that, notwithstanding that the said fire hazard may be temporarily abated under this order, the fire hazard is likely to recur, do therefore prohibit the said A.B. (or, the said owner or occupier) from allowing the recurrence of the said fire hazard (and for that purpose I/we direct the said A.B. (or, the said owner or occupier) [here specify any works to be executed]).

Prohibition Order No. 1

Now on proof here had before me/us that at or recently before the time of making the said complaint, to wit, on, the fire hazard so complained of did exist at the said premises, but that the fire hazard has since been abated (add where the order is made on the person who caused the fire hazard—and that the fire hazard was caused by the act, default or sufferance of A.B.), yet, notwithstanding the abatement, I/we, being satisfied that it is likely that the same fire hazard will recur at the said premises, do therefore prohibit (continue as in Prohibition Order No. 1).

Prohibition Order No. 2.

Now on proof here had before me/us that the fire hazard is such as to render the premises (describe the same) situated at (insert such a description of the situation as may be sufficient to identify the premises) unfit in my/our judgment for human habitation/the storage of such kinds or categories of goods, [and in such quantities,] as specified hereunder, I/we in pursuance of section 7B of the Fire Services Ordinance, 1954, do hereby prohibit the use of the said

Closing Order.

premises for human habitation/for the storage (including storage in the course of use) of such kinds/categories of goods [and in such quantities] as follows, that is to say,

Dated this day of, 196.....

[L.S.]

(Signed)
Magistrate/Justice of the Peace."

Consequent-
ial repeal.
(Cap. 228).

9. Section 6A of the Summary Offences Ordinance is repealed.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 8th day of January, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

Cruickshank
Deputy Clerk of Councils.

(Secretariat GR22/3231/52)

HONG KONG

No. 2 OF 1964.



I assent.

[Handwritten signature]
Governor.

9th January, 1964.

An Ordinance further to amend the Telephone Ordinance, 1951.

[24th January, 1964.]

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

1. This Ordinance may be cited as the Telephone (Amendment) Ordinance, 1964, and shall come into operation on the 24th day of January, 1964. Short title and commencement.

2. Section 29 of the Telephone Ordinance, 1951 (hereinafter referred to as the principal Ordinance) is amended by the deletion of subsection (2) and the substitution therefor of the following— Amendment of section 29. (18 of 1951).

“(2) The Schedule may be amended for the purposes of subsection (1) or of section 34 by resolution of the Legislative Council.”.

Repeal and
replacement
of section 34.

3. Section 34 of the principal Ordinance is repealed and replaced by the following—

"Telephone
services for
Government.
Schedule.

34. The company shall provide the Government with any telephone service that may be required, and, if the service is one in relation to which it is declared in the Schedule that a discount is to be allowed to the Government, the charge that the company makes under subsection (1) of section 29 for such service shall be reduced by fifty per cent."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 8th day of January, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

Christie.

Deputy Clerk of Councils.

(Secretariat FIN4/1026/57)

HONG KONG

No. 3 OF 1964.



I assent.

[Handwritten signature]

Governor.

9th January, 1964.

An Ordinance further to amend the Buildings Ordinance, 1955.

[]

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 Buildings (Amendment) Ordinance, 1964, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.

2. Section 9B of the Buildings Ordinance, 1955 (hereinafter referred to as the principal Ordinance) is amended by the insertion in subsection (1), after paragraph (a), of the following new paragraph—

Amendment
of section
9B.
(68 of 1955,
1960 Re-
print).

"(aa) the plans are not endorsed with or accompanied by a certificate from the Director of Fire Services certifying either—

(i) that, having regard to the purpose to which the building is intended to be put (which purpose shall be stated in the certificate), no fire service installation or equipment is necessary in connexion with the building that will result from the carrying out of the building works shown on the plans; or

(ii) that the plans have been examined and are approved by him as showing all such fire service installations and equipment as in his opinion, having regard to the purpose to which the building is intended to be put (which purpose shall be stated in the certificate), comprise the minimum fire service installations and equipment necessary for such building in accordance with a Code of Practice published from time to time by the Director of Fire Services:"

Amendment
of section 12.

3. Section 12 of the principal Ordinance is amended—

(a) by the deletion, at the end of paragraph (b) of subsection (6), of the word "or";

(b) by the deletion of the full stop at the end of paragraph (c), of subsection (6) and the substitution therefor of the following—
"; or";

and

(c) by the insertion in subsection (6), after paragraph (c), of the following new paragraph—

"(d) in the case of a building the plans whereof were certified by the Director of Fire Services in the terms indicated in sub-paragraph (ii) of paragraph (aa) of subsection (1) of section 9B, the applicant for the permit fails to produce to the Building Authority a certificate from the Director of Fire Services in such form as may be prescribed certifying that he is satisfied that the fire service installations and equipment shown on the plans aforesaid have been provided and are in efficient working order and satisfactory condition."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 8th day of January, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

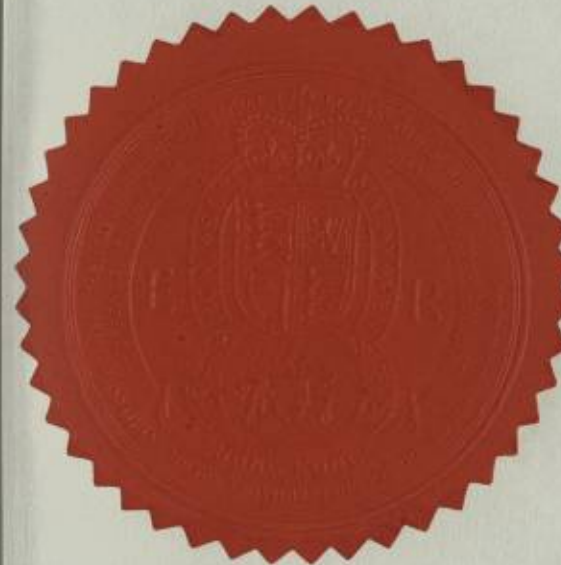
Cruickshank

Deputy Clerk of Councils.

(Secretariat GR22/3231/52)

HONG KONG

No. 4 OF 1964.



I assent.

[Handwritten signature of the Governor]

Governor.

23rd January, 1964.

An Ordinance to amend the Societies Ordinance.

[24th January, 1964.]

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

1. This Ordinance may be cited as the Societies (Amendment) Short title. Ordinance, 1964.

2. Section 12C of the Societies Ordinance is amended by the insertion, after the figure "11", of the following—
"or, before the 21st day of July, 1961, subsection (2) of section 15".

Amendment
of section
12C.
(Cap. 151).

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of January, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

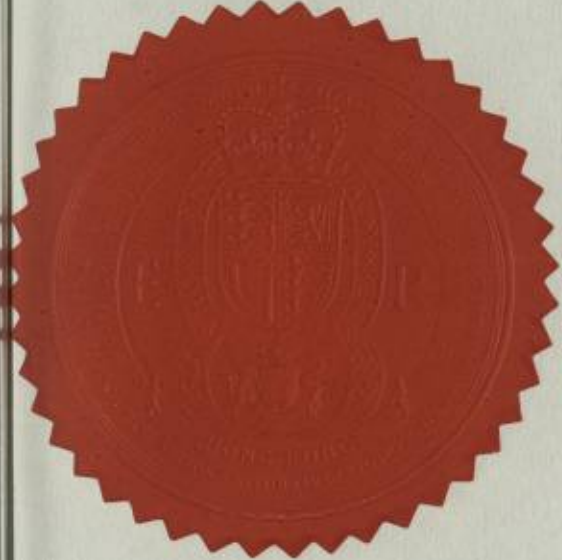
Cruickshank

Deputy Clerk of Councils.

(Secretariat CR37/3231/47III)

HONG KONG

No. 5 OF 1964.



I assent.

Governor.

23rd January, 1964.

An Ordinance further to amend the Jury Ordinance.

[24th January, 1964.]

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

1. This Ordinance may be cited as the Jury (Amendment) Ordinance, 1964. Short title.

2. Section 5 of the Jury Ordinance is amended in sub-paragraph (iii) of paragraph (i) by the deletion of the semi-colon at the end thereof and the substitution therefor of the following— Amendment of section 5. (Cap. 3).

“or of the Chinese University of Hong Kong;”.

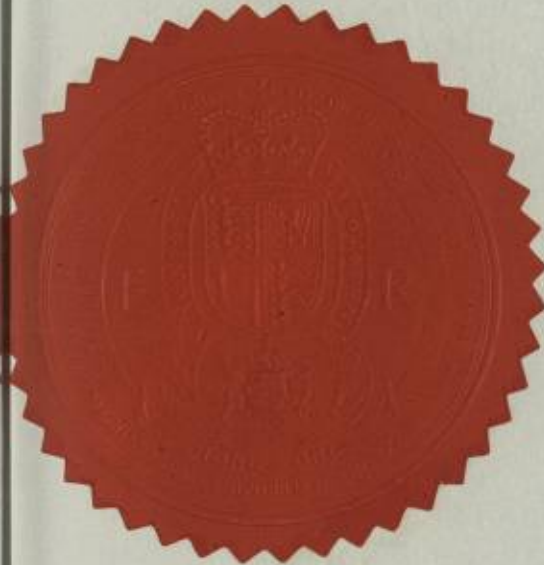
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of January, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

Deputy Clerk of Councils.

(Secretariat GR3309/45II)

HONG KONG

No. 6 OF 1964.



I assent.

Governor.

23rd January, 1964.

An Ordinance to amend the Exchange Fund Ordinance.

[24th January, 1964.]

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

1. This Ordinance may be cited as the Exchange Fund (Amendment) Ordinance, 1964. Short title.

2. The Exchange Fund Ordinance is amended by the addition, after section 7, of the following new section— Addition
of new
section 8.

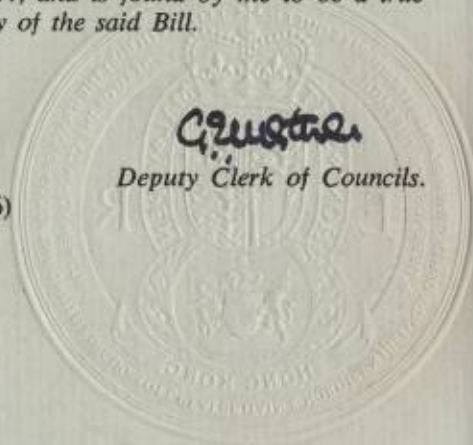
*Transfer
from the
Fund.*

8. The Financial Secretary may from time to time, after consultation with the Exchange Fund Advisory Committee and with the approval of the Secretary of State, transfer from the Fund to the general revenue of the Colony or to such other funds of the Colony as may be authorized by the Secretary of State any sum, or any part of any sum, in excess of the amount required to maintain the assets of the Fund at one hundred and five per cent of the aggregate (Cap. 66).

of the face value of the certificates of indebtedness for the time being outstanding and may for such purpose realize any of the assets of the Fund.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of January, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

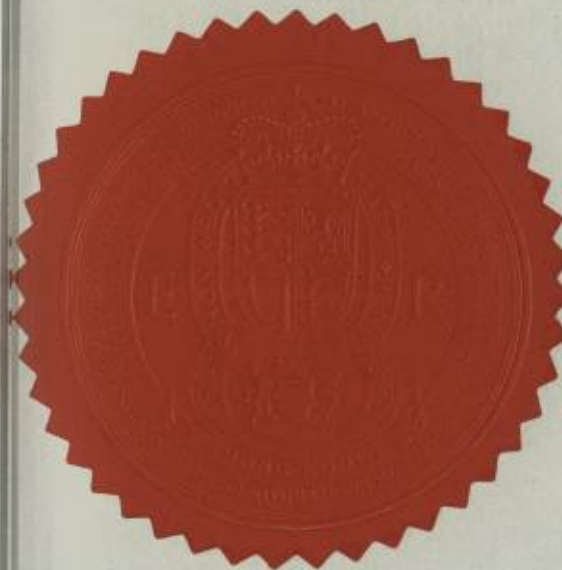
(Secretariat CR9/2321/56)



C. Quastner
Deputy Clerk of Councils.

HONG KONG

No. 7 OF 1964.



I assent.

Governor.

23rd January, 1964.

An Ordinance to amend the Lifts and Escalators (Safety) Ordinance, 1960.

[24th January, 1964.]

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

1. This Ordinance may be cited as the Lifts and Escalators (Safety) (Amendment) Ordinance, 1964. Short title.

2. Section 3 of the Lifts and Escalators (Safety) Ordinance, 1960, is amended in paragraph (a) of subsection (1)—

Amendment
of section 3.
(44 of 1960).

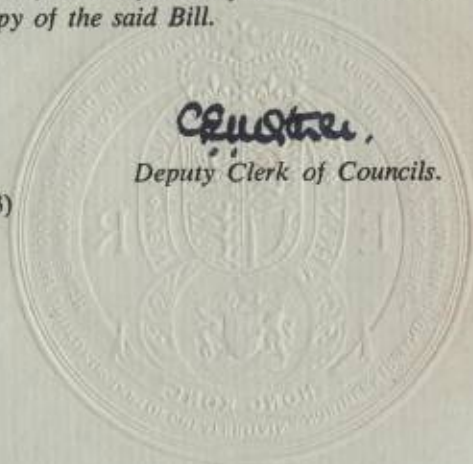
- (a) in sub-paragraph (xii), by the deletion of the word “and”; and
(b) by the insertion, after item (xiii), of the following new sub-paragraph—

“(xiv) A service lift used or intended to be used exclusively for carrying goods, having a rated load of not more than five hundredweight and a car in which

the area of the floor is not more than nine square feet and the height of which is not more than four feet; and”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 22nd day of January, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

(Secretariat BL3/741/63)



C. Quatrecas
Deputy Clerk of Councils.

HONG KONG

No. 8 OF 1964.



I assent.

Governor.

15th February, 1964.

An Ordinance to amend the Dangerous Goods Ordinance, 1956.

[]

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 Dangerous Goods (Amendment) Ordinance, 1964, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.

2. Section 2 of the Dangerous Goods Ordinance, 1956 (hereinafter referred to as the principal Ordinance) is amended by—

Amendment
of section 2.
(38 of 1956).

(a) the insertion, after the definition “explosive”, of the following definitions—

“Government Chemist” includes any other person authorized by the Director of Medical and Health Services pursuant to the provisions of section 3A;

“licence” includes permit;” and

(b) the insertion, after the definition "licensed premises", of the following definition—

"“manufacture” includes process, compress, liquefy or otherwise alter the nature or form of any substance;”.

Addition of new section 3A.

