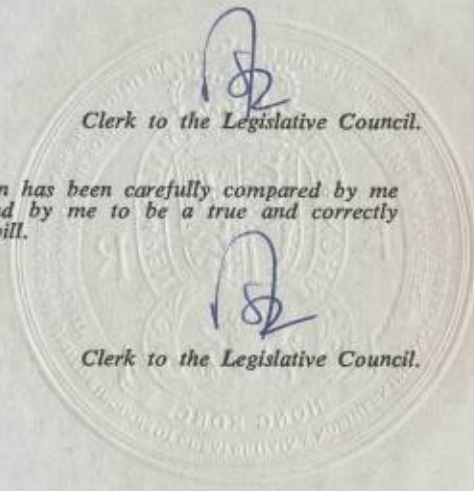


(b) in subsection (2), by deleting "one half" and substituting the following—
"two thirds".

Passed by the Hong Kong Legislative Council this 5th day of January, 1977.



Clerk to the Legislative Council.

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

Clerk to the Legislative Council.




I assent.

M. N. S. Chow
Governor.


6th January, 1977.

An Ordinance to amend the Evidence Ordinance

Passed by the Hong Kong Legislative Council this 5th day of January, 1977.


Clerk to the Legislative Council.

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

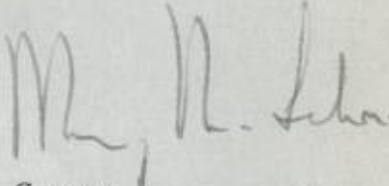

Clerk to the Legislative Council.

HONG KONG

No. 2 OF 1977



I assent.


Governor.

6th January, 1977.

An Ordinance to amend the Evidence Ordinance.

[7th January, 1977]

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

1. This Ordinance may be cited as the Evidence (Amendment) Ordinance 1977. Short title.

2. Section 67 of the principal Ordinance is amended by deleting subsection (2). Amendment of section 67. (Cap. 8.)

3. The principal Ordinance is amended by repealing Part VIII and substituting the following— Repeal and replacement of Part VIII.

"PART VIII

EVIDENCE FOR PROCEEDINGS IN OTHER JURISDICTIONS

Interpretation.
1975 c. 34,
s. 9(1).

74. In this Part, unless the context otherwise requires—
"civil proceedings", in relation to the requesting court, means proceedings in any civil or commercial matter;
"requesting court" has the meaning given in section 75;
"request" includes any commission, order or other process issued by or on behalf of the requesting court.

Evidence for civil proceedings

Application to the High Court for assistance in obtaining evidence for civil proceedings in another court.

1975 c. 34, s. 1.

75. Where an application is made to the High Court for an order for evidence to be obtained in Hong Kong and the court is satisfied—

- (a) that the application is made in pursuance of a request issued by or on behalf of a court or tribunal ("the requesting court") exercising jurisdiction in a country or territory outside Hong Kong; and
- (b) that the evidence to which the application relates is to be obtained for the purposes of civil proceedings which either have been instituted before the requesting court or whose institution before that court is contemplated,

the High Court shall have the powers conferred on it by this Part.

Power of a court in Hong Kong to give effect to an application for assistance.

1975 c. 34, s. 2.

76. (1) Subject to this section, the High Court shall have power, on any such application as is mentioned in section 75, by order to make such provision for obtaining evidence in Hong Kong as may appear to the court to be appropriate for the purpose of giving effect to the request in pursuance of which the application is made; and any such order may require a person specified therein to take such steps as the court considers appropriate for that purpose.

(2) Without prejudice to the generality of subsection (1) but subject to this section, an order under this section may, in particular, make provision—

- (a) for the examination of witnesses, either orally or in writing;
- (b) for the production of documents;
- (c) for the inspection, photographing, preservation, custody or detention of any property;
- (d) for the taking of samples of any property and the carrying out of any experiments on or with any property;
- (e) for the medical examination of any person.

(3) An order under this section shall not require any particular steps to be taken unless they are steps which can be required to be taken by way of obtaining evidence for the purposes of civil proceedings in the court making the order (whether or not proceedings of the same description as those to which the application for the order relates); but this subsection shall not preclude the making of an order requiring a person to give testimony (either orally or in writing) otherwise than on oath where this is asked for by the requesting court.

(4) An order under this section shall not require a person—

- (a) to state what documents relevant to the proceedings to which the application for the order relates are or have been in his possession, custody or power; or
- (b) to produce any documents other than particular documents specified in the order as being documents appearing to the court making the order to be, or to be likely to be, in his possession, custody or power.

(5) A person who, by virtue of an order under this section, is required to attend at any place shall be entitled to the like conduct money and payment for expenses and loss of time as on attendance as a witness in civil proceedings before the High Court.

Privilege of witnesses.
1975 c. 34, s. 3.

77. (1) A person shall not be compelled by virtue of an order under section 76 to give any evidence which he could not be compelled to give—

- (a) in civil proceedings in Hong Kong; or
- (b) subject to subsection (2), in civil proceedings in the country or territory in which the requesting court exercises jurisdiction.

(2) Subsection (1)(b) shall not apply unless the claim of the person in question to be exempt from giving the evidence is either—

- (a) supported by a statement contained in the request (whether it is so supported unconditionally or subject to conditions that are fulfilled); or
- (b) conceded by the applicant for the order;

and where such a claim made by any person is not supported or conceded as aforesaid he may (subject to the other provisions of this section) be required to give the evidence to which the claim relates but that evidence shall not be transmitted to the requesting court if that court, on the matter being referred to it, upholds the claim.

(3) Without prejudice to subsection (1), a person shall not be compelled by virtue of an order under section 76 to give any evidence if his doing so would be prejudicial to the security of Hong Kong; and a certificate signed by or on behalf of the Chief Secretary to the effect that it would be so prejudicial for that person to do so shall be conclusive evidence of that fact.

(4) In this section references to giving evidence include references to answering any question and to producing any document and the reference in subsection (2) to the transmission of evidence given by a person shall be construed accordingly.

Effect of subpoena.
[cf. 1975 c. 34, s. 4.]

77A. For the purposes of this Part, a reference in a subpoena to attendance at a trial shall be construed as if it included a reference to attendance before an examiner or commissioner appointed by the court or a judge thereof in any cause or matter in that court.

Evidence for criminal proceedings

Power of Hong Kong court to assist in obtaining evidence for criminal proceedings in an overseas court.
1975 c. 34, s. 5.

77B. (1) The provisions of sections 75, 76 and 77 shall have effect in relation to the obtaining of evidence for the purposes of criminal proceedings as they have effect in relation to the obtaining of evidence for the purposes of civil proceedings except that—

- (a) paragraph (b) of section 75 shall apply only to proceedings which have been instituted; and
- (b) no order under section 76 shall make provision otherwise than for the examination of witnesses, either orally or in writing, or for the production of documents.

(2) In its application by virtue of subsection (1), section 77(1)(a) and (b) shall have effect as if for the words "civil proceedings" there were substituted the words "criminal proceedings".

(3) Nothing in this section applies in the case of criminal proceedings of a political character.

Supplementary

Rules of court.
1975 c. 34, s. 7.
(Cap. 4.)

77C. The power to make rules of court under section 54 of the Supreme Court Ordinance shall include power to make rules of court—

- (a) as to the manner in which any such application as is mentioned in section 75 is to be made;
- (b) subject to this Part, as to the circumstances in which an order can be made under section 76; and
- (c) as to the manner in which any such reference as is mentioned in section 77(2) is to be made;

and any such rules may include such incidental, supplementary and consequential provision as the authority making the rules may consider necessary or expedient.

Saving.
1975 c. 34,
s. 9(4).

77D. Nothing in this Part shall be construed as enabling any court to make an order that is binding on the Crown or on any person in his capacity as an officer or servant of the Crown."

Consequential
amendments
to the Crimes
Ordinance.
(Cap. 200.)

4. The Crimes Ordinance is amended by inserting after section 32 the following new section—

"False
unsworn
statement
under section
76 of
Evidence
Ordinance.
(Cap. 8.)
1975 c. 34,
s. 8(1).

32A. If any person, in giving any testimony (either orally or in writing) otherwise than on oath, where required to do so by an order under section 76 of the Evidence Ordinance, makes a statement—

- (a) which he knows to be false in a material particular;
or
- (b) which is false in a material particular and which he does not believe to be true,

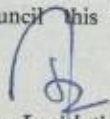
he commits an offence and is liable on conviction on indictment to imprisonment for 2 years and to a fine of \$5,000."

Transitional
provisions.
1975 c. 34,
s. 8(3).

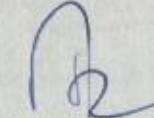
5. The repeal of Part VIII of the principal Ordinance as replaced by this Ordinance shall not affect—

- (a) any application to any court or judge which is pending at the commencement of this Ordinance;
- (b) any certificate given for the purposes of any such application;
- (c) any power to make an order on such an application; or
- (d) the operation or enforcement of any order made on such an application.

Passed by the Hong Kong Legislative Council this 5th day of January, 1977.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.



I assent.

Mary M. Baker
Governor.

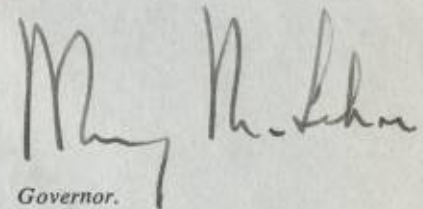
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HONG KONG

No. 3 of 1977



I assent.


Governor.

20th January, 1977.

An Ordinance to amend the Pounds Ordinance.

[21st January, 1977]

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

1. This Ordinance may be cited as the Pounds (Amendment) Ordinance 1977. Short title.

2. The principal Ordinance is amended by adding after section 1 the following new section— Addition of section 1A. (Cap. 168.)

“Interpretation.” 1A. In this Ordinance, unless the context otherwise requires—

“Director” means the Director of Agriculture and Fisheries, the Deputy Director of Agriculture and Fisheries and any Assistant Director of Agriculture and Fisheries;

“officer” means—

- (a) any officer of the Agriculture and Fisheries Department authorized in writing for the purposes of this Ordinance by the Director; and
- (b) any police officer.”.

Amendment of section 2.

3. Section 2 of the principal Ordinance is amended—
(a) by deleting "police" wherever it occurs; and
(b) by deleting "Commissioner of Police" and substituting the following—
"Director".

Amendment of section 3.

4. Section 3 of the principal Ordinance is amended—
(a) by deleting the colon and substituting a full stop; and
(b) by deleting the proviso.

Amendment of section 4.

5. Section 4(2) of the principal Ordinance is amended by deleting "Commissioner of Police" wherever it occurs and substituting in each place the following—
"Director".

Amendment of section 5.

6. Section 5 of the principal Ordinance is amended by deleting "twenty-five dollars or to imprisonment for three months" and substituting the following—
"one thousand dollars and to imprisonment for six months".

Passed by the Hong Kong Legislative Council this 19th day of January, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

3rd February, 1977.

HONG KONG

No. 4 OF 1977

(b) by deleting "Commissioner of Police" and substituting the following—
"Director".

Amendment of section 3.

4. Section 3 of the principal Ordinance is amended—
(a) by deleting the colon and substituting a full stop; and
(b) by deleting the proviso.

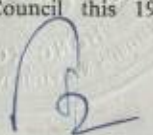
Amendment of section 4.

5. Section 4(2) of the principal Ordinance is amended by deleting "Commissioner of Police" wherever it occurs and substituting in each place the following—
"Director".

Amendment of section 5.

6. Section 5 of the principal Ordinance is amended by deleting "twenty-five dollars or to imprisonment for three months" and substituting the following—
"one thousand dollars and to imprisonment for six months".

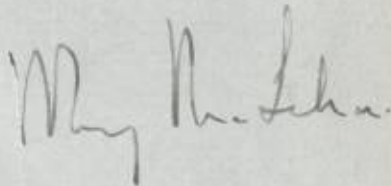
Passed by the Hong Kong Legislative Council this 19th day of January, 1977.


Clerk to the Legislative Council.

This printed impression has been carefully compared by me



I assent.


Governor.

3rd February, 1977.

An Ordinance to amend the Companies Ordinance.

[4th February, 1977]

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

1. This Ordinance may be cited as the Companies (Amendment) Ordinance 1977. Short title.

2. Section 265 of the principal Ordinance is amended—

Amendment of section 265.

(a) in subsection (1) by inserting after paragraph (ca) the following new paragraphs—

(Cap. 32.)

(Cap. 282.) "(cb) any amount due in respect of compensation or liability for compensation under the Workmen's Compensation Ordinance accrued before the relevant date and, where the compensation is a periodical payment, the amount due in respect thereof shall be taken to be the amount of the lump sum for which the periodical payment could, if redeemable, be redeemed on an application being made for that purpose under the Workmen's Compensation Ordinance, but this paragraph shall not apply to any amount due in respect of compensation or liability for compensation where the company has entered into a contract with a person carrying on

accident insurance business in the Colony in respect of its liability under the Workmen's Compensation Ordinance for personal injury by accident to the employee to whom the compensation or liability for compensation is due or where the company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company;

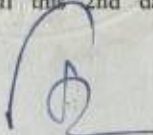
(Cap. 57.) (cc) any wages in lieu of notice payable to an employee under the Employment Ordinance, not exceeding in respect of each employee one month's wages or \$2,000 whichever is the lesser;"; and

(b) in subsection (1A) by inserting after "1970," the following—
"but before the 1st April 1977;"; and

(c) by inserting after subsection (1A) the following new subsection—
"(1B) Where the relevant date is on or after the 1st April 1977, the sum of \$8,000 shall be deemed to be substituted in each case for the sums of \$3,000 referred to in paragraphs (b) and (c) respectively, and for the sum of \$6,000 referred to in paragraph (ca), of subsection (1)."; and

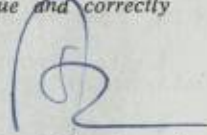
(d) in subsections (3) and (3A) by deleting "and (ca)" and substituting the following—
", (ca), (cb) and (cc)".

Passed by the Hong Kong Legislative Council this 2nd day of February, 1977.



Clerk to the Legislative Council.

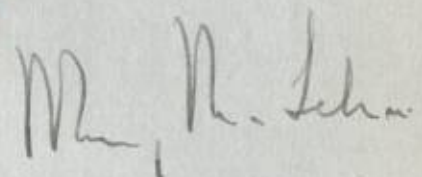
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



I assent.



Governor.

3rd February, 1977.

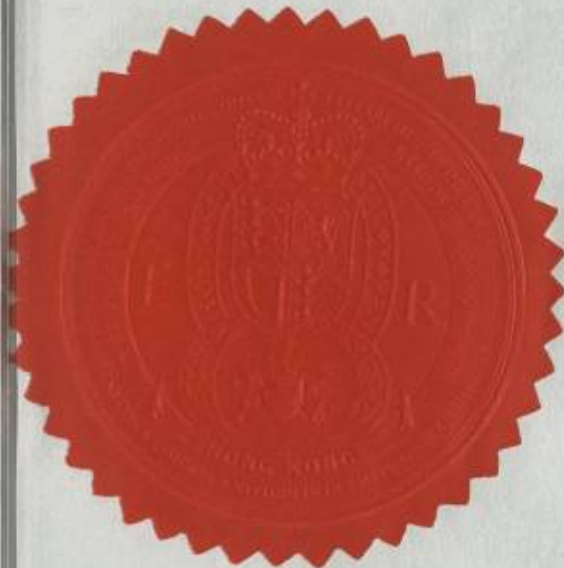
compensation is due or where the company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company;

- (Cap. 57.)
- (cc) any wages in lieu of notice payable to an employee under the Employment Ordinance, not exceeding in respect of each employee one month's wages or \$2,000 whichever is the lesser;"; and
- (b) in subsection (1A) by inserting after "1970," the following—
"but before the 1st April 1977,"; and
- (c) by inserting after subsection (1A) the following new subsection—
"(1B) Where the relevant date is on or after the 1st April 1977, the sum of \$8,000 shall be deemed to be substituted in each case for the sums of \$3,000 referred to in paragraphs (b) and (c) respectively, and for the sum of \$6,000 referred to in paragraph (ca), of subsection (1)."; and
- (d) in subsections (3) and (3A) by deleting "and (ca)" and substituting the following—
", (ca), (cb) and (cc)".

Passed by the Hong Kong Legislative Council this 2nd day of February, 1977.

HONG KONG

No. 5 OF 1977



I assent.

Governor.

3rd February, 1977.

An Ordinance to amend the Bankruptcy Ordinance.

[4th February, 1977]

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

1. This Ordinance may be cited as the Bankruptcy (Amendment) Ordinance 1977. Short title.

2. Section 38 of the principal Ordinance is amended—

(a) in subsection (1) by inserting after paragraph (ca) the following new paragraphs—

Amendment of
section 38.
(Cap. 6.)

(Cap. 282.)

"(cb) any amount due in respect of compensation or liability for compensation under the Workmen's Compensation Ordinance accrued before the date of the receiving order and, where the compensation is a periodical payment, the amount due in respect thereof shall be taken to be the amount of the lump sum for which the periodical payment could, if redeemable, be redeemed on an application being made for that purpose under the Workmen's Compensation Ordinance, but this paragraph shall not apply to any amount due in respect of compensation or liability for compensation where the bankrupt has entered into a contract

with a person carrying on accident insurance business in the Colony in respect of his liability under the Workmen's Compensation Ordinance for personal injury by accident to the employee to whom the compensation or liability for compensation is due;

(Cap. 57.) (cc) any wages in lieu of notice payable to an employee under the Employment Ordinance, not exceeding in respect of each employee one month's wages or \$2,000 whichever is the lesser;"

(b) in subsection (2A) by inserting after "1970," the following—
"but before the 1st day of April 1977,";

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

"(2B) Where the date of the receiving order is on or after the 1st day of April 1977, the sum of \$8,000 shall be deemed to be substituted in each case for the sums of three hundred dollars and one hundred dollars referred to in paragraphs (b) and (c) respectively, and for the sum of six thousand dollars referred to in paragraph (ca), of subsection (1)."; and

(d) in subsections (3) and (3A) by deleting "and (ca)" and substituting the following—

" , (ca), (cb) and (cc)".

Passed by the Hong Kong Legislative Council this 2nd day of February, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

3rd February, 1977.

An Ordinance to amend the Workmen's Compensation Ordinance.

[4th February, 1977]

(Cap. 57.)

- jury by accident to the employee to whom the compensation or liability for compensation is due;
- (cc) any wages in lieu of notice payable to an employee under the Employment Ordinance, not exceeding in respect of each employee one month's wages or \$2,000 whichever is the lesser;";
- (b) in subsection (2A) by inserting after "1970," the following—
"but before the 1st day of April 1977,";
- (c) by inserting after subsection (2A) the following new subsection—
"(2B) Where the date of the receiving order is on or after the 1st day of April 1977, the sum of \$8,000 shall be deemed to be substituted in each case for the sums of three hundred dollars and one hundred dollars referred to in paragraphs (b) and (c) respectively, and for the sum of six thousand dollars referred to in paragraph (ca), of subsection (1)."; and
- (d) in subsections (3) and (3A) by deleting "and (ca)" and substituting the following—
", (ca), (cb) and (cc)".

Passed by the Hong Kong Legislative Council this 2nd day of February, 1977.

HONG KONG

No. 6 OF 1977



I assent.

Governor.

3rd February, 1977.

An Ordinance to amend the Workmen's Compensation Ordinance.

[4th February, 1977]

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

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance 1977. Short title.

2. Section 28 of the Principal Ordinance is amended by deleting subsections (3), (4) and (5). Amendment of section 28. (Cap. 282.)

Passed by the Hong Kong Legislative Council this 2nd day of February, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

A handwritten signature in dark ink, appearing to read "Mary K. Leung", is written over the red wax seal.

Governor.

3rd February, 1977.

An Ordinance to amend the law relating to gambling.

[]

"gambling establishment" includes any premises or place, whether or not the public or a section of the public is entitled or permitted to have access thereto, opened, kept or used, whether on one occasion or more than one occasion, for the purposes of or in connexion with unlawful gambling or an unlawful lottery;

"game" means a game of chance and a game of chance and skill combined and a pretended game of chance or chance and skill combined, and also means any game whatever in which—

- (a) a bank is kept by one or more of the players exclusively of the others; or
- (b) the chances of the game are not equally favourable to all the players, including among the players, the banker or other person by whom the game is managed or against whom the players stake, play or bet;

"gaming" means the playing of or at any game for winnings in money or other property whether or not any person playing the game is at risk of losing any money or other property;

"lottery" includes—

- (a) a raffle;
- (b) a sweepstake;
- (c) *tse fa* (字花);
- (d) *hung piu* (紅票);
- (e) *po piu* (鋪票);
- (f) any competition for money or other property success in which—
 - (i) involves guessing or estimating the results of future events, or of past events the results of which are not generally known; or
 - (ii) does not depend to a substantial degree upon the exercise of skill by the competitors; and
- (g) any game, method, device or scheme for distributing or allotting prizes by lot or chance,

whether promoted, conducted or managed in or outside Hong Kong, but does not include such lotteries promoted, conducted or managed outside Hong Kong as may be prescribed;

"owner" in relation to premises means any person holding the premises direct from the Crown, whether under lease, licence or otherwise, any mortgagee in possession and any person receiving the rent of the premises, solely or with another and on his behalf or that of any person or who would receive the same if such premises were let to a tenant, and, where such owner as above defined cannot be found or ascertained or is absent from Hong Kong or is under disability, also means the agent of such owner;

"place" includes any ship, aircraft or vehicle, and any spot on land or water;

"private gain" does not include the private gain of any charitable institution or trust of a public character exempt from tax under section 88 of the Inland Revenue Ordinance;

(Cap. 112.)

"private premises" means premises to which the public have access (whether on payment or otherwise) only by permission of the owner, tenant or occupier of the premises;

"racing club" means any club, association or other body of persons established for the purpose of promoting and conducting bets on totalizators or *pari-mutuels* and for the purpose of promoting cash-sweeps under the authority of the Betting Duty Ordinance;

(Cap. 108.)

"racing club premises" means any land or premises used by a racing club for or in connexion with the purposes of a racing club;

"tape recording" means any tape, disc, sound track or other device in which sounds are embodied so as to be capable with or without the aid of some other equipment of being reproduced therefrom;

"tenant" includes sub-tenant and "tenancy" includes sub-tenancy;

"ticket", in relation to a lottery or proposed lottery, includes the whole or any part of a document or thing, or a copy or other reproduction of the whole or any part of a document or thing, which, either alone or in conjunction or combination with—

- (a) any other document or thing or a copy or other reproduction of any other document or thing; or
- (b) part of any document or thing or a copy or other reproduction of part of any document or thing,

evidences the claim of any person to participate in the lottery;

"trade promotion competition" means a competition or other scheme promoted, conducted or managed for the purpose of promoting a trade or business or the sale of any product.

PART II

GAMBLING AND LOTTERIES UNLAWFUL

3. (1) Save as provided in subsections (2), (3), (4), (5), (6), (7) and (8), gambling is unlawful. Gambling is unlawful.

(2) Gaming is lawful if the game is played on a social occasion in private premises and is not promoted or conducted by way of trade or business or for the private gain of any person otherwise than to the extent of a person's winnings as a player of or at the game.

(3) Gaming is lawful if the game is one in which dice, dominoes, mahjong or *tin kau* tiles, or playing cards are used and—

- (a) the game is played on a social occasion in—
 - (i) premises licensed as a restaurant under the Public Health and Urban Services Ordinance; (Cap. 132.)
 - (ii) premises where intoxicating liquor is sold pursuant to a licence or other authorization granted under any Ordinance; or
 - (iii) premises occupied or used by a society which is registered or exempted from registration under the Societies Ordinance; (Cap. 151.)

(b) a fee is not charged for admission to such premises;

(c) the game does not involve playing against a bank kept by one or more of the players exclusively of the others; and

(d) the game is not promoted or conducted by way of trade or business, or for the private gain of any person otherwise than to the extent of a person's winnings as a player of or at the game.

(4) Gaming is lawful if the game is one in which mahjong or *tin kau* tiles are used and—

- (a) it is played in premises—
 - (i) licensed as a restaurant under the Public Health and Urban Services Ordinance; (Cap. 132.)
 - (ii) occupied or used by a society which is registered or exempted from registration under the Societies Ordinance; (Cap. 151.)

(b) a fee is not charged for admission to the premises;

(c) the game does not involve playing against a bank kept by one or more of the players exclusively of the others;

(d) the game is not promoted or conducted by way of trade or business in the premises, otherwise than to the extent of the charging of a fee not exceeding the prescribed amount for the hire of any set of tiles, or for the private gain of any person otherwise than to the extent of a person's winnings as a player of or at the game.

(5) Gaming is lawful if the game is—

(a) a game of amusement with prizes;

(b) a game of tombola; or

(c) a trade promotion competition,

the organization and conduct of which is authorized by licence under section 22.

(6) Gaming is lawful if—

(a) the game is one in which mahjong or *tin kau* tiles are used; and

(b) it is played in premises licensed for the purpose under section 22.

(7) Betting is lawful if the bet is made between persons none of whom is thereby committing an offence under section 7.

(8) Gambling is lawful to the extent that it is authorized by or under the Television Ordinance or the Betting Duty Ordinance.

(Cap. 52.)
(Cap. 108.)

Lotteries are
unlawful.

4. (1) Save as provided in subsections (2) and (3) lotteries are unlawful.

(2) Lotteries are lawful if they are authorized by or under the Betting Duty Ordinance, the Government Lotteries Ordinance or a licence granted under section 22.

(Cap. 108.)
(Cap. 334.)

(3) It is lawful to participate in the chances of a lawful lottery.

PART III

OFFENCES RELATING TO GAMBLING AND LOTTERIES

5. Any person who on any occasion—

(a) operates a gambling establishment;

(b) manages or otherwise has control of a gambling establishment; or

(c) in any capacity assists, either directly or indirectly, in the operation or in the management or other control of a gambling establishment,

commits an offence and is liable—

(i) on summary conviction to a fine of \$500,000 and to imprisonment for 2 years; or

(ii) on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

Unlawful
gambling
establishments.

6. Any person who gambles in a gambling establishment commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 3 months.

Gambling in
a gambling
establishment.

7. Any person who—

(a) engages in bookmaking, whether on one occasion or more than one occasion;

Bookmaking.

(b) holds out in any manner that he receives or negotiates bets by way of trade or business; or

(c) in any capacity assists, either directly or indirectly, another person in bookmaking,

commits an offence and is liable—

(i) on summary conviction to a fine of \$500,000 and to imprisonment for 2 years; or

(ii) on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

8. Any person who bets with a bookmaker commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 3 months.

Betting with
a bookmaker.

9. Any person who—

(a) promotes, organizes, conducts or manages, or otherwise has control of, an unlawful lottery; or

(b) in any capacity assists, either directly or indirectly, in the promotion, organization, conduct, management or other control of an unlawful lottery,

Promoters of
lotteries.

commits an offence and is liable—

(i) on summary conviction to a fine of \$500,000 and to imprisonment for 2 years; or

(ii) on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

10. Any person who—

(a) sells or otherwise disposes of a ticket relating to an unlawful lottery;

(b) has in his possession a lottery ticket relating to an unlawful lottery with a view to its sale or other disposal,

Selling lottery
tickets.

commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

11. Any person who has in his possession a ticket relating to an unlawful lottery commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 3 months.

Buying lottery
tickets.

12. Any person who in any manner—

(a) writes, prints or publishes, or causes to be written, printed or published—

(i) any ticket relating to an unlawful lottery; or

(ii) a list of prizes in an unlawful lottery; or

(b) provides or publishes, or causes to be provided or published, expressly or otherwise—

(i) any tip, hint or forecast relating to the result of an unlawful lottery; or

(ii) any announcement of the result of an unlawful lottery,

Publications as
to lotteries.

commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

Gambling in any place not being a gambling establishment or in a street.

13. (1) Any person who—
- operates or manages or otherwise controls unlawful gambling; or
 - in any capacity, either directly or indirectly, assists another person in the operation, management or other control of unlawful gambling,

in any place whatsoever (not being a gambling establishment) whether or not the public have or are permitted to have access thereto, or in any street, commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

(2) Any person who gambles unlawfully in any such place or in any street commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 3 months.

Providing money for unlawful gambling or for an unlawful lottery.

14. Any person who provides any money or other property to any other person knowing that it is to be used by any person in or for or in connexion with unlawful gambling or an unlawful lottery commits an offence and is liable—

- on summary conviction to a fine of \$500,000 and to imprisonment for 2 years; or
- on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

Responsibility of owners, tenants, etc.

15. (1) No person shall—

- being the owner, tenant, occupier or person in charge of any premises or place, knowingly permit or suffer such premises or place or any part thereof to be opened, kept or used as a gambling establishment; or
- let or agree to let, whether as principal or agent, any premises or place knowing that such premises or place or any part thereof are or is to be opened, kept or used as a gambling establishment.

(2) Any person who contravenes subsection (1) commits an offence and is liable—

- on summary conviction to a fine of \$500,000 and to imprisonment for 2 years; or
- on conviction on indictment to a fine of \$500,000 and to imprisonment for 7 years.

Cheating at gambling.

16. (1) Any person who—

- by any fraud, misleading device or false practice, before or after or in the course of or in connexion with gambling or a lottery, wins from another person, for himself or for any other person ascertained or unascertained, any money or other property; or
- fraudulently or by any deception whatsoever by words or conduct, including a deception relating to the past, the present or the future and a deception as to the intentions or opinions of any person, directly or indirectly persuades, incites or induces another person to take part in gambling or a lottery,

commits an offence and is liable on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 10 years.

(2) Notwithstanding any rule of law or practice to the contrary, a witness shall not in any proceedings under this section be regarded as an accomplice by reason only of his having taken part in the gambling or the lottery.

PART IV

PROOF OF OFFENCES

17. In any proceedings under this Ordinance—

- it shall not be necessary to prove that the gambling or the lottery involved any money or other property or any wager or stake;
- it shall not be a defence to show that any money or other property, or any wager or stake, was not to be collected or was not payable or to be delivered until after the gambling or the drawing of the lottery to which such money or other property or the wager or stake related.

Proof of gaming for money not necessary and credit betting no defence.

18. In any proceedings for an offence under section 5, 7, 9 or 10, the burden of proving that any gambling was lawful by virtue of section 3 or that any lottery was lawful by virtue of section 4, shall be on the defendant.

Burden of proof that gambling or lottery lawful.

19. (1) Where in any proceedings under this Ordinance it is proved that—

- the entry of a police officer to any premises or place under section 23(2)(a) was prevented, obstructed or delayed;
- any premises or place entered under section 23(2)(a) were or was provided with any means for concealing, removing or destroying gambling equipment;
- gambling equipment was found in any premises or place entered under section 23(2)(a) or on any person found in any such premises or place,

Presumptions.

it shall be presumed until the contrary is proved that the premises or place are or is a gambling establishment.

(2) Where in any proceedings under section 6 it is proved that a person was found in a gambling establishment or that a person escaped from a gambling establishment on the occasion of its being entered under section 23(2)(a), such person shall until the contrary is proved be presumed to have been gambling therein.

20. (1) Where in any proceedings under this Ordinance a court is satisfied that a tape recording machine or a tape recording was used in or in connexion with the commission of an offence under section 7, then a tape recording produced by that machine or the tape recording, as the case may be, shall be admissible in evidence and shall be *prima facie* evidence of any matter recorded thereon.

Admissibility of evidence.

(2) In any proceedings under this Ordinance a report in a newspaper circulating in Hong Kong that a particular horse, pony or dog is or was entered as a participant in a particular race, whether or not the race is to be or was held in Hong Kong, shall be admissible in evidence and shall be *prima facie* evidence that the horse, pony or dog was so entered.

(3) If in any proceedings under this Ordinance a court is satisfied that by experience or otherwise a police officer has expert knowledge of any practice or device used in or for the purpose of the commission of any offence under the Ordinance, the court may receive evidence from that police officer as to the nature, effect or purpose of the practice or device.

PART V

MISCELLANEOUS

21. (1) Where a person is convicted of an offence under section 5, 7 or 8 the court may on the application of the Attorney General and in addition to any penalty imposed for the offence make an order, which shall continue in force for such period not exceeding 12 months as the court may specify—

- (a) requiring the Hong Kong Telephone Company Limited to disconnect any telephone service provided to such premises used in or in connexion with the commission of that offence as may be specified in the order;
- (b) requiring the Hong Kong Telephone Company Limited to disconnect any other telephone service provided to the defendant;
- (c) prohibiting the Hong Kong Telephone Company Limited from providing to the defendant any further telephone service while the order is in force.

(2) The Registrar of the Supreme Court shall notify the Hong Kong Telephone Company Limited of the making of an order under subsection (1) and the Company shall take such steps as may be necessary to give effect to it.

(3) An order under subsection (1) shall have effect notwithstanding that the defendant is not the subscriber to the telephone service or a party to the agreement with the Company.

Licences.

22. (1) The Commissioner may—

(a) by licence authorize—

(i) the promotion and conduct of any lottery for the purposes of a club, association or other body of persons approved by the Commissioner;

(ii) the organization and conduct of a game of tombola by a society which is registered or exempted from registration under the Societies Ordinance or is a person to whom that Ordinance does not apply;

(iii) the organization and conduct of a game of amusement with prizes to be conducted on premises licensed under section 4 of the Places of Public Entertainment Ordinance;

(iv) the organization and conduct of a trade promotion competition by a person engaged in trade or business;

(b) license premises for the playing therein of games in which mahjong or *tin kau* tiles are used.