3. The principal Ordinance is amended by the addition, after section 3, of the following new section—

"Analysis of goods.

3A. For the purposes of this Ordinance, the Director of Medical and Health Services may authorize in writing any person, in addition to the Government Chemist, to carry out the analysis of any goods and to sign any certificate relating thereto.”.

Repeal and replacement of section 5.

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

"Licence required for manufacture, etc. of dangerous goods.

5. Except under and in accordance with a licence granted under this Ordinance, no person shall manufacture, store, convey or use any dangerous goods:

Provided that, except as may be otherwise provided by regulations made under section 4, nothing in this section shall be construed to apply to any dangerous goods—

- (a) while in the course of transit as cargo in any vessel, aircraft or vehicle; or
- (b) while being loaded into or discharged from any vessel by any person or his servants or agents, licensed for that purpose under this Ordinance; or
- (c) while being loaded onto or discharged from any aircraft or vehicle; or
- (d) in respect of which any valid licence or permit authorizing possession thereof and issued pursuant to any of the provisions of the Arms and Ammunition Ordinance relates, or in respect of which any exemption from the provisions of that Ordinance has been granted.”.

(Cap. 238).

Amendment of section 9.

5. Section 9 of the principal Ordinance is amended by the deletion of the words "or the Director of Fire Services" and the substitution therefor of the following—

“, the Director of Fire Services or the Commissioner of Mines”.

Amendment of section 10.

6. Section 10 of the principal Ordinance is amended, in subsection (1), by the deletion of the words "the rank of sub-officer" and the substitution therefor of the following—

"the rank of assistant station officer and any officer of the Mines Department not below the rank of explosives officer.”.

7. Section 11 of the principal Ordinance is amended by the deletion of the words "to the Commissioner of Police and". Amendment of section 11.

8. Section 12 of the principal Ordinance is amended, in subsection (3), by the deletion of paragraph (b) and the substitution therefor of the following— Amendment of section 12.

"(b) wilfully or recklessly gives false information or withholds information, as to the source from which any dangerous goods were obtained or as to the manufacture, conveyance, storage, packing, labelling or use of any dangerous goods.”.

9. The principal Ordinance is amended by the addition, after section 15, of the following new section— Addition of new section 15A.

"Admissibility in evidence of Government Chemist's certificate.

15A. In any prosecution for a contravention of any of the provisions of this Ordinance or in any proceedings for the forfeiture of any goods to which this Ordinance applies—

- (a) a certificate purporting to be signed by the Government Chemist shall, unless he is called as a witness, be *prima facie* evidence of the matters therein stated; and
- (b) when any such certificate bears the same number or mark as a sealed package or container produced by the prosecution at the hearing, it shall, until the contrary is proved, be presumed that the certificate relates to the contents of that package or container.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 12th day of February, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

C. P. O. S. T. E. R.

Deputy Clerk of Councils.

(Secretariat GR37/3231/56)

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 12th day of February, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

(Secretariat GR11/3231/51U)



HONG KONG

No. 10 OF 1964.



I assent.

Governor.

26th March, 1964.

An Ordinance to apply a sum not exceeding one thousand four hundred and ninety-six million, thirty-two thousand, five hundred and ten dollars to the Public Service of the financial year ending the 31st day of March, 1965.

[1st April, 1964.]

WHEREAS the expenditure required for the service of this Colony Preamble.
for the financial year ending on the 31st day of March, 1965, has been estimated at the sum of one thousand four hundred and ninety-six million, thirty-two thousand, five hundred and ten dollars:

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 Appropriation (1964-65) Short title.
Ordinance, 1964.

Appropriation from the general revenues and other funds.

Schedule.

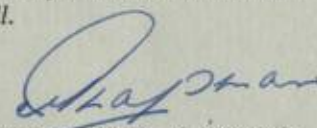
2. A sum not exceeding one thousand four hundred and ninety-six million, thirty-two thousand, five hundred and ten dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st day of April, 1964, and ending on the 31st day of March, 1965, and the said sum so charged may be expended in the manner expressed in the Schedule.

SCHEDULE. [s. 2.]

Number of vote.	Head of Expenditure.	Amount of vote.
		\$
21.	His Excellency the Governor's Establishment	583,900
22.	Agriculture and Forestry Department	7,953,700
23.	Audit Department	1,287,600
24.	Civil Aviation Department	11,485,300
25.	Colonial Secretariat and Legislature	7,834,600
26.	Commerce and Industry Department	13,751,100
27.	Co-operative Development and Fisheries Department ...	2,739,800
28.	Defence: Hong Kong Regiment (The Volunteers)	2,797,000
29.	Defence: Hong Kong Royal Naval Reserve	1,077,800
30.	Defence: Hong Kong Auxiliary Air Force	540,100
31.	Defence: Essential Services Corps and Directorate of Manpower	187,900
32.	Defence: Auxiliary Fire Services	579,100
33.	Defence: Auxiliary Medical Service	1,459,300
34.	Defence: Civil Aid Services	2,155,900
35.	Defence: Registration of Persons Office	1,713,400
36.	Defence: Miscellaneous Measures	24,833,300
37.	Education Department	68,649,500
38.	Fire Services Department	17,520,100
39.	Immigration Department	3,344,800
40.	Information Services Department	3,007,000
41.	Inland Revenue Department	5,538,300
42.	Judiciary	6,019,400
43.	Kowloon-Canton Railway	5,255,900
44.	Labour Department: Labour Division	2,723,100
45.	Labour Department: Mines Division	307,800
46.	Legal Department	1,891,500
47.	Marine Department	18,769,800
48.	Medical and Health Department	93,400,300
49.	Miscellaneous Services	22,744,200
50.	New Territories Administration	9,715,900
51.	Pensions	27,433,000
52.	Police Force: Hong Kong Police	85,743,800
53.	Police Force: Auxiliary Police	1,453,300
54.	Post Office	40,989,300
55.	Printing Department	5,416,000
56.	Prisons Department	13,767,600
57.	Public Debt	5,900,310

Number of vote.	Head of Expenditure.	Amount of vote.
		\$
58.	Public Enquiry Service	355,300
59.	Public Services Commission	42,600
60.	Public Works Department	60,568,400
61.	Public Works Recurrent	52,486,000
62.	Public Works Non-recurrent	562,877,100
63.	Radio Hong Kong	4,408,600
64.	Rating and Valuation Department	1,792,300
65.	Registrar General's Department	3,152,600
66.	Registry of Trade Unions	281,400
67.	Resettlement Department	19,932,400
68.	Royal Observatory	2,900,500
69.	Secretariat for Chinese Affairs	1,691,900
70.	Social Welfare Department	9,056,000
71.	Stores Department	20,973,700
72.	Subventions: Education	123,286,500
73.	Subventions: Medical	32,418,400
74.	Subventions: Social Welfare	5,693,500
75.	Subventions: Miscellaneous	9,395,800
76.	Treasury	3,521,600
77.	Urban Services Department and Urban Council	42,323,200
78.	Urban Services Department: City Hall	2,012,500
79.	Urban Services Department: Housing Division	4,980,600
80.	Urban Services Department: New Territories Division	4,946,500
81.	Colonial Development and Welfare Schemes	1,582,700
82.	World Refugee Year Schemes	4,781,700
	TOTAL	\$1,496,032,510

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 26th day of March, 1964, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat FIN4/2291/63)

HONG KONG

No. 11 OF 1964.



I assent.

Handwritten signature of the Governor in black ink.

Governor.

26th March, 1964.

An Ordinance to make provision for the termination of certain pearl oyster cultivation licences, for the extinguishment of rights in connexion therewith, for the grant of fresh licences, for the award of compensation in respect of such extinguishment and for purposes connected with the matters aforesaid.

[16th March, 1964.]

WHEREAS a public reclamation for the Plover Cove Water Scheme was authorized by the Governor in Council under the Public Reclamations and Works Ordinance, 1956, and notification thereof was published by Gazette Notification 130 of 1964: Preamble.

AND WHEREAS it is feared that works in connexion with the said undertaking may occasion loss or damage to persons cultivating pearl oysters under licences granted under the Pearl Culture (Control) Ordinance, 1958:

AND WHEREAS it is in the public interest that works in connexion with the said reclamation be commenced not later than the 1st day of May, 1964:

AND WHEREAS it appears necessary in the public interest that no areas for the cultivation of pearl oysters should continue to be sited in the vicinity of the said reclamation:

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 Pearl Oyster Cultivation (Tolo) Compensation Ordinance, 1964, and shall be deemed to have had effect as from the 16th day of March, 1964.

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

“Commissioner” means the Commissioner for Co-operative Development and Fisheries;

“cultivation area” means any area declared under section 5 of the Pearl Culture (Control) Ordinance, 1958, to be an area within which live pearl oysters may be kept for the culture of pearls therein, other than the area so declared by Gazette Notification 772 of 1959;

“licensee” means a person whose name appears in the first column of the Schedule;

“oyster” means an oyster of the species of the genus *Pteria* or of the genus *Pinctada*;

“pearl culture farm” means the oysters, rafts and other equipment used by a licensee for the cultivation of oysters in the area specified in a licence terminated by this Ordinance, and buildings so used in or near such area;

“tribunal” means a tribunal appointed under section 7 of the Public Reclamations and Works Ordinance, 1956, to determine claims for compensation for the purposes of this Ordinance.

3. (1) Licences granted under the Pearl Culture (Control) Ordinance, 1958, and set out in the Schedule, including any such licences which may be renewed after the commencement of this Ordinance, in the areas known as Tolo Harbour and Tolo Channel, shall terminate

Short title and commencement.

Interpretation.

(26 of 1958).

Schedule.

(27 of 1956).

Cancellation of licences. (26 of 1958). Schedule.

on the date set out in the second column of the Schedule opposite the name of the licensee set out in the first column thereof.

(2) The Governor in Council may by order add names of persons holding licences in the area specified in subsection (1) in the first column of the Schedule and the date for the termination of the licence in the second column thereof.

(3) For the avoidance of doubt a licence terminated by this Ordinance shall be treated as having been cancelled and shall from the date of termination cease to be valid.

4. All rights acquired by the licensees, before or after the commencement of this Ordinance, under or in connexion with licences terminated by this Ordinance shall be extinguished and cease to exist on the date of the termination thereof.

Extinguishment of rights.

5. (1) The licensee of every licence terminated by this Ordinance shall subject to subsection (3) be entitled to a licence to be granted under the Pearl Culture (Control) Ordinance, 1958, to cultivate oysters in another cultivation area specified by the Commissioner in such new licence.

Right to new licences. (26 of 1958).

(2) Notwithstanding the provisions of section 6 of the Pearl Culture (Control) Ordinance, 1958, a licence to which a person becomes entitled under subsection (1) may be granted without payment of any fee, and for such period as remained unexpired under the licence terminated by this Ordinance.

(3) An offer of a licence to a licensee entitled to such licence under subsection (1) shall be made before the termination of the licence by this Ordinance. The licensee shall have one week from the date of such offer within which period he may notify the Commissioner of his acceptance, and the right to a new licence shall cease and determine if the Commissioner is not so notified.

(4) Where a new licence is issued to a licensee, he shall remove all his oysters, rafts and equipment to the cultivation area specified in such licence within four weeks of the date thereof or such longer period as the Commissioner may permit by notice in writing.

6. (1) Where a licensee does not accept the offer made under subsection (3) of section 5, he may, notwithstanding the provisions of section 8 of the Pearl Culture (Control) Ordinance, 1958, retain his pearl culture farm in the area specified in the licence terminated by this Ordinance for a period of three weeks from the expiry of such offer.

Retention and sale of pearl culture farm. (26 of 1958).

(2) Where a licensee is disposing of his pearl culture farm he shall notify the Commissioner of every offer received by him for the purchase of any part of such farm. The Government shall have three days from such notification within which it may make an offer to purchase the same part of such farm.

(3) On the expiry of the three week period specified in subsection (1) the licensee may require the Government to purchase that part of his pearl culture farm not already sold or agreed to be sold. This right may be exercised by notifying the Commissioner in writing within two days of the expiry of such three week period, and shall be subject to the right of the Commissioner to refuse to purchase any buildings, rafts or other equipment on the grounds that such buildings, rafts and other equipment were not part of the pearl culture farm of the licensee.

(4) Where a licensee notifies the Commissioner under subsection (3) that he requires the Government to purchase his pearl culture farm, the property in that part of the pearl culture farm to which such notification relates shall vest in the Government on the date on which the Commissioner receives such notification and thereupon all rights therein on the part of the licensee shall cease and determine:

Provided that where the Commissioner has refused to accept any buildings, rafts or equipment under subsection (3) the property in such buildings, rafts and equipment shall not vest in the Government.

7. No action shall be brought or continued in respect of the extinguishment of any right under section 4.

8. The provisions of the Public Reclamations and Works Ordinance, 1956, in respect of compensation shall apply to the licensee of every licence terminated by this Ordinance as if—

- (a) such licensee had, in accordance with section 2 of the Public Reclamations and Works Ordinance, 1956, submitted a claim of private right to cultivate oysters in the area specified in his licence together with an estimate of any alleged loss incurred as a result of the extinguishment of such right;
- (b) a notification of an authorization of an undertaking affecting such private right had been published on the date of the termination of the licence by this Ordinance; and
- (c) the period within which a claim for compensation may be submitted were three months from the termination of the licence by this Ordinance.

No actions to lie.

Application of compensation provisions of Ordinance 27 of 1956.

9. (1) Where a tribunal is satisfied that the new licence offered under subsection (3) of section 5 has been issued, it shall not entertain any claim for compensation other than for loss and damage resulting from, or arising in connexion with, the removal of the oysters, rafts and other equipment used by the licensee in the cultivation of oysters in the area specified in the licence terminated by this Ordinance, and the reprovisioning of buildings similar to those so used by the licensee in or near such area.

Assessment of compensation on removal or sale.

(2) Where a tribunal is satisfied that a licensee has notified the Commissioner under subsection (3) of section 6 that he requires the Government to purchase any part of his pearl culture farm, or that he has sold all his pearl culture farm having notified the Commissioner of every offer for the purchase of all or part thereof, it shall not entertain any claim for compensation other than in respect of the purchase price of such part of the pearl culture farm as vested in the Government under subsection (4) of section 6, and for compensation in respect of any part of such farm not so vesting.

(3) No compensation shall be awarded in respect of any loss or damage resulting from, or arising in connexion with, any failure on the part of the licensee, his servants or agents to exercise all reasonable care or otherwise to reduce any loss or damage for which compensation may be awarded under this Ordinance.