(2) A licence under subsection (1) may on payment of the prescribed fee—

- (a) be granted for a particular lottery, game or competition; or
- (b) be granted or renewed for a period of 12 months.

(3) Any such licence shall be subject to the prescribed conditions and to any other conditions which the Commissioner may impose.

(4) The Commissioner may cancel any such licence at any time—

- (a) if a condition of the licence is contravened whether or not any person has been convicted of an offence under subsection (6); or
- (b) he considers that the public interest so requires.

(Cap. 151.)

(Cap. 172.)

(5) Any person aggrieved by a decision of the Commissioner under this section may appeal by way of petition to the Governor within 21 days of the decision and on any such appeal the Governor may confirm, vary or reverse the decision of the Commissioner.

(6) Where a condition of any such licence is contravened, the person to whom the licence was issued commits an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

(7) Any person who commits an offence under subsection (6) is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

23. (1) A police officer of or above the rank of superintendent may, if he reasonably suspects that any premises or place are or is a gambling establishment, authorize in writing any police officer to enter and search the premises or place.

Search of suspected gambling establishments.

(2) A police officer to whom an authorization is issued under subsection (1), and any other police officer acting under his direction, may—

- (a) enter, by force if necessary, the premises or place specified in the authorization and search the same;
- (b) arrest any person who is found in such premises or place or who escapes from such premises or place;
- (c) search any person who is found in such premises or place or who escapes from such premises or place;
- (d) seize and detain any gambling equipment found in such premises or place or found on any person in such premises or place or found on any person who escapes from such premises or place;
- (e) seize and detain any money or other property—

(i) being used in or for or in connexion with gambling in such premises or place;

(ii) found on any person operating, or managing or otherwise controlling, any gambling establishment in such premises or place or on any person assisting in the operation or in the management or other control of any such establishment; or

(iii) found on any person found in such premises or place where entry under paragraph (a) is prevented, obstructed or delayed.

(3) No person shall be searched under this section except by a person of the same sex.

24. If a police officer reasonably suspects that an offence under section 13 is being or has been committed in any place referred to in that section or in any street, he may seize and detain—

Seizure of equipment etc. in case of offence under section 13.

- (a) any gambling equipment found in such place or street or in the possession of any person whom he reasonably suspects of committing or having committed any such offence; and
- (b) any money or other property so found which appears to him to have been used in or for or in connexion with the commission of any such offence.

25. (1) A racing club shall use all reasonable and lawful means (including the removal of persons from racing club premises under subsection (2)) to prevent the commission of offences under section 7 on the racing club premises.

Bookmaking on racing club premises.

(2) A person authorized for the purpose of this section by a racing club may, if he has reason to suspect that a person is committing an offence under section 7 on the racing club premises, require such person to leave the premises and, if he fails to do so, remove him therefrom.

(3) Any person who, having left or been removed from racing club premises after being required to leave the same under subsection (2), re-enters the premises on the same day commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

(4) Nothing in this section shall affect any other right of a racing club to exclude or remove a person from racing club premises.

Forfeiture.

26. If in any proceedings under this Ordinance or otherwise on application by or on behalf of the Commissioner, a magistrate is satisfied that any money, gambling equipment or other property, not being immovable property, has been used in or for or in connexion with unlawful gambling or an unlawful lottery, he shall order that it be forfeited to the Crown, whether or not any person has been convicted of an offence under this Ordinance.

Obstruction of police officers.

27. Any person who obstructs a police officer in the exercise of the powers conferred on him by this Ordinance commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 3 months.

Regulations.

28. The Governor in Council may by regulation provide for—

- (a) the manner in which applications for licences shall be made;
- (b) the form of applications and licences;
- (c) the promotion and conduct of games; and
- (d) anything that is to be or may be prescribed.

Repeal.
(Cap. 148.)

29. The Gambling Ordinance is repealed.

Passed by the Hong Kong Legislative Council this 2nd day of February, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

HONG KONG

No. 8 of 1977

(3) Any person who, having left or been removed from racing club premises after being required to leave the same under subsection (2), re-enters the premises on the same day commits an offence and is liable on conviction to a fine of \$50,000 and to imprisonment for 2 years.

(4) Nothing in this section shall affect any other right of a racing club to exclude or remove a person from racing club premises.

Forfeiture.

26. If in any proceedings under this Ordinance or otherwise on application by or on behalf of the Commissioner, a magistrate is satisfied that any money, gambling equipment or other property, not being immovable property, has been used in or for or in connexion with unlawful gambling or an unlawful lottery, he shall order that it be forfeited to the Crown, whether or not any person has been convicted of an offence under this Ordinance.

Obstruction of police officers.

27. Any person who obstructs a police officer in the exercise of the powers conferred on him by this Ordinance commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 3 months.

Regulations.

28. The Governor in Council may by regulation provide for—
- (a) the manner in which applications for licences shall be made;
 - (b) the form of applications and licences;
 - (c) the promotion and conduct of games; and
 - (d) anything that is to be or may be prescribed.

Repeal.

29. The Gambling Ordinance is repealed.



I assent.

Governor.

16th February, 1977.

An Ordinance to abolish miscellaneous licences.

[17th February, 1977]

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

1. This Ordinance may be cited as the Miscellaneous Licences (Abolition) Ordinance 1977. Short title.

2. The Ordinances specified in the Schedule are amended in the manner specified therein. Amendment of specified enactments.

SCHEDULE

[s. 2.]

Ordinance

Amendment

Miscellaneous Licences Regulations

Regulations 65, 66 and 78(1)(b) are revoked. (Cap. 114, sub. leg.)

The First Schedule is amended by deleting the entries in the first, second, third and fourth columns relating to "Public dance hall extensions of the hours prescribed in the licence."

*Ordinance**Amendment*

(Cap. 268.) Control of Publications
Consolidation
Ordinance

Section 10 is amended—
(a) by deleting subsections (1), (2), (6) and (7);
(b) by deleting subsection (3) and substituting the following—

"Power of seizure.

(Cap. 342.)

(3) It shall be lawful for any police officer or member of the Preventive Service established by the Preventive Service Ordinance to seize, remove and detain any printing press used in contravention of the provisions of any regulations made under section 18."

(Cap. 268, sub. leg.) Printing Presses
(Licensing)
Regulations

The regulations are revoked.

(Cap. 143.) Marine Stores
Protection Ordinance

Section 2 is amended in the definition of "licence" by deleting "or to be a marine stores collector".

Section 3 is repealed and replaced by the following—

"Licence for dealing in marine stores.

3. No person shall carry on the trade or business of a dealer in marine stores unless he is the holder of a licence for that purpose."

Section 4(1) is amended—

(a) in paragraph (a) by deleting "; or" and substituting a full stop; and

(b) by deleting paragraph (b).

Sections 9 and 10 are repealed.

Section 13 is amended by deleting ", 9, 10".

Section 16(1)(a) is amended by deleting "and marine stores collectors".

(Cap. 143, sub. leg.) Marine Stores
Regulations

The heading "MARINE STORES COLLECTORS." is deleted.

Regulation 7 is revoked.

Regulation 10 is amended by deleting "7".

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Mary M. Lehn

Governor.

16th February, 1977.

An Ordinance to amend the Lion Rock Tunnel Ordinance.

HONG KONG

No. 9 OF 1977



I assent.

M. N. Leung

Governor.

16th February, 1977.

An Ordinance to amend the Lion Rock Tunnel Ordinance.

[17th February, 1977]

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

1. This Ordinance may be cited as the Lion Rock Tunnel (Amendment) Ordinance 1977. Short title.

2. Section 2 of the principal Ordinance is amended— Amendment of section 2. (Cap. 140.)

(a) by inserting after the definition of "owner" the following new definition—

"plan" means—

(a) the plan marked LRI and dated and signed by the Director of Public Works and deposited in the Land Office; or

(b) any new plan deposited in accordance with section 3;"

(b) in the definition of "tunnel" by deleting "and the tunnel area" and substituting the following—

"and the area of land adjacent thereto as shown on the plan"; and

(c) by deleting the definition of "tunnel area".

Repeal and replacement of section 3.

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

"Variation of plan.

3. (1) The Director of Public Works may cause the boundaries, as shown on the plan, of the tunnel to be varied from time to time.

(2) Where any such boundaries are so varied, the Director of Public Works shall prepare a new plan fixing the location of and delineating the tunnel.

(3) Every plan prepared in accordance with subsection (2) shall be numbered, dated, signed by the Director of Public Works and deposited in the Land Office.

(4) Whenever a plan is deposited under subsection (3) the Director shall cause a notification of such deposit to be published in the *Gazette*."

Addition of new section 3A.

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

"Proof of plan.

3A. (1) In any prosecution for an offence against this Ordinance, a copy of the plan, certified by the Director of Public Works to be a copy of such plan, shall be conclusive proof of the area comprising the tunnel.

(2) Any such copy purporting to be certified by the Director of Public Works shall be deemed, until the contrary is proved, to have been certified by him."

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

16th February 1977

HONG KONG

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of plan. boundaries, as shown on the plan, of the tunnel to be varied from time to time.

(2) Where any such boundaries are so varied, the Director of Public Works shall prepare a new plan fixing the location of and delineating the tunnel.

(3) Every plan prepared in accordance with subsection (2) shall be numbered, dated, signed by the Director of Public Works and deposited in the Land Office.

(4) Whenever a plan is deposited under subsection (3) the Director shall cause a notification of such deposit to be published in the *Gazette*."

Addition of new section 3A. 4. The principal Ordinance is amended by adding after section 3 the following new section—

"Proof of plan. 3A. (1) In any prosecution for an offence against this Ordinance, a copy of the plan, certified by the Director of Public Works to be a copy of such plan, shall be conclusive proof of the area comprising the tunnel.

(2) Any such copy purporting to be certified by the Director of Public Works shall be deemed, until the contrary is proved, to have been certified by him."

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.



I assent.

Governor.

16th February, 1977.

An Ordinance to amend the Road Traffic Ordinance.

[17th February, 1977]

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

1. This Ordinance may be cited as the Road Traffic (Amendment) Ordinance 1977. Short title.

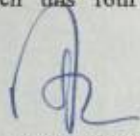
2. Section 3(1) of the principal Ordinance is amended in paragraph (b) by inserting after "apparatus" the following— Amendment of section 3. (Cap. 220.)

"including the testing, inspection and weighing thereof for the purpose of ascertaining whether there is or has been a contravention of any provision of this Ordinance".

3. Section 22(1) of the principal Ordinance is amended in paragraph (c) by deleting "such period of 14 days" and substituting the following— Amendment of section 22.

"14 days, excluding public holidays, of the commission of the offence".

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.



Clerk to the Legislative Council.

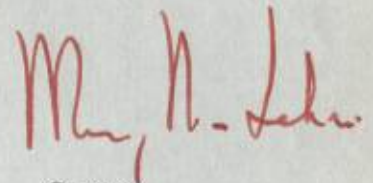
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



I assent.



Governor.

16th February, 1977.

HONG KONG

No. 11 OF 1977

1972
Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Mary N. Lehn
Governor.

16th February, 1977.

An Ordinance to amend the Juvenile Offenders Ordinance.

[17th February, 1977]

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

1. This Ordinance may be cited as the Juvenile Offenders (Amendment) Ordinance 1977. Short title.

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

(a) by inserting, after the definition of "child", the following new definition—

"detention order" means an order of detention under section 14(1); and

(b) by inserting, after the definition of "place of detention", the following new definitions—

"recall order" means an order made under section 14B(1) requiring a child or young person to return to a place of detention;

"supervision order" means an order for supervision made under section 14A(1);

Amendment of
section 2.
(Cap. 226.)

Addition of
new sections
14A, 14B and
14C.

3. The principal Ordinance is amended by adding, after section 14, the following new sections—

"Supervision
order.

14A. (1) The Director of Social Welfare may make a supervision order against a child or young person who is released from a place of detention after having been detained for less than 6 months under a detention order.

(2) A supervision order shall contain conditions that—

- (a) for a period from the date of his release until the expiration of 6 months from the date of the detention order, the child or young person shall be subject to supervision by such organization or person as may be specified therein; and
- (b) the child or young person shall, while under such supervision, comply with such requirements, including requirements as to residence, as may be specified therein.

(3) The Director of Social Welfare may at any time vary or cancel a supervision order.

Recall order.

14B. (1) The Director of Social Welfare may, if he is satisfied that a child or young person against whom a supervision order is in force has failed to comply with any condition or requirement of or made under the order, make a recall order against such child or young person requiring him to return to a place of detention, and thereupon such child or young person may be arrested and taken to a place of detention.

(2) A child or young person who has returned or been taken to a place of detention under subsection (1) may be detained until the expiration of 6 months from the date of the detention order.

(3) The Director of Social Welfare may at any time release any such child or young person, and a further supervision order shall not be made in respect of such child or young person.

Meaning of
"young
person" in
sections
14A and 14B.

14C. For the purposes of sections 14A and 14B, "young person" includes a person who attains the age of 16 years during the period of 6 months after the date of the detention order."

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

16th February, 1977.

An Ordinance to repeal and re-enact the Guardianship of Minors Ordinance.

[17th February, 1977]

Enacted by the Governor of Hong Kong, with the advice and consent

order.

supervision order against a child or young person who is released from a place of detention after having been detained for less than 6 months under a detention order.

- (2) A supervision order shall contain conditions that—
 - (a) for a period from the date of his release until the expiration of 6 months from the date of the detention order, the child or young person shall be subject to supervision by such organization or person as may be specified therein; and
 - (b) the child or young person shall, while under such supervision, comply with such requirements, including requirements as to residence, as may be specified therein.
- (3) The Director of Social Welfare may at any time vary or cancel a supervision order.

Recall order.

14B. (1) The Director of Social Welfare may, if he is satisfied that a child or young person against whom a supervision order is in force has failed to comply with any condition or requirement of or made under the order, make a recall order against such child or young person requiring him to return to a place of detention, and thereupon such child or young person may be arrested and taken to a place of detention.

(2) A child or young person who has returned or been taken to a place of detention under subsection (1) may be detained until the expiration of 6 months from the date of the detention order.

(3) The Director of Social Welfare may at any time release any such child or young person, and a further super-

HONG KONG

No. 12 OF 1977



I assent.

Mr. M. S. Lehman
Governor.

16th February, 1977.

An Ordinance to repeal and re-enact the Guardianship of Minors Ordinance.

[17th February, 1977]

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

**PART I
PRELIMINARY**

- 1. This Ordinance may be cited as the Guardianship of Minors Ordinance 1977. Short title.
- 2. In this Ordinance, unless the context otherwise requires— Interpretation.
 - "court" means the High Court or the District Court;
 - "maintenance" includes education;
 - "parent" means father or mother.

**PART II
GENERAL PRINCIPLES**

- 3. (1) In relation to the custody or upbringing of a minor, and in relation to the administration of any property belonging to or held in trust for a minor or the application of the income of any such property— General principles.
1971 c. 3,
s. 1 &
1973 c. 29,
s. 1(1).
 - (a) in any proceedings before any court (whether or not a court as defined in section 2) the court shall regard the welfare of the minor as the first and paramount consideration, and shall not take into consideration whether from any other point of view the

claim of the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father;

- (b) a mother shall have the same rights and authority as the law allows to a father, and the rights and authority of mother and father shall be equal and be exercisable by either without the other.

- (2) This section does not apply to a minor who is illegitimate.

4. (1) An agreement for a man or woman to give up in whole or in part, in relation to any child of his or hers, the rights and authority referred to in section 3 shall be unenforceable, except that an agreement made between husband and wife which is to operate only during their separation while married may, in relation to a child of theirs, provide for either of them to do so; but no such agreement between husband and wife shall be enforced by any court if the court is of opinion that it will not be for the benefit of the child to give effect to it.

(2) Where a minor's father and mother disagree on any question affecting his welfare, either of them may apply to the court for its direction, and subject to subsection (3) the court may make such order regarding the matters in difference as it may think proper.

(3) Subsection (2) shall not authorize the court to make any order regarding the custody of a minor or the right of access to him of his father or mother.

(4) An order under subsection (2) may be varied or discharged by a subsequent order made on the application of either parent or, after the death of either parent, on the application of any guardian or (before or after the death of either parent) on the application of any other person having the custody of the minor.

(5) Nothing in this section shall affect the operation of any enactment requiring the consent of both parents in a matter affecting a minor, or be taken as applying in relation to a minor who is illegitimate.