(4) Save where—

- (a) a new licence offered under subsection (3) of section 5 is issued;
- (b) a licensee notifies the Commissioner under subsection (3) of section 6 that he requires the Government to purchase any part of his pearl culture farm; or
- (c) a licensee has sold all his pearl culture farm having notified the Commissioner of every offer for the purchase of all or part thereof,

no claim for compensation shall be entertained by a tribunal.

10. (1) In respect of any claim for compensation for loss and damage resulting from, or arising in connexion with, the removal of oysters, a tribunal shall apply the following rules—

Additional rules for assessment of compensation on removal.

- (a) the losses of oysters for which compensation may be claimed shall be those occurring during the period of eight weeks following the date of the new licence issued, or the period

allowed by the Commissioner for removal under subsection (4) of section 5 together with the period of four weeks immediately following such period as he allowed;

- (b) in computing the number of oysters lost the tribunal shall take account of the number of oysters lost normally as shown from the returns submitted by the licensee to the Commissioner since the commencement of the licence terminated by this Ordinance, and no compensation shall be awarded in respect thereof;
- (c) compensation in respect of the loss of un-embedded oysters shall not exceed the market price of such oysters;
- (d) compensation in respect of the loss of embedded oysters shall not exceed the cost of replacing such oysters, which cost shall be calculated by reference to the market price of oysters suitable for embedding, the cost of preparing and embedding such oysters and the cost of keeping and maintaining such oysters until they reach the maturity of the oysters which they are replacing, and such compensation may include interest on capital employed in the purchase of, preparing, embedding and keeping and maintaining such oysters;
- (e) the market prices to be used for the purposes of calculating compensation shall be those pertaining at the date of the termination of the licence by this Ordinance;
- (f) in addition to any awards made under paragraphs (c) and (d) the tribunal may award an additional sum in respect of any deferment of profits resulting from the loss of such oysters, and for such purpose there shall be taken into account the profits of the licensee in previous years.

(2) For the purposes of this section and of section 11 an embedded oyster means an oyster into which has been inserted a foreign body for the purpose of producing a cultured pearl.

11. In respect of any claim for compensation in respect of the purchase price of such part of a pearl culture farm as vested in the Government and for compensation in respect of any part of such farm not so vesting, a tribunal shall apply the following rules—

- (a) subject to paragraph (b) compensation shall be calculated in accordance with these rules in respect of the pearl culture farm, and there shall be deducted therefrom the aggregate of the amounts contained in the highest offers made to the licensee in respect of any part of such pearl culture farm prior to the date on which he notified, or could have notified, the Commissioner that he required the Government to purchase any part of the pearl culture farm not already sold or agreed to be sold;

Additional rules for assessment of compensation on sale.

- (b) no account shall be taken of any part of the pearl culture farm sold or agreed to be sold where the offer of such sale or agreement was not notified to the Commissioner in accordance with subsection (2) of section 6;
- (c) compensation in respect of un-embedded oysters shall not exceed the market price of such oysters;
- (d) compensation in respect of embedded oysters shall not exceed the cost of replacing such oysters, which cost shall be calculated by reference to the market price of oysters suitable for embedding, the cost of preparing and embedding such oysters and the cost of keeping and maintaining such oysters until they reach the maturity of the oysters being purchased;
- (e) the market prices used for the purpose of calculation shall be those pertaining at the date of the termination of the licence by this Ordinance;
- (f) buildings, rafts and other equipment shall be assessed on their market value, and where the tribunal is satisfied that there is no market for any item the compensation shall be assessed on the cost of acquiring any building, raft or other equipment whether by construction, manufacture or importation;
- (g) assessment made under paragraph (f) shall take into account the existing state of any building, raft or other equipment, and the compensation awarded shall be in respect of the depreciated value thereof;
- (h) no account shall be taken of any loss of profits by the licensee.

12. Where it considers that the rules imposed under sections 9, 10 and 11 have resulted in any hardship to a licensee by reason of such licensee having suffered greater loss or damage than that in respect of which awards of compensation have been made, the tribunal may, when making the award, make recommendations to the Governor in Council for the payment of additional *ex-gratia* compensation. Any such recommendation shall be sent to the Colonial Secretary and a copy shall be furnished to the licensee.

Tribunal may recommend additional awards.

13. (1) Within three months of the making of an award to him by a tribunal a licensee may apply by way of petition to the Governor in Council for the payment of additional sums as *ex-gratia* compensation.

Governor in Council may grant additional compensation.

(2) The Governor in Council may, after considering the petition submitted under subsection (1) and any recommendation submitted under section 12, grant such further sums by way of *ex-gratia* compensation as he may think fit.

Inspection
of oysters.

14. (1) Persons appointed by the Commissioner may at all times inspect the pearl culture farm of a licensee and for such purpose may go on to, and remain on, any site, raft, boat or other equipment belonging to, or being used by, the licensee, his servants or agents.

(2) The right of inspection arising under subsection (1) shall terminate in respect of each licensee eight weeks from the date of the offer of a new licence to the licensee under subsection (3) of section 5, or the period allowed by the Commissioner for the removal of the oysters under subsection (4) of section 5 together with the period of four weeks immediately following such period as he allowed.

(3) Until terminated under subsection (2) the right of inspection arising under subsection (1) shall extend to all or any part of the pearl culture farm after a purchaser has acquired any right of property therein, and for such purpose the persons appointed by the Commissioner may at all times go on to, and remain on, any site, raft, boat or other equipment belonging to, or being used by, such purchaser, his servants or agents.

Compensation and costs to be a charge on the general revenue.

15. Compensation awarded by a tribunal or by the Governor in Council and the cost of the tribunal making the awards shall be a charge on the general revenue of the Colony.

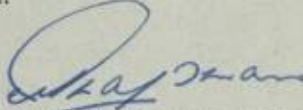
SCHEDULE.

[ss. 2 & 3.]

TERMINATION OF LICENCES.

<i>Name of licensee.</i>	<i>Date of termination.</i>
CHAN Hou-yen for and on behalf of Coronet Pearls Ltd.	28th day of March, 1964.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 26th day of March, 1964, and is found by me to be a true and correctly printed copy of the said Bill.


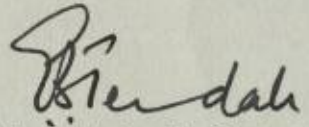

Deputy Clerk of Councils.

(Secretariat CR4/5851/63)

HONG KONG

No. 12 OF 1964.

I assent.



Officer Administering the Government.

9th April, 1964.

An Ordinance to amend the Animals (Control of Experiments) Ordinance, 1963.

[10th April, 1964.]

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

1. This Ordinance may be cited as the Animals (Control of Short title. Experiments) (Amendment) Ordinance, 1964.

2. Section 3 of the Animals (Control of Experiments) Ordinance, 1963 (hereinafter referred to as the principal Ordinance) is amended by the insertion, after subsection (2), of the following new subsection— Amendment of section 3. (18 of 1963).

“(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.”

3. Section 4 of the principal Ordinance is amended—
(a) by being renumbered as subsection (1) thereof; and

Amendment of section 4.

(b) by the insertion of the following new subsection—

“(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence.”.

Amendment
of section 5.

4. Section 5 of the principal Ordinance is amended—

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

(b) by the insertion of the following new subsection—

“(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence.”.

Amendment
of section 6.

5. Section 6 of the principal Ordinance is amended by the insertion, after subsection (2), of the following new subsection—

“(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence.”.

Amendment
of section 11.

6. Section 11 of the principal Ordinance is amended by the insertion, after subsection (3), of the following new subsection—

“(4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.”.

Amendment
of section 12.

7. Section 12 of the principal Ordinance is amended—

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

(b) by the insertion of the following new subsection—

“(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.”.

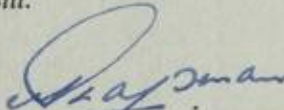
Repeal and
replacement
of section 15.

8. Section 15 of the principal Ordinance is repealed and replaced by the following—

“General
penalties.

15. Any person who is guilty of an offence under section 3, 4, 5 or 6 shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 8th day of April, 1964, and is found by me to be true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

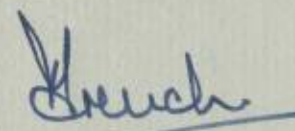
(Secretariat GR3231/57)

HONG KONG

No. 13 OF 1964.



I assent.


Governor.

7th May, 1964.

An Ordinance further to amend the Foreign Judgments (Reciprocal Enforcement) Ordinance, 1960.

[]

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 Foreign Judgments (Reciprocal Enforcement) (Amendment) Ordinance, 1964, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*. Short title and commencement.

2. Section 2 of the Foreign Judgments (Reciprocal Enforcement) Ordinance, 1960 (hereinafter referred to as the principal Ordinance) is amended by the deletion, in subsection (1), of the definition “judgment” and the substitution therefor of the following— Amendment of section 2. (13 of 1960).

“judgment” means—

(a) a judgment or order given or made by a court in any civil proceedings; or

- (b) a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to an injured party;”.

Repeal and replacement of section 9.

3. Section 9 of the principal Ordinance is repealed and replaced by the following—

“Application to the Commonwealth.

(Cap. 9).

9. (1) The Governor in Council may by order direct that the provisions of this Ordinance shall apply to any part of the Commonwealth and to judgments obtained in the superior courts of such part, as they apply to foreign countries and judgments obtained in the superior courts of foreign countries; and upon the making of any such order the provisions of the Judgments (Facilities for Enforcement) Ordinance shall cease to have effect except in relation to such part of the Commonwealth to which it extends at the date of the order.

(Cap. 9).

(2) If at any time after the Governor in Council has directed as aforesaid an order is made under section 3 extending the provisions of this Ordinance to any part of the Commonwealth to which the Judgments (Facilities for Enforcement) Ordinance extends, then in relation to such part—

- (a) the last mentioned Ordinance shall cease to have effect;
- (b) the provisions of this Ordinance shall have effect as if—

(i) the expression “judgment” included an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;

(ii) the fact that a judgment was given before the coming into operation of the order did not prevent such judgment from being a judgment to which the provisions of this Ordinance apply, but the time limited for the registration of a judgment so given was twelve months from the date of the judgment or such longer period as may be allowed by the Supreme Court; and

(Cap. 9).

(iii) any judgment registered in the Supreme Court under the provisions of the Judgments (Facilities for Enforcement) Ordinance before the coming into operation of the order had been

(Cap. 9).

registered in that court under the provisions of this Ordinance and anything done in relation thereto under the provisions of the Judgments (Facilities for Enforcement) Ordinance or any rules of court or other provisions applicable thereto had been done under the provisions of this Ordinance or the corresponding rules of court or other provisions applicable thereto.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 6th day of May, 1964, and is found by me to be a true and correctly printed copy of the said Bill.

Deputy Clerk of Councils.

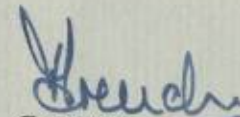
(Secretariat GR5/3281/58)

HONG KONG

No. 14 OF 1964.



I assent.


Governor

7th May, 1964.

An Ordinance further to amend the Penicillin Ordinance.

[8th May, 1964.]

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

1. This Ordinance may be cited as the Penicillin (Amendment) Ordinance, 1964. Short title.

2. Section 4 of the Penicillin Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment
of section 4.
(Cap. 137).

(a) by the insertion, after paragraph (a) of subsection (1), of the following new paragraph—

“(aa) a person who, although not a registered medical practitioner, practises medicine in a clinic in such circumstances that, by virtue of subsection (5) of section 8 of the Medical Clinics Ordinance, 1963, he is not by reason solely of such practice guilty of

(27 of 1963).

(Cap. 161). an offence under section 14 of the Medical Registration Ordinance or section 27 of the Medical Registration Ordinance, 1957, and the substance or preparation is sold or supplied by him solely in the course of his practice in that clinic for the purpose of treatment by him or treatment in accordance with his directions; or”;

(b) by the insertion, at the end of subsection (2), of the following—

“, or a person referred to in paragraph (aa) of subsection (1) and such substance or preparation is administered in the course of his practice in the clinic concerned.”; and

(c) by the deletion of paragraph (d) of subsection (3) and the substitution therefor of the following new paragraph—

“(d) to any authority or person carrying on a hospital, clinic, nursing home or other institution providing medical, surgical or veterinary treatment:

Provided that this paragraph shall not apply to any hospital, clinic, nursing home or other institution which is required to be registered under the

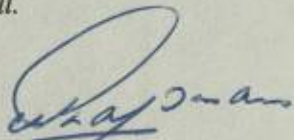
(27 of 1963). Medical Clinics Ordinance, 1963, unless it is so registered;”.

Amendment
of section 4A.

3. Subsection (2) of section 4A of the principal Ordinance is amended by the insertion, after paragraph (a), of the following new paragraph—

“(aa) a person referred to in paragraph (aa) of subsection (1) of section 4;”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 6th day of May, 1964, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

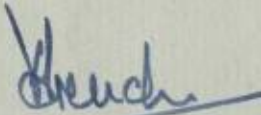
(Secretariat GR52/3231/47)

HONG KONG

No. 15 OF 1964.



I assent.


Governor.

7th May, 1964.

An Ordinance further to amend the Pharmacy and Poisons Ordinance.

[8th May, 1964.]

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

1. This Ordinance may be cited as the Pharmacy and Poisons Short title.
(Amendment) Ordinance, 1964.

2. Subsection (1) of section 20 of the Pharmacy and Poisons Amendment
Ordinance, is amended by the insertion, after paragraph (a), of the of section 20.
following new paragraph— (Cap. 138).

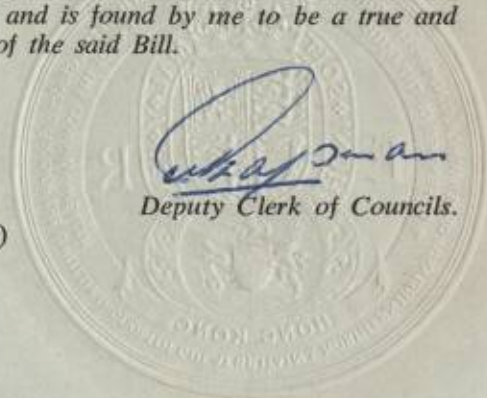
“(aa) to a medicine which, for the purpose of medical treatment, is supplied by a person who, although not a registered medical practitioner, practises medicine in a clinic in such circumstances that, by virtue of subsection (5) of section 8 of the Medical Clinics Ordinance, 1963, he is not by reason solely of such practice

(27 of 1963).

(Cap. 161).
(25 of 1957).

guilty of an offence under section 14 of the Medical Registration Ordinance or section 27 of the Medical Registration Ordinance, 1957, if, but only if, the medicine is supplied by him in the course of his practice in that clinic.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 6th day of May, 1964, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

(Secretariat 17/3231/59)

HONG KONG

No. 16 OF 1964.