PART III

APPOINTMENT, REMOVAL AND POWERS OF GUARDIANS

5. On the death of a parent of a minor, the surviving parent, if any, shall, subject to this Ordinance, be guardian of the minor either alone or jointly with any guardian appointed by the deceased parent; and—

- (a) where no guardian has been appointed by the deceased parent; or
(b) in the event of the death or refusal to act of the guardian or guardians appointed by the deceased parent,

the court may, if it thinks fit, appoint a guardian to act jointly with the surviving parent.

6. (1) A parent of a minor may by deed or will appoint any person to be guardian of the minor after his death.

(2) Any guardian so appointed shall act jointly with the surviving parent, if any, unless the surviving parent objects to his so acting.

(3) If the surviving parent so objects, or if the guardian so appointed considers that the surviving parent is unfit to have the custody of the minor, the guardian may apply to the court, and the court may either—

- (a) refuse to make any order (in which case the surviving parent shall remain sole guardian); or

Unenforceability of agreements to give up parental rights.
1973 c. 29, s. 1(2).

1973 c. 29, s. 1(3).

1973 c. 29, s. 1(4).

1973 c. 29, s. 1(5).

1973 c. 29, s. 1(7).

Rights of surviving parent as to guardianship.
1971 c. 3, s. 3.

Power of parent to appoint testamentary guardians.
1971 c. 3, s. 4.

- (b) make an order that the guardian so appointed—
(i) shall act jointly with the surviving parent; or
(ii) shall be the sole guardian of the minor.

(4) Where guardians are appointed by both parents, the guardians so appointed shall, after the death of the surviving parent, act jointly.

(5) If under section 5 a guardian has been appointed by the court to act jointly with the surviving parent, he shall continue to act as guardian after the death of the surviving parent; but, if the surviving parent has appointed a guardian, the guardian appointed by the court shall act jointly with the guardian appointed by the surviving parent.

(6) The court may authorize a guardian who is not a parent of the minor who is his ward to be paid such remuneration for his services as guardian as the court may think fit. *[cf. Cap. 29, s. 43.]*

7. Where a minor has no parent, no guardian of the person, and no other person having parental rights with respect to him, the court, on the application of any person, may, if it thinks fit, appoint the applicant to be the guardian of the minor. *[Power of court to appoint guardian for minor having no parent, etc. 1971 c. 3, s. 5(1).]*

8. The High Court may, in its discretion, on being satisfied that it is for the welfare of the minor, remove from his office any testamentary guardian or any guardian appointed or acting by virtue of this Ordinance, and may also, if it deems it to be for the welfare of the minor, appoint another guardian in place of the guardian so removed. *[Power of High Court to remove or replace guardian. 1971 c. 3, s. 6.]*

9. Where two or more persons act as joint guardians of a minor and they are unable to agree on any question affecting the welfare of the minor, any of them may apply to the court for its direction, and the court may make such order regarding the matters in difference as it may think proper. *[Disputes between joint guardians. 1971 c. 3, s. 7.]*

PART IV

ORDERS FOR CUSTODY AND MAINTENANCE

10. (1) The court may, on the application of either of the parents of a minor (who may apply without next friend), make such order regarding—

- (a) the custody of the minor; and
(b) the right of access to the minor of either of his parents,

as the court thinks fit having regard to the welfare of the minor and to the conduct and wishes of the parents. *[Orders for custody and maintenance on application of either parent. 1973 c. 29, Sch. 2, Pt. II.]*

(2) Where the court makes an order under subsection (1) giving the custody of the minor to any person (whether or not one of the parents), the court may make a further order requiring payment to that person by the parent or either of the parents excluded from having that custody of such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of that parent.

(3) An order may be made under subsection (1) or (2) notwithstanding that the parents of the minor are then residing together, but—

- (a) no such order shall be enforceable, and no liability thereunder shall accrue, while they are residing together; and
(b) any such order shall cease to have effect if for a period of three months after it is made they continue to reside together:

Provided that, unless the court in making the order directs otherwise, paragraphs (a) and (b) shall not apply to any provision of the order giving the custody of the minor to a person other than one of the parents or made with respect to a minor of whom custody is so given.

(4) An order under subsection (1) or (2) may be varied or discharged by a subsequent order made on the application of either parent or after the death of either parent on the application of any guardian under this Ordinance, or (before or after the death of either parent) on the application of any other person having the custody of the minor by virtue of an order under subsection (1).

11. (1) Where the court makes an order under section 6(3)(b)(ii) that a person shall be the sole guardian of a minor to the exclusion of his surviving parent, the court may—

- (a) make such order regarding—
 - (i) the custody of the minor; and
 - (ii) the right of access to the minor of his surviving parent, as the court thinks fit, having regard to the welfare of the minor; and
- (b) make a further order requiring the surviving parent to pay to the guardian such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the surviving parent.

(2) The powers conferred by subsection (1) may be exercised at any time and include power to vary or discharge any order previously made under those powers.

12. The powers of the court under section 9 shall, where one of the joint guardians is the surviving parent of the minor, include power—

- (a) to make such order regarding—
 - (i) the custody of the minor; and
 - (ii) the right of access to the minor of his surviving parent, as the court thinks fit having regard to the welfare of the minor;
- (b) to make an order requiring the surviving parent to pay such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the surviving parent;
- (c) to vary or discharge any order previously made under that section.

13. (1) Where an application made under section 10 relates to the custody of a minor under the age of 16, then subject to sections 14 and 15—

- (a) if by an order made on that application any person is given the custody of the minor, but it appears to the court that there are exceptional circumstances making it desirable that the minor should be under the supervision of an independent person, the court may order that the minor shall be under the supervision of the Director of Social Welfare;
- (b) if it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the minor to be entrusted to either of the parents or to any other individual, the court may commit the care of the minor to the Director of Social Welfare.

(2) Where the court makes an order under subsection (1)(b) committing the care of a minor to the Director of Social Welfare, the court

Orders for custody and maintenance where person is guardian to exclusion of surviving parent.
1971 c. 3, s. 10.

Orders for custody and maintenance where joint guardians disagree.
1971 c. 3, s. 11.

Jurisdiction and orders on application under s. 10.
1973 c. 29, s. 2(2).

1973 c. 29, s. 2(3).

may make a further order requiring the payment by either parent to the Director of Social Welfare while he has the care of the minor of such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of that parent.

(3) On an application under section 10 the court may, in any case where it adjourns the hearing of the application for more than 7 days, make an interim order, to have effect until such date as may be specified in the order and containing—

- (a) provision for payment by either parent to the other, or to any person given the custody of the minor, of such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the parent on whom the requirement is imposed; and
- (b) where by reason of special circumstances the court thinks it proper, any provision regarding the custody of the minor or the right of access to the minor of either of his parents,

but an interim order under this subsection shall not be made to have effect after the end of the 3 months beginning with the date of the order or of any previous interim order made under this subsection with respect to the application, and shall cease to have effect on the making of a final order or on the dismissal of the application.

(4) The District Court may also make such an interim order where under section 23(b) it refuses to make an order on an application under section 10 on the ground that the matter is one that would more conveniently be dealt with by the High Court; but an interim order under this subsection shall not be made so as to have effect after the end of the 3 months beginning with the date of the order.

14. (1) An order made by the court under section 13(1)(a) (in this section referred to as a "supervision order") shall cease to have effect when the minor attains the age of 16; and where a supervision order is made at a time when the parents of the minor are residing together—

- (a) the order may direct that it is to cease to have effect if for a period of 3 months after it is made they continue to reside together; and
- (b) the order (whether or not it includes a direction under paragraph (a)) may direct that it is not to operate while they are residing together.

(2) A supervision order may be varied or discharged by a subsequent order made on the application of either parent or after the death of either parent, on the application of any guardian under this Ordinance or (before or after the death of either parent) on the application of any other person having the custody of the minor by virtue of an order under section 10(1) or on that of the Director of Social Welfare when he has the supervision of the minor by virtue of the order.

15. (1) Before making an order under section 13(1)(b) committing the care of a minor to the Director of Social Welfare, the court shall inform the Director of the court's proposal to make the order and shall hear any representations from the Director, including any representations as to the making also of an order under section 13(2) for payments to the Director.

(2) In relation to an order under section 13(1)(b) or to an order under section 13(2) requiring payments to be made to the Director of Social Welfare, sections 10(3), (4), 19 and 20 shall apply as if the order under

1973 c. 29, s. 2(4).

1973 c. 29, s. 2(5).

Additional provisions as to supervision orders.
1973 c. 29, s. 3(2).

1973 c. 29, s. 3(3).

Additional provisions as to order committing care of minor to Director of Social Welfare.
1973 c. 29, s. 4(2).

1973 c. 29, s. 4(3).

section 13(1)(b) were an order under section 10 giving custody of the minor to a person other than one of the parents (and the Director of Social Welfare were lawfully given that custody by the order), and any order for payment to the Director were an order under section 10(2) requiring payment to be made to him as a person so given that custody.

1973 c. 29,
s. 4(5).

(3) While an order under section 13(1)(b) remains in force with respect to a minor, the minor shall continue in the care of the Director of Social Welfare notwithstanding any claim by a parent or other person.

1973 c. 29,
s. 4(6).

(4) Each parent or guardian of a child for the time being in the care of the Director of Social Welfare by virtue of an order under section 13(1)(b) shall give notice to the Director of any change of address of that parent or guardian and any person who without reasonable excuse fails to comply with this subsection commits an offence and is liable to a fine of \$500.

Additional provisions as to interim orders.

1973 c. 29,
s. 5(1).

(Cap. 336.)

16. (1) Notwithstanding section 63 of the District Court Ordinance, there shall be no appeal from an interim order under section 13(3) or (4) if the appeal relates only to a provision requiring payments to be made towards the maintenance of a minor.

1973 c. 29,
s. 5(2).

(2) Section 10(3) and (4) and section 20 shall apply to any such interim order as they apply to an order under section 10(1) or (2).

Evidence on applications under s. 10 or 14(2).

1973 c. 29,
s. 6(1).

17. (1) If the court dealing with an application under section 10 or 14(2) requests the Director of Social Welfare to arrange for an officer of his department to make to the court a report, orally or in writing, with respect to any specified matter (being a matter appearing to the court to be relevant to the application), the Director of Social Welfare shall comply with such request.

1973 c. 29,
s. 6(2).

(2) Any statement which is or purports to be a report in pursuance of subsection (1) shall be made, or if in writing be read aloud, before the court at a hearing of the application, and immediately after it has been so made or read aloud the court shall ask whether any party to the proceedings who is present or represented by counsel or solicitor at the hearing objects to anything contained therein; and where objection is made—

- (a) the court shall require the officer by whom the statement was or purported to be made to give evidence on or with respect to the matters referred to therein; and
- (b) any party to the proceedings may give or call evidence with respect to any matter referred to in the statement or in any evidence given by the officer.

1973 c. 29,
s. 6(3).

(3) The court may take account of any statement made or read aloud under subsection (2) and of any evidence given under paragraph (a) of that subsection, so far as that statement or evidence relates to the matters specified by the court under subsection (1), notwithstanding any enactment or rule of law relating to the admissibility of evidence.

Powers of guardians.

1973 c. 29,
s. 7(1).

18. (1) Subject to subsection (2), a guardian under this Ordinance besides being guardian of the person of the minor, shall have all the rights, powers and duties of a guardian of the minor's estate, including in particular the right to receive and recover in his own name for the benefit of the minor property of whatever description and wherever situated which the minor is entitled to receive or recover.

1973 c. 29,
s. 7(2).

(2) Nothing in subsection (1) shall restrict or affect the power of the High Court to appoint a person to be, or to act as, the guardian of a

minor's estate either generally or for a particular purpose; and subsection (1) shall not apply to a guardian under this Ordinance so long as there is a guardian of the minor's estate alone.

19. (1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under this Ordinance shall within 14 days of a change of address give notice of his new address to such person, if any, as may be specified in the order.

Person subject to maintenance order to notify change of address.
1971 c. 3,
s. 13(2).

(2) Any person who fails without reasonable excuse to give a notice, which he is required by subsection (1) to give, commits an offence and is liable to a fine not exceeding \$500.

20. (1) Where a maintenance order has been made and there is any pension or income capable of being attached payable to the person against whom the order is made, the court may—

Attachment of pension or income to satisfy order.

- (a) after giving the person an opportunity of being heard; and
- (b) on being satisfied that the person has without reasonable cause failed to make any payments which he is required by the order to make,

order the pension or income to be attached as to the whole or part of the amount payable under the maintenance order and the amount attached to be paid to the person named by the court.

(2) An order under this section shall be an authority to the person by whom the pension or income is payable to make the payment in accordance with the order, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to the payer.

PART V

ILLEGITIMATE CHILDREN

21. (1) Subject to this section, section 10(1) shall apply in relation to a minor who is illegitimate as it applies in relation to a minor who is legitimate, and references in section 10(1) and in any other provision of this Ordinance so far as it relates to proceedings under section 10(1), to the father or mother or parent of a minor shall be construed accordingly.

Application to illegitimate children.

1971 c. 3,
s. 14(1),
(2), (3).

(2) No order shall be made by virtue of subsection (1) under section 10(2) in respect of a minor who was born on or after the 7th October 1971.

(3) For the purpose of sections 5, 6, 7 and 11 a person—

- (a) being the natural father of a minor who is illegitimate; and
- (b) being entitled to the minor's custody by virtue of an order in force under section 10(1) as applied by this section,

shall be treated as if he were the lawful father of the minor; but any appointment of a guardian made by virtue of this subsection under section 6(1) shall be of no effect unless the appointor is entitled to the custody of the minor as under paragraph (b) immediately before his death.

PART VI

JURISDICTION, PROCEDURE AND APPEALS

22. (1) The District Court shall not be competent—

- (a) to entertain any application, other than an application for variation or discharge of an existing order under this Ordinance, relating to a minor who has attained the age of 16 years, unless the minor is physically or mentally incapable of self-support; or

District Court's jurisdiction.
1971 c. 3,
s. 15(2)(a).1

(b) to award the payment of sums towards the maintenance of any minor exceeding \$500 a week.

(2) The Legislative Council may, by resolution, amend the maximum weekly sum which may be ordered under subsection (1)(b).

23. Part IV of the District Court Ordinance shall apply to every proceeding before, and every order by, the District Court under this Ordinance, and—

- (a) the application may be heard and determined otherwise than in open court;
- (b) where the District Court considers that the matter is one which could more conveniently be dealt with by the High Court, the District Court may refuse to make an order and in that case, without prejudice to the general right of appeal conferred by Part IV of the District Court Ordinance, no appeal shall lie from the decision of the District Court;
- (c) an order for the payment of money shall be enforceable in like manner as an order for the payment of a civil debt.

24. Where any application has been made under this Ordinance to the District Court, the High Court shall, at the instance of any party to the application, order the application to be removed to the High Court and there proceeded with on such terms as to costs as it thinks proper.

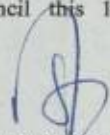
25. Nothing in this Ordinance shall restrict or affect the jurisdiction of the High Court to appoint or remove guardians or otherwise in respect of minors.

26. The jurisdiction conferred on any court by this Ordinance shall be exercisable notwithstanding that any party to the proceedings is not domiciled in Hong Kong.

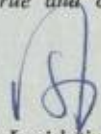
PART VII SUPPLEMENTARY

27. The Guardianship of Minors Ordinance is repealed.

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

Procedure
in District
Court.
(Cap. 336.)

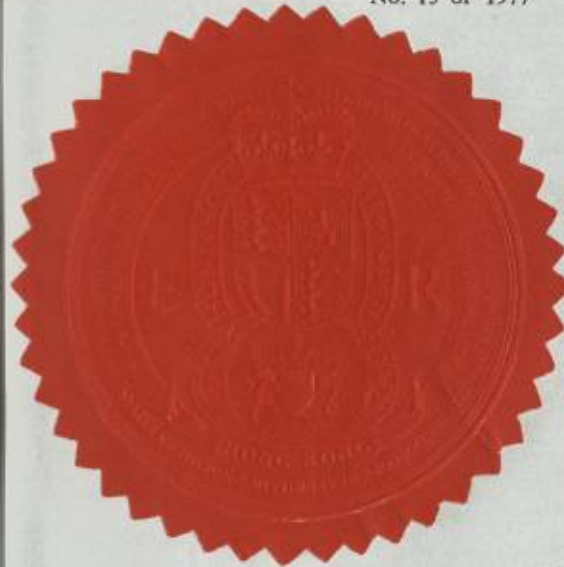
Removal to
High Court.
1971 c. 3,
s. 16(1).

Saving for
powers of
High Court.
1971 c. 3,
s. 17(1).

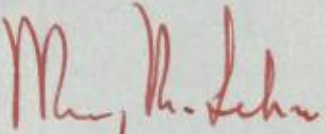
Jurisdiction
over persons
not domiciled
in Hong Kong.
1971 c. 3,
s. 17(2).

Repeal.
(Cap. 13.)