I assent.

Hoersch
Governor.

21st May, 1964.

An Ordinance to make amended provision for the admission and registration of legal practitioners and their employees, and of notaries public, and for purposes connected therewith.

[]

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

PART I.

SHORT TITLE AND INTERPRETATION.

1. This Ordinance may be cited as the Legal Practitioners Ordinance, 1964, and shall come into operation as to the various sections thereof on such days as may be appointed by the Governor by Proclamation in the *Gazette*.
2. In this Ordinance, unless the context otherwise requires—
“accountant’s certificate” means a certificate delivered in accordance with the provisions of section 8;

Short title
and com-
mencement.

Interpreta-
tion.

"articles" means any contract in writing, whether entered into before or after the commencement of this Ordinance, whereby any person is bound to serve apprenticeship as clerk to a solicitor;

"Bar Committee" means the Committee of the Hong Kong Bar Association;

"barrister" means a person who is enrolled as a barrister on the roll of barristers and who, at the material time, is not suspended from practice;

"client", except in relation to non-contentious business, includes any person who as principal or on behalf of another person retains or employs, or is about to retain or employ, a solicitor, and any person who is or may be liable to pay a solicitor's costs;

"Committee" means the committee of the Society elected in accordance with the provisions of its articles of association;

"Committee of Enquiry" means a Committee of Enquiry appointed under section 34;

"contentious business" includes any business done by a solicitor in any court, whether as a solicitor or as an advocate;

"costs" includes fees, charges, disbursements, expenses and remuneration;

"Costs Committee" means the Costs Committee appointed under section 74;

"Court" means the Supreme Court;

"Disciplinary Committee" means a Disciplinary Committee appointed by the Committee in accordance with the provisions of section 9;

"enrolled student" means a person who has been enrolled as a student in such manner as may be prescribed by the Chief Justice;

"non-contentious business" includes any business connected with sales, purchases, leases, mortgages and other matters of conveyancing;

"notary public" means a person who is registered on the register of notaries public and who, at the material time, is not suspended from practice;

"practising certificate" means a certificate issued by the Registrar under section 6 or section 30;

"register of notaries public" means the register kept by the Registrar in accordance with the provisions of section 41;

"Registrar" means the Registrar of the Court and any deputy registrar or assistant registrar of the Court;

(Cap. 159). "repealed Ordinance" means the Legal Practitioners Ordinance;

"roll of solicitors" means the roll kept by the Registrar in accordance with the provisions of section 5;

"roll of barristers" means the roll kept by the Registrar in accordance with the provisions of section 29;

"Society" means the Incorporated Law Society of Hong Kong;

"solicitor" means a person who is enrolled on the roll of solicitors and who, at the material time, is not suspended from practice;

"unqualified person" means a person who is not a solicitor.

PART II.

SOLICITORS.

3. (1) The Court may, in such manner as may be prescribed by the Chief Justice, admit as a solicitor of the Supreme Court of Hong Kong any British subject who is qualified for admission in accordance with this Ordinance. Power of Court to admit solicitors.

(2) Every solicitor shall be an officer of the Court and shall be subject to the jurisdiction thereof in accordance with the provisions of the Supreme Court Ordinance and of this Ordinance. (Cap. 4).

(3) Subject to the provisions of this Ordinance, the Court or any judge thereof may exercise the same jurisdiction in respect of any person admitted to practise as a solicitor therein as may be exercised by the High Court and the Court of Appeal respectively, or any division or judge thereof, in England, by virtue of subsection (2) of section 50 of the Solicitors Act, 1957, in respect of any solicitor or attorney admitted to practise therein. (5 & 6 Eliz. 2, c. 27).

4. (1) No person shall be admitted as a solicitor unless the Court is satisfied—

(a) either—

(i) that he has complied with such requirements as may be prescribed with respect to service under articles and to passing of examinations; or

(ii) upon such evidence as may be prescribed, that he has been admitted as an attorney or solicitor in any part of the United Kingdom and has neither been struck off the rolls thereof nor is under suspension from practice as such at the time of his application for admission under this Ordinance; and

(b) that he is a fit person to be a solicitor.

(2) A person shall not be disqualified from admission as a solicitor by reason only that—

(a) a solicitor whom he has served for the whole or such part of such term of articulated service as may be prescribed has neglected or omitted to take out a practising certificate; or

Qualifications for admission.
5 & 6 Eliz. 2, c. 27, s. 3.

- (b) the name of the solicitor whom he has served for any period has after the termination of that period been removed from or struck off the roll of solicitors.

Roll of solicitors.
5 & 6 Eliz.
2, c. 27,
ss. 6, 7 & 8.

5. (1) The Registrar shall keep a roll of all solicitors admitted by the Court under section 3 and shall have the custody of the roll of solicitors and of all documents relating thereto and shall allow any person to inspect the roll during office hours without payment.

(2) The Registrar upon production of a certificate of admission signed by the Chief Justice and upon payment to the Registrar and to the Society of such fees as may be prescribed by the Chief Justice shall enter on the roll of solicitors the name of the person admitted.

(3) The Chief Justice may, if he thinks fit, at any time order the Registrar to replace on the roll of solicitors the name of a solicitor whose name has been removed or struck off the roll of solicitors.

Practising certificates—solicitors.
5 & 6 Eliz.
2, c. 27,
ss. 10(4)
and 57.

6. (1) The Registrar, upon application in writing by a solicitor in the month of November in any year, in such form and upon payment of such fee as may be prescribed by the Chief Justice and upon production to him by the applicant of—

- (a) a receipt showing the payment by the applicant of the current subscription due to the Society;
- (b) where applicable, a certificate issued by the Committee pursuant to subsection (4) of section 8 during the period of fifteen months prior to the submission of the application; and
- (c) where any exemption from compliance with any rule made under section 72 has been granted to the applicant or to any firm of solicitors of which the applicant is a partner, a statutory declaration in such form as may be prescribed by the Chief Justice,

and upon the Registrar being satisfied, in such manner as may be prescribed by the Chief Justice, that the applicant is entitled to the issue to him of a practising certificate, shall issue to the applicant a practising certificate as a solicitor in such form as may be prescribed by the Chief Justice for the period of one calendar year from the 1st day of January next following the date of the application:

Provided that—

- (i) the Registrar, in his absolute discretion and upon such conditions as he may consider necessary, may permit the application for a practising certificate to be made under this subsection at any time and upon such application may issue to the applicant a practising certificate for any period not exceeding one calendar year and ending on the 31st day of December in any year;

- (ii) where the name of a solicitor is removed from or struck off the roll of solicitors the practising certificate of that solicitor shall automatically determine without any entitlement to any refund of the prescribed fee or any part thereof; and
- (iii) the Registrar, upon being required so to do in writing by the Society in such manner and for such reason as may be prescribed by the Chief Justice, shall refuse to issue a practising certificate or issue the same subject to conditions.

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

7. No person shall be qualified to act as a solicitor unless—

- (a) his name is for the time being on the roll of solicitors;
- (b) he is not suspended from practice; and
- (c) he has in force a current practising certificate which shall be deemed not to be in force at any time while he is suspended from practice under the provisions of section 10 or 14.

Qualifications for practising as solicitor.
5 & 6 Eliz.
2, c. 27, s. 1.

8. (1) Every solicitor practising on his own or as a partner shall, once in each period of twelve months ending with the 31st day of October or such other date as may be prescribed by the Committee, unless he satisfies the Committee that owing to the circumstances of his case it is unnecessary so to do, deliver to the Committee a certificate signed by an accountant stating—

Accountant's certificates.
5 & 6 Eliz.
2, c. 27, s. 30.

- (a) that in compliance with this section and any requirement which may be prescribed by the Committee the accountant has examined and audited the books, accounts and documents of the solicitor or of his firm for such accounting period as may be specified in the certificate; and
- (b) whether or not the accountant is satisfied, from his examination of the books, accounts and documents produced to him and from the information and explanations given to him, that during the said accounting period the solicitor or his firm has complied with such requirement relating to accounts as may be prescribed by the Committee; and
- (c) if the accountant is not satisfied as aforesaid, the matters in respect of which he is not so satisfied and, if any accidental errors have been made, that the same have since been rectified and giving a full report of the nature of any such error.

(2) Subject as may be prescribed by the Committee, the accounting period for the purposes of an accountant's certificate shall—

- (a) begin at the expiry of the last preceding accounting period for which an accountant's certificate has been delivered;
- (b) cover not less than twelve months;
- (c) terminate not more than twelve months, or such lesser period as may be prescribed by the Committee, before the date of the delivery of the certificate to the Committee; and
- (d) where possible, consistently with paragraphs (a), (b) and (c), correspond to a period or consecutive periods for which the accounts of the solicitor or his firm are ordinarily made up.

(3) If a solicitor fails to comply with the provisions of this section or of any requirements relating to accounts which may be prescribed by the Committee any person may make a complaint in respect of that failure to the Committee or the Court.

(4) A certificate by the Committee shall, until the contrary is proved, be evidence that a solicitor has, or has not, delivered to the Committee a satisfactory accountant's certificate or supplied such evidence as is required by this section or as may be prescribed by the Committee.

Appoint-
ment of
Disciplinary
Committee.

9. (1) There shall be a Disciplinary Committee Panel which shall consist of not less than eleven members of the Society, each of whom shall have been in practice as a solicitor in the Colony for a period of not less than ten years and shall be appointed by the Chief Justice after consultation with the Society.

(2) When a complaint is received by the Society regarding the conduct of a solicitor, an employee of a solicitor, an articled clerk or an enrolled student or when it appears necessary or desirable to the Committee that the conduct of any such persons should be investigated, the Committee, for the purpose of such investigation, shall appoint a Disciplinary Committee consisting of not less than three members of the Disciplinary Committee Panel.

(3) A Disciplinary Committee shall have power to appoint its own Chairman and shall sit in camera in such place and at such time as the Disciplinary Committee may direct.

Powers of a
Disciplinary
Committee.

10. (1) A Disciplinary Committee shall have power to inquire into and investigate the conduct of any person in respect of which it was appointed.

(2) Subject to the provisions of this Ordinance, upon the hearing of any complaint as aforesaid or upon any investigation as aforesaid, a Disciplinary Committee shall have power to make such order as it

thinks fit and any such order may, in particular, include provision for all or any of the following matters—

- (a) striking off the roll of solicitors the name of the solicitor to whom the complaint or investigation relates;
- (b) suspending that solicitor from practice for such period as the Disciplinary Committee shall think fit;
- (c) payment by that solicitor of a penalty not exceeding fifty thousand dollars which shall be paid into the general revenue;
- (d) censure of that solicitor or, if the complaint or investigation relates to a solicitor's employees or articled clerk, of such employee or articled clerk;
- (e) payment by any party of costs or of such sum as the Disciplinary Committee may consider a reasonable contribution towards costs;
- (f) cancellation or suspension of the articles of any articled clerk to whom the complaint or investigation relates; and
- (g) prohibition of employment by any solicitor of any solicitor's employee or articled clerk, to whom the complaint or investigation relates, for such period as the Disciplinary Committee may decide.

(3) Every order made under subsection (2) shall be filed with the secretary of the Society and shall be available for inspection by any solicitor during such hours as the Committee may prescribe.

(4) A Disciplinary Committee appointed by the Committee shall hear and determine every application by a solicitor to procure the removal from the roll of solicitors of his own name.

11. (1) For the purpose of conducting any such inquiry or investigation, a Disciplinary Committee shall have all such powers as are vested in the Court or in any judge in the course of any action or suit in respect of the following matters—

Ancillary
powers of a
Disciplinary
Committee.

- (a) enforcing the attendance of witnesses and examining them upon oath or otherwise;
- (b) compelling the production of documents;
- (c) punishing persons guilty of contempt;
- (d) ordering an inspection of any property;
- (e) conducting the examination of witnesses; and
- (f) adjourning any meeting from time to time and from one place to another,

and a summons under the hand of the Chairman of a Disciplinary Committee may be substituted for and shall be equivalent to any form of process capable of being issued in any action or suit for compelling

the attendance of witnesses or the production of documents and any warrant of committal to prison issued for the purpose of enforcing any such powers as aforesaid shall be under the hand of such Chairman and shall not authorize the imprisonment of any offender for a period exceeding one month.

(2) The Commissioner of Police and all police officers, officers of the court, gaolers and bailiffs of the Court are required to give their utmost assistance to every Disciplinary Committee and to every chairman thereof, in the enforcement of documents, warrants and orders issued in accordance with subsection (1) or otherwise.

(3) Every member of a Disciplinary Committee shall have the like protection and privileges, in relation to any action or suit brought against him for any act done or omitted to be done in the execution of his duties as such member, as is given by any law to a magistrate acting in the execution of his office.

(4) All proceedings of a Disciplinary Committee and any order made in accordance with the provisions of section 10 shall be privileged.

Findings of a
Disciplinary
Committee.

12. (1) Every order made by a Disciplinary Committee shall be prefaced by a statement of its finding in relation to the facts of the case and shall be signed by the Chairman or by some other member authorized by the Disciplinary Committee in that behalf.

(2) A signed copy of every order in relation to a solicitor shall be filed with the Registrar who shall forthwith enter a note of the order on the roll of solicitors in connexion with the name of the solicitor, and where the order so directs shall remove or strike out the same, and shall cause every order for suspension or striking out to be published in the *Gazette* within fourteen days of his receipt of a copy of the order.

(3) Payment of any penalty or costs ordered to be paid by the Disciplinary Committee may, on the application of any member of the Disciplinary Committee or, in the case of costs, by the party in whose favour the order is made, be enforced by writ of execution issued out of the Court on the production of a copy of the order signed by the Chairman or other authorized member of the Disciplinary Committee and the rules of the Court shall, so far as applicable, apply to any such execution.

(4) A Disciplinary Committee, on the application of any party against whom an order for payment of a penalty or costs is made, may order that the same may be paid by instalments or that payment may be deferred for such period as the Disciplinary Committee shall think fit.

(5) (a) Every application for an order for payment by instalments, or for the deferring of payment, may be made at the hearing or, within fourteen days after the date of the order for payment of penalty or costs, by notice in writing to the Disciplinary

Committee and to all parties who were represented at the hearing.

- (b) Upon receipt of any such notice, the Disciplinary Committee shall, within fourteen days, notify the applicant and all such other parties of the date upon which such application will be heard by the Disciplinary Committee.
- (c) There shall be no right of appeal from the decision of the Disciplinary Committee on any such application.

13. (1) Subject to the provisions of paragraph (c) of subsection (5) of section 12, an appeal against any order made by a Disciplinary Committee shall lie to the Full Court and the provisions of Order XXIX of the Code of Civil Procedure shall apply to every such appeal save that the time for filing notice of motion of appeal shall be twenty-one days from the date of the decision and not forty-two days as provided in the said Order and the decision of the Full Court on any such appeal shall be final.

Appeal and
saving.
(Vol. VII,
p. 44).

(2) In any appeal under subsection (1) the Society shall be the respondent.

(3) Nothing herein contained shall affect the jurisdiction of the Court under sections 14 and 45 and subsection (2) of section 3.

(4) The hearing of every appeal under this section shall be in camera unless, and to the extent to which, the Full Court may otherwise direct.

14. (1) Where an application to strike the name of a solicitor off the roll of solicitors or to require a solicitor to answer allegations contained in an affidavit is made to the Court, subject to the provisions of subsection (3)—

Applications
to Court.
5 & 6 Eliz.
2, c. 27,
ss. 51, 52
& 53.

- (a) the Court shall not entertain the application except upon production of an affidavit showing that the applicant has served upon the Society not less than twenty-one clear days' notice of his intention to make the application, together with copies of all affidavits intended to be used in support thereof;
- (b) the Society may apply to the Court to make absolute any order nisi which may have been made by the Court in the matter of the application, or to make an order that the name of the solicitor with respect to whom the application is made be struck off the roll of solicitors, or such other order as the Court may think fit; and
- (c) the Court may order that the costs of the Society of or relating to any such matter aforesaid be paid by the solicitor against whom, or by the person by whom, the application was made, or was intended to be made, or partly by one and partly by the other of them.

(2) Where an order, whether nisi or absolute, has been made by the Court upon a motion to remove from or strike off the roll of solicitors the name of a solicitor, or to require the solicitor to answer allegations contained in an affidavit, and has not been drawn up by the applicant within one week after it was made, the Society may cause the order to be drawn up, and all future proceedings thereon shall be taken as if the motion had been made by the Society.

(3) Where an order is made by the Court that the name of a solicitor be struck off the roll of solicitors, or that the solicitor be suspended from practice, the Registrar shall enter a note thereof on the roll of solicitors in connexion with the name of the solicitor and, where the order so directs, shall remove or strike off the name.

15. For the avoidance of doubts it is hereby declared that an application by any person to require a solicitor to answer allegations contained in an affidavit, whether the application is made to the Society or to the Court, may be treated as an application to strike the name of that solicitor off the roll of solicitors on the grounds of the matters alleged.

16. (1) No solicitor shall be liable to have his name struck off the roll of solicitors on account of any failure to comply with such requirements with respect to service under articles as may be prescribed by the Chief Justice or on account of any defect in his admission and enrolment, unless the application to strike his name off the roll of solicitors is made within twelve months after the date of his enrolment:

Provided that this subsection shall not apply in any case where fraud is proved to have been committed in connexion with the failure or defect.

(2) No solicitor shall be liable to have his name struck off the roll of solicitors by reason only that—

- (a) a solicitor whom he has served for the whole or such part of the term of articed service as may be prescribed by the Chief Justice has neglected or omitted to take out a practising certificate in accordance with the provisions of section 6; or
- (b) the name of a solicitor whom he has served for any period has after the termination of that period been struck off the roll of solicitors.

17. The Committee shall be entitled, without payment of any fee, to inspect the file of proceedings in bankruptcy relating to any solicitor against whom proceedings in bankruptcy have been taken, and to be supplied with office copies of the proceedings on payment of the usual charges for such copies.

Application with respect to allegations.
5 & 6 Eliz. 2, c. 27, s. 54.

Restrictions on powers to strike names off roll.
5 & 6 Eliz. 2, c. 27, s. 54.

Committee may inspect proceedings in bankruptcy.
5 & 6 Eliz. 2, c. 27, s. 83.

18. (1) The Court may make an order for the winding-up of the business of any solicitor who is struck off the roll of solicitors in such terms and appointing such solicitor or firm of solicitors or the Official Receiver under the Bankruptcy Ordinance or both as it thinks fit for that purpose.

Winding-up, etc. of business of solicitors struck off or suspended.
(Cap. 6).

(2) The Court may make an order appointing any solicitor or firm of solicitors or the Official Receiver or both to manage the business of any solicitor, whose practising certificate is suspended, for the duration of such suspension.

19. (1) Upon reasonable cause being shown to the Committee by a solicitor the Committee may direct the Registrar to remove the name of such solicitor from the roll of solicitors and the Registrar shall thereupon remove such name from the roll of solicitors.

Removal from roll.

(2) With effect from the date of such removal the person whose name is so removed shall cease to be a solicitor.

(3) Upon application being made for removal as aforesaid the Committee may advertise or require the solicitor to advertise the application inviting any person who objects thereto to make objection to the Committee.

20. (1) No solicitor who has not at some time been in continuous practice as a solicitor in the Colony for a period of five years shall, without the special leave of the Chief Justice, take any articed clerk.

Restrictions on taking articed clerks.
5 & 6 Eliz. 2, c. 27, s. 41.

(2) No solicitor shall have more than two articed clerks at the same time.

(3) No solicitor shall take or retain any articed clerk unless—

- (a) he is practising as a solicitor; and
- (b) he is not employed as an assistant by another solicitor.

(4) If any solicitor takes, retains or has an articed clerk in contravention of any of the provisions of subsection (1), (2) or (3), the Committee may discharge the articles of that clerk upon such terms, including terms as to return of premium, as it thinks fit.

21. (1) Where in such manner and for such reasons as may be prescribed by the Chief Justice the Registrar is empowered to refuse an application for a practising certificate, the Committee may by notice in writing to that solicitor prohibit him from taking any articed clerk.

Power to prohibit taking articed clerks.
5 & 6 Eliz. 2, c. 27, s. 42.

(2) If, notwithstanding any such prohibition directed to him, a solicitor takes an articed clerk, a complaint may be made in respect thereof to the Society or to the Court under section 9 or 14.

Power to discharge articles in certain cases.

22. If either—

- (a) during the term of any articles a clerk has been continuously absent from the place of business of his principal for a period of three months or such longer period as may be prescribed by the Committee except for such reason as may be prescribed by the Committee; or
- (b) the Committee is for any other reason of the opinion that any articles ought to be discharged,

the Committee may, on application of the solicitor, the articulated clerk or any other person, discharge the articles upon such terms, including terms as to return of premium, as it shall think fit and may determine what, if any, of the service by the clerk under the articles shall be deemed good service.

Discharge of articles in cases of bankruptcy, etc.

23. If a solicitor to whom a clerk is articulated becomes bankrupt before the expiration of the term or executes a trust deed for the benefit of his creditors under any law relating to bankruptcy or is imprisoned for debt and remains in prison for the space of twenty-one days, the Court, on the application of any person, may order the articles to be discharged or to be assigned to another solicitor on such terms and in such manner as the Court thinks fit.

Society's general right of audience.

24. The Society shall have a general right of audience by any member of the Society appointed for that purpose by the Society or by any counsel, before—

- (a) a Disciplinary Committee; and
- (b) the Court on the hearing of—
 - (i) any application to the Court for admission as a solicitor; and
 - (ii) any proceedings in the Court relating to, affecting or touching any matter affecting the qualification, service or examination of articulated clerks or the removal from or restoration to the roll of solicitors or the suspension from practice of a solicitor or affecting any privilege, restriction or misconduct in connexion with the professional practice, conduct and discipline of a solicitor, a solicitor's employee or an articulated clerk,

and in any such case, whether the Society has or is seeking audience or not, the Society shall be served with a copy of every necessary document filed with the Registrar.

Expenses of Disciplinary Committee and of Society.

25. (1) The expenses incurred by—

- (a) a Disciplinary Committee; and
- (b) the Society, in connexion with proceedings before a Disciplinary Committee and any appeal under section 13,

may be paid to the Society out of general revenue upon a certificate issued by the Attorney General.

(2) The Attorney General shall only issue a certificate under subsection (1) if he is satisfied that—

- (a) the expenses were necessarily incurred by the Disciplinary Committee or the Society, as the case may be, in exercise of the powers or duties conferred or imposed by this Ordinance;
- (b) the amount of such expenses is reasonable; and
- (c) the expenses could not reasonably be recovered from the solicitor whose conduct is the subject of the proceedings before the Disciplinary Committee or the Full Court, as the case may be.

(3) In this section, "expenses" includes witnesses' expenses and fees, counsel's fees, solicitor's fees, auditor's fees and other charges and disbursements.

26. In the case of any inconsistency between the provisions of this Ordinance and the Memorandum and Articles of Association of the Society the provisions of this Ordinance shall prevail.

Statutory provisions to prevail over Society's articles.

PART III

BARRISTERS.

27. The Court may, in such manner as may be prescribed by the Chief Justice, admit as a barrister of the Supreme Court in Hong Kong, any person who has been called to the Bar in England or Northern Ireland or who has been admitted as an advocate in Scotland and who is not at the time of the application disbarred or removed from the roll of advocates nor suspended from practice as such.

Power of Court to admit barristers.

28. Save as may be prescribed by the Chief Justice, no person shall be admitted as a barrister unless he has deposited with the Registrar his certificate of call to the Bar and has filed in the Court an affidavit of identity in such form as may be prescribed by the Chief Justice.

Formalities for admission of a barrister.

29. (1) The Registrar shall keep a roll of all barristers admitted by the Court under section 27 and shall have custody of the roll of barristers and of all documents relating thereto and shall allow any person to inspect the roll of barristers during office hours without payment.

Roll of barristers.

(2) The Registrar, upon production of certificate of admission signed by the Chief Justice and upon payment to the Registrar of such fee

as may be prescribed by the Chief Justice shall enter upon the roll of barristers the name of the person enrolled.

(3) The Chief Justice may, if he thinks fit, at any time order the Registrar to replace on the roll of barristers the name of a barrister whose name has been removed or struck off the roll of barristers.

Practising
certificates—
barristers.

30. (1) The Registrar, upon application in writing by a barrister in the month of November in a year and upon payment of such fee as may be prescribed by the Chief Justice and upon being satisfied in such manner as may be prescribed by the Chief Justice that the person to whom the application relates is entitled to the issue to him of a practising certificate, shall issue to the applicant a practising certificate as a barrister in such form and for the period of one calendar year from the 1st day of January next following the date of the application:

Provided that—

- (a) the Registrar, in his absolute discretion and upon such condition as he may consider necessary, may permit the application for a practising certificate to be made under this subsection at any time and upon such application may issue to the applicant a practising certificate for any period not exceeding one calendar year and ending on the 31st day of December in any year; and
- (b) where the name of a barrister is removed from or struck off the roll of barristers, the practising certificate of that barrister shall automatically determine without any entitlement to any refund of the prescribed fee or of any part thereof.

(2) The publication in the *Gazette* by the Registrar of a list of the names and addresses of those barristers who have obtained practising certificates for the period therein stated shall be *prima facie* evidence that each person named therein is a person qualified under section 31 to practise as a barrister and to whom a practising certificate for the period specified in such list has been issued under this section and the absence from any such list of the name of any person shall be *prima facie* evidence that such person is not so qualified.

Qualifica-
tion for
practising as
barrister.

31. No person shall be qualified to practise as a barrister unless—

- (a) his name is for the time being on the roll of barristers;
- (b) he is not suspended from practice; and
- (c) he has in force a current practising certificate which shall be deemed not to be in force while he is suspended from practice under the provisions of section 32 or 34.

32. The Court shall have power on reasonable cause being shown to remove from or strike off the roll of barristers or to suspend from practice any barrister who has been guilty of such misconduct as to make him unfit to practise, whereupon the Registrar shall enter a note of the Court order on the roll of barristers in connexion with the name of the barrister and where the order so directs, shall remove or strike off the name.

Power of
Court to
strike off
or suspend
barrister.

33. The Bar Committee shall have a general right of audience, by any member of the Bar Committee appointed for that purpose by the Bar Committee or by any other counsel—

Bar Com-
mittee—
general right
of audience.

- (a) before a Committee of Enquiry; and
- (b) before the Court on the hearing of—

(i) any application to the Court for admission and enrolment as a barrister; and

(ii) any proceedings in the Court relating to, affecting or touching any matter affecting the qualification or examination of a person seeking to be a barrister or the removal from or restoration to the roll of barristers or suspension from practice of barristers or affecting the privileges, restrictions or offences in connexion with the professional practice, conduct and discipline of a barrister,

and in any such case, whether the Bar Committee has or is seeking audience or not, the Bar Committee shall be served with a copy of every necessary document filed with the Registrar.

34. (1) Without derogating from the right of the Court to act on its own motion under section 32, the Chief Justice, upon application being made in writing by the Attorney General or by the Bar Committee, may appoint a Committee of Enquiry to exercise the function set out in section 35.

Establish-
ment of
Committee
of Enquiry.

(2) A Committee of Enquiry shall consist of—

- (a) one of Her Majesty's Counsel for Hong Kong, being a practising barrister, unless the Chief Justice is of the opinion that in the circumstances of the case such an appointment is impracticable or inadvisable; and
- (b) not less than two nor more than four, or in the event of no appointment being made under paragraph (a) not less than three nor more than five, practising barristers of not less than five years standing.

(3) The Chairman of a Committee of Enquiry shall be appointed by the Chief Justice.

(4) A Committee of Enquiry shall sit in camera in such place and at such time as the Committee of Enquiry may direct.

Function of
Committee of
Enquiry.

35. (1) A Committee of Enquiry shall inquire into any complaint against a barrister laid before it by the Attorney General or by the Bar Committee and shall—

- (a) submit its findings in the form of a report to the Registrar, which report shall include its findings of fact and law and shall be open to the inspection of the barrister concerned, of his counsel and solicitor and of the Attorney General and of the Bar Committee when the complaint is laid by it, but shall not be open to public inspection, and
- (b) where it is the opinion of the Committee of Enquiry that a *prima facie* case of misconduct has been made out, in addition to submitting its report to the Registrar, forward a signed copy of such report to the Chief Justice, together with a transcript of the evidence taken and copies of the documents put in evidence at the hearing.

(2) The laying of a complaint before a Committee of Enquiry shall be in the discretion of the Attorney General or of the Bar Committee, as the case may be:

Provided that where a judge refers any complaint to the Attorney General or to the Bar Committee, the same shall be laid before a Committee of Enquiry.

Powers of
Committee
of Enquiry.