ISS. 13 OF 1977



I assent.



Governor.

16th February, 1977.

An Ordinance to make new provision, in place of the Maintenance Orders (Facilities for Enforcement) Ordinance, for facilitating the recovery of maintenance by or from persons in Hong Kong from or by other

Procedure
in District
Court.
(Cap. 336.)

(2) The Legislative Council may, by resolution, direct an additional weekly sum which may be ordered under subsection (1)(b).

23. Part IV of the District Court Ordinance shall apply to every proceeding before, and every order by, the District Court under this Ordinance, and—

- (a) the application may be heard and determined otherwise than in open court;
- (b) where the District Court considers that the matter is one which could more conveniently be dealt with by the High Court, the District Court may refuse to make an order and in that case, without prejudice to the general right of appeal conferred by Part IV of the District Court Ordinance, no appeal shall lie from the decision of the District Court;
- (c) an order for the payment of money shall be enforceable in like manner as an order for the payment of a civil debt.

Removal to
High Court.
1971 c. 3,
s. 16(1).

24. Where any application has been made under this Ordinance to the District Court, the High Court shall, at the instance of any party to the application, order the application to be removed to the High Court and there proceeded with on such terms as to costs as it thinks proper.

Saving for
powers of
High Court.
1971 c. 3,
s. 17(1).

25. Nothing in this Ordinance shall restrict or affect the jurisdiction of the High Court to appoint or remove guardians or otherwise in respect of minors.

Jurisdiction
over persons
not domiciled
in Hong Kong.

26. The jurisdiction conferred on any court by this Ordinance shall be exercisable notwithstanding that any party to the proceedings is not domiciled in Hong Kong.

HONG KONG

No. 13 OF 1977



I assent.

Governor.

16th February, 1977.

An Ordinance to make new provision, in place of the Maintenance Orders (Facilities for Enforcement) Ordinance, for facilitating the recovery of maintenance by or from persons in Hong Kong from or by other persons in reciprocating countries.

[]

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

1. This Ordinance may be cited as the Maintenance Orders (Reciprocal Enforcement) Ordinance 1977 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and
commencement.

2. (1) In this Ordinance, unless the context otherwise requires—
“affiliation order” means an order (however described) adjudging, finding or declaring a person to be the father of a child, whether or not it also provides for the maintenance of the child;

Interpretation.
1972 c. 18,
s. 21.

“certificate of arrears”, in relation to a maintenance order, means a certificate certifying that the sum specified in the certificate is, to the best of the information or belief of the officer giving the certificate, the amount of the arrears due under the order at the date of certificate or, as the case may be, that, to the best of his information or belief, there are no arrears due thereunder at that date;

“certified copy”, in relation to an order of a court, means a copy of the order certified to be a true copy by the Registrar, in the case of an order made by the District Court and, in the case of an order made by a court in a reciprocating country, by the proper officer of the court which made the order;

"court" includes any tribunal or person having power to make, confirm, enforce, vary or revoke a maintenance order;

"maintenance order" means any of the following orders (however described)—

- (a) an order (including an affiliation order or order consequent upon an affiliation order) which provides for the periodical payment of sums of money towards the maintenance of any person, being a person whom the person liable to make payments under the order is, according to the law applied in the place where the order was made, liable to maintain; and
- (b) an affiliation order or order consequent upon an affiliation order, being an order which provides for the payment by a person adjudged, found or declared to be a child's father of expenses incidental to the child's birth or, where the child has died, of his funeral expenses,

and, in the case of a maintenance order which has been varied, means that order as varied;

"payee", in relation to a maintenance order, means the person entitled to the payments for which the order provides;

"payer", in relation to a maintenance order, means the person liable to make payments under the order;

"provisional order" means (according to the context)—

- (a) an order made by the District Court which is provisional only and has no effect unless and until confirmed, with or without alteration, by a competent court in a reciprocating country; or
- (b) an order made by a court in a reciprocating country which is provisional only and has no effect unless and until confirmed, with or without alteration, by the District Court;

"reciprocating country" has the meaning assigned to it by section 3;

"registered order" means a maintenance order which is for the time being registered in the District Court under this Ordinance;

"Registrar" means the Registrar of the District Court and includes a Deputy Registrar and Assistant Registrar of the District Court;

"repealed Ordinance" means the Maintenance Orders (Facilities for Enforcement) Ordinance repealed by section 21;

"responsible authority", in relation to a reciprocating country, means any person who in that country has functions similar to those of the Governor under this Ordinance.

(2) For the purposes of this Ordinance an order shall be taken to be a maintenance order so far (but only so far) as it relates to the periodical payment of sums of money as mentioned in paragraph (a) of the definition of "maintenance order" in subsection (1) or to the payment by a person adjudged, found or declared to be a child's father of any such expenses as are mentioned in paragraph (b) of that definition.

(3) Any reference in this Ordinance to the payment of money for the maintenance of a child shall be construed as including a reference to the payment of money for the child's education.

3. (1) The Governor, if satisfied that, in the event of the benefits conferred by this Ordinance being applied to, or to particular classes of, maintenance orders made by the courts of any country or territory outside Hong Kong, similar benefits will in that country or territory be applied to, or to those classes of, maintenance order made by the courts of Hong Kong, may by order designate that country or territory as a

reciprocating country for the purposes of this Ordinance; and, subject to subsection (2), in this Ordinance "reciprocating country" means a country or territory that is for the time being so designated.

(2) A country or territory may be designated under subsection (1) as a reciprocating country either as regards maintenance orders generally, or as regards maintenance orders other than those of any specified class, or as regards maintenance orders of one or more specified classes only; and a country or territory which is for the time being so designated otherwise than as regards maintenance orders generally shall for the purposes of this Ordinance be taken to be a reciprocating country only as regards maintenance orders of the class to which the designation extends.

4. (1) Subject to subsection (2), where the payer under a maintenance order made, whether before or after the commencement of this Ordinance, by the District Court is residing in a reciprocating country, the payee under the order may apply for the order to be sent to that country for enforcement.

(2) Subsection (1) shall not have effect in relation to a provisional order.

(3) Every application under this section shall be made in the prescribed manner to the Registrar.

(4) If, on an application duly made under this section to the Registrar, the Registrar is satisfied that the payer under the maintenance order to which the application relates is residing in a reciprocating country, the following documents—

- (a) a certified copy of the maintenance order;
- (b) a certificate, signed by the Registrar, certifying that the order is enforceable in Hong Kong;
- (c) a certificate of arrears, so signed;
- (d) a statement giving such information as the Registrar possesses as to the whereabouts of the payer;
- (e) a statement giving such information as the Registrar possesses for facilitating the identification of the payer; and
- (f) where available, a photograph of the payer,

shall be sent by the Registrar to the Governor with a view to their being transmitted by the Governor to the responsible authority in the reciprocating country if the Governor is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify that being done.

(5) Nothing in this section shall be taken as affecting any jurisdiction of the District Court with respect to a maintenance order to which this section applies, and any such order may be enforced, varied or revoked accordingly.

5. (1) Where an application is made to the District Court for a maintenance order against any person and it is proved that that person is residing in a reciprocating country and the application is one in which the court would have jurisdiction by virtue of any enactment to make a maintenance order if—

- (a) that person were residing in Hong Kong; and
- (b) a summons to appear before the court in response to the application had been duly served on him,

the court shall have jurisdiction to hear the application and may, subject to subsection (2), make a maintenance order on the application.

(2) A maintenance order made by virtue of this section shall be a provisional order.

(3) If the court hearing an application to which subsection (1) applies is satisfied—

(a) that there are grounds on which a maintenance order containing a provision requiring the making of payments for the maintenance of a child may be made on that application, but

(b) that it has no jurisdiction to make that order unless it also makes an order providing for the legal custody of that child,

then for the purpose of enabling the court to make the maintenance order, the applicant shall be deemed to be the person to whom the legal custody of that child has been committed by an order of the court which is for the time being in force.

(4) No enactment empowering the District Court to refuse to make an order on an application on the ground that the matter in question is one which would be more conveniently dealt with by the High Court shall apply in relation to an application to which subsection (1) applies.

(5) where the District Court makes a maintenance order which is by virtue of this section a provisional order, the following documents—

(a) a certified copy of the maintenance order;

(b) a document, authenticated in the prescribed manner, setting out or summarizing the evidence given in the proceedings;

(c) a certificate, signed by the Registrar, certifying that the grounds stated in the certificate are the grounds on which the making of the order might have been opposed by the payer under the order;

(d) a statement giving such information as was available to the court as to the whereabouts of the payer;

(e) a statement giving such information as the Registrar possesses for facilitating the identification of the payer; and

(f) where available, a photograph of the payer,

shall be sent by the Registrar to the Governor with a view to their being transmitted by the Governor to the responsible authority in the reciprocating country in which the payer is residing if the Governor is satisfied that the statement relating to the whereabouts of the payer gives sufficient information to justify that being done.

(6) A maintenance order made by virtue of this section which has been confirmed by a competent court in a reciprocating country shall be treated for all purposes as if the District Court had made it in the form in which it was confirmed and as if the order had never been a provisional order, and subject to section 6, any such order may be enforced, varied or revoked accordingly.

6. (1) This section applies to a maintenance order a certified copy of which has been sent to a reciprocating country in pursuance of section 4 and to a maintenance order made by virtue of section 5 which has been confirmed by a competent court in such a country.

(2) The District Court shall have power to vary a maintenance order to which this section applies by a provisional order.

(3) Where the District Court, on hearing an application for the variation of a maintenance order to which this section applies, proposes to vary it by increasing the rate of the payments under the order then, unless either—

(a) both the payer and the payee under the order appear in the proceedings, or

(b) the applicant appears and the appropriate process has been duly served on the other party,

the order varying the order shall be a provisional order.

(4) Where the District Court makes a provisional order varying a maintenance order to which this section applies, the Registrar shall send in the prescribed manner to the court in a reciprocating country having power to confirm the provisional order a certified copy of the provisional order together with a document, authenticated in the prescribed manner, setting out or summarizing the evidence given in the proceedings.

(5) Where a certified copy of a provisional order made by a court in a reciprocating country, being an order varying or revoking a maintenance order to which this section applies, together with a document, duly authenticated, setting out or summarizing the evidence given in the proceedings in which the provisional order was made, is received by the District Court, the District Court may confirm or refuse to confirm the provisional order and, if the order is an order varying the maintenance order, confirm it either without alteration or with such alterations as it thinks reasonable.

(6) For the purposes of determining whether a provisional order should be confirmed under subsection (5), the court shall proceed as if an application for the variation or revocation, as the case may be, of the maintenance order in question had been made to it.

(7) Where a maintenance order to which this section applies has been varied by an order (including a provisional order which has been confirmed) made by the District Court or by a competent court in a reciprocating country, the maintenance order shall, as from the date on which the order was made, have effect as varied by that order and, where that order was a provisional order, as if that order had been made in the form in which it was confirmed and as if it had never been a provisional order.

(8) Where a maintenance order to which this section applies has been revoked by an order made by the District Court or by a competent court in a reciprocating country, including a provisional order made by the last-mentioned court which has been confirmed by the District Court, the maintenance order shall, as from the date on which the order was made, be deemed to have ceased to have effect except as respects any arrears due under the maintenance order at that date.

(9) Where before a maintenance order made by virtue of section 5 is confirmed a document, duly authenticated, setting out or summarizing evidence taken in a reciprocating country for the purpose of proceedings relating to the confirmation of the order is received by the District Court, or the District Court, in compliance with a request made to it by a court in such a country, takes the evidence of a person residing in Hong Kong for the purpose of such proceedings, the District Court shall consider that evidence and if, having done so, it appears to it that the order ought not to have been made—

(a) it shall, in such manner as may be prescribed, give to the person on whose application the maintenance order was made an opportunity to consider that evidence, to make representations with respect to it and to adduce further evidence; and

(b) after considering all the evidence and any representations made by that person, it may revoke the maintenance order.

Registration in Hong Kong of maintenance order made in reciprocating country. 1972 c. 18, s. 6.

7. (1) This section applies to a maintenance order made, whether before or after the commencement of this Ordinance, by a court in a reciprocating country, including such an order made by such a court which has been confirmed by a court in another reciprocating country, but excluding a provisional order which has not been confirmed.

(2) Where a certified copy of an order to which this section applies is received by the Governor from the responsible authority in a reciprocating country, and it appears to the Governor that the payer under the order is residing in Hong Kong, he shall send the copy of the order to the Registrar.

(3) Where the Registrar receives from the Governor a certified copy of an order to which this section applies, he shall, subject to subsection (4), register the order in the court in the prescribed manner.

(4) Before registering an order under this section the Registrar shall take such steps as he thinks fit for the purpose of ascertaining whether the payer under the order is residing within the jurisdiction of the court, and if after taking those steps he is satisfied that the payer is not so residing he shall return the certified copy of the order to the Governor with a statement giving such information as he possesses as to the whereabouts of the payer.

Confirmation by District Court of provisional order made in reciprocating country. 1972 c. 18, s. 7.

8. (1) This section applies to a maintenance order made, whether before or after the commencement of this Ordinance, by a court in a reciprocating country, being a provisional order.

(2) Where a certified copy of an order to which this section applies together with—

(a) a document, duly authenticated, setting out or summarizing the evidence given in the proceedings in which the order was made; and

(b) a statement of the grounds on which the making of the order might have been opposed by the payer under the order,

is received by the Governor from the responsible authority in a reciprocating country, and it appears to the Governor that the payer under the order is residing in Hong Kong, he shall send the copy of the order and documents which accompanied it to the Registrar, and the District Court shall—

(i) if the payer under the order establishes any such defence as he might have raised in the proceedings in which the order was made, refuse to confirm the order; and

(ii) in any other case, confirm the order without alteration or with such alterations as it thinks reasonable.

(3) In any proceedings for the confirmation under this section of a provisional order, the statement received from the court which made the order of the grounds on which the making of the order might have been opposed by the payer under the order shall be conclusive evidence that the payer might have raised a defence on any of those grounds in the proceedings in which the order was made.

(4) For the purposes of determining whether a provisional order should be confirmed under this section the District Court shall proceed as if an application for a maintenance order against the payer under the provisional order had been made to it.

(5) The Registrar shall, if the District Court confirms the order, register the order in the court in the prescribed manner, or if the court

refuses to confirm the order, return the certified copy of the order and the documents which accompanied it to the Governor.

(6) If a summons to appear in the proceedings for the confirmation of the provisional order cannot be duly served on the payer under the order the Registrar shall return the certified copy of the order and the documents which accompanied it to the Governor with a statement giving such information as he possesses as to the whereabouts of the payer.

9. (1) A registered order may be enforced in Hong Kong as if it had been made by the District Court and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of any such order may be taken accordingly.

(2) Any person for the time being under an obligation to make payments in pursuance of a registered order shall give notice of any change of address to the Registrar, and any person failing without reasonable excuse to give such a notice commits an offence and is liable to a fine not exceeding \$500.

(3) (a) A sum ordered to be paid under a registered order shall be recoverable as a civil debt.

(b) If an application is made to the District Court alleging that default has been made in paying a sum ordered to be paid under a registered order, the District Court may, if it considers the circumstances require it, for the purpose of securing the presence of the person alleged to be in default, issue a warrant to arrest him and bring him before the court, whether or not a summons has been issued previously.

(4) On the hearing of an application for the enforcement of a registered order, the District Court may remit the whole or any part of the amount due under the order.

(5) In any proceedings for or with respect to the enforcement of an order which is for the time being registered in the District Court under this Ordinance a certificate of arrears sent to the Registrar shall be evidence of the facts stated therein.

(6) Subject to subsection (7), sums of money payable under a registered order shall be payable in accordance with the order as from the date on which the order was made.

(7) The District Court, may, if it decides to confirm a provisional order under section 8, direct that the sums of money payable under the order shall be deemed to have been payable in accordance with the order as from such date, being a date later than the date on which the order was made, as the District Court may specify; and subject to any such direction, a maintenance order registered under section 8 shall be treated as if it had been made in the form in which it was confirmed and as if it had never been a provisional order.

10. (1) Subject to this section, the District Court—

(a) shall have the like power, on an application made by the payer or payee under a registered order, to vary or revoke the order as if it had been made by the District Court and as if that court had had jurisdiction to make it; and

(b) shall have power to vary or revoke a registered order by a provisional order.

Enforcement of maintenance order registered in Hong Kong. 1972 c. 18, s. 8.

cf. Cap. 183, ss. 13 and 14.

Variation and revocation of maintenance order registered in District Court. 1972 c. 18, s. 9.