36. (1) For the purpose of conducting any such inquiry or investigation, a Committee of Enquiry shall have all such powers as are vested in the Court or in any judge in the course of any action or suit in respect of the following matters—

- (a) enforcing the attendance of witnesses and examining them upon oath or otherwise;
- (b) compelling the production of documents;
- (c) punishing persons guilty of contempt;
- (d) ordering an inspection of any property;
- (e) conducting every examination of witnesses; and
- (f) adjourning any meeting from time to time and from one place to another,

and a summons under the hand of the Chairman of a Committee of Enquiry may be substituted for and shall be equivalent to any form of process capable of being issued in any action or suit for compelling the attendance of witnesses or the production of documents and any warrant of committal to prison issued for the purpose of enforcing any such powers as aforesaid shall be under the hand of such Chairman and shall not authorize the imprisonment of any offender for a period exceeding one month.

(2) The Commissioner of Police and all police officers, officers of the court, gaolers and bailiffs of the court are required to give their utmost assistance to every Committee of Enquiry and to every chairman thereof, in the enforcement of documents, warrants and orders issued in accordance with subsection (1) or otherwise.

(3) Every member of a Committee of Enquiry shall have the like protection and privileges, in relation to any action or suit brought against him for any act done or omitted to be done in the execution of his duties as such member, as is given by any law to a magistrate acting in the execution of his office.

(4) All proceedings of a Committee of Enquiry and every report made in accordance with the provisions of section 35 shall be privileged.

37. (1) Where a report is forwarded to the Chief Justice under paragraph (b) of subsection (1) of section 35 the Chief Justice shall cause the matter to be set down for hearing before the Full Court and the Registrar shall give not less than fourteen days' notice of the date of such hearing to the barrister concerned, to the Attorney General and to the Bar Committee and at the same time shall forward to each a copy of the report of the Committee of Enquiry.

Powers of the
Full Court.

(2) At a hearing set down under subsection (1)—

- (a) the Bar Committee shall be the Applicant and shall move the Full Court to take disciplinary action against the barrister concerned upon the findings of fact and law of the Committee of Enquiry;
- (b) counsel may appear on behalf of the barrister concerned and the Bar Committee may be represented by counsel or by the Attorney General.

(3) The Full Court shall at such hearing consider the report of the Committee of Enquiry and such submissions upon the findings of fact and law of the Committee of Enquiry as may be made on behalf of the Bar Committee and the barrister concerned and may call for the original record of the evidence taken and any document put in evidence before the Committee of Enquiry.

(4) The Full Court may, upon special grounds being shown, consider any additional evidence not adduced before the Committee of Enquiry.

(5) Every hearing under this section shall be in camera unless, and to the extent to which, the Full Court may otherwise direct.

(6) On completion of the hearing the Full Court may—

- (a) censure the barrister; or
- (b) suspend him from practising for such period as it may specify; or

- (c) order that his name be struck off the roll of barristers; or
- (d) make such other order as the Full Court may think fit.

(7) Any order made under subsection (6) shall be published in the *Gazette* unless the Full Court shall otherwise direct, and may be published in such manner as the Full Court may direct.

Variation of order of the Full Court.

38. (1) Without derogating from the power of the Chief Justice under subsection (3) of section 29 to order the replacement on the roll of the name of a barrister who has been struck off the same, and subject to the provisions of subsection (2), any barrister who has been suspended from practising or whose name has been struck off the roll may apply to the Full Court for an order to vary or discharge the order suspending him or striking his name off the roll.

(2) No application shall be made under subsection (1)—

- (a) in the case of an order of suspension, until the expiration of two years from the date of such order or of half the period of suspension, whichever is the less; or
- (b) in the case of an order striking the name of the barrister off the roll, until the expiration of two years from the date of such order,

and in either case where such an application has been made and determined, no further application shall be made until the expiration of two years from the date of such determination:

Provided that the barrister may at any time apply to a judge in Chambers for permission to make such application on the grounds that new material facts have come to light since the making of the order which it is sought to vary or discharge, and where the judge is of opinion that such facts should be placed before the Full Court, he shall grant such application.

(3) At the hearing of the application the Full Court may—

- (a) reduce the period of suspension; or
- (b) discharge the order of suspension or the order striking the name of the barrister off the roll, as the case may be; or
- (c) confirm the original order; and
- (d) make such order as to costs as it shall see fit.

Expenses of Committee of Enquiry and of Bar Committee.

39. (1) The expenses incurred by—

- (a) a Committee of Enquiry; and
- (b) the Bar Committee, in connexion with proceedings before a Committee of Enquiry and any proceedings under section 37,

may be paid to the Bar Committee out of general revenue upon a certificate issued by the Attorney General.

(2) The Attorney General shall only issue a certificate under subsection (1) if he is satisfied that—

- (a) the expenses were necessarily incurred by the Committee of Enquiry or the Bar Committee, as the case may be, in exercise of the powers or duties conferred or imposed by this Ordinance;
- (b) the amount of such expenses is reasonable; and
- (c) the expenses could not reasonably be recovered from the barrister whose conduct is the subject of the proceedings before the Committee of Enquiry or the Full Court, as the case may be.

(3) In this section, "expenses" includes witnesses' expenses and fees, counsel's fees, solicitor's fees, auditor's fees and other charges and disbursements.

PART IV.

NOTARIES PUBLIC.

40. The Registrar shall register every notary public who, to the satisfaction of the Registrar, produces to the Registrar his notarial faculty and who files in the Court an affidavit of identity in such form and pays such enrolment fee as may be prescribed by the Chief Justice.

Registration of notaries public.

41. The Registrar shall keep a register of notaries public registered by him under section 40 and shall have custody of the register of notaries public and of all documents relating thereto and shall allow any person to inspect the register of notaries public during office hours without payment.

Register of notaries public.

42. (1) The Court, upon reasonable cause being shown, may remove from or strike off the register of notaries public or suspend from practice any notary public.

Power of Court to strike off or suspend a notary public.

(2) Upon the making of any order by the Court under subsection (1) the Registrar shall enter a note of the order on the register of notaries public in connexion with the name of the notary public and, where the order so directs, shall remove or strike off the name.

43. The Chief Justice may, if he thinks fit, at any time order the Registrar to replace on the register of notaries public the name of a notary public whose name has been removed or struck off therefrom.

Restoration of name of notary public.

PART V.

PRIVILEGES, RESTRICTIONS AND OFFENCES
IN CONNEXION WITH PRACTICE.

Penalty for unlawfully practising as a barrister or notary public.

44. Any person who—

- (a) not being a qualified barrister, either directly or indirectly, practises or acts as a barrister;
- (b) not being a qualified notary public, either directly or indirectly, practises or acts as a notary public,

shall be guilty of an offence and, upon summary conviction, shall be liable to a fine of two thousand dollars.

Unqualified person not to act as solicitor.
5 & 6 Eliz. 2, c. 27, s. 18.

45. (1) No unqualified person shall act as a solicitor, or as such sue out any writ or process, or commence, carry on or defend any action, suit or other proceeding, in the name of any other person or in his own name, in any court of civil or criminal jurisdiction or act as a solicitor in any cause or matter, civil or criminal, to be heard or determined before any court, magistrate or justice.

(2) Any person who contravenes the provisions of this section shall—

- (a) be guilty of contempt of the court in which the action, suit, cause, matter or proceeding in relation to which he so acts is brought or taken and may be punished accordingly;
- (b) be incapable of maintaining any action for any costs in respect of anything done by him in the course of so acting;
- (c) be guilty of an offence and, upon summary conviction, liable to a fine of two thousand dollars and to imprisonment for two years; and
- (d) in addition to any other penalty or forfeiture and any disability to which he may be subject, be liable for each such offence to a penalty of five thousand dollars to be recovered, with full costs of action, by action brought in the Court, by the Society with the sanction of the Attorney General.

(3) Any penalty recovered under this section shall be deemed to be a penalty due to the Crown and shall be paid into the general revenue of the Colony.

Penalty for pretending to be a solicitor.
5 & 6 Eliz. 2, c. 27, s. 19.

46. Any unqualified person who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is qualified or recognized by law as qualified to act as, a solicitor shall be guilty of an offence and on summary conviction shall be liable to a fine of two thousand dollars.

47. (1) Any unqualified person, not being a barrister or a notary public, who, unless he proves that the act was not done for or in expectation of any fee, gain or reward, either directly or indirectly—

- (a) draws or prepares any instrument relating to movable or immovable property or to any legal proceeding; or
- (b) draws or prepares any memorial or other document for the purposes of the Land Registration Ordinance, or the New Territories Ordinance or makes any application or lodges any testimony for registration under either of those Ordinances at the Land Office or at any District Land Office,

shall be guilty of an offence and on summary conviction shall be liable to a fine of ten thousand dollars.

(2) This section shall not extend to—

- (a) any public officer drawing or preparing instruments in the course of his duty; or
- (b) any person employed merely to engross or copy any instrument or proceeding.

(3) For the purposes of this section "instrument" does not include—

- (a) a will or other testamentary instrument; or
- (b) an agreement under hand only; or
- (c) a letter of power of attorney; or
- (d) a transfer of stock containing no trust or limitation thereof.

48. Any unqualified person, not being a barrister or a notary public, who, either directly or as an agent of any person, whether or not that other person is a solicitor, barrister or notary public, takes instructions for or draws or prepares any paper on which to found or oppose a grant of probate or of letters of administration shall, unless he proves that the act was not done for or in expectation of any fee, gain or reward, be guilty of an offence and, without prejudice to any other liability or disability to which he may be subject under this Ordinance or any other enactment, shall, on summary conviction, be liable to a fine of ten thousand dollars:

Provided that this section shall not apply to any public officer drawing or preparing any such papers in the course of his duty.

49. (1) No solicitor shall wilfully and knowingly—

- (a) act as agent in any action or in any matter in bankruptcy for any unqualified person; or
- (b) permit his name to be made use of in any such action or matter upon the account or for the profit of any unqualified person; or

Unqualified person not to prepare certain instruments, etc.
22 & 23 Geo. 5, c. 37, ss. 46 & 47.
(Cap. 128).
(Cap. 97).

Unqualified person not to act in preparation of papers for probate, etc.
5 & 6 Eliz. 2, c. 27, s. 21.

Solicitor not to act as agent for unqualified person.
5 & 6 Eliz. 2, c. 27, s. 34.

- (c) send any process to any unqualified person; or
- (d) do any other act enabling any unqualified person to appear, act or practise in any respect as a solicitor in any such action or matter.

(2) Where it appears to a Disciplinary Committee or to the Court that a solicitor has acted in contravention of this section, the Disciplinary Committee or the Court shall order his name to be struck off the roll of solicitors.

(3) Where the Court orders the name of a solicitor to be struck off the roll in respect of an offence under this section, it may further order that the unqualified person who was enabled by the conduct of the offender to act or practise as a solicitor shall be imprisoned for any period not exceeding one year.

50. No costs in respect of anything done by an unqualified person acting as a solicitor shall be recoverable in any action, suit or matter by any person whomsoever.

No costs for unqualified person.
5 & 6 Eliz. 2, c. 27, s. 23.

51. (1) If any act is done by a body corporate, or by any director, officer or servant thereof, of such a nature or in such a manner as to be calculated to imply that the body corporate is qualified or recognized by law as qualified to act as a solicitor, the body corporate shall be guilty of an offence and on summary conviction shall be liable to a fine of five thousand dollars, and, in the case of an act done by a director, officer or servant of the body corporate, such person shall also be guilty of an offence and on summary conviction shall be liable to a fine of two thousand dollars.

Application of penal provisions to body corporate.
5 & 6 Eliz. 2, c. 27, s. 22.

(2) For the avoidance of doubt it is hereby declared that in sections 45, 46, 47, 48, 49 and 50, references to unqualified persons and to persons include references to a body corporate.

52. (1) No solicitor whilst a prisoner in any prison shall as a solicitor, in his own name or in the name of any other solicitor, sue out any writ or process, or commence, prosecute or defend any action or any matter in bankruptcy.

Solicitors not to commence or defend actions while in prison.
5 & 6 Eliz. 2, c. 27, s. 35.

(2) Any solicitor commencing, prosecuting or defending any such action or matter in contravention of this section shall be incapable of maintaining any action for the recovery of any costs in respect of any business done by him whilst so confined as aforesaid, and he and any solicitor permitting him to commence, prosecute or defend any such action or matter in his name shall be guilty of contempt of the court in which such action or matter was commenced or prosecuted and may be punished accordingly.

53. (1) No solicitor shall, in connexion with his practice as a solicitor, without the written permission of the Society which may be given for such period and subject to such conditions as the Society thinks fit, employ or remunerate any person who, to his knowledge, is disqualified from practising as a solicitor by reason of the fact that his name has been struck off the roll of solicitors or is suspended from practising as a solicitor.

Employment by solicitor of persons struck off or suspended.
[cf. 5 & 6 Eliz. 2, c. 27, ss. 36 & 38.]

(2) No solicitor shall in connexion with his practice as a solicitor employ or remunerate any person who, to his knowledge, is the subject of an order made by a Disciplinary Committee under paragraph (g) of subsection (2) of section 10 whereby the employment of such person by any solicitor is prohibited, while such order is in force.

(3) No solicitor shall, in connexion with his practice as a solicitor, without written permission of the Society, which may be given for such period and subject to such conditions as the Society may think fit, employ or remunerate any person who, to his knowledge, has been convicted—

- (a) of larceny, embezzlement or fraudulent conversion; or
- (b) of any other criminal offence in respect of any money or property belonging to or held or controlled by the solicitor by whom he is or was employed or any client of that solicitor.

(4) A solicitor aggrieved by the refusal of the Society to grant any such permission as aforesaid, or by any conditions attached by the Society to the grant thereof, may appeal to the Chief Justice, in such manner as may be prescribed by the Chief Justice, and on any such appeal the Chief Justice may confirm the refusal or the conditions, as the case may be, or may, in lieu of the Society, grant such permission for such period and subject to such conditions as he thinks fit.

(5) If any solicitor acts in contravention of the provisions of this section or of the conditions subject to which any permission has been given thereunder, his name shall be struck off the roll or he shall be suspended from practice for such period as a Disciplinary Committee or as the Court may think fit.

(6) Any person who, while there is in force in respect of him an order made under paragraph (g) of subsection (2) of section 10 prohibiting his employment by any solicitor, seeks or accepts any employment by or remuneration from a solicitor in connexion with his practice as a solicitor without previously informing the solicitor of that order shall be guilty of an offence and on summary conviction shall be liable to a fine of five thousand dollars.

Penalty on failure to disclose fact of having been struck off, etc.
5 & 6 Eliz.
2, c. 27, s. 37.

54. (1) Any person who, whilst he is disqualified from practising as a solicitor by reason of the fact that he has been struck off the roll or is suspended from practising as a solicitor, seeks or accepts employment by a solicitor in connexion with that solicitor's practice without previously informing him that he is so disqualified shall be guilty of an offence and on summary conviction shall be liable to a fine of two thousand dollars.

(2) No proceedings under this section shall be commenced except by or with the consent of the Attorney General.

Time limit for commencement of certain proceedings.
5 & 6 Eliz.
2, c. 27, s. 24.
(Cap. 227).

55. Notwithstanding anything in the Magistrates Ordinance, proceedings in respect of any offence against section 46, 47 or 53 may be brought at any time within two years next after the commission of the offence or within six months after the first discovery thereof by the prosecutor, whichever period expires first.

PART VI.

REMUNERATION OF SOLICITORS.

Non-contentious Business.

Agreement for remuneration for non-contentious business.
5 & 6 Eliz.
2, c. 27, s. 57.

56. (1) Whether or not any rules made under section 74 are in force, a solicitor and his client may, either before or after or in the course of the transaction of any non-contentious business by the solicitor, make an agreement as to the remuneration of the solicitor in respect thereof.

(2) The agreement may provide for the remuneration of the solicitor by a gross sum, or by commission or percentage or by salary, or otherwise, and it may be made on the terms that the amount of the remuneration therein stipulated for either shall or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling, stamps, fees or other matters.

(3) The agreement shall be in writing and signed by the person to be bound thereby or his agent in that behalf.

(4) The agreement may be sued and recovered on or set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor:

Provided that if on any taxation of costs the agreement is relied on by the solicitor and objected to by the client as unfair or unreasonable, the taxing officer may inquire into the facts and certify them to the Court, and if on that certificate it appears just to the Court that the agreement should be cancelled, or the amount payable thereunder reduced, the Court may order the agreement to be cancelled, or the amount payable thereunder to be reduced, and may give such consequential directions as it thinks fit.

57. (1) If a mortgage is made to a solicitor, either alone or jointly with any other person, he, or the firm of which he is a member, shall be entitled to recover from the mortgagor in respect of all business transacted and acts done by him or them in negotiating the loan, deducing and investigating the title to the property, and preparing and completing the mortgage, such usual costs as he or they would have been entitled to receive if the mortgage had been made to a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.

Remuneration of a solicitor who is a mortgagee.
5 & 6 Eliz.
2, c. 27, s. 58.

(2) If, whether before or after the commencement of this Ordinance, a mortgage has been made to, or has become vested by transfer or transmission in, a solicitor, either alone or jointly with any other person, and if any business is transacted or acts done by that solicitor, or by the firm of which he is a member, in relation to that mortgage, or the security thereby created or the property comprised thereunder, then he or they shall be entitled to recover from the person on whose behalf the business was transacted or the acts were done, and to charge against the security, such usual costs as he or they would have been entitled to receive if the mortgage had been made to and had remained vested in a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.

(3) In this section "mortgage" includes any charge on any property for securing money or money's worth.

Contentious Business.

58. A solicitor may make with his client an agreement in writing as to his remuneration, in respect of any contentious business done or to be done by the solicitor for the client, which provides that the solicitor shall be remunerated either by a gross sum or by salary, or otherwise, and at either a greater or a less rate than that at which he would otherwise have been entitled to be remunerated.

Power to make agreements.
5 & 6 Eliz.
2, c. 27, s. 59.

59. (1) An agreement as is referred to in section 58—

(a) shall not affect the amount of, or any rights or remedies for the recovery of, any costs payable by the client to, or to the client by, any person other than the solicitor, and that person may, unless he has otherwise agreed, require any such costs to be taxed according to the rules for the time being in force for the taxation thereof:

Miscellaneous provisions.
5 & 6 Eliz.
2, c. 27, s. 60.

Provided that the client shall not be entitled to recover from any other person under any order for the payment of any costs to which the agreement relates more than the amount payable by him to his solicitor in respect thereof under the agreement;

(b) shall be deemed to exclude any claim by the solicitor in respect of the business to which it relates other than—

- (i) a claim for the agreed costs; or
- (ii) a claim for such costs as are expressly excepted therefrom.

(2) A provision in any such agreement that the solicitor shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as a solicitor, shall be void.

Enforce-
ment of
agreements
in respect of
contentious
business.
5 & 6 Eliz. 2,
c. 27, s. 61.

60. (1) No action shall be brought upon any such agreement as is referred to in section 59, but the court may, on the application of any person who is a party to, or the representative of a party to, the agreement, or who is, or who is alleged to be, liable to pay, or who is or claims to be entitled to be paid, the costs due or alleged to be due in respect of the business to which the agreement relates, enforce or set aside the agreement and determine every question as to the validity or effect thereof.

(2) On any such application the court—

- (a) if it is of opinion that the agreement is in all respects fair and reasonable, may enforce it;
- (b) if it is of opinion that the agreement is in any respect unfair or unreasonable, may declare it void and may order it to be given up to be cancelled and may order the costs covered thereby to be taxed as if the agreement had never been made;
- (c) in any case, may make such order as to the costs of the application as it may think fit.

(3) If the business covered by any such agreement is business done, or to be done, in any action, the amount payable under the agreement shall not be received by the solicitor until the agreement has been examined and allowed by a taxing officer of the court, and, if the taxing officer is of opinion that the agreement is unfair or unreasonable, he may require the opinion of the court to be taken thereon and the court may reduce the amount payable thereunder, or order the agreement to be cancelled and the costs covered thereby to be taxed as if the agreement had never been made.

(4) When the amount agreed for under any such agreement has been paid by or on behalf of the client or by any person entitled so to do, the person making the payment may at any time within twelve months after payment apply to the court and the court, if it appears to it that the special circumstances of the case require the agreement to be reopened, may, on such terms as may be just, reopen the agreement

and may order the costs covered thereby to be taxed and the whole or any part of the amount received by the solicitor to be repaid by him.

(5) Where any such agreement is made by the client as the guardian or committee of, or as a trustee under a deed or will for, any person whose property will be chargeable with the whole or any part of the amount payable under the agreement, the agreement shall, before payment, be laid before the taxing officer of the court, and that officer shall examine the agreement and may disallow any part thereof, or may require the opinion of the court to be taken thereon.

(6) Any such client as is mentioned in subsection (5), who pays the whole or any part of the amount payable under the agreement without the agreement having been allowed by the taxing officer or by the court, shall be liable at any time to account to the person whose property is charged with the whole or any part of the amount so paid for the sum so charged, and the solicitor who accepts the payment may be ordered by the court to refund the amount received by him.

61. (1) If, after some business has been done under an agreement made in pursuance of the provisions of section 58 but before the solicitor has wholly performed it, the solicitor dies or becomes incapable of acting, any party to, or the representative of any party to, the agreement may apply to the court and the court shall have the same jurisdiction as to enforcing the agreement so far as it has been performed, or setting it aside, as it would have had if the solicitor had not died or become incapable of acting:

Death,
incapability,
or change of
solicitor, etc.
5 & 6 Eliz. 2,
c. 27, s. 62.

Provided that the court may, notwithstanding that it is of opinion that the agreement is in all respects fair and reasonable, order the amount due in respect of the business done thereunder to be ascertained by taxation, and in that case—

- (a) the taxing officer, in ascertaining that amount, shall have regard so far as may be to the terms of the agreement; and
- (b) payment of the amount found by him to be due may be enforced in the same manner as if the agreement had been completely performed.

(2) The provisions of subsection (1) shall apply in the event of the client changing his solicitor (as, notwithstanding the agreement, he shall be entitled to do) before the conclusion of the business to which the agreement relates in the same manner as they apply when the solicitor dies or is incapacitated, with this modification, that if an order is made for the taxation of the amount due to the solicitor in respect of the business done under the agreement the court shall direct the taxing officer to have regard to the circumstances under which the change of solicitor has taken place, and the taxing officer, unless he is

of opinion that there has been no default, negligence, improper delay or other conduct on the part of the solicitor affording to the client reasonable ground for changing his solicitor, shall not allow to the solicitor the full amount of the remuneration agreed to be paid to him.

- (3) In this section and in sections 60 and 63, "court" means—
- (a) in relation to an agreement under which any business has been done in any court having jurisdiction to enforce and set aside agreements, any such court in which any of that business has been done;
 - (b) in relation to an agreement under which no business has been done in any such court, and under which more than five thousand dollars is payable, the Supreme Court;
 - (c) in relation to an agreement under which no business has been done in any such court, and under which not more than five thousand dollars is payable, the District Court.

Agreement excludes taxation.
5 & 6 Eliz. 2, c. 27, s. 63.

62. Subject to the provisions of sections 59, 60 and 61, the costs of a solicitor in any case where any agreement has been made in pursuance of the provisions of section 56 shall not be subject to taxation, nor to the provisions of section 65 with respect to the signing and delivery of a solicitor's bill.

Form of bill of costs for contentious business.
5 & 6 Eliz. 2, c. 27, s. 64.

63. Where the remuneration of a solicitor in respect of contentious business done by him is not the subject of such an agreement as is mentioned in section 58, the solicitor's bill of costs may at the option of the solicitor either contain detailed items or be for a gross sum:

Provided that—

- (a) at any time before service upon him of a writ or other originating process for the recovery of costs included in a gross sum bill and before the expiration of three months from the date of the delivery to him of the bill, the party chargeable therewith may require the solicitor to deliver to him in lieu thereof a bill containing detailed items, and the gross sum bill shall thereupon be of no effect;
- (b) where an action is commenced on a gross sum bill, the court shall, if so requested by the party chargeable therewith before the expiration of one month from the service on that party of the writ or other originating process, order that the bill shall be taxed;
- (c) if a gross sum bill is referred to taxation, whether under this section or otherwise, nothing in this section shall prejudice any rules of court with respect to taxation, and the solicitor shall furnish the taxing officer with such details of any of the costs covered by the bill as the taxing officer may require.

General Provisions regarding Remuneration.

64. (1) Nothing in section 59, 60, 61, 62 or 63 shall give validity to—

- (a) any purchase by a solicitor of the interest, or any part of the interest, of his client in any action, suit or other contentious proceeding; or
- (b) any agreement by which a solicitor retained or employed to prosecute any action, suit or other contentious proceeding stipulates for payment only in the event of success in that action, suit or proceeding; or
- (c) any disposition, contract, settlement, conveyance, delivery, dealing or transfer which is under the law relating to bankruptcy invalid against a trustee or creditor in any bankruptcy or composition.

(2) A solicitor may take security from his client for his costs to be ascertained by taxation or otherwise.

(3) Subject to the provisions of any rules of court, upon every taxation of costs with respect to any contentious business, the taxing officer may—

- (a) allow interest at such rate and from such time as he thinks just on moneys disbursed by the solicitor for the client, and on moneys of the client in the hands of, and improperly retained by, the solicitor;
- (b) in determining the remuneration of the solicitor, have regard to the skill, labour and responsibility involved in the business done by him, the general complexity of the matter and the amount or value of the matter in issue.

65. (1) The jurisdiction of the Court to make orders for the delivery by a solicitor of a bill of costs and for the delivery up of, or otherwise in relation to, any deeds, documents or papers in his possession, custody or power is hereby declared to extend to cases in which no business has been done by him in the Court.

(2) If a mortgage has been made to, or has become vested by transfer or transmission in, a solicitor, either alone or jointly with any other person, and any business is transacted or acts are done by that solicitor, or by the firm of which he is a member, in relation to that mortgage or the security thereby created or the property comprised thereunder, then he or they shall be entitled to recover from the person on whose behalf the business was transacted or the acts were done, and to charge against the security, such usual costs as he or they would have been entitled to receive if the mortgage had been made to and had

General provisions as to remuneration.
[cf. 5 & 6 Eliz. 2, c. 27, s. 65].

Power of Court to order delivery of bill, etc.
5 & 6 Eliz. 2, c. 27, s. 67.

remained vested in a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.

(3) In this section and in sections 66, 67 and 68, "solicitor" includes the executors, administrators and assignees of the solicitor in question.

Action to
recover costs.
5 & 6 Eliz. 2,
c. 27, s. 68.

66. (1) Subject to the provisions of this Ordinance, no action shall be brought to recover any costs due to a solicitor until one month after a bill thereof has been delivered in accordance with the requirements of this section:

Provided that, if there is probable cause for believing that the party chargeable with the costs is about to quit the Colony, or become a bankrupt, or to compound with his creditors, or to do any other act which would tend to prevent or delay the solicitor obtaining payment, the Court may, notwithstanding that one month has not expired from the delivery of the bill, order that the solicitor be at liberty to commence an action to recover his costs and may order those costs to be taxed.

(2) The said requirements are as follows—

- (a) the bill must be signed by the solicitor, or if the costs are due to a firm by one of the partners of that firm, either in his own name or in the name of the firm, or be enclosed in, or accompanied by, a letter which is so signed and refers to the bill; and
- (b) the bill must be delivered to the party to be charged therewith, either personally or by being sent to him by post to, or left for him at, his place of business, dwelling house or last known place of abode,

and where a bill is proved to have been delivered in compliance with those requirements, it shall not be necessary in the first instance for the solicitor to prove the contents of the bill and it shall be presumed, until the contrary is shown, to be a bill *bona fide* complying with this Ordinance.

Taxation of
bills on
application
of party
chargeable on
solicitor.
5 & 6 Eliz. 2,
c. 27, s. 69.

67. (1) On the application, made within one month of the delivery of a solicitor's bill, of the party chargeable therewith the Court shall, without requiring any sum to be paid into court, order that the bill shall be taxed and that no action shall be commenced thereon until the taxation is completed.

(2) If no such application is made within the period mentioned in subsection (1), then, on the application either of the solicitor or of the party chargeable with the bill, the Court may, upon such terms, if any, as it thinks fit (not being terms as to the costs of the taxation), order—

- (a) that the bill shall be taxed;

(b) that, until the taxation is completed, no action shall be commenced on the bill, and any action already commenced be stayed:

Provided that—

- (i) if twelve months have expired from the delivery of the bill, or if the bill has been paid, or if a verdict has been obtained or a writ of inquiry executed in an action for the recovery of the costs covered thereby, no order shall be made on the application of the party chargeable with the bill except in special circumstances and, if an order is made, it may contain such terms as regards the costs of the taxation as the Court may think fit;
 - (ii) in no event shall any such order be made after the expiration of twelve months from the payment of the bill.
- (3) Every order for the taxation of a bill shall require the taxing officer to tax not only the bill but also the costs of taxation and to certify what is due to or by the solicitor in respect of the bill and in respect of the costs of the taxation.
- (4) If after due notice of any taxation either party thereto fails to attend, the taxing officer may proceed with the taxation *ex parte*.
- (5) Unless—
- (a) the order for taxation was made on the application of the solicitor and the party chargeable does not attend the taxation; or
 - (b) the order for taxation otherwise provides,

the costs of the taxation shall be paid according to the event of the taxation, that is to say, if one-sixth or more of the amount of the bill is taxed off, the solicitor shall pay the costs, but otherwise the party chargeable shall pay the costs:

Provided that—

- (i) if, in the case of a bill for non-contentious business, not less than half of the amount of the bill before taxation consists of costs for which no scale charge is prescribed, for the reference in this subsection to one-sixth of the amount of the bill there shall be deemed to be substituted a reference to one-fifth thereof;
- (ii) the taxing officer may certify any special circumstances relating to the bill or the taxation thereof to the Court, and the Court may make thereon any such order as it thinks fit respecting the payment of the costs of the taxation.