(2) The District Court shall not vary a registered order otherwise than by a provisional order unless—

- (a) both the payer and the payee under the registered order are for the time being residing in Hong Kong; or
- (b) the application is made by the payee under the registered order; or
- (c) the variation consists of a reduction in the rate of the payments under the registered order and is made solely on the ground that there has been a change in the financial circumstances of the payer since the registered order was made or, in the case of an order registered under section 8, since the registered order was confirmed, and the courts in the reciprocating country in which the maintenance order in question was made do not have power, according to the law in force in that country, to confirm provisional orders varying maintenance orders.

(3) The District Court shall not revoke a registered order otherwise than by a provisional order unless both the payer and the payee under the registered order are for the time being residing in Hong Kong.

(4) On an application for the revocation of a registered order the District Court shall, unless both the payer and the payee under the registered order are for the time being residing in Hong Kong, apply the law applied by the reciprocating country in which the order was made; but where by virtue of this subsection the District Court is required to apply that law, the court may make a provisional order if it has reason to believe that the ground on which the application is made is a ground on which the order could be revoked according to the law applied by the reciprocating country, notwithstanding that it has not been established that it is such a ground.

(5) Where the District Court makes a provisional order varying or revoking a registered order, the Registrar shall send in the prescribed manner to the court in the reciprocating country which made the registered order a certified copy of the provisional order together with a document, authenticated in the prescribed manner, setting out or summarizing the evidence given in the proceedings.

(6) Where a certified copy of a provisional order made by a court in a reciprocating country, being an order varying a registered order, together with a document, duly authenticated, setting out or summarizing the evidence given in the proceedings in which the provisional order was made, is received by the District Court, the court may confirm the order, either without alteration, or with such alterations as it thinks reasonable or refuse to confirm the order.

(7) For the purposes of determining whether a provisional order should be confirmed under subsection (6) the District Court shall proceed as if an application for the variation of the registered order had been made to it.

(8) Where a registered order has been varied by an order (including a provisional order which has been confirmed) made by the District Court or by a competent court in a reciprocating country, the registered order shall, as from the date on which the order was made, have effect as varied by that order and, where that order was a provisional order, as if that order had been made in the form in which it was confirmed and as if it had never been a provisional order.

(9) Where a registered order has been revoked by an order made by the District Court or by a competent court in a reciprocating country,

including a provisional order made by the first-mentioned court which has been confirmed by a competent court in a reciprocating country, the registered order shall, as from the date on which the order was made, be deemed to have ceased to have effect except as respects any arrears due under the registered order at that date.

(10) The Registrar shall register in the prescribed manner any order varying a registered order other than a provisional order which is not confirmed.

11. (1) Where—

- (a) a registered order is revoked by an order made by the District Court; or
- (b) a registered order is revoked by a provisional order made by the District Court which has been confirmed by a court in a reciprocating country and notice of the confirmation is received by the District Court; or
- (c) a registered order is revoked by an order made by a court in a reciprocating country and notice of the revocation is received by the District Court,

the Registrar shall cancel the registration but any arrears due under the registered order at the date when its registration is cancelled by virtue of this subsection shall continue to be recoverable as if the registration had not been cancelled.

(2) Where the Registrar is of opinion that the payer under a registered order has ceased to reside in Hong Kong, he shall cancel the registration of the order and shall send the certified copy of the order to the Governor.

(3) The Registrar shall send to the Governor with the certified copy of the order—

- (a) a certificate of arrears signed by him;
- (b) a statement giving such information as he possesses as to the whereabouts of the payer; and
- (c) any relevant documents in his possession relating to the case.

12. (1) If it appears to the Governor that the payer under a maintenance order, a certified copy of which has been received by him from a reciprocating country, is not residing in Hong Kong or, in the case of an order which subsequently became a registered order, has ceased to reside therein, he shall send to the responsible authority in that country or, if having regard to all the circumstances he thinks it proper to do so, to the responsible authority in another reciprocating country—

- (a) the certified copy of the order in question and a certified copy of any order varying that order;
- (b) if the order has at any time been a registered order, a certificate of arrears signed by the Registrar;
- (c) a statement giving such information as the Governor possesses as to the whereabouts of the payer; and
- (d) any other relevant documents in his possession relating to the case.

(2) Where the documents mentioned in subsection (1) are sent to the responsible authority in a reciprocating country other than that in which the order in question was made, the Governor shall inform the responsible authority in the reciprocating country in which that order was made of what he has done.

Cancellation of registration and transfer of order.
1972 c. 18.
s. 10.

Steps to be taken by the Governor where payer under certain orders is not residing in Hong Kong.
1972 c. 18.
s. 11.

Appeals.
1972 c. 18,
s. 12.

13. (1) No appeal shall lie from a provisional order made in pursuance of this Ordinance by the District Court.

(2) Where in pursuance of this Ordinance the District Court confirms or refuses to confirm a provisional order made by a court in a reciprocating country, whether a maintenance order or an order varying or revoking a maintenance order, the payer or payee under the maintenance order shall have the like right of appeal from the confirmation of, or refusal to confirm, the provisional order as he would have if that order were not a provisional order and the District Court had made or, as the case may be, refused to make it.

(3) Where in pursuance of this Ordinance the District Court makes, or refused to make, an order varying or revoking a maintenance order made by a court in a reciprocating country, then, subject to subsection (1), the payer or payee under the maintenance order shall have the like right of appeal from that order or from the refusal to make it as he would have if the maintenance order had been made by the District Court.

(4) Nothing in this section except subsection (1) shall be construed as affecting any right of appeal conferred by any other enactment.

14. (1) A statement contained in a duly authenticated document which purports to—

- (a) set out or summarize evidence given in proceedings in a court in a reciprocating country; or
- (b) set out or summarize evidence taken in such a country for the purpose of proceedings in the District Court under this Ordinance, whether in response to a request made by such court or otherwise; or
- (c) have been received in evidence in proceedings in a court in such a country or to be a copy of a document so received,

shall in any proceedings in the District Court relating to a maintenance order to which this Ordinance applies be admissible as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.

(2) A document purporting to set out or summarize evidence given as mentioned in subsection (1)(a), or taken as mentioned in subsection (1)(b), shall be deemed to be duly authenticated for the purposes of subsection (1) if the document purports to be certified by the judge, magistrate or other person before whom the evidence was given, or, as the case may be, by whom it was taken, to be the original document containing or recording, or, as the case may be, summarizing, that evidence or a true copy of that document.

(3) A document purporting to have been received in evidence as mentioned in subsection (1)(c), or to be a copy of a document so received, shall be deemed to be duly authenticated for the purposes of that subsection if the document purports to be certified by a judge, magistrate or officer of the court in question to have been, or to be a true copy of a document which has been, so received.

(4) It shall not be necessary in any such proceedings to prove the signature or official position of the person appearing to have given such a certificate.

(5) Nothing in this section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this section.

Admissibility
of evidence
given in a
reciprocating
country.
1972 c. 18,
s. 13.

15. (1) Where for the purpose of any proceedings in a court in a reciprocating country relating to a maintenance order to which this Ordinance applies a request is made by or on behalf of that court for the taking in Hong Kong of the evidence of a person residing therein relating to matters specified in the request, the District Court shall have power to take that evidence and, after giving notice of the time and place at which the evidence is to be taken to such persons and in such manner as it thinks fit, shall take the evidence in such manner as may be prescribed. Evidence taken in compliance with such a request shall be sent in the prescribed manner by the Registrar to the court in the reciprocating country by or on behalf of which the request was made.

(2) Where any person, not being the payer or the payee under the maintenance order to which the proceedings in question relate, is required by virtue of this section to give evidence before the District Court, the court may order that there shall be paid out of the general revenue of the Government such sums as appear to the court reasonably sufficient to compensate that person for the expense, trouble or loss of time properly incurred in or incidental to his attendance.

(3) The High Court or a judge thereof, on application made in manner prescribed by the Rules of the Supreme Court, may issue a commission, request or order to examine witnesses in a reciprocating country for the purpose of proceedings in the District Court under this Ordinance in the same manner as it or he may issue such commission, request or order for the purposes of an action or matter in the High Court.

(4) Where any such application is made, the High Court or a judge thereof, if it or he thinks fit, may order that the proceedings be transferred to the High Court.

16. For the purposes of this Ordinance, unless the contrary is shown—

- (a) any order made by a court in a reciprocating country purporting to bear the seal of that court or to be signed by any person in his capacity as a judge, magistrate or officer of the court shall be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person;
- (b) the person by whom the order was signed shall be deemed without further proof to have been a judge, magistrate or officer, as the case may be, of that court when he signed it and, in the case of an officer, to have been authorized to sign it; and
- (c) a document purporting to be a certified copy of an order made by a court in a reciprocating country shall be deemed without further proof to be such a copy.

17. (1) Payment of sums due under a registered order shall, while the order is registered in the District Court, be made in such manner and to such person as may be prescribed.

(2) Where the sums required to be paid under a registered order are expressed in a currency other than the currency of Hong Kong, then, as from the relevant date, the order shall be treated as if it were an order requiring the payment of such sums in the currency of Hong Kong as, on the basis of the rate of exchange prevailing at that date, are equivalent to the sums so required to be paid.

(3) Where the sum specified in any statement, being a statement of the amount of any arrears due under a maintenance order made by a court in a reciprocating country, is expressed in a currency other than

Obtaining
of evidence
needed for
certain
proceedings.
1972 c. 18,
s. 14.

cf. Cap. 336,
s. 59.
(Cap. 4,
sub. leg.)

Order etc.
made abroad
need not
be proved.
1972 c. 18,
s. 15.

Payment of
sums under
order made
abroad:
conversion
of currency.
1972 c. 18,
s. 16.

the currency of Hong Kong, that sum shall be deemed to be such sum in the currency of Hong Kong as, on the basis of the rate of exchange prevailing at the relevant date, is equivalent to the sum so specified.

(4) For the purposes of this section a written certificate purporting to be signed by an officer of any bank in Hong Kong certifying that a specified rate of exchange prevailed between currencies at a specified date and that at such rate a specified sum in the currency of Hong Kong is equivalent to a specified sum in another specified currency shall be evidence of the rate of exchange so prevailing on that date and of the equivalent sums in terms of the respective currencies.

(5) In this section "the relevant date" means—

- (a) in relation to a registered order or to a statement of arrears due under a maintenance order made by a court in a reciprocating country, the date on which the order first becomes a registered order or (if earlier) the date on which it is confirmed by the District Court;
- (b) in relation to a registered order which has been varied, the date on which the last order varying that order is registered in the District Court or (if earlier) the date on which the last order varying that order is confirmed by the District Court.

18. Where the respondent to an application for the variation or revocation—

- (a) of a maintenance order made by the District Court, being an order to which section 6 applies; or
- (b) of a registered order,

does not appear at the time and place appointed for the hearing of the application, but the court is satisfied that the respondent is residing in a reciprocating country, the court may proceed to hear and determine the application at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the respondent had appeared at that time and place.

19. The Chief Justice may make rules for the better carrying out of the purposes and provisions of this Ordinance and in particular, but without prejudice to the generality of the foregoing, may make rules providing for all or any of the following matters—

- (a) the orders made, or other things done, by the District Court, or the Registrar, under this Ordinance, or by a court in a reciprocating country, notice of which is to be given to such person as the rules may provide and the manner in which notice shall be given;
- (b) the cases and manner in which courts in reciprocating countries are to be informed of orders made, or other things done, by the District Court under this Ordinance;
- (c) the circumstances and manner in which cases may be remitted by the District Court to courts in reciprocating countries;
- (d) the circumstances and manner in which the District Court may for the purposes of this Ordinance communicate with courts in reciprocating countries.

20. Where the Governor proposes by an order under section 3 to designate as a reciprocating country a country or territory to which at the commencement of that section the repealed Ordinance extended, that Order may contain such provisions as the Governor considers expedient for the purpose of securing—

(a) that the provisions of this Ordinance apply, subject to such modifications as may be specified in the Order, to maintenance orders, or maintenance orders of a specified class—

(i) made by the District Court against a person residing in that country or territory, or

(ii) made by a court in that country or territory against a person residing in Hong Kong,

being orders to which immediately before the date of the coming into operation of the Order the repealed Ordinance applied;

(b) that any maintenance order, or maintenance order of a specified class, made by a court in that country or territory which has been confirmed by the District Court under section 6 of the repealed Ordinance and is in force immediately before that date is registered under section 8 of this Ordinance;

(c) that any proceedings brought under or by virtue of a provision of the repealed Ordinance in the District Court which are pending at that date, being proceedings affecting a person resident in that country or territory, are continued as if they had been brought under or by virtue of the corresponding provision of this Ordinance.

21. The Maintenance Orders (Facilities for Enforcement) Ordinance is repealed.

Repeal.
(Cap. 15.)

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

Absence of respondent.
1972 c. 18,
s. 17(7).

Power to make rules.
1972 c. 18,
s. 18(1).

Application to certain orders and proceedings under repealed Ordinance.
1972 c. 18,
s. 24.



I assent.

Mary, The Queen

Governor.

16th February, 1977.

HONG KONG

No. 14 of 1977



I assent.

Mary, The Queen
Governor.

16th February, 1977.

An Ordinance to amend the Affiliation Proceedings Ordinance.

[17th February, 1977]

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

1. This Ordinance may be cited as the Affiliation Proceedings (Amendment) Ordinance 1977. Short title.

2. Section 5 of the principal Ordinance is amended in subsection (2)(a) by deleting "one hundred and twenty" and substituting the following— Amendment of section 5. (Cap. 183.)

"five hundred".

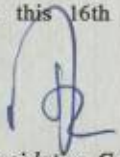
3. Section 10 of the principal Ordinance is amended— Amendment of section 10.

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

(b) by inserting the following new subsection—

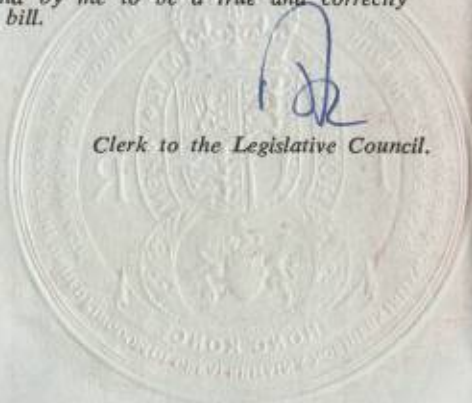
"(2) The jurisdiction conferred upon the court by subsection (1) shall be exercisable notwithstanding that the proceedings for the revocation, revival or variation, as the case may be, of the order are brought by or against a person residing outside Hong Kong."

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.



Clerk to the Legislative Council.

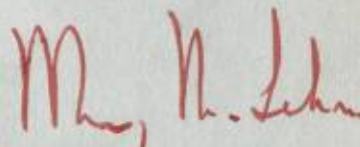
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



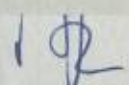
I assent.



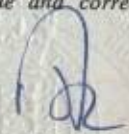
Governor.

16th February, 1977.

An Ordinance to amend the Separation and Maintenance Orders Ordin-


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

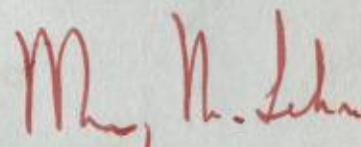


HONG KONG

No. 15 OF 1977



I assent.


Governor.

16th February, 1977.

An Ordinance to amend the Separation and Maintenance Orders Ordinance.

[17th February, 1977]

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

1. This Ordinance may be cited as the Separation and Maintenance Orders (Amendment) Ordinance 1977. Short title.

2. Section 5(d) of the principal Ordinance is amended by deleting "one hundred and twenty" and substituting the following— Amendment of section 5. (Cap. 16.)
"five hundred".

3. Section 7 of the principal Ordinance is amended— Amendment of section 7.

(a) by inserting after subsection (1) the following new subsection—

"(1A) The jurisdiction conferred upon the court by subsection (1) shall be exercisable notwithstanding that the proceedings for the revocation, variation or discharge, as the case may be, of the order are brought by or against a person residing outside Hong Kong."; and

(b) in subsection (2), by deleting from paragraph (b) of the proviso "one hundred and twenty" and substituting the following—


"five hundred".

Amendment of
section 12.

4. Section 12(2) of the principal Ordinance is amended by deleting "subsection (2)" and substituting the following—

"subsection (1)".

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.




Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

I assent.




M. M. Lehn

Governor.


16th February, 1977.

An Ordinance to establish a corporation for the construction and management of industrial estates in Hong Kong, to assume the functions, assets and liabilities of the Hong Kong Industrial Estates Provisional

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.


Clerk to the Legislative Council.


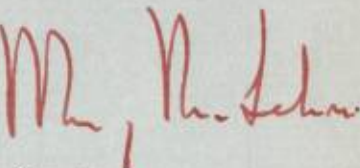
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 16 OF 1977

I assent.



Governor.

16th February, 1977.

An Ordinance to establish a corporation for the construction and management of industrial estates in Hong Kong, to assume the functions, assets and liabilities of the Hong Kong Industrial Estates Provisional Authority and for connected purposes.

[]

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

PART I
PRELIMINARY

1. This Ordinance may be cited as the Hong Kong Industrial Estates Corporation Ordinance 1977 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

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

Interpretation.

"authorized officer" means any person who is authorized in writing by the Corporation, the Chief Executive, or a committee of the Corporation, to perform or exercise any of the functions or powers of the Corporation;

"Board" means the Board of the Corporation provided for by section 7(1);

"Chairman" means the Chairman of the Board appointed under section 7(3);

"common parts" means any place within an industrial estate to which the public have access either continuously or periodically, whether the same is the property of the Corporation or of private persons;

"Corporation" means The Hong Kong Industrial Estates Corporation established by section 3(1);

"financial year" means the period commencing on the 1st of April each year and ending on the 31st of March in the year following except that the period from the commencement of the Ordinance to the 31st of March next thereafter shall be deemed to be a financial year;

"Chief Executive" means the person appointed under section 27(1) to be the chief executive of the Corporation;

"industrial estate" means an industrial estate referred to in section 6;

"land" includes—

- (a) the foreshore and seabed;
- (b) any buildings and structures erected on land; and
- (c) any interest in land;

"lease" includes an agreement for a lease;

"member" means a member of the Board;

"Provisional Authority" means the Hong Kong Industrial Estates Provisional Authority established by section 3 of the Hong Kong Industrial Estates Provisional Authority Ordinance 1976.

(17 of 1976.)

PART II

INCORPORATION AND POWERS

3. (1) There is hereby established a body corporate to be known as "The Hong Kong Industrial Estates Corporation".

(2) The Corporation shall have perpetual succession and shall be capable of suing and being sued.

4. The purposes of the Corporation shall be to establish, construct, manage and control industrial estates.

5. (1) The Corporation shall have powers—

- (a) to do such things as are expedient for or conducive to the attainment of the purposes declared in section 4 or of any purpose reasonably incidental to or consequential upon any of those purposes;
- (b) to do any thing under paragraph (a) in association with other persons, including departments or authorities of the Government.

(2) Without restricting the generality of subsection (1), the Corporation may, for the purposes referred to therein—

- (a) purchase, acquire or lease or surrender any land;
- (b) lay out industrial sites for lease or sale;
- (c) dispose of any land held by it on Crown lease for the purposes of industrial sites subject to the terms and conditions of the Crown lease but otherwise on such terms and conditions as it thinks fit;
- (d) let to any person, for any period, any land in an industrial estate subject to the payment of a premium and ground rent, or rent without a premium, and determine the terms, covenants and conditions on which such land may be let or occupied;
- (e) prepare and execute proposals, plans and projects for the erection, conversion, improvement and extension of any building in an

Establishment of the Corporation.

Purposes of the Corporation.

General powers of the Corporation.

industrial estate for sale, lease or other purpose, and determine the terms, covenants and conditions on which the sale, lease or other purpose may be effected;

- (f) manage buildings, premises, structures, and any grounds ancillary thereto, in an industrial estate, and charge fees for services provided in connexion with such management;
- (g) employ an agent or contractor to do any thing which the Corporation may do other than to hold or dispose of land;
- (h) enter into, assign or accept the assignment of, and vary or rescind, any contract or obligation.

(3) Any land forming part of an industrial estate may be improved, developed and altered by the Corporation in such manner and to such extent as the law would allow if the land were held by a natural person in the same interest and the Corporation shall not be required to show that such improvement, development or alteration is itself undertaken for any purpose referred to in this section.

6. (1) The Corporation shall prepare a plan of every industrial estate showing all land comprised therein.

(2) An industrial estate may be given such name as the Corporation thinks fit.

(3) Where there is any addition to or other alteration of the area of an industrial estate, such addition or alteration shall be shown by amendment of the plan prepared under subsection (1).

(4) Any plan prepared, or any additions or other alterations made thereto, under this section shall be signed and dated by the Chairman.

(5) A plan prepared under subsection (1) shall be deposited in the appropriate New Territories Land Office within the meaning of section 10(2) of the New Territories Ordinance and in the Land Office in Victoria.

(6) A notice of a plan prepared, or any additions or other alterations made thereto, under this section shall be published in the *Gazette* together with the addresses of the Land Offices in which the plan is deposited under subsection (5).

7. (1) The Corporation shall have a Board which shall consist of the following members—

- (a) the Chairman;
- (b) the Chief Executive;
- (c) 2 members, not being public officers, appointed by the Governor; and
- (d) not more than 4 members, being public officers, appointed by the Governor.

(2) Subject to sections 27(1) and 33, the Board shall be the governing body of the Corporation with authority, in the name of the Corporation, to exercise and perform the powers, functions and duties conferred or imposed on the Corporation by this Ordinance.

(3) The Chairman shall be appointed by the Governor for such term as the Governor thinks fit.

(4) A member appointed under subsection (1)(c) shall be appointed for a term not exceeding 3 years.

(5) The Chairman and any member appointed under subsection (1)(c) may, upon the expiry of his term of appointment, be reappointed.

Plans of industrial estates.

(Cap. 97.)

Board of the Corporation.

(6) The Chairman and any member appointed under subsection (1)(c), or reappointed under subsection (5), may before the expiry of his term of office—

- (a) resign his office by notice to the Governor; or
- (b) be removed from office by the Governor for permanent incapacity or other sufficient cause (as to the existence of which the decision of the Governor shall be final),

and upon such resignation or removal the term for which he was appointed or reappointed shall be deemed to have expired.

(7) A member appointed under subsection (1)(d) shall hold office at the pleasure of the Governor.

(8) Where a member, other than the Chief Executive, is precluded by temporary incapacity or other cause from performing his functions as such for any period (as to which the decision of the Governor shall be final), the Governor may appoint another person to act as a member during such period with all such rights, powers, duties and liabilities as if he had been appointed under subsection (1).

(9) A member, other than the Chief Executive and any member appointed under subsection (1)(d), may be paid such fees and expenses as the Board thinks fit.

Proceedings
of the Board.

8. (1) Four members shall form a quorum at a meeting of the Board.

(2) At a meeting of the Board the Chairman, or in the absence of the Chairman such other member as the members present may select, shall preside.

(3) All questions for determination at a meeting of the Board shall be decided by a majority of votes of the members present and voting thereon and in the event of an equality of votes the member presiding shall have a casting vote in addition to his original vote.

(4) Subject to this Ordinance, arrangements relating to meetings of the Board, the procedure at, and the conduct of, its meetings, shall be such as the Board may determine.

(5) If a member is in any way directly or indirectly interested in a matter under discussion at a meeting of the Board—

- (a) he shall disclose the nature of his interest at the meeting;
- (b) the disclosure shall be recorded in the minutes of the Board;
- (c) the member presiding at the meeting may at his discretion require the member who has disclosed his interest to withdraw from the meeting.

Validity of
proceedings.

9. The validity of any proceeding of the Board shall not be affected by—

- (a) any defect in the appointment of any member;
- (b) the absence of any member from the meeting at which such proceeding occurred; or
- (c) any vacancy among members of the Board.

Seal of the
Corporation.

10. The Corporation shall have a common seal, and the fixing of the seal shall—

- (a) be authorized or ratified by resolution of the Board; and
- (b) be authenticated by the signatures of any 2 members, authorized by resolution of the Board either generally or specially to act for that purpose.

11. (1) The Corporation may make and execute all such documents as may be expedient for or conducive to the attainment of its purposes or of any purpose reasonably incidental to or consequential upon those purposes.

Documents of
the Corpora-
tion.

(2) Any document purporting to be duly executed under the seal of the Corporation shall, unless the contrary is proved, be deemed to have been duly executed.

12. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Corporation by any person generally or specially authorized by the Board for that purpose.

Certain docu-
ments not
required to
be sealed.

13. (1) The Corporation may appoint a committee for any such general or special purpose as in the opinion of the Corporation would be better regulated and managed by means of a committee.

Appointment
of committees.

(2) A committee appointed under subsection (1) shall consist of such number of members as the Corporation thinks fit and not less than two of such members shall be members of the Board.

14. (1) Subject to subsections (2) and (3), the Corporation may, by instrument in writing, delegate to the Chief Executive or to any committee appointed under section 13, with or without restrictions or conditions, as the Corporation thinks fit, such of its powers and functions as it deems expedient for the better discharge of the functions of the Corporation.

Delegation.

(2) No delegation under subsection (1) shall preclude the Corporation from exercising or performing at any time any of the powers or functions so delegated.

(3) No delegation shall be made under subsection (1) of power or authority—

- (a) to approve plans for the improvement, development or alteration of any land held by the Corporation;
- (b) to approve the annual programme or estimates of income or expenditure of the Corporation;
- (c) to authorize the annual report or statements of income or expenditure and of assets and liabilities of the Corporation;
- (d) to approve general terms and conditions of service of employees of the Corporation; or
- (e) to establish or enter into any arrangement for the establishment of a fund or scheme under section 30(2).

PART III

CONTROL OF INDUSTRIAL ESTATES

15. (1) An authorized officer may require any person who is found in an industrial estate and who cannot give a satisfactory account of himself to leave the industrial estate.

Power to
remove
trespassers.

(2) An authorized officer may prohibit any person who does not have a satisfactory reason for being in an industrial estate from entering the industrial estate.

(3) A person who does not, within a reasonable time, leave an industrial estate when required to do so under subsection (1) may be removed

from the industrial estate by an authorized officer who may use such force as may be reasonably necessary to remove such person and, for that purpose, may request the assistance of a police officer or any other person.

Power to enter and inspect buildings.

16. Notwithstanding the terms of any lease, an authorized officer may at all reasonable times in pursuance of his duties enter and inspect any building or part thereof in an industrial estate.

Power to take possession and dispose of property.

17. (1) The Corporation may take possession of any property—

- (a) found on land in an industrial estate which has been the subject of a lease, after the tenant has left the land following the termination of his lease;
- (b) which is placed in or affixed to land in an industrial estate which is the subject of a lease in contravention of any condition in the lease;
- (c) which appears to an authorized officer to have been left or abandoned on land in an industrial estate which is not the subject of a lease; or
- (d) which causes an obstruction or nuisance on or in any land in an industrial estate which is not the subject of a lease.

(2) The Corporation shall post on or near the premises or place where the property is or was situate a notice setting out details of the property of which it has taken possession under subsection (1) and shall, in such notice, require any claimant to submit his claim to the property—

- (a) in the case of property referred to in subsection (1)(a), within such time as is specified in the notice being not less than 7 days after the day on which the notice is posted; and
- (b) in the case of property referred to in subsection (1)(b), (c) and (d), within 2 days after the day on which the notice is posted.

(3) The Corporation may refuse to return any property of which it has taken possession under subsection (1) unless it is satisfied that the claimant is the owner of the property.

(4) The Corporation may recover from a claimant to whom any property, of which it has taken possession under subsection (1), is returned any expenses incurred by it in the removal and storage of the property.

(5) Any property of which the Corporation has taken possession under subsection (1), which is not claimed within the time referred to in subsection (2) or which the Corporation refuses to return under subsection (3) to any person, may be disposed of by it by sale or otherwise free from the rights of any person.

(6) If, within 6 months after the day on which the notice was posted under subsection (2), any person satisfies the Corporation that, at the time any property was sold pursuant to subsection (5), he was the owner of the property, the Corporation shall pay to such person the balance of the proceeds of sale after deducting any expenses incurred by it in the removal, storage and sale of the property.

(7) Neither the Corporation nor any authorized officer shall be liable for any loss or damage suffered by any person in consequence of anything done under this section.

PART IV

FINANCIAL

18. The Financial Secretary may, out of moneys appropriated by the Legislative Council for the purposes of this Ordinance, authorize payment to the Corporation of such sums, on such terms with respect to the payment of interest, as he may determine for the purpose of enabling the Corporation to carry out its purposes.

Provisions of working capital.

19. (1) The Corporation shall be indebted to the Government in a sum equal to—

Debt of the Corporation.

- (a) any sums paid to the Corporation under section 18;
- (b) the expenditure incurred by the Government in relation to the investigation, planning and development of land in an industrial estate and the construction of buildings thereon; and
- (c) any other expenditure incurred by the Government in relation to an industrial estate.

(2) The Financial Secretary may determine the amount of the indebtedness under subsection (1) by certificate or certificates under his hand and he may for sufficient cause reduce or increase any amount so certified.

(3) The indebtedness of the Corporation under subsection (1) and any interest thereon shall be discharged in such manner as the Financial Secretary directs.

(4) In subsection (1)—

“expenditure” includes, in relation to the matters mentioned in that subsection, any loss, debt, cost, expense or liability whenever incurred and whether actual or contingent, liquidated or unliquidated.

20. The Corporation may, with the approval of the Financial Secretary, borrow or otherwise raise money and charge all or any part of its property as security therefor, and pay interest on any money so borrowed or raised.

Power to borrow money.

21. (1) The Corporation shall open and maintain accounts with such banks as the Financial Secretary may approve.

Bank accounts.

(2) The Corporation shall pay all moneys received by it into any such account.

22. All funds of the Corporation that are not immediately required shall—

Investment of surplus funds.

- (a) be deposited in any bank or savings bank nominated by the Financial Secretary, either generally or in any particular case, for that purpose;
- (b) if the Financial Secretary so directs, be deposited with the Hong Kong Treasury on such terms and conditions as the Financial Secretary may specify; or
- (c) subject to the prior approval of the Financial Secretary, be invested in such investments as the Corporation thinks fit.

23. The Governor in Council may declare any part of the funds of the Corporation to be surplus funds and direct the payment of such surplus funds into the general revenue of Hong Kong.

Payment of surplus funds into general revenue.

Accounts.

24. (1) The Corporation shall keep proper accounts of all income and expenditure and shall maintain proper and adequate records thereof.

(2) As soon as may be convenient after the end of each financial year, the Corporation shall cause to be drawn up, in such form as the Financial Secretary may approve, a statement of its income and expenditure during such financial year and a statement of the assets and liabilities of the Corporation on the last day thereof.

Audit.

25. (1) The Governor shall appoint an auditor, after consultation with the Corporation.

(2) The auditor shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Corporation and to require such information and explanations thereon as he thinks fit.

(3) The auditor shall audit the statements drawn up under section 24(2) as soon as possible and shall make a written report thereon to the Corporation.

Reports to be laid on table of Legislative Council.

26. (1) The Corporation shall as soon as possible after the end of each financial year, but not later than 6 months after the end of each financial year or such longer period as the Financial Secretary may as to any particular year allow, furnish to the Financial Secretary—

- (a) a report on the affairs of the Corporation for that year;
- (b) copies of the statements in respect of that year drawn up under section 24(2); and
- (c) a copy of the auditor's report on such statements.

(2) The Financial Secretary shall lay on the table of the Legislative Council the reports and statements furnished to him pursuant to subsection (1).

PART V
STAFF

Appointment of Chief Executive.

27. (1) The Corporation shall, with the approval of the Governor, appoint a person to be the chief executive of the Corporation.

(2) All matters relating to the remuneration and the terms and conditions of appointment of the Chief Executive, and his suspension or dismissal from office, shall be determined by the Corporation, subject to the approval of the Governor.

Appointment of employees and conditions of employment.

28. (1) Subject to section 27, the Corporation may appoint such employees as it thinks necessary.

(2) All matters relating to the remuneration and the terms and conditions of appointment of employees appointed under subsection (1) shall be determined by the Corporation.

(3) The Corporation may make such standing orders as it thinks fit, not inconsistent with this Ordinance, regulating the work and conduct of its employees.

Employment of technical and professional advisers.

29. (1) The Corporation may engage the services of technical and professional advisers to advise the Corporation on any matter arising out of or in connexion with any of the powers or functions of the Corporation.

(2) All matters relating to the remuneration and the terms and conditions of engagement of advisers, and the manner of their engagement, under subsection (1) shall be determined by the Corporation.

30. (1) The Corporation may—

- (a) grant, or make provision for the grant of, pensions, gratuities and retirement benefits to its employees;
- (b) provide other benefits for the welfare of its employees and their dependants;
- (c) make payments, whether *ex gratia* or legally due, to the personal representative of a deceased employee or to any person who was dependent on such employee at his death.

Staff benefits.

(2) The Corporation may establish, manage and control or enter into an arrangement with any company or association for the establishment, management and control by such company or association either alone or jointly with the Corporation of any fund or scheme for the purpose of providing for the pensions, gratuities, benefits and payments referred to in subsection (1).

(3) The Corporation may make contributions to any fund or scheme referred to in subsection (2) and may require its employees to make contributions thereto.

(4) The Corporation may supply living accommodation and household effects, for the occupation and use of employees and advisers of the Corporation and their families, at such rent and on such terms and conditions as it may determine.

(5) In this section "employees" includes any class of employee which the Corporation may specify and in subsection (1) includes former employees.

PART VI
GENERAL

31. The Corporation is not the servant or agent of the Crown and does not enjoy any status, immunity or privilege of the Crown.

Corporation not servant or agent of the Crown.

32. The Corporation shall upon request by the Governor afford to him sufficient facilities for obtaining information with respect to the property and affairs of the Corporation and shall in such manner and at such times as the Governor may require furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished.

Governor may obtain information.

33. (1) Notwithstanding section 7(2) the Governor may, if he considers the public interest so requires, give directions in writing to the Corporation and the Corporation shall comply with those directions.

Governor may give directions.

(2) No such direction shall be inconsistent with any provision of this Ordinance.

34. (1) Any person who in the performance or exercise of his functions or powers, or in the course of his employment, under or in connexion with this Ordinance has acquired or has access to any information relating to the affairs of any person, or any manufacturing or commercial secret, or any working process, shall not at any time disclose or make available

Secrecy.

such information to any other person, otherwise than in the performance or exercise of his functions or powers, or in the course of his employment, or without other lawful excuse.

(2) Any person who contravenes this section commits an offence and is liable to a fine of \$10,000 and to imprisonment for 2 years.

35. All common parts of an industrial estate shall be deemed to be public places for the purposes of—

- (a) the Summary Offences Ordinance; and
- (b) the Public Order Ordinance.

36. (1) The Corporation may, under its common seal, make by-laws not inconsistent with this Ordinance for all or any of the following purposes—

- (a) the management and control of industrial estates;
- (b) the selection of industrial undertakings for which leases may be granted;
- (c) the manner in which applications for leases of premises in industrial estates may be made;
- (d) the sanitation and cleansing of industrial estates;
- (e) the maintenance and lighting of common parts;
- (f) the maintenance of public order and the prevention of nuisances in industrial estates;
- (g) prohibiting hawkers from carrying on business within industrial estates and providing for the removal of hawkers and their equipment and commodities from industrial estates;
- (h) the eviction of trespasses from industrial estates;
- (i) the display of advertisement within industrial estates;
- (j) the convening of meetings of the Board and the procedure at such meetings;
- (k) the provision of a common seal and the custody and use thereof;
- (l) the better carrying out of the functions and duties of the Corporation.

(2) All by-laws made under subsection (1) shall be subject to the approval of the Legislative Council.

(3) The Corporation shall cause printed copies of all by-laws made under subsection (1) to be kept at its principal office and to be available for sale to any person at a reasonable cost.

37. Any by-laws made under section 36 may provide that a contravention of specified provisions thereof shall be an offence and may prescribe penalties therefor not exceeding a fine of \$5,000 and imprisonment for 6 months.

38. Any by-laws made under section 36 which provide that hawking within an industrial estate is an offence may also provide that all or any of the provisions of sections 86, 86A, 86C and 86D of the Public Health and Urban Services Ordinance shall apply as if such offence were a hawker offence within the meaning of section 83 of that Ordinance.

39. Without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Attorney General in relation to the prosecution of criminal offences, prosecutions for an offence under this Ordinance may be brought in the name of the Corporation.

Parts of industrial estates to be public places. (Cap. 228.) (Cap. 245.)

By-laws.

Further powers in relation to by-laws.

Seizure and forfeiture of hawker's equipment and commodities. (Cap. 132.)

Corporation may prosecute in its name.

PART VII

REPEAL AND TRANSITIONAL

40. The Hong Kong Industrial Estates Provisional Authority Ordinance 1976 is repealed.

Repeal. (17 of 1976.)

41. (1) All property of whatever kind and whether movable or immovable vested in or belonging to the Provisional Authority immediately before the commencement date of this Ordinance is as from such date transferred to and vested in the same interest in the Corporation without any further assurance and the Corporation shall have all powers necessary to take possession of, recover and obtain the benefit of such property.

Transfer of assets and liabilities.

(2) All obligations and liabilities of the Provisional Authority immediately before the commencement date of this Ordinance are as from such date the obligations and liabilities of the Corporation and the Corporation shall have all necessary powers to discharge the same.

(3) No stamp duty shall be payable in respect of any transfer of property under this section.

42. (1) Without limiting the generality of section 41, every agreement, whether in writing or not, to which the Provisional Authority was a party immediately before the commencement date of this Ordinance and whether or not of such a nature that the rights and liabilities thereunder could be assigned shall have effect as from such date as if—

Other transitional provisions.

(a) the Corporation had been party to such agreement; and

(b) for any reference, however worded and whether express or implied, to the Provisional Authority there were substituted in respect of anything to be done or omitted on or after the commencement date of this Ordinance a reference to the Corporation.

(2) Subsection (1)(b) shall also apply to any document, not being an agreement, having therein references to the Provisional Authority.

(3) The appointment of any employee of the Provisional Authority subsisting immediately before the commencement date of this Ordinance shall be deemed to be made by the Corporation under this Ordinance and for the purpose of determining the right to pension, gratuity or other benefits of such employee on the cessation of his service, there shall be no break in the continuity thereof by reason only of the repeal effected by section 40.

(4) Where anything has been commenced by or under the authority of the Provisional Authority before the commencement date of this Ordinance such thing may be carried on any completed by, or under the authority of, the Corporation.

43. The Schedule to the Prevention of Bribery Ordinance is amended, in item 38, by deleting "Provisional Authority" and substituting the following—

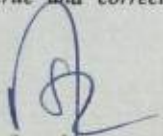
Amendment of Prevention of Bribery Ordinance. (Cap. 201.)

"Corporation".

Passed by the Hong Kong Legislative Council this 16th day of February, 1977.


Clerk to the Legislative Council.

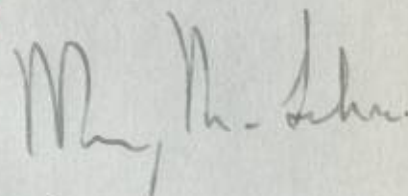
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



I assent.



Governor.

17th March, 1977.

[Handwritten signature]

Clerk to the Legislative Council.

HONG KONG

No. 17 of 1977



I assent.

[Handwritten signature]

Governor.

17th March, 1977.

An Ordinance to amend the Interpretation and General Clauses Ordinance.

[18th March, 1977]

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

1. This Ordinance may be cited as the Interpretation and General Clauses (Amendment) Ordinance 1977. Short title.

2. Section 3 of the principal Ordinance is amended by deleting the definitions of "standard time" and "summer time". Amendment of section 3. (Cap. 1.)

3. Sections 67 and 68 of the principal Ordinance are repealed and replaced by the following new section— Repeal and replacement of sections 67 and 68.

"Hong Kong Time.

67. (1) Whenever any expression of time occurs in any Ordinance the time referred to is Hong Kong Time.

(2) For the purposes of subsection (1), "Hong Kong Time" means the time used for general purposes throughout Hong Kong namely, 8 hours, or such other period as may be determined by the Legislative Council by resolution, in advance of Greenwich Mean Time.

(3) A resolution of the Legislative Council under sub-section (2) may determine Hong Kong Time for the whole or part of a year.

(4) Nothing in this section shall affect the use of Greenwich Mean Time for the purposes of astronomy, meteorology, navigation or aviation, or affect the construction of any document mentioning or referring to a point of time in connexion with any of these purposes."

Passed by the Hong Kong Legislative Council this 16th day of March, 1977.



Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

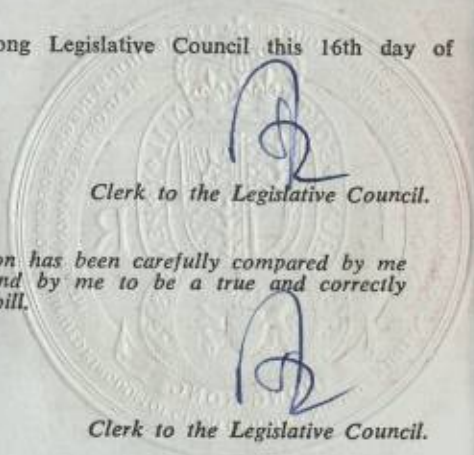
17th March, 1977.

An Ordinance to amend the Trade Unions Ordinance.

18th March 1977

(4) Nothing in this section shall affect the use of Greenwich Mean Time for the purposes of astronomy, meteorology, navigation or aviation, or affect the construction of any document mentioning or referring to a point of time in connexion with any of these purposes."

Passed by the Hong Kong Legislative Council this 16th day of March, 1977.



HONG KONG

No. 18 OF 1977



I assent.

Governor.

17th March, 1977.

An Ordinance to amend the Trade Unions Ordinance.

[18th March, 1977]

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

1. This Ordinance may be cited as the Trade Unions (Amendment) Ordinance 1977. Short title.

2. Section 2 of the principal Ordinance is amended—

- (a) by deleting the definition of "clerk"; and
- (b) by inserting after the definition of "officer" the following new definition—

Amendment of section 2. (Cap. 332.)

"paid staff" in relation to a trade union or a branch of a trade union or a trade union federation, means a clerk or other person appointed by, and acting under the instructions of, the executive thereof and paid from the funds of the trade union or the branch of the trade union or the trade union federation, as the case may be;"

3. Section 17 of the principal Ordinance is amended by deleting subsections (1) and (2) and substituting the following—

Amendment of section 17.

"(1) Subject to subsection (1A), no person shall be a member of a registered trade union unless he is ordinarily resident in Hong Kong and engaged or employed in a trade, industry or occupation with which the trade union is directly concerned.

(1A) Any person who has lawfully been a member of a registered trade union may, upon his retirement on account of age or ill-health from the trade, industry or occupation in which he was engaged or employed and by virtue of which he was a member of the trade union, remain a member thereof, but shall not be a voting member.

(1B) No person shall be refused membership of a trade union solely on the ground that he is casually or seasonally engaged or employed in the trade, industry or occupation with which the trade union is directly concerned.

(2) No person shall, without the consent in writing of the Registrar, be an officer of a registered trade union unless he is ordinarily resident in Hong Kong and is or has been engaged or employed in a trade, industry or occupation with which the trade union is directly concerned."

Amendment of section 33.

4. Section 33(1)(a) of the principal Ordinance is amended by deleting "clerks" and substituting the following—
"paid staff".

Repeal of section 51.

5. Section 51 of the principal Ordinance is repealed.

Repeal and replacement of section 57.

6. Section 57 of the principal Ordinance is repealed and replaced by the following—

"Officers of trade union federations.

57. No person shall be an officer of a registered trade union federation unless—

(a) (i) he is an officer of one of the component registered trade unions comprising such trade union federation; and

(ii) he is ordinarily resident in Hong Kong; and

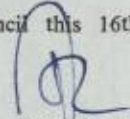
(iii) he is or has been engaged or employed in a trade, industry or occupation with which the trade union of which he is an officer is directly concerned; or

(b) he is a voting member of one of the component registered trade unions comprising such trade union federation."

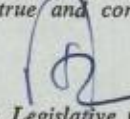
Amendment of Second Schedule.

7. The Second Schedule to the principal Ordinance is amended in item (h) by deleting "to the executive" and substituting the following—
"of the executive".

Passed by the Hong Kong Legislative Council this 16th day of March, 1977.

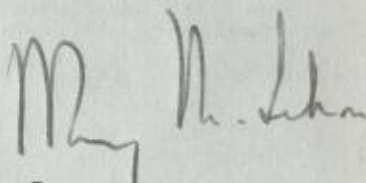

Clerk to the Legislative Council.

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


Clerk to the Legislative Council.



I assent.


Governor.

31st March, 1977.

HONG KONG

No. 19 of 1977

the trade union, remain a member thereof, but shall not be a voting member.

(1B) No person shall be refused membership of a trade union solely on the ground that he is casually or seasonally engaged or employed in the trade, industry or occupation with which the trade union is directly concerned.

(2) No person shall, without the consent in writing of the Registrar, be an officer of a registered trade union unless he is ordinarily resident in Hong Kong and is or has been engaged or employed in a trade, industry or occupation with which the trade union is directly concerned."

Amendment of section 33.

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Repeal and replacement of section 57.

6. Section 57 of the principal Ordinance is repealed and replaced by the following—

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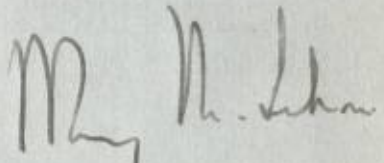
(a) (i) he is an officer of one of the component registered trade unions comprising such trade union federation; and

(ii) he is ordinarily resident in Hong Kong; and

(iii) he is or has been engaged or employed in a trade, industry or occupation with which the trade union of which he is an officer is directly



I assent.


Governor.

31st March, 1977.

An Ordinance to amend the Limited Partnerships Ordinance.

[]

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

1. This Ordinance may be cited as the Limited Partnerships (Amendment) Ordinance 1977 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. Section 10 of the principal Ordinance is repealed. Repeal of section 10. (Cap. 37.)

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

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

"and upon receipt of the prescribed fee payable in respect thereof,"; and

(b) by deleting "the same" and substituting the following—

"such statement".

Amendment of
section 14.

4. Section 14 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

“(1) Any person may, on payment of the fee specified in the Schedule—

(a) inspect the statements registered under this Ordinance; and

(b) require to be issued—

(i) a certificate of the registration of any limited partnership;

(ii) a copy of or extract from any registered statement;

(iii) a copy of or extract from any registered statement duly certified by the Registrar of Companies or one of the deputy registrars.”.

Amendment of
section 15.

5. Section 15 of the principal Ordinance is amended by deleting paragraph (a).

Addition of
new section
16 and
Schedule.

6. The principal Ordinance is amended by adding after section 15 the following new section and Schedule—

“Fees.
Schedule. 16. (1) There shall be paid to the Registrar of Companies in respect of the several matters set forth in the Schedule the several fees therein specified.

(2) The Governor in Council may by order amend the Schedule.

SCHEDULE [ss. 14 & 16.]

TABLE OF FEES PAYABLE TO THE
REGISTRAR OF COMPANIES

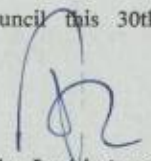
Item	Matter in respect of which a fee is payable	Fees \$
1.	For registering a limited partnership	100.00
	And, in addition, for every \$1,000 or part of \$1,000 of the sum contributed by each limited partner	4.00
2.	For registering a statement of any change within the meaning of section 8 occurring during the continuance of a limited partnership	10.00
	And, in addition—	
	(a) in the case of a statement of increase of the sum contributed by any limited partner: for every \$1,000 or part of \$1,000 of such increase	4.00
	(b) in the case of a statement specifying that a general partner or any other person has become a limited partner: for every \$1,000 or part of \$1,000 of the sum contributed by such limited partner	4.00
3.	For inspecting under section 14(1) any statement filed by the Registrar of Companies, for each inspection	2.00

Item	Matter in respect of which a fee is payable	Fees \$
4.	For issuing under section 14(1) a certificate of the registration of any limited partnership	10.00
5.	For issuing under section 14(1) a copy of or extract from any registered statement or part thereof by photostatic means, per sheet or page	2.00
	Provided that where any sheet or page exceeds in size 9 inches by 12 inches, such additional fee not exceeding \$3.00, as the Registrar of Companies may direct, shall be payable.	
6.	For issuing under section 14(1) a copy of or extract from any registered statement or part thereof where the copy or extract is made other than by photostatic means, per folio of 100 words or part thereof of the first or top copy	2.00
	For each additional copy or extract after the first or top copy, per folio of 100 words or part thereof	1.00
7.	For certifying a copy of or extract from any registered statement	10.00”.

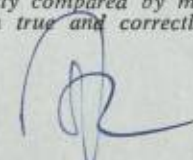
7. The rules made on the 4th December 1912 by the Chief Justice under section 14(1) of the Limited Partnership Ordinance 1912 are revoked.

Revocation
of rules.
(G.N. 369/
1912.)
(18 of 1912.)

Passed by the Hong Kong Legislative Council this 30th day of March, 1977.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.



I assent.

M. W. Lehman
Governor.

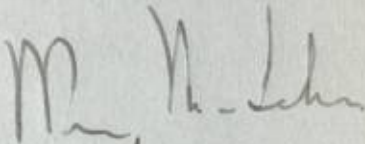
31st March, 1977.

HONG KONG

No. 20 OF 1977



I assent.


Governor.

31st March, 1977.

An Ordinance to amend the Money-lenders Ordinance.

[]

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

1. This Ordinance may be cited as the Money-lenders (Amendment) Ordinance 1977 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. Section 4 of the principal Ordinance is amended by deleting subsection (1) and substituting the following— Amendment of section 4. (Cap. 163.)

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

(a) the registration of money-lenders, whether individuals, firms, societies or companies;

(b) the form of the register, and the particulars to be entered therein; and

(c) the fees to be paid—

(i) on registration and renewal of registration under this Ordinance;