Taxation on application of third parties.

5 & 6 Eliz. 2, c. 27, s. 70.

68. (1) Where a person other than the person who is the party chargeable with the bill for the purposes of section 67 has paid, or is or was liable to pay, the bill either to the solicitor or to the party chargeable with the bill, that person or his executors, administrators or assignees may apply to the Court for an order for the taxation of the bill as if he were the party chargeable therewith, and the Court may make thereon the same order, if any, as it might have made if the application had been made by that party:

Provided that, in cases where the Court has no power to make an order except in special circumstances, the Court may, in considering whether there are special circumstances sufficient to justify it in making an order, take into account circumstances affecting the applicant but which do not affect the party chargeable with the bill.

(2) If a trustee, executor or administrator has become liable to pay a bill of a solicitor the Court may, upon the application of any person interested in any property out of which the trustee, executor or administrator has paid, or is entitled to pay, the bill, and upon such terms, if any, as it thinks fit, order the bill to be taxed, and may order such payments, in respect of the amount found due to or by the solicitor and in respect of the costs of the taxation, to be made to or by the applicant, or to or by the solicitor, or to the executor, administrator or trustee as it thinks fit:

Provided that in considering any such application the Court shall have regard to—

- (a) the provisions of section 67 as to applications by the party chargeable with taxation of a solicitor's bill so far as they are capable of being applied to an application made under this subsection;
- (b) the extent and nature of the interest of the applicant.

(3) If an applicant under subsection (2) pays any money to the solicitor, he shall have the same right to be paid that money by the trustee, executor or administrator chargeable with the bill as the solicitor had.

- (4) On an application made under this section—
 - (a) except in special circumstances, no order shall be made for the taxation of a bill which has already been taxed;
 - (b) the Court may, if it orders taxation of the bill, order the solicitor to deliver to the applicant a copy of the bill upon payment of the costs of that copy.

General provisions as to taxations.
5 & 6 Eliz. 2, c. 27, s. 71.

69. (1) Every application for an order for the taxation of a solicitor's bill or for the delivery of such a bill and the delivering up of any deeds, documents and papers by a solicitor shall be made in the matter of that solicitor.

(2) The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of the costs covered thereby, and the Court may make such order in relation thereto as it thinks fit, including in a case where the retainer is not disputed, and order that judgment be entered for the sum certified to be due with costs.

70. Any court in which a solicitor has been employed to prosecute or defend any suit, matter or proceeding may at any time declare the solicitor entitled to a charge on the property recovered or preserved through his instrumentality for his taxed costs in reference to that suit, matter or proceeding and may make such orders for the taxation of the said costs and for raising money to pay, or for paying, the said costs out of the said property, as it thinks fit, and all conveyances and acts done to defeat, or operating to defeat, that charge shall, except in the case of a conveyance to a *bona fide* purchaser for value without notice, be void as against the solicitor:

Provided that no order shall be made if the right to recover the costs is barred by any statute of limitations.

71. Whenever any judgment or order has been made for payment of costs in any action and such action afterwards becomes abated, it shall be lawful for any person interested under such judgment or order to revive such action, and thereupon to prosecute and enforce such judgment or order, and so from time to time as often as any such abatement may happen.

Charging orders.
5 & 6 Eliz. 2, c. 27, s. 72.

Revival of order for payment of costs.
33 and 34 Vict. c. 28, s. 19.

PART VII.

RULES.

72. The Chief Justice may make rules—

- (a) in relation to the admission of solicitors and of barristers and the registration of notaries public—
 - (i) regulating the manner in which applications for admission under sections 3 and 27 shall be made and the forms to be employed in respect thereof;
 - (ii) regulating the procedure and constitution of the Court at the hearing of applications under sections 3 and 27;
 - (iii) regulating the manner in which applications for registration under section 40 shall be made and the forms to be employed in respect thereof;
 - (iv) exempting, in any particular case, a person seeking admission under section 3 or 27 or registration under section 40 from compliance with all or any of the conditions prescribed

Power of Chief Justice to make rules.

for such admission or registration by this Ordinance, subject to such conditions as may appear necessary;

(v) providing for the duties of the Registrar in connexion with such admissions and registrations;

(vi) providing for the forms of the roll of solicitors, the roll of barristers and the register of notaries public, the mode in which they shall be kept and the contents thereof;

(vii) prescribing any fees payable in connexion with such admissions and registrations;

(viii) regulating the issue to barristers and solicitors of practising certificates and the fees payable for, the conditions of issue of, the manner of applying for, the period and form of, the publication of the issue and suspension of and the form of such practising certificates and generally in relation thereto, and the transfer to the Society of the whole or any part of any fee paid in respect of a practising certificate issued to a solicitor;

(ix) imposing in such manner as may appear necessary a requirement, in relation to the issue of a practising certificate to a solicitor, of membership of the Society; and

(x) regulating the granting of exemption from the provisions of any of such rules and of the compliance with any terms imposed upon the grantees of such exemption and prescribing the form of any statutory declaration evidencing such compliance;

- (b) in relation to the conduct of barristers, to provide for—
- (i) the laying of a complaint before the Committee of Enquiry;
 - (ii) the conduct of proceedings before a Committee of Enquiry;
 - (iii) the submission of the report of a Committee of Enquiry to the Full Court and its consideration by the Full Court; and
 - (iv) the procedure for making an application, under section 38, to vary or discharge an order of the Full Court and for hearing any such application; and
- (c) generally to prescribe or provide for—
- (i) any other certificate, form or other document required under this Ordinance;
 - (ii) any other fee which is required to be prescribed under this Ordinance;
 - (iii) the better carrying into effect of the provisions of this Ordinance; and

(iv) anything which under this Ordinance is to be or may be prescribed by the Chief Justice.

73. (1) The Committee may make rules—

Power of the Committee to make rules.

- (a) providing for—
- (i) the professional conduct and discipline of solicitors, their employees and articled clerks;
 - (ii) the restriction of payment of commission to unqualified persons; and
 - (iii) for the purpose of harmonizing the relationship of solicitors *inter se* and, with the prior approval of the Bar Committee, governing the relationship of solicitors and barristers;
- (b) in relation to the keeping by solicitors of accounts, providing for—
- (i) the opening and keeping by solicitors of accounts at banks of clients' money;
 - (ii) the keeping by solicitors of accounts containing particulars and information as to monies received, held or paid both for or on account of their clients;
 - (iii) empowering the Committee to take such action as may be necessary to enable them to ascertain whether or not such rules are being complied with;
 - (iv) regulating the manner in which solicitors shall deal with money held by them in a fiduciary capacity and the books of accounts to be kept in respect thereof and for the auditing of such accounts;
 - (v) the qualifications to be held by an accountant by whom an accountant's certificate may be given;
 - (vi) the nature and extent of the examination to be made by the accountant of the books and accounts of a solicitor or of his firm and of any other relevant documents with a view to the signing of a certificate to be delivered by the solicitor under section 8;
 - (vii) the form of the accountant's certificate;
 - (viii) the evidence, if any, which shall satisfy the Committee that the delivery of an accountant's certificate is unnecessary and the cases in which such evidence is or is not required;
 - (ix) specifying in such circumstances as may be set forth in the rules a different accounting period from that specified in subsection (2) of section 8; and
 - (x) regulating any matters of procedure or matters incidental, ancillary or supplemental to the provisions of section 8;

- (c) providing for the conduct of inquiries, or investigations by a Disciplinary Committee under section 9;
- (d) regulating the enrolment of students, articles and examinations and admissions of overseas students, and in particular, without prejudice to the generality of the foregoing, providing for—
 - (i) the manner in which any person shall qualify for admission under sub-paragraph (i) of paragraph (a) of section 4 including, in particular, the enrolment of students, the period of articles, if any, to be served in any particular case, the examination or examinations to be passed and notices and forms to be used in connexion therewith; and
 - (ii) the manner in which application for admission under sub-paragraph (ii) of paragraph (a) of section 4 shall be made and the documents to be filed in connexion therewith;
- (e) enabling the Committee to exempt any person from compliance with the provisions of any such rules and to impose and enforce conditions upon which such exemption may be granted in any particular case; and
- (f) prescribing any thing which, under this Ordinance, is to be or may be prescribed by the Committee.

(2) Every rule made by the Committee under this section shall be subject to the prior approval of the Chief Justice.

(3) No rule made under paragraph (b), (c) or (d) of subsection (1) shall apply to a solicitor to whom section 75 applies insofar as such solicitor is acting in the course of the employment which gives rise to the application of that section.

Costs
Committee.

74. (1) There is hereby established a Costs Committee consisting of the following persons—

- (a) a puisne judge appointed by the Chief Justice as Chairman;
- (b) the Registrar or a deputy registrar of the Supreme Court;
- (c) the Registrar General or such representative of the Registrar General as is approved by the Chief Justice; and
- (d) the President and the Vice-President of the Society and one member of the Society nominated by the Society and approved by the Chief Justice.

(2) The quorum for the Costs Committee shall be the Chairman and two members under paragraph (d) of subsection (1).

(3) The Costs Committee may make rules—

- (a) providing for the remuneration of solicitors in respect of non-contentious business;

- (b) prescribing that, as regards the mode of remuneration, it shall be according to the scale of rates or percentage varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode, or partly in one mode and partly in another;
 - (c) regulating the amount of remuneration with reference to all or any of the following, among other, considerations, that is to say—
 - (i) the position of the party for whom the solicitor is concerned in the business, that is, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee, and the like;
 - (ii) the place where, and the circumstances in which, the business or any part thereof is transacted;
 - (iii) the amount of the capital money or rent to which the business relates;
 - (iv) the skill, labour and responsibility involved therein on the part of the solicitor;
 - (v) the number and importance of the documents prepared or perused, without regard to length;
 - (d) authorizing and regulating the taking by a solicitor from his client of security for payment or otherwise, which may become due to him under any such rule; and
 - (e) authorizing and regulating the allowance of interest on costs and expenses.
- (4) Every rule made under this section shall be subject to the prior approval of the Chief Justice.
- (5) So long as any rules made under this section are in operation, taxation of bills of costs of solicitors in respect of non-contentious business shall, subject to the provisions of section 5, be regulated by such rules.

PART VIII.

GENERAL, REPEAL AND TRANSITIONAL.

75. Nothing in this Ordinance shall—

Saving.

- (a) prejudice or affect any rights or privileges of any member of Her Majesty's Overseas Judiciary, any legal officer within the meaning of section 2 of the Legal Officers Ordinance or any person to whom the provisions of the Registrar General (Establishment) Ordinance apply or require any such person or any clerk or officer appointed to act for him to be admitted
- (Cap. 87).
(Cap. 100).

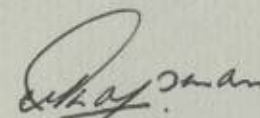
or enrolled in any case where it would not have been necessary for him to be admitted or enrolled if this Ordinance had not been enacted; or

- (b) affect any enactment empowering any person, whether or not a solicitor or a barrister, to conduct, convene or otherwise act in relation to any legal proceedings.

Repeal and
transitional.
(Cap. 159).
(Cap. 117).

76. (1) The Legal Practitioners Ordinance is repealed.
- (2) Section 25 of the Stamp Ordinance is amended in subsection (1)—
- (a) by the deletion of the word and comma "barrister,";
- (b) by the deletion of the comma after the words "pharmaceutical chemist" and the substitution therefor of the following—
"or"; and
- (c) by the deletion of the words and commas ", or solicitor,".
- (3) Notwithstanding the repeal contained in subsection (1)—
- (a) any person who at the commencement of this Ordinance was a solicitor, a qualified barrister or a qualified notary within the meaning of section 2 of the repealed Ordinance shall be deemed to have been admitted and enrolled in accordance with the provisions of section 3 or 27 or registered under section 40, as the case may be, and any current practising certificate issued in accordance with the provisions of the repealed Ordinance to any such solicitor or barrister shall be deemed to have been issued to him in accordance with the provisions of section 6 or 30, as the case may be;
- (b) any person who at the commencement of this Ordinance was enrolled as a student in accordance with the provisions of the repealed Ordinances may be admitted and enrolled in accordance with the provisions of section 3 of this Ordinance if he would have complied with the provisions of the repealed Ordinance if this Ordinance had not been enacted;
- (c) every roll kept by the Registrar in accordance with the provisions of section 30 of the repealed Ordinance shall be deemed to be the roll of solicitors kept by the Registrar under section 5 or the roll of barristers kept by the Registrar under section 29, as the case may be; and
- (d) every special book kept by the Registrar in accordance with the provisions of section 31 of the repealed Ordinance shall be deemed to be the register of notaries public kept by the Registrar in accordance with the provisions of section 41.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 20th day of May, 1964, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

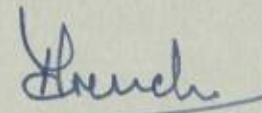
(Secretariat CR1/67/3231/47II)

HONG KONG

No. 17 OF 1964.



I assent.


Governor.

21st May, 1964.

An Ordinance to make provision for the transfer to and vesting in the Director of Social Welfare Incorporated as trustee of the Community Relief Trust Fund established under the Community Relief Trust Fund Ordinance, 1962.

[22nd May, 1964.]

WHEREAS by section 3 of the Community Relief Trust Fund Ordinance, 1962, the Community Relief Trust Fund was established and provision was made for such fund to be transferred to and vested in the Director of Social Welfare Incorporated as trustee on a day to be appointed by the Governor by notice in the *Gazette*: Preamble.

AND WHEREAS no such day has been appointed but moneys from the said fund have notwithstanding been applied for the objects declared by the said Ordinance as if the fund had been so transferred to and vested in the Director of Social Welfare Incorporated as trustee: