

(9) In this section—

“life insurance business” includes annuity business;

“life insurance fund” includes annuity fund;

“premiums from life insurance business in the Colony” includes—

- (a) all premiums received or receivable in the Colony from both residents and non-residents; and
- (b) all premiums receivable outside the Colony from residents of the Colony where such premiums are in respect of policies the proposals for which were received by the corporation in the Colony :

Provided that any such premiums returned to the insured and any corresponding premiums paid on reinsurance shall be deducted from the premiums so received or receivable.”

33. The principal Ordinance is amended by the addition after section 23 of the following new section—

“Ascertainment of assessable profits of insurance companies other than life insurance companies.

23A. (1) The assessable profits of a corporation, whether mutual or proprietary, from the business of insurance other than life insurance, shall be ascertained by taking the gross premiums from such insurance business in the Colony less any such premiums returned to the insured and any premiums paid on corresponding reinsurance, and deducting therefrom a reserve for unexpired risks at the percentage adopted by that corporation in relation to its operations as a whole for such risks at the end of the period for which such profits are ascertained, and adding thereto a reserve similarly calculated for unexpired risks outstanding at the commencement of such period, and from the amount so arrived at deducting the actual losses less the amount recoverable in respect thereof under reinsurance, the agency expenses in the Colony, and a fair proportion of the expenses of the head office of the corporation, due account being taken in each case by set-off against such expenses of any income or profits other than premiums :

Addition of new section 23A.

Provided that where the Commissioner is satisfied that, by reason of the limited extent of such business transacted in the Colony by a non-resident insurance corporation it would be unreasonable to require such corporation to furnish the particulars necessary for the application of this section, he may permit the assessable profits of the corporation to be ascertained by reference to the proportion of the total profits and income of the corporation corresponding to the proportion which its premiums from insurance business in the Colony bear to its total premiums or on any other basis which appears to him to be equitable.

(2) For the purposes of this section “premiums from insurance business in the Colony” shall include—

- (a) all premiums in respect of contracts of insurance other than life insurance made in the Colony;
- (b) all premiums on contracts of insurance other than life insurance the proposals for which were made to the corporation in the Colony; and
- (c) all premiums where the contract of insurance was made in respect of property situated in the Colony or on an event which can only happen in the Colony.”

34. Section 24 of the principal Ordinance is amended—

Amendment of section 24.

- (a) by the deletion from the first and second lines of subsection (1) of the words “body of persons, whether corporate or unincorporate,” and the substitution therefor of the following—
“person”;
- (b) by the deletion from the fifth line of subsection (1) of the words “it shall not be deemed to carry on a business;” and the substitution therefor of the following—

“such person shall be deemed not to carry on a business;”;

- (c) by the deletion from the tenth line of subsection (1) of the words "the body of persons" and the substitution therefor of the following—

"such person";

- (d) by the deletion from the first and second lines of subsection (2) of the words "body of persons, whether corporate or unincorporate," and the substitution therefor of the following—

"person";

- (e) by the deletion from the sixth line of subsection (2) of the words "body of persons" and the substitution therefor of the following—

"person";

- (f) by the deletion from the seventh line of subsection (2) of the words "its income" and the substitution therefor of the following—

"the income of such association";

- (g) by the deletion from the tenth line of subsection (2) of the words "the body of persons" and the substitution therefor of the following—

"such person";

- (h) by the deletion of subsection (3) and the substitution therefor of the following subsection—

"(3) In this section, "members" means those persons entitled to vote at a general meeting of the club, or similar institution, or trade association."

Amend-
ment of
section 25.

35. Section 25 of the principal Ordinance is amended—

- (a) by the deletion from the third line of paragraph (a) of the proviso of the word "taxable" and the substitution therefor of the following—

"assessable";

- (b) by the deletion from the fifth line of paragraph (a) of the proviso of the words "but not for residential purposes";

- (c) by the deletion of paragraph (b) of the proviso and the substitution therefor of the following—

"(b) where property tax for any year of assessment, which would otherwise have been allowed as a deduction, exceeds the amount of the profits tax payable for that year, the amount of the excess shall be carried forward and for the purposes of this section deemed to be property tax paid in respect of the next succeeding year of assessment."

36. Section 26 of the principal Ordinance is amended by the deletion from the first and second lines of paragraph (b) of the words "subsection (2) of section 15" and the substitution therefor of the following—

"section 15A".

Amend-
ment of
section 26.

37. Section 27 of the principal Ordinance is repealed and replaced by the following section—

Repeal and
replace-
ment of
section 27.

"Provision
in regard
to doubt
as to
whether a
profit is
a profit
arising in
or derived
from the
Colony."

27. (1) In the case of any doubt as to whether a profit is for the purposes of this Part a profit arising in or derived from the Colony the onus of proving that such profit is not a profit arising in or derived from the Colony shall always be on the person charged to tax in respect of such profit.

(2) In determining any such doubt where the person disputing the charge to tax is either a corporation incorporated in the Colony, or a person other than a corporation ordinarily resident in the Colony, regard shall be had to the fact *inter alia* as to whether or not the profit in dispute has borne elsewhere a tax of substantially the same nature as the tax charged on such profit under this Part.

(3) For the purpose of subsection (2) an assessor may require the person disputing the charge to tax to declare in writing—

- (a) the name of the place in which he alleges the profit arose or whence it was derived; and
(b) whether such profit has or has not borne in that place a tax of substantially the same nature as the tax charged on such profit under this Part."

Repeal and
replace-
ment of
section 28.

38. Section 28 of the principal Ordinance is repealed and replaced by the following section—

“Charge of
interest
tax.

28. Interest tax shall, subject to the provisions of this Ordinance be charged for each year of assessment on the recipient of any sum paid or credited to him in that year being—

- (a) interest arising in or derived from the Colony on any debenture, mortgage, bill of sale, deposit, loan, advance or other indebtedness whether evidenced in writing or not;
- (b) that part of an annuity payable in the Colony computed and deemed to be interest chargeable to interest tax under the provisions of rule 6 of the Inland Revenue Rules;

(Vol. IX,
p. 356).

Provided that there shall be exempt from interest tax—

(Cap. 155).

- (a) any interest paid or payable by Government or a bank licensed under the Banking Ordinance which accrues at a rate not exceeding $2\frac{1}{2}$ per centum per annum;
- (b) any interest paid or payable to a bank licensed under the Banking Ordinance or to a corporation carrying on trade or business in the Colony;
- (c) any interest paid or payable on a Tax Reserve Certificate issued by the Commissioner.”

Addition
of new
section
28A.

39. The principal Ordinance is amended by the addition after section 28 of the following new section—

“Calcula-
tion of
interest
tax.

28A. Tax under this Part shall be calculated at the standard rate on the full amount of all interest charged to tax under the provisions of section 28.”

Amend-
ment of
section 30.

40. Section 30 of the principal Ordinance is amended by the substitution of a semi-colon for the full stop at the end thereof and the addition after paragraph (d) of the following new paragraph—

“(e) the date of the payment or credit.”

41. Section 34 of the principal Ordinance is amended—

Amend-
ment of
section 34.

- (a) by the substitution of a colon for the full stop at the end of subsection (1) and the addition thereafter of the following—

“Provided that such initial allowance shall no longer be made for any year of assessment subsequent to the year of assessment commencing on the 1st of April, 1957;”;

- (b) by the insertion in the seventh line of paragraph (a) of subsection (2) after the word “allowance” of the following—

“for depreciation by wear and tear”.

42. Section 36 of the principal Ordinance is repealed and replaced by the following section—

Repeal and
replace-
ment of
section 36.

“Rebuilding
allowance
for a
commercial
building or
structure.

36. Where at the end of the basis period for any year of assessment a person owns a commercial building or structure, an allowance to be known as a “rebuilding allowance” equal to three quarters of one per centum of the capital expenditure incurred on the construction of such building or structure shall be made to him for that year of assessment.”

43. The principal Ordinance is amended by the addition after section 37 of the following new section—

Addition
of new
section
37A.

“Initial
and annual
allowances
in respect of
machinery
and plant
acquired
under hire
purchase
agreement.

37A. (1) Where a person carrying on a trade, profession or business incurs capital expenditure under a hire purchase agreement on the provision of machinery or plant for the purposes of his trade, profession or business there shall be made to him for each year of assessment in the basis period for which he has made an instalment payment under such agreement, an initial allowance equal to $\frac{1}{5}$ of the capital portion only of such payment.

(2) Where at the end of the basis period for any year of assessment a person has in use for the purposes of his trade, profession or business, machinery or plant acquired by him under a hire purchase agreement there shall be made to him in respect of that year of assessment an annual allowance for depreciation by wear and tear on such machinery or plant.

(3) An annual allowance under this section shall be calculated at rates prescribed by the Board of Inland Revenue and shall be computed on the reducing value of such machinery or plant which shall be the full cost thereof, excluding any interest which may be included in such cost under the terms of the agreement and reduced by any initial or previous annual allowances granted under this section:

Provided that the Commissioner may in his discretion allow a higher rate than that prescribed by the Board of Inland Revenue."

Amendment of section 38.

44. Section 38 of the principal Ordinance is amended—

- (a) by the deletion from the twelfth and thirteenth lines of subsection (1) of the words "before the trade, profession or business is permanently discontinued," and the substitution therefor of the following—

"either whilst the person is carrying on his trade, profession or business or at the time when he ceases so to do,";

- (b) by the addition after subsection (3) of the following new subsection—

"(4) Where by reason of a person ceasing to carry on his trade, profession or business, machinery or plant in respect of which an initial or an annual allowance has been made is put out of use, such person shall be deemed to have received immediately prior to such cessation, sale moneys for such machinery or plant of such an amount as the Commissioner may consider it would have realized had it been sold in the open market at the time of cessation:

Provided that if such person sells such machinery or plant within twelve months of the date of cessation he may claim the adjustment of any balancing allowance or charge which may have been made to or on him as if such sale had taken place immediately prior to the date of cessation."

- (c) by the re-numbering of subsection (4) as subsection (5) and the deletion therefrom in the first and second lines of the words "in the last preceding subsection," and the substitution therefor of the following—

"contained in this section,".

45. The principal Ordinance is amended by the addition after section 38 of the following new sections—

Addition of new sections 38A, 38B and 38C.

"Determination of cost of individual assets sold together for one price.

38A. Where assets which qualify for initial or annual allowances under this Part are sold together or with other assets in pursuance of one bargain the Commissioner shall for the purposes of the calculation of the allowances and charges provided for in this Part, and having regard to all the circumstances of the transaction allocate a purchase price to each individual asset.

Commissioner's power to determine the true value of an asset on sale.

38B. Where an asset which qualifies for initial or annual allowances is sold, and—

- (a) the buyer is a person over whom the seller has control; or
(b) the seller is a person over whom the buyer has control; or
(c) both the seller and the buyer are persons over both of whom some other person has control,

the Commissioner shall, if he is of the opinion that the sale price of such asset does not represent its true market value at the time of such sale, determine such true market value and the amount so determined shall be deemed to be the sale price of such asset for the purpose of calculating the allowances and charges provided for in this Part.

Special provision as to allowances on a change in partnership.

38C. Where a change occurs in a partnership of persons carrying on any trade, profession or business and an application made in accordance with the provisions of the proviso to subsection (3) of section 22 has been properly received by an assessor the provisions of this Part shall apply as if no such change had occurred except that any annual and rebuilding

allowances in respect of assets of the old partnership acquired by the new partnership granted for the year of assessment in the basis period for which such assets were acquired by the new partnership, shall be apportioned *pro rata* between the old and the new partnership."

Repeal and
replace-
ment of
section 40.

46. Section 40 of the principal Ordinance is repealed and replaced by the following section—

"Interpre-
tation.

40. In this Part—

"basis period" has the meaning assigned to it by section 2 except where two basis periods overlap or where there is an interval between the end of the basis period for one year of assessment and the basis period for the next year of assessment, when in the first case the period common to both and in the second case the interval, shall be deemed to fall in the first basis period only;

"capital expenditure on the provision of machinery or plant" includes capital expenditure on alterations to an existing building incidental to the installation of that machinery or plant for the purposes of the trade, profession or business;

"commercial building or structure" means any building or structure not being an industrial building or structure used by the owner wholly and exclusively for the purposes of his trade, profession or business;

"industrial building or structure" means a building or structure used by the owner thereof—

- (a) for the purposes of a trade carried on in a mill, factory or other similar premises; or
- (b) for the purposes of a transport, dock, water or electricity undertaking; or
- (c) for the purposes of a trade which consists of the manufacture of goods or materials or the subjection of goods or materials to any process; or

(d) for the purposes of a trade which consists in the storage—

(i) of goods or materials which are to be used in the manufacture of other goods or materials; or

(ii) of goods or materials which are to be subjected in the course of a trade to any process; or

(iii) of goods or materials on their arrival by sea or air into the Colony; or

(e) for the purposes of the business of farming, and in particular, the said expression includes any building or structure owned by a person carrying on such a trade, undertaking or business and provided by him for the welfare of workers employed in his trade, undertaking or business and in use for that purpose:

Provided that notwithstanding anything contained in the foregoing the expression "industrial building or structure" shall not include any building or structure in so far as it is in use as a dwelling house, other than as a dwelling house for the housing of manual workers, retail shop, showroom, hotel or office;

"relevant interest" means, in relation to any expenditure incurred on the construction of a building or structure the interest in that building or structure to which person who incurred the expenditure was entitled when he incurred it;

"residue of expenditure" means the amount of the capital expenditure incurred in the construction of a building or structure reduced by—

- (a) the amount of any initial allowance made;
- (b) any annual allowance made;
- (c) any balancing allowance granted; and in creased by any balancing charges made:

Provided that in computing the residue of expenditure there shall be written off an amount of 1/50th of the capital expenditure in respect of any year in which no initial or annual allowance falls to be made."

Repeal and replacement of section 41.

47. Section 41 of the principal Ordinance is repealed and replaced by the following section—

"Election for personal assessment.

41. (1) An individual being either a permanent or temporary resident may elect for personal assessment on his total income.

(2) Where such an individual is deceased a duly appointed executor or administrator of his estate may elect for personal assessment on the total income of the deceased for the year of assessment in which the death occurred.

(3) Any election under this section shall be made in writing and lodged with the Commissioner not later than on the last day of the third year following the year of assessment in respect of which the election is made.

(4) In this section—

"individual" does not include—

(a) a wife unless she is a wife living apart from her husband;

(b) a child;

"permanent resident" means an individual who ordinarily resides in the Colony;

"temporary resident" means an individual who stays in the Colony for a period or a number of periods amounting to more than one hundred and eighty days during the year of assessment in respect of which the election is made or for a period or periods amounting to more than three hundred days in two consecutive years of assessment one of which is the year of assessment in respect of which the election is made."

48. Section 42 of the principal Ordinance is repealed and replaced by the following section—

Repeal and replacement of section 42.

"Calculation of total income.

42. (1) For the purposes of this Part the total income of an individual for any year of assessment shall be the aggregate of the following amounts—

(a) the net amount, after deduction of the allowance for repairs and outgoings, on which any property tax chargeable on the individual under the provisions of Part II for that year of assessment is computed;

(b) the assessable income of the individual for that year of assessment computed in accordance with the provisions of Part III less the outgoings and allowances provided for in paragraphs (b) and (c) of subsection (1) of section 12;

(c) the assessable profit of the individual for that year of assessment computed in accordance with the provisions of Part IV;

(d) the amount of any interest including that part of any annuity deemed to be interest, charged to interest tax under the provisions of Part V, received by or credited to the individual during that year of assessment.

(2) In order to ascertain the assessable profits of a partner for the purposes of paragraph (c) of subsection (1), the assessable profits of the partnership for the relevant year of assessment shall be apportioned amongst the partners in the ratio in which the profits for that year of assessment were divided."

49. The principal Ordinance is amended by the addition after section 42 of the following new sections—

Addition of new sections 42A and 42B.

"Husband and wife.

42A. For the purposes of this Part the total income of a wife not being a wife living apart from her husband shall be deemed to be that of her husband.

Allowances. **42B.** (1) In giving effect to an election under the provisions of this Part the assessor shall make a single assessment in the sum of the total income reduced by the following allowances—

- (a) a personal allowance of seven thousand dollars;
- (b) an allowance of seven thousand dollars if at any time during the year of assessment the individual was married to a wife not being a wife living apart from her husband;
- (c) an allowance of two thousand dollars if the individual had living and was maintaining during the year of assessment an unmarried child who was either under the age of eighteen years, or if over the age of eighteen years but under the age of twenty-five years was receiving full time education at a university, college, school or other educational establishment, and where the individual had more than one such child an allowance of two thousand dollars for the second child and one thousand dollars each for the third and fourth child and two hundred dollars for each subsequent child;

Provided that the total of the allowances to an individual in respect of his children shall not exceed seven thousand dollars;

- (d) an allowance of—
 - (i) the annual amount of any premium paid by the individual to an insurance company during the year preceding the year of assessment, in respect of any insurance on his life or on the life of his wife not being a wife living apart from her husband, and
 - (ii) of the annual amount of any contribution made during the year preceding the year of assessment by the individual to the Widows

and Orphans Pensions Scheme of the Colony or such other scheme or fund as the Commissioner may approve as equivalent to a Widows and Orphans Pensions Scheme :

Provided that the total allowance made to the individual under this paragraph shall not exceed an amount equal to one-sixth part of the total income of such individual before deducting the allowances specified in paragraphs (b), (c), (d) and (e) of this subsection;

- (e) an allowance of the amount of any interest payable on any money borrowed for the purpose of producing the total income or any part thereof.

(2) An individual who is liable to tax for a part only of a year of assessment prior to the year of assessment 1950/51 shall be entitled for that year to the same proportion only of the allowances under this section as the number of days during which he is liable bears to the number of days in that year of assessment.

(3) Every individual who claims an allowance under this section shall make his claim on the prescribed form and an allowance shall be granted only if the claim contains such particulars and is supported by such proof as the Commissioner may require."

50. Section 43 of the principal Ordinance is amended—

Amend-
ment of
section 43.

- (a) by the insertion in the first line of subsection (1) after the word "the" of the following—

"individual in respect of his";

- (b) by the insertion in the second line of subsection (1) after the figures "42" of the following—

"B";

- (c) by the deletion of subsection (2) and the substitution therefor of the following subsection—

“(2) Any tax paid whether directly or by deduction under the provisions of section 6 or 29 and any salaries tax and any business profits tax paid under the provisions of Parts III and IV respectively shall, where the relevant amounts on which such taxes were calculated are included in the total income of an individual, be set off for the purposes of collection against the tax charged under this Part on that individual.”;

- (d) by the addition after subsection (2) of the following new subsection—

“(3) Where the aggregate of the taxes which may be set off under subsection (2) exceeds the amount of tax charged on an individual under this Part, the Commissioner shall, on receipt of a claim from such individual in the prescribed form and on being satisfied that the claim is in order, refund such excess to such individual.”

Addition
of new
section
43A.

51. The principal Ordinance is amended by the addition after section 43 of the following new section—

“Interpre-
tion.

43A. In this Part—

“child” means—

- (a) the child of an individual by his wife or former wife; or
- (b) in the case of a woman her own child; or
- (c) in the case of Asiatics a child of the individual by his concubine if such child is recognized by him and his family as a member of his family; or
- (d) an adopted child; or
- (e) a step-child.”

52. Subsection (4) of section 51 of the principal Ordinance is amended— Amend-
ment of
section 51.

- (a) by the insertion in the first line of paragraph (a) after the word “assessor” of the following—
“or an inspector”;
- (b) by the insertion in the fifth line of paragraph (a) after the word “assessor” of the following—
“or inspector”.

53. Paragraph (1) of rule 6 of the Inland Revenue Rules is rescinded and replaced as follows— Amendment
of rule 6
of the
Inland
Revenue
Rules.

“(1) For the purpose of assessment to interest tax under Part V of the Ordinance, an annuity payable in respect of valuable consideration given shall first be apportioned as between capital and income in accordance with the provisions of this rule. The capital portion shall be ascertained by dividing the consideration (*i.e.*, premiums paid, or the total of such premiums if more than one, or other valuable consideration given) by the figures ascertained from the Table set out in paragraph (2) hereof by reference to the age of the annuitant at the date of his or her last birthday prior to the first payment of the annuity. The excess of the annual annuity over the capital portion thus computed shall be deemed to be interest chargeable to interest tax under Part V of the Ordinance. This apportionment between capital and interest shall be constant each year until such time as the accumulated total of the capital portions shall equal the total consideration. Thereafter, the whole of the annual amount of the annuity shall be deemed to be interest for the purpose of interest tax: Provided that no apportionment to capital shall be made in respect of any consideration given by a person other than the annuitant, or his or her spouse, and provided further that any premium or portion of a premium which has been allowed as a deduction under section 42B of the Ordinance, shall be excluded from the amount of the consideration.” (Vol. IX,
Revised
Edition,
p. 356).

54. Where a person who has been assessed to tax prior to the enactment of this Ordinance in respect of the year of assessment commencing on the 1st April, 1955, proves to the satisfaction Assess-
ments for
1955/56
made prior

to enact-
ment of
this
Ordinance.

of the Commissioner within twelve months from the date of enactment of this Ordinance, that had he been assessed to tax for that year of assessment subsequently to the enactment of this Ordinance, the amount of tax charged on him for that year of assessment would have been less than the amount charged on him under the said assessment, the Commissioner shall, notwithstanding anything contained in this Ordinance, cancel the said assessment and make a fresh assessment under the principal Ordinance as amended by this Ordinance.

Saving.

55. For the avoidance of doubt it is hereby declared that tax chargeable under the principal Ordinance for any year of assessment prior to that commencing on the 1st of April, 1955, shall be charged as if this Ordinance had not been enacted.

Passed the Legislative Council of Hong Kong, this 14th day of September, 1955.



Deputy Clerk of Councils.

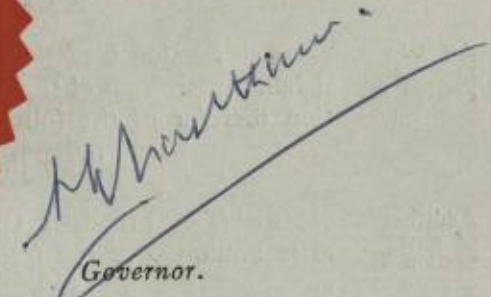
(Secretariat 2/2301/47)

HONG KONG

No. 37 OF 1955.



I assent.



Governor.

15th September, 1955.

An Ordinance to amend the Sand Ordinance, Chapter 147.

[16th September, 1955.]

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

1. This Ordinance may be cited as the Sand (Amendment) Short title. Ordinance, 1955.

2. Subsection (1) of section 3 of the Sand Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion therefrom of the words "junk or lighter, or in any truck or lorry," and the substitution therefor of the following—

"vessel or vehicle".

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

"Arrest,
detention,
search and
seizure.

4. The Controller of Stores and any public officer authorized by him either generally or specially and any police officer may—

Amend-
ment of
section 3.
(Cap. 147).

Repeal and
replace-
ment of
section 4.

- (a) arrest any person whom he reasonably suspects to have committed or of being about to commit an offence against this Ordinance;
- (b) enter and search any place and stop, board, detain and search any vessel or vehicle in which he has reason to suspect there is any sand with respect to which an offence against this Ordinance has been committed; and
- (c) seize any sand with respect to which he has reason to suspect there has been committed an offence against this Ordinance."

Amend-
ment of
section 6.

4. Section 6 of the principal Ordinance is amended by the deletion therefrom of the words "one thousand" and the substitution therefor of the following—

"two thousand five hundred".

Addition
of new
section 7.

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

"Restitu-
tion and
forfeiture
of sand.

7. Where any sand has been seized under this or any other enactment the magistrate shall upon application being made—

- (a) order restitution thereof to the Crown where the sand appears to him to be the property of the Crown; or
- (b) order the forfeiture to the Crown thereof where the sand appears to him to be the property of some other person and where he is satisfied that an offence against this Ordinance has been committed in respect thereof whether any person has been convicted of such offence or not."

Passed the Legislative Council of Hong Kong, this 14th day of September, 1955.



Deputy Clerk of Councils.

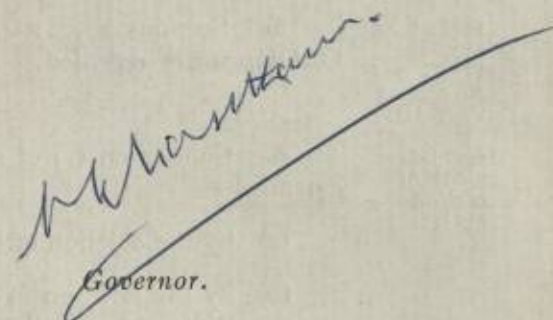
(Secretariat 34/5181/47)

HONG KONG

No. 38 OF 1955.



I assent.



Governor.

15th September, 1955.

An Ordinance to amend the Quarantine and Prevention of Disease Ordinance, Chapter 141.

[16th September, 1955.]

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

1. This Ordinance may be cited as the Quarantine and Short title. Prevention of Disease (Amendment) Ordinance, 1955.

2. The Quarantine and Prevention of Disease Ordinance (hereinafter referred to as the principal Ordinance) is amended—

Certain
words
changed in
Ordinance.
(Cap. 141).

- (a) by the deletion of the words "deratise" and "deratisation" wherever they occur and the substitution therefor in each case of the following—

"derat" and "deratting";

- (b) by the deletion of the words "disinsectise" and "disinsectisation" wherever they occur and the substitution therefor in each case of the following—
"disinsect" and "disinsecting";
- (c) by the deletion of the word "observation" wherever it occurs and the substitution therefor in each case of the following—
"isolation";
- (d) by the deletion of the word "rat" wherever it occurs and the substitution therefor in each case of the following—
"rodent".

Repeal of sections 17, 21 and 30 and of Part III.

3. Sections 17, 21 and 30, and Part III of the principal Ordinance are repealed.

Amendment of section 2(1).

4. Subsection (1) of section 2 of the principal Ordinance is amended—

- (a) by the deletion of the definition of "circumscribed case";
- (b) by the deletion of the definitions of "infected area" and "infected place" or "infected port" and the substitution therefor of the following—
" "infected area" means any area which has been certified by the Director of Medical and Health Services to be an infected area from the date of the certificate until the date of the cancellation thereof;
"infected place" or "infected port" means any place or port which has been certified by the Director of Medical and Health Services to be an infected place or port from the date of the certificate until the date of the cancellation thereof;";
- (c) by the deletion of the definition of "port health officer";
- (d) by the insertion after the definition "quarantine anchorage" of the following new definition—
" "quarantinable disease" means any of the following diseases, namely, plague, cholera, yellow fever, typhus, smallpox and relapsing fever;";

- (e) by the insertion after the definition of "quarantine station" of the following new definition—
" "relapsing fever" means louse-borne relapsing fever;";
- (f) by the insertion after the definition of "surveillance" of the following new definition—
" "typhus" means louse-borne typhus;".

5. Subsection (2) of section 2 of the principal Ordinance is amended—

Amendment of section 2(2).

- (a) by the insertion in sub-paragraphs (i) and (ii) of paragraph (a) before the word "plague" in each case of the following—

"human"; and

- (b) by the addition at the end thereof of the following—

"(d) in respect of smallpox—

- (i) if there is a case of smallpox on board;
- (ii) if there has been a case of smallpox on board during the voyage;

(e) in respect of typhus—

- (i) if there is a case of typhus on board;
- (ii) if there has been a case of typhus on board within the preceding fourteen days previous to arrival;

(f) in respect of relapsing fever—

- (i) if there is a case of relapsing fever on board;
- (ii) if there has been a case of relapsing fever on board during the eight days previous to arrival."

6. Subsection (3) of section 2 of the principal Ordinance is amended—

Amendment of section 2(3).

- (a) by the insertion in sub-paragraph (i) of paragraph (a) before the word "plague" of the following—

"human"; and

- (b) by the deletion of paragraphs (b) and (c) and the substitution therefor of the following—

“(b) in respect of cholera—

(i) if there has been a case of cholera on board at the time of departure or during the voyage, but no fresh case during the five days previous to arrival;

(ii) if a case of cholera has occurred on board an aircraft during the voyage but the case has previously been disembarked;

(c) in respect of yellow fever—

(i) if having had no case of yellow fever on board it arrives after a voyage of less than six days from an infected port or from a yellow fever endemic zone or there is reason to believe that it may carry *Aedes aegypti* from any such port;

(ii) if arriving within thirty days of leaving an infected port or a yellow fever endemic zone a health officer finds *Aedes aegypti* on board.”

Amend-
ment of
section 3.

7. Section 3 of the principal Ordinance is amended—

- (a) by the deletion of the word “twelve” and the substitution therefor of the following—

“fourteen”;

- (b) by the deletion of the word “and” and the substitution therefor of a comma;

- (c) by the deletion at the end thereof of the fullstop and the substitution therefor of the following—

“, and eight days in the case of relapsing fever.”

Amend-
ment of
section 4.

8. Subsection (4) of section 4 of the principal Ordinance is amended by the deletion of the word “two” and the substitution therefor of the following—

“four”.

Amend-
ment of
section 8.

9. Section 8 of the principal Ordinance is amended—

- (a) by the deletion from paragraph (o) of subsection (2) of the words “five hundred” and the substitution therefor of the following—

“two thousand”;

- (b) by the insertion in paragraph (f) of subsection (3) after the words “vaccination of” of the following—

“persons”; and

- (c) by the insertion in paragraph (i) of subsection (3) after the word “disinfection” of the following—

“and disinsecting”.

10. The principal Ordinance is amended by the insertion after section 15 of the following new sections—

Addition
of new
sections
15A, 15B
and 15C.

“Power to
requisition
vehicles
tempor-
arily.

15A. Where on any occasion it appears to the Director of Medical and Health Services necessary for the carrying out of any of the provisions of this Ordinance, he may in writing authorize any health officer to requisition temporarily any vehicle or vessel for such period as in the opinion of the health officer is necessary for the carrying out on that occasion of such provision.

Compensation.

15B. (1) Where either—

- (a) any vehicle or vessel is requisitioned under section 15A; or

- (b) any article is destroyed under the provisions of this Ordinance for the purpose of preventing the spread of an infectious disease,

the Director of Medical and Health Services may order that compensation be paid.

(2) Any dispute as to the amount of compensation shall, in default of agreement, be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(Vol. VII,
p. 44).

Limitation
of liability.

15C. No matter or thing done by any health officer or by any public officer acting under his direction shall, if it were done *bona fide* for the purpose of executing this Ordinance, subject him or such public officer personally to any action, liability, claim or demand whatsoever:

Provided that nothing herein contained shall exempt any person from any proceeding by way of mandamus, injunction, prohibition or other order.”

Repeal and
replace-
ment of
section 16.

11. Section 16 of the principal Ordinance is repealed and replaced by the following—

"Import of
human
remains,
noxious in-
sects and
pests.

16. (1) No person shall knowingly import into the Colony any human corpse, human remains, living noxious insect, living pest, any living germ or microbe of disease or any bacterial culture without a permit in writing from the Director of Medical and Health Services.

(2) The Director of Medical and Health Services may endorse on such permit such conditions as he deems fit.

(3) Any person who contravenes or fails to comply with any condition on such a permit shall be guilty of an offence."

Repeal and
replace-
ment of
section 18.

12. Section 18 of the principal Ordinance is repealed and replaced by the following section—

"Infected
port to be
certified.

18. Whenever information is received that any quarantinable disease has broken out, or exists, or is reasonably suspected to exist at any place or port the Director of Medical and Health Services may certify that such place or port is an infected place or infected port for the purposes of this Ordinance, and may publish in the *Gazette* the measures intended to be taken against such infected place or infected port under this Ordinance."

Amend-
ment of
sections 22
and 31.

13. Sections 22 and 31 of the principal Ordinance are amended by the deletion in each case of the words "referred to in section 21".

Amend-
ment of
section 23.

14. Section 23 of the principal Ordinance is amended by the deletion of the words "upon which a health officer shall find, in the course of his examination, any case of infectious disease, and every vessel referred to in section 21".

Amend-
ment of
section 25.

15. Section 25 of the principal Ordinance is amended by the deletion of the words "referred to in section 21" and the substitution therefor of the following—

"showing the quarantine signal".

16. Section 26 of the principal Ordinance is amended by the deletion of the words "showing the quarantine signal" and the substitution therefor of the following—

Amend-
ment of
section 26.

"which is an infected or suspected vessel with respect to any quarantinable disease".

17. Section 27 of the principal Ordinance is repealed and replaced by the following—

Repeal and
replace-
ment of
section 27.

"Prohibi-
tion of
landing
passengers
from
certain
vessels
before in-
spection.
Duty to
report
infectious
disease.

27. (1) No master of any vessel or aircraft shall land or permit to land or to be landed from his vessel or aircraft any passengers until they have been inspected and passed by a health officer, and a master shall afford all reasonable facilities for enabling such inspection to be duly carried out.

(2) The master of any vessel or aircraft shall report to a health officer any case of infectious disease which he knows to exist, or to have existed during the voyage, on his vessel or aircraft.

(3) (a) Except with the permit in writing from a health officer no master of any vessel or aircraft shall land or permit to land or to be landed from his vessel or aircraft any person whom he knows to be suffering from an infectious disease.

(b) Any master of a vessel or aircraft who lands or permits to land or to be landed any such person without permission shall, on demand from a health officer, forthwith remove such person from the Colony."

18. Section 28 of the principal Ordinance is amended by the deletion of the words "plague, cholera, yellow fever, typhus or smallpox" and the substitution therefor of the following—

Amend-
ment of
section 28.

"any quarantinable disease".

19. Section 32 of the principal Ordinance is amended by the insertion after subsection (1) of the following new subsection—

Amend-
ment of
section 32.

"(1A). When required by a health officer, the master of any aircraft shall make and sign a true declaration as to the presence or prevalence of an infectious disease on

board or during the voyage, all particulars regarding any disinsecting carried out before or during such voyage and any other particulars as may be required by the health officer."

Amendment of section 33.

20. Section 33 of the principal Ordinance is amended by the insertion after the word "vessel" of the following—

"or aircraft".

Amendment of section 34.

21. Section 34 of the principal Ordinance is amended—

(a) by the insertion after the word "vessel" wherever it occurs of the following—

"or aircraft";

(b) by the deletion of the words "five hundred" and the substitution therefor of the following—

"two thousand".

Amendment of section 35.

22. Section 35 of the principal Ordinance is amended by the deletion of the words "Every infected and every suspected vessel, and every vessel which has come from an infected port and" and the substitution therefor of the following—

"Every vessel".

Amendment of section 37.

23. Section 37 of the principal Ordinance is amended by the deletion of the words "under observation" and the substitution therefor of the following—

"which is an infected or suspected vessel with respect to any quarantinable disease".

Amendment of section 44.

24. Subsection (2) of section 44 of the principal Ordinance is amended by the deletion of the words "plague, cholera, smallpox, typhus or yellow fever" and the substitution therefor of the following—

"any quarantinable disease".

Amendment of section 45.

25. Section 45 of the principal Ordinance is amended by the deletion of the letter "M" and the substitution therefor of the following—

"W".

26. Section 47 of the principal Ordinance is amended—

Amendment of section 47.

(a) by the deletion from paragraph (c) of the colon and the substitution therefor of the following—

“, and may be disinsected :”;

(b) by the deletion of the last line of paragraph (e) and the substitution therefor of the following—

“disinsected and if necessary disinfected.”.

27. Subsection (1) of section 48 of the principal Ordinance is amended—

Amendment of section 48.

(a) by the deletion in the first and second lines of the words “by fumigation”;

(b) by the deletion in the eighth and ninth lines of the word “fumigation” and the substitution therefor in each case of the following—

“deratting”.

28. The principal Ordinance is amended by the insertion after section 48 of the following new section—

Addition of new section 48A.

“Certain articles not to be discharged until disinfected.”

48A. (1) Where any vessel or aircraft arrives from any place or port certified to be an infected place or infected port in respect of plague, no feathers, sacks or rags taken on board the vessel or aircraft at such place or port shall be unloaded unless the vessel or aircraft or such articles have been disinfected and disinsected to the satisfaction of a health officer.

(2) Any person who unloads any such articles in contravention of this section shall be liable to a fine of two thousand dollars.”

29. Section 52 of the principal Ordinance is repealed and replaced by the following new section—

Repeal and replacement of section 52.

“Deratting of vessels.”

52. (1) Where a health officer has reason to believe that a vessel harbours rats he may—

(a) derat or cause to be deratted such vessel, and

(b) issue in respect thereof a deratting certificate in the form in the Schedule.

Schedule.

(2) Upon application in respect thereof, a health officer shall inspect any vessel, and where he does not exercise the powers vested in him under subsection (1), he shall—

- Schedule.
- (a) issue to the master of such ship a deratting certificate in the form in the Schedule, or
 - (b) extend the validity of the ship's deratting certificate for a period not exceeding one month.

Schedule.

(3) Every vessel proposing to leave the Colony shall produce to the person whose duty it is to grant a port clearance a deratting certificate in the form in the Schedule, and no such port clearance shall be issued in respect of any vessel until the production of such certificate."

Amend-
ment of
section 53.

30. Section 53 of the principal Ordinance is amended by the deletion of paragraph (c) and the substitution therefor of the following paragraph—

- Schedule.
- "(c) (i) those passengers and crew in possession of cholera certificates of vaccination, in the form set out in the Schedule, or who are in the opinion of the health officer protected by vaccination against cholera, may be subject to surveillance during a period not exceeding five days reckoned from the date of arrival;
- (ii) those passengers and crew who in the opinion of the health officer are not protected by vaccination against cholera may be isolated for a period not exceeding five days reckoned from the date of arrival."

Addition
of new
sections
56A and
56B.

31. The principal Ordinance is amended by the insertion after section 56 of the following new sections—

"Precau-
tionary
measures
in respect
of certain
food-stuffs.

56A. (1) Where any vessel or aircraft arrives from a place or port certified to be an infected place or infected port in respect of cholera a health officer may—

- (a) order to be kept on board; or
 - (b) destroy
- any fish, shell-fish, fruit, vegetables or beverages :

Provided that this section shall not apply to any such food or beverages in sealed containers which in the opinion of a health officer are not contaminated.

(2) No person shall unload any of the articles referred to in subsection (1).

Stool
examina-
tion.

56B. Where any person arrives from any place or port certified to be an infected place or infected port in respect of cholera a health officer may carry out a stool examination."

32. Section 59 of the principal Ordinance is amended—

Amend-
ment of
section 59.

- (a) by the insertion in paragraph (b) after the words "to vaccination" of the following—
"or vaccination";
- (b) by the deletion of the colon at the end of paragraph (b) and the substitution therefor of the following—
"or isolation :".

33. The principal Ordinance is amended by the repeal of the heading "Typhus Precautionary Measures" and of section 60 and the substitution therefor of the following—

Amend-
ment of
principal
Ordinance.

"Typhus and Relapsing Fever Precautionary Measures.

Typhus
and re-
lapsing
fever
precau-
tionary
measures
in case
of infected
vessels or
aircraft.

60. (1) Vessels or aircraft which have, or have had during the voyage, a case of typhus or relapsing fever on board shall be subject to the following measures—

- (a) medical inspection,
- (b) the sick shall be immediately disembarked, isolated and disinfected,
- (c) other persons reasonably suspected to harbour lice, or to have been exposed to infection, shall be disinfected and may be subjected to surveillance during a period which shall not exceed fourteen days in the case of typhus and eight days in the case of relapsing fever from the date of the disinfecting,
- (d) bedding, linen, wearing apparel and other articles which a health officer considers to be infected shall be disinfected and, if necessary, disinfected,

- (e) the parts of the vessel or aircraft which have been occupied by persons ill with typhus or relapsing fever and which such health officer regards as infected shall be disinfected and disinfected.
- (2) (a) Where any person arrives from any place or port certified to be an infected place or port in respect of typhus or relapsing fever such person may, if the health officer considers it necessary, be disinfected and subjected to surveillance during a period which shall not exceed fourteen days in the case of typhus and eight days in the case of relapsing fever from the date of the disinfecting.
- (b) Bedding, linen, wearing apparel and other articles which a health officer considers to be infected shall be disinfected and, if necessary, disinfected."

Amend-
ment of
section 61.

34. Section 61 of the principal Ordinance is amended by the insertion in paragraph (c) after the word "disembark" of the following—

"and who in the opinion of a health officer are not protected against yellow fever".

Amend-
ment of
section 63.

35. Section 63 of the principal Ordinance is amended—

- (a) by the deletion of the word "stegomyia" wherever it occurs and the substitution therefor in each case of the following—

"Aedes aegypti";

- (b) by the deletion from paragraph (a) of the words "two hundred and twenty" and the substitution therefor of the following—

"four hundred and fifty".

Amend-
ment of
section 65.

36. Subsection (1) of section 65 of the principal Ordinance is amended by the insertion after the words "vegetable matter," of the following—

"living pest or insect,".

37. The Schedule to the principal Ordinance is amended by the addition at the end thereof of the following—

Amend-
ment of
Schedule.

"DERATTING CERTIFICATE* — CERTIFICAT DE DÉRATISATION.

DERATTING EXEMPTION CERTIFICATE* — CERTIFICAT D'EXEMPTION DE LA DÉRATISATION*

Issued in accordance with Article 52 of the International Sanitary Regulations (Given under Art. 28 of the International Sanitary Convention of Paris, 1926).

Délibéré conformément à l'art. 52 du Règlement Sanitaire International

(NOT TO BE TAKEN AWAY BY PORT AUTHORITIES)

(NE DEVANT PAS ÊTRE RETIRÉ PAR LES AUTORITES DU PORT)

Date—Date Port of—Port de

THIS CERTIFICATE records the inspection and { exemption* } at this port and on the
deratting* } above date.

LE PRÉSENT CERTIFICAT atteste l'inspection et { l'exemption* } en ce port et à la date
la dératisation* } ci-dessus.

of the of net tons, from

du navire de tonnage net, venant de

in accordance with the Quarantine Laws and Regulations of } HONG KONG
conformément aux Lois et Règlements quaranténaires de }

At the time the holds were { * empty
* laden with tons of cargo *.

A ce moment les cales étaient { * vides
* chargées de tonnes de cargo.

(* Strike out the unnecessary indications. — Rayer les mentions inutiles.)

OBSERVATIONS. OBSERVATIONS. — (in case of exemption, state here the measures taken for maintaining the vessel in such a condition that the rat population would be reduced to a minimum. — Dans le cas d'exemption indiquer ici les mesures prises pour que le navire soit maintenu dans des conditions telles que la population murine y soit réduite au minimum).

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DERATTING CERTIFICATE. — CERTIFICAT DE DÉRATISATION (a).
DERATTING EXEMPTION CERTIFICATE. — CERTIFICAT D'EXEMPTION DE DÉRATISATION (a).

1.		2.	3.	4.	DERATISATION—DÉRATISATION.				
					by fumigation—par fumigation		by catching, trapping or poisoning		
					Fumigant—Gaz utilisé	Hours exposure—Exposition (heures)	par capture ou poison		
Compartments (b)		Rat Indications (c)	Rat Refuges	Harborage d rats	Cu. ft. space	Quantity used (e)	Rate recovered	Traps set or poisons put out	Rate recovered
Compartiments		Traces de Rats	discovered (d) trouvés	corrected supprimés	Capaces (métr. cubes)	Quantités employées	Rats trouvés morts	Pièges ou poisons mis	Rats pris ou tués
1.		2.	3.	4.	5.	6.	7.	8.	9.
Holds		1							
Coles		2							
		3							
		4							
		5							
		6							
Bridge Deck space									
Entrepont									
Bunker space									
Soute à charbon									
Engine-room and Shaft Alley									
Chaudières, tunnel de l'arbre									
Forepeak and Store-room									
Coqueron avant et magasin									
Afterpeak and Store-room									
Coqueron arrière et magasin									
Lifeboats									
Canots de sauvetage									

Charts and Wireless rooms
Chambre des cartes, T. S. F.
Galley and Bakery
Cuisines et Boulangerie
Pantry
Cambiuses
Provision Store-rooms
Soute à vivres
Quarters, (Crew)
Postes (Équipage)
Quarters (Officers)
Chambres (Officiers)
Quarters (Cabin Passengers)
Cabines et Salles (Passagers)
Quarters (Steering)
Postes (Passagers de Se cl.
et émirants)

TOTALS

- (a) Strike out the unnecessary indications. — Rayer les mentions inutiles.
(b) In case any of the compartments enumerated are not present on the vessel this fact must be mentioned. — Lorsqu'un des compartiments énumérés n'existe pas sur le navire, on devra le mentionner expressément.
(c) Old or recent evidence of excreta, runs or cutting. — traces anciennes ou récentes d'excréments, de passages ou de rongements.
(d) None. Slight. Moderate or pronounced. — Néant. Peu. Passablement ou Beaucoup.
(e) State the weight of Sulphur or of Cyanide salts or quantity of HCN used. — Indiquer les poids de soufre ou de cyanure ou la proportion d'acide cyanhydrique.

Seal, Name, Qualification and Signature of the Inspector.
Cachet, Nom, Qualité et Signature de l'Inspecteur.

VACCINATION CERTIFICATE FOR CHOLERA.

International Certificate of Vaccination or Revaccination
Against Cholera.

*Certificat International de Vaccination Ou De Revaccination
Contre le Cholera.*

This is to certify that } date of birth } sex }
Je soussigne (e) } ne (e) } sexe }
certifie que } le }
whose signa- }
ture follows }
dont la }
signature }
suit }

has on the date indicated been vaccinated or revaccinated against cholera.
a ete vaccine (e) ou revaccine (e) contre le cholera a la date indiquee.

Date	Signature and professional status of vaccinator. <i>Signature et qualite professionnelle du vaccinateur.</i>	Approved stamp. <i>Cachet d'authentification.</i>
1		1 2
2		
3		3 4
4		
5		5 6
6		
7		7 8
8		

Passed the Legislative Council of Hong Kong, this 14th day
of September, 1955.

Deputy Clerk of Councils.

(Secretariat 1/2961/46)

HONG KONG

No. 39 OF 1955.



I assent.

[Handwritten signature]
Governor.

15th September, 1955.

An Ordinance to provide for the incorporation of the members
of The Hong Kong Christian Council.

[16th September, 1955.]

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

1. This Ordinance may be cited as The Hong Kong Short title.
Christian Council Incorporation Ordinance, 1955.

2. In this Ordinance—

“constitution” means the constitution of the Hong Kong Christian
Council approved from time to time by its members for the
time being.

Inter-
pretation.

Incorporation.

3. The members of The Hong Kong Christian Council shall be a body corporate, hereinafter called the corporation, and shall have the name "The Hong Kong Christian Council" and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal, and may from time to time, break, change, alter and make anew the said seal as the corporation may deem fit.

Powers of corporation.

4. The corporation shall have full power—

- (a) to operate, manage and maintain such cemeteries as the corporation shall be permitted by law to operate, manage or maintain;
- (b) to acquire, accept leases of, purchase, take, or otherwise hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate:

Provided that the corporation shall not acquire any immovable property in the Colony unless it shall have previously obtained the special consent of the Governor in Council in each case;

- (c) to acquire, by purchase or otherwise, vessels, goods and chattels of what nature or kind soever;
- (d) to invest moneys on deposit in any bank in the Colony or in any government bonds or on mortgage of any kind, buildings, messuages or tenements in the Colony, or in or on debentures, debenture-stocks, stocks, funds, shares or securities of any corporation or company carrying on business in the Colony;
- (e) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of, any land, or buildings, messuages, tenements, mortgages, debentures, debenture-stocks, funds, securities, vessel, goods and chattels for the time being vested in the corporation, upon such terms as the corporation may deem fit;
- (f) to erect any buildings, messuages or tenements and effect any improvement thereto;

- (g) to borrow money upon such terms as the corporation shall think fit, and to raise money by public or private subscription; and
- (h) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the corporation as provided by its constitution, or the purposes aforesaid or any of them.

5. On the coming into operation of this Ordinance all moneys, securities for money, goods, chattels, and effects whatsoever belonging to The Hong Kong Christian Council are hereby transferred to and vested in the corporation and the corporation shall become liable to the debts and liabilities of the said Hong Kong Christian Council.

Vesting of property.

6. The corporation shall consist of such members as shall be provided by its constitution.

Members.

7. All the existing members of the unincorporated Hong Kong Christian Council at the date of the passing of this Ordinance shall be the first members of the corporation.

Existing members to become members.

8. The existing constitution of the unincorporated Hong Kong Christian Council shall be the constitution of the corporation, but the same may be changed or amended at any time and from time to time in accordance with its provisions for the time being in force.

Existing constitution to become constitution of corporation.

9. (1) The corporation shall forward to the Registrar of Companies for registration the following—

Registration with Registrar of Companies.

- (a) notice of the address of the registered office of the corporation and any change thereto;
- (b) a copy of the constitution and any amendment thereto, certified as correct by the Chairman of the corporation;
- (c) a list of the names and addresses of the members of the Executive Committee of the corporation, and any change therein, certified as correct by the Chairman; and
- (d) the name and address of any person appointed under section 10 to sign deeds, documents and other instruments.

(2) Notification in accordance with subsection (1) shall be made within twenty-eight days of the coming into force of this Ordinance or within twenty-eight days of any amendment or change as the case may be.

(3) Any person may inspect any of the documents registered under this section.

(4) A fee of five dollars shall be payable for registering any document under this section.

(5) A fee of one dollar shall be payable for inspecting the documents filed with the Registrar of Companies under this Ordinance.

Sealing of
deeds.

10. All deeds documents and other instruments requiring the seal of the corporation shall be signed by the Chairman and the secretary of the corporation or by such other person or persons as the corporation shall from time to time appoint and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

Saving.

11. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen, Her heirs or successors, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

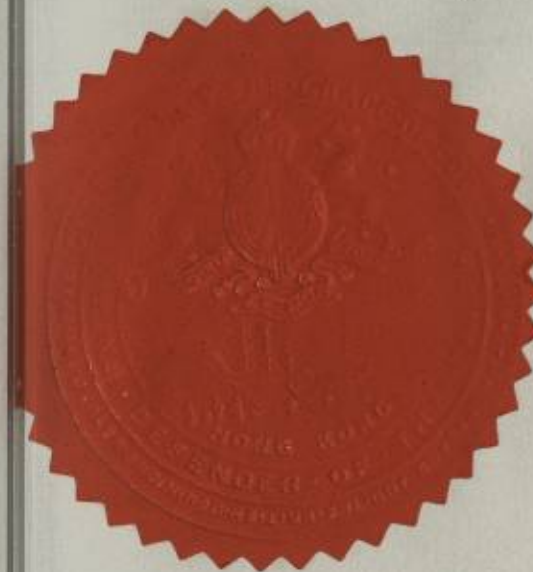
Passed the Legislative Council of Hong Kong, this 14th day of September, 1955.

Deputy Clerk of Councils.

(Secretariat 32/3231/55)

HONG KONG

No. 40 OF 1955.



I assent.

Governor.

15th September, 1955.

An Ordinance to amend the Foreign Mission Sisters of St. Dominic Incorporation Ordinance, Chapter 282.

[16th September, 1955.]

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

1. This Ordinance may be cited as the Foreign Mission Sisters of St. Dominic Incorporation (Change of Name) Ordinance, 1955. Short title

2. The Foreign Mission Sisters of St. Dominic Incorporation Ordinance shall have effect as if for the words "Foreign Mission" wherever those words occur there were substituted the word "Maryknoll". Amendment
(Cap. 282)

Passed the Legislative Council of Hong Kong, this 14th day of September, 1955.

Deputy Clerk of Councils.

(Secretariat 33/3231/55)

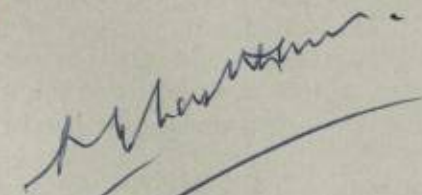


HONG KONG

No. 41 OF 1955.



I assent.


Governor.

28th September, 1955.

An Ordinance to revest in the Crown a portion of the precincts of Saint John's Cathedral Church, and to extinguish a right of way through the said precincts.

[29th September, 1955.]

WHEREAS the precincts of Saint John's Cathedral Church in Hong Kong are by subsection (1) of section 6 of the Church of England Trust Ordinance vested in the Trustees of the Church of England in the Diocese of Victoria, Hong Kong, (hereinafter referred to as the trustees) in fee simple subject to the right of way therein mentioned :

AND WHEREAS it is expedient and desirable that a strip of land forming part of the said precincts should be revested in the Crown for the purpose of providing a public footpath on the west side of Garden Road, Victoria, Hong Kong.

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

Short title. 1. This Ordinance may be cited as the Church of England Trust Ordinance, 1955, and shall be read as one with the Church of England Trust Ordinance (hereinafter referred to as the principal Ordinance).

Portion of land to revest in Crown. 2. That portion of the precincts of the said Cathedral Church delineated and coloured pink on a plan dated the 16th day of August, 1955, signed by the Director of Public Works, sealed with the seal of the Colony, and deposited at the Land Office, is hereby revested in the Crown, and all the estate, right, title and interest of the trustees in and to the said portion of the said precincts are hereby determined.

Right of way extinguished. 3. (1) The right of way referred to in and reserved by subsection (1) of section 6 of the principal Ordinance on the piece of land delineated and coloured red on the plan of the said precincts deposited at the Land Office on the 29th April, 1892, is hereby extinguished, and the trustees shall hold the said piece of land in fee simple freed and released from any right in any person to use it as a road or right of way.

(2) The obligation on the Government to maintain the road on the said piece of land referred to in subsection (1) of section 6 of the principal Ordinance is hereby determined.

Passed the Legislative Council of Hong Kong, this 28th day of September, 1955.


Deputy Clerk of Councils.

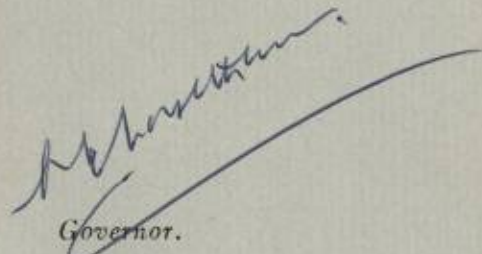
(Secretariat 68/661/47II)

HONG KONG

No. 42 OF 1955.



I assent.


Governor.

28th September, 1955.

An Ordinance to amend the Church of England Trust Ordinance, Chapter 277.

[29th September, 1955.]

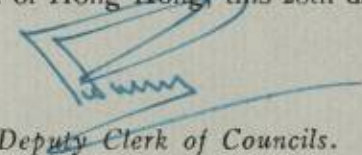
BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Church of England Trust (Amendment) Ordinance, 1955. Short title.

2. Section 6 of the Church of England Trust Ordinance is amended by the substitution of a colon for the full stop at the end of subsection (1) and the insertion thereafter of the following— Amendment of section 6. (Cap. 277).

“And provided further that the use of any part of the said precincts for the purpose of schools, quarters for the members of the staff of Saint John's Cathedral Church and other buildings in connexion with such church shall be deemed to be use for the purpose of a church within the meaning of this subsection.”

Passed the Legislative Council of Hong Kong, this 28th day of September, 1955.


Deputy Clerk of Councils.

(Secretariat 68/661/47II)



HONG KONG

No. 43 OF 1955.



I assent.

[Signature]
Governor.

28th September, 1955.

An Ordinance to amend the Holidays Ordinance, Chapter 149.

[29th September, 1955.]

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

1. This Ordinance may be cited as the Holidays (Amendment) Ordinance, 1955. Short title.

2. The Holidays Ordinance is amended by the addition at the end thereto of the following new section— Addition of new section 9. (Cap. 149).

"Magistrates may act on general holidays.

9. Permanent magistrates, special magistrates and marine magistrates may exercise all the jurisdiction and powers conferred on them by any enactment in force in the Colony on any day, whether a general holiday or not."

Passed the Legislative Council of Hong Kong, this 28th day of September, 1955.

[Signature]
Deputy Clerk of Councils.

(Secretariat 9/761/46)



HONG KONG

No. 44 OF 1955.



I assent.

[Signature]
Governor.

13th October, 1955.

An Ordinance further to amend the Deportation of Aliens Ordinance, Chapter 240.

[14th October, 1955.]

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

1. This Ordinance may be cited as the Deportation of Aliens Short title. (Amendment) (No. 2) Ordinance, 1955.

2. Section 11 of the Deportation of Aliens Ordinance (hereinafter referred to as the principal Ordinance) is amended—

Amend-
ment of
section 11.
(Cap. 240)

(a) in paragraph (a) of subsection (1) by the insertion after the word "ship"—

(i) in the first place where it occurs of the following—

“, or by a particular aircraft”;

(ii) in the second place where it occurs of the following—
“or aircraft”;

(b) in paragraph (b) of subsection (1) by the deletion of the words “train or ship” wherever they occur and the substitution therefor of the following—

“train, ship or aircraft”;

(c) in the proviso to subsection (1) by the insertion after the word “ship” of the following—

“or aircraft”;

(d) in subsection (2) by the insertion after the word “ship” of the following—

“or aircraft”.

Amend-
ment of
the First
Schedule.

3. The First Schedule to the principal Ordinance is amended by the deletion of Form 8 and the substitution therefor of the following—

“FORM 8.

[s. 11(3)]

INDORSEMENT AS TO TIME FOR DEPARTURE.

DEPORTATION OF ALIENS ORDINANCE

(Chapter 240 of the Revised Edition of Ordinances).

It is hereby ordered—

(1) That the said
shall depart from the Colony by—

*(a) the S.S.
sailing on or about the

OR

*(b) the aircraft of
(here insert name of operating company)

Flight No.
leaving on or about the

†*(2) That the S.S.
sailing on or about the
be substituted for the said S.S.

OR

†*(2) That the aircraft of
(here insert name of operating company)

Flight No.
leaving on or about the
be substituted for the said aircraft of

(here insert name of operating company)

Flight No.

†(3) That the time within which the said
shall depart from the Colony
be extended to the

Dated the day of, 195 ..

By Command,

Colonial Secretary.

* Strike out inappropriate paragraph.

† To be filled up only if necessary.”.

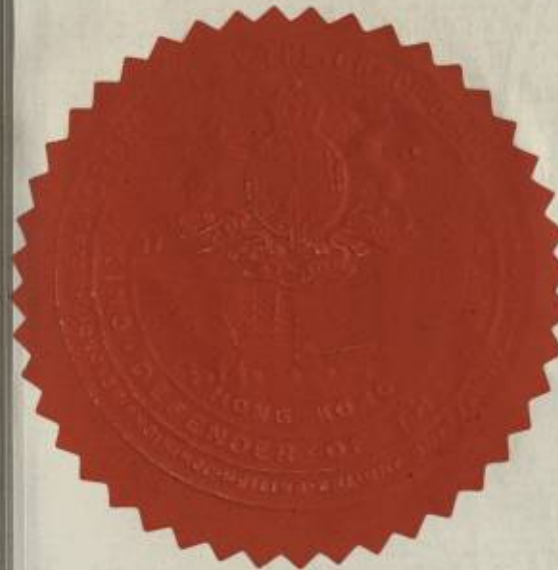
Passed the Legislative Council of Hong Kong, this 12th day
of October, 1955.

Deputy Clerk of Councils.

(Secretariat 14/3231/51)

HONG KONG

No. 45 OF 1955.



I assent.

[Handwritten signature]
Governor.

13th October, 1955.

An Ordinance to amend the Corporal Punishment Ordinance,
1954.

[14th October, 1955.]

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

1. This Ordinance may be cited as the Corporal Punish- Short title.
ment (Amendment) Ordinance, 1955.

2. Subsection (1) of section 4 of the Corporal Punishment Ordinance, 1954, is amended—

(a) by the deletion from paragraph (b) of the word "sixteen"
and the substitution therefor of the following—

"seventeen";

Amendment
of sub-
section
(1) of
section 4.
(39 of
1954).

(b) by the deletion of paragraph (c) and the substitution therefor of the following—

“(c) (i) in the case of an offender of or above the age of fourteen years and below the age of seventeen years the number of strokes shall not exceed twelve;

(ii) in the case of an offender below the age of fourteen years, the number of strokes shall not exceed six;”;

(c) by the insertion after the word “practicable” in paragraph (e) of the following—

“and in any case before the expiry of six weeks”.

Passed the Legislative Council of Hong Kong, this 12th day of October, 1955.



Deputy Clerk of Councils.

(Secretariat 7/2611/46II)

HONG KONG

No. 46 OF 1955.



I assent.



Governor.

13th October, 1955.

An Ordinance to amend the Magistrates Ordinance, Chapter 227.

[14th October, 1955.]

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

1. This Ordinance may be cited as the Magistrates Short title. (Amendment) (No. 2) Ordinance, 1955.

2. Paragraph (c) of section 93 of the Magistrates Ordinance is amended by the deletion of the words “to be whipped with not more than twelve strokes of a light cane or rattan” and by the substitution therefor of the following—

Amendment
of section
93.
(Cap. 227).

“, of or above the age of fourteen years, to be whipped with not more than twelve strokes of a light cane or rattan, or if below the age of fourteen years, with not more than six strokes,”.

Passed the Legislative Council of Hong Kong, this 12th day of October, 1955.



Deputy Clerk of Councils.

(Secretariat 7/2611/46II)



HONG KONG

No. 47 OF 1955.



I assent.

Michael Jackson
Governor.

13th October, 1955.

An Ordinance to amend the Zetland Hall Trustees Incorporation Ordinance, Chapter 321.

[14th October, 1955.]

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

1. This Ordinance may be cited as the Zetland Hall Trustees Incorporation (Amendment) Ordinance, 1955. Short title.

2. Section 2 of the Zetland Hall Trustees Incorporation Ordinance is amended by the addition after subsection (4) of the following new subsections— Amendment of section 2. (Cap. 321).

“(5) The corporation shall also have full power to invest its funds not immediately required in any of the following in accordance with the conditions stipulated hereunder—

(a) British Government, British Commonwealth Government or British Colonial Government securities;

- (b) mortgages of leasehold properties situate in Hong Kong as recommended by a chartered accountant practising in Hong Kong;
- (c) shares of The Hongkong & Shanghai Banking Corporation and the Union Insurance Society of Canton, Ltd.:

Provided that the price to be paid will show a return of not less than five per cent based on the last annual dividend paid;

- (d) shares of public companies incorporated in Hong Kong and quoted on the Stock Exchange in Hong Kong as recommended by a chartered accountant practising in Hong Kong:

Provided that the price to be paid will show a return of not less than six per cent based on the last annual dividend paid;

and shall have full power to sell, convey, assign, transfer, surrender and yield up all such investments and may similarly in its absolute discretion re-invest the proceeds thereof in part or in whole in any of the said investments as aforesaid.

(6) The corporation shall also have full power to receive and accept gifts, donations, contributions and legacies and to hold or realize the same in its absolute discretion subject to any conditions attached to such gifts, donations, contributions or legacies."

Passed the Legislative Council of Hong Kong, this 12th day of October, 1955.



Deputy Clerk of Councils.

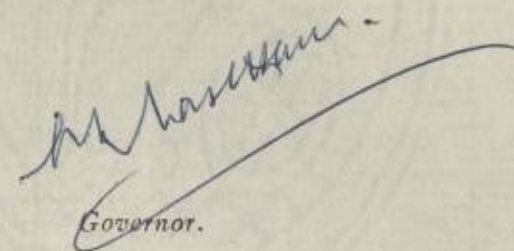
(Secretariat 34/3231/55)

HONG KONG

No. 48 OF 1955.



I assent.


Governor.

13th October, 1955.

An Ordinance to amend the Masonic Benevolence Fund Incorporation Ordinance, Chapter 297.

[14th October, 1955.]

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

1. This Ordinance may be cited as the Masonic Benevolence Fund Incorporation (Amendment) Ordinance, 1955. Short title.

2. Section 2 of the Masonic Benevolence Fund Incorporation Ordinance is amended by the addition after subsection (3) of the following new subsections— Amendment of section 2. (Cap. 297).

"(4) The corporation shall also have full power to invest its funds not immediately required in any of the following in accordance with the conditions stipulated hereunder—

- (a) British Government, British Commonwealth Government or British Colonial Government securities;

- (b) shares of The Hongkong & Shanghai Banking Corporation and the Union Insurance Society of Canton, Ltd.:

Provided that the price to be paid will show a return of not less than five per cent based on the last annual dividend paid;

- (c) shares of public companies incorporated in Hong Kong and quoted on the Stock Exchange in Hong Kong as recommended by a chartered accountant practising in Hong Kong:

Provided that the price to be paid will show a return of not less than six per cent based on the last annual dividend paid,

and shall have full power to sell, convey, assign, transfer, surrender and yield up all such investments and may similarly in its absolute discretion re-invest the proceeds thereof in part or in whole in any of the said investments as aforesaid.

(5) The corporation shall also have full power to receive and accept gifts, donations, contributions and legacies and to hold or realize the same in its absolute discretion subject to any conditions attached to such gifts, donations, contributions or legacies."

Passed the Legislative Council of Hong Kong, this 12th day of October, 1955.

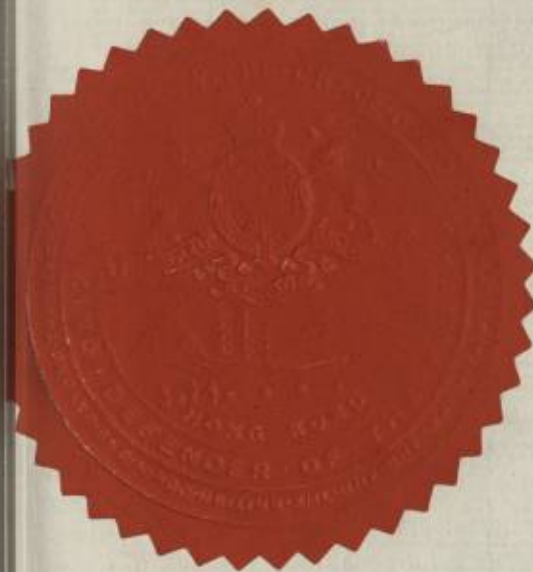


Deputy Clerk of Councils.

(Secretariat 35/3231/55)

HONG KONG

No. 49 OF 1955.



I assent.



Governor.

13th October, 1955.

An Ordinance for the incorporation of the Mother Superior of The Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong.

[14th October, 1955.]

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

1. This Ordinance may be cited as The Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong Incorporation Ordinance, 1955. Short title.

2. The Mother Superior of The Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong shall be a corporation sole (hereinafter called the corporation) and shall have the name of "The Mother Superior of The Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong Incorporation." Incorporation.

Kong" and by that name shall and may sue and be sued in all courts in this Colony and shall and may have and use a common seal.

Powers of
the cor-
poration.

3. (1) The corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and where-soever situate, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds shares or securities of any government, municipality, corporation, or company and also to purchase, acquire and possess goods and chattels of what nature and kind soever and also to borrow or raise monies with or without security.

(2) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, debentures, stocks, funds shares or securities, or any goods and chattels whatsoever which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit.

(3) Notwithstanding the provisions of subsection (1) the corporation shall not acquire any immovable property in the Colony unless it shall have previously obtained the special consent of the Governor in Council in each case.

Property
transferred
to corpora-
tion to
pass to
successors.

4. The legal estate in any property whatsoever transferred to the corporation in any manner whatsoever shall in the event of the death of the Mother Superior of The Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong for the time being or in the event of her ceasing to hold office as such Mother Superior pass to her successor in such office when appointed.

Execution
of
documents.

5. All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the person who is for the time being Mother Superior of The Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong or of her attorney duly authorized and such deeds and instruments and all other documents, instruments and writings requiring the signature of the corporation shall be signed by such Mother Superior or her attorney.

6. (1) Whenever any person is appointed to the office of Mother Superior of the Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong such person shall within three weeks after her appointment or within such further time as may be allowed by the Governor furnish to the Governor satisfactory evidence of her appointment.

Appoint-
ment of
Mother
Superior.

(2) A Notification in the *Gazette* under the hand of the Colonial Secretary that such evidence has been furnished to the Governor by such person shall be conclusive evidence of such appointment.

7. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen Her Heirs and Successors or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from and under them.

Saving of
rights of
the Crown
and of cer-
tain other
rights.

Passed the Legislative Council of Hong Kong, this 12th day of October, 1955.

Deputy Clerk of Councils.

(Secretariat 37/3231/55)

No. 50 OF 1955.

No. 50 OF 1955.



K. Hanthamer.
Governor.

Governor

[28th October, 1955.]

1. This Ordinance may be cited as the Penicillin (Amend- Short title.
ment) Ordinance, 1955.

2. Section 3 of the Penicillin Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the fullstop at the end thereof and the substitution therefor of a colon, and by the addition thereto of the following—

"Provided that this Ordinance shall not apply to antibiotic substances contained in foods for livestock or to such substances which have been specially manufactured for the purpose of supplementing foods for livestock."

Amend-
ment of
section 4.

3. Section 4 of the principal Ordinance is amended—

- (a) by the deletion of the full stop at the end of subsection (2) and the addition thereto of the following—

"or a person acting in accordance with the written directions of any such medical practitioner, dentist or veterinary surgeon.";

- (b) by the deletion of paragraphs (a) and (b) of subsection (3) and the substitution therefor of the following paragraph—

"(a) to any person who is a holder of a valid permit issued under this Ordinance to deal in such substance or preparation;".

Insertion
of four
new
sections.

4. The principal Ordinance is amended by the insertion at the end of section 4 of the following new sections—

"Prohibition of possession of substances to which this Ordinance applies.

4A. (1) Subject to the provisions of subsection (2) of this section, no person shall have in his possession or under his control any substance to which this Ordinance applies or any preparation of which any such substance is an ingredient or part.

(2) Subsection (1) of this section shall not apply to the following—

- (a) a registered medical practitioner;
- (b) a registered dentist;
- (c) a veterinary surgeon;
- (d) a registered pharmacist;
- (e) an authorized seller of poisons;
- (f) a department of Government;
- (g) a person acting under the direction of a registered medical practitioner, registered dentist or veterinary surgeon;
- (h) a person who is the holder of a valid permit issued under this Ordinance to deal in such substance or preparation.

Permits to
deal in
substances
to which
this Or-
dinance
applies.

4B. (1) The Director of Medical and Health Services or any person authorized by him in that behalf may in his absolute discretion issue to any person a permit in writing to deal in any substance to which this Ordinance applies or any preparation of which any such substance is an ingredient or part.

(2) Every permit in writing issued under the provisions of this section shall be given a serial number and any such permit may contain such conditions as the issuing authority may think necessary or expedient to impose and any such permit may be revoked by the issuing authority at any time.

Mainten-
ance of
records.

4C. (1) Every person who is permitted by subsection (2) of section 4A of this Ordinance to have in his possession or under his control any substance to which this Ordinance applies or any preparation of which any such substance is an ingredient or part shall maintain written records, as prescribed in subsections (2) and (3) of this section, of transactions entered into by him in respect of such substance or preparation.

(2) The records to be maintained under this section by registered pharmacists, authorized sellers of poisons and holders of permits issued under this Ordinance shall include—

- (a) name and address of person from whom received or to whom supplied, and if received from or supplied to the holder of a permit issued under this Ordinance the serial number of such permit;
- (b) quantity received or supplied;
- (c) date received or supplied.

(3) The records to be maintained under this section by persons other than registered pharmacists, authorized sellers of poisons and holders of permits issued under this Ordinance shall include—

- (a) name and address of person from whom received and if received from the holder of a permit issued under this Ordinance the serial number of such permit;

- (b) quantity received;
- (c) date received.

(4) Entries made in records to be maintained under this section shall be supported in every case by invoice, order note or other voucher.

(5) All records to be maintained under this section and documents which support entries in such records shall be open to inspection by an inspector appointed under section 4D of this Ordinance.

(6) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars.

Inspections
and en-
forcement
of Ordin-
ance.

4D. (1) The Director of Medical and Health Services may in writing authorize any public officer to be an inspector for the purposes of this Ordinance.

(2) Any inspector authorized under this section shall, for the purpose of enforcing the provisions of this Ordinance and any regulations made thereunder have power—

- (a) at all reasonable times to enter the premises of any registered pharmacist, any authorized seller of poisons and any person who is the holder of a permit under this Ordinance;
- (b) at any time to enter any premises in which he has reason to suspect that an offence against this Ordinance has been committed;
- (c) to make such examination and inquiry and to do such other things, including the taking on repayment therefor of samples, as may be necessary for the purposes of inspection;
- (d) to seize and detain any substance to which this Ordinance applies or any preparation of which any such substance is an ingredient or part which he has reasonable cause to suspect is liable to forfeiture under this Ordinance.

(3) If any person wilfully resists or obstructs an inspector in the exercise of his powers under this section, or refuses to allow any sample to be taken in

accordance with the provisions of this section, or fails without reasonable excuse to give any information which he is duly required under this section to give, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars."

5. Section 5 of the principal Ordinance is amended by the insertion in subsection (1) after the figure "4" of the following—

Amend-
ment of
section 5.

"or of section 4A".

6. The principal Ordinance is amended by the insertion at the end of section 5 of the following new section—

Insertion
of a new
section.

"For-
feiture.

5A. (1) A magistrate, on application made on behalf of the Crown, shall order that any substance to which this Ordinance applies or any preparation of which any such substance is an ingredient or part, with respect to which any offence under this Ordinance has been committed, shall be forfeited to the Crown whether any person has been convicted of such offence or not.

(2) Upon the making of an order of forfeiture under this section, the substance or preparation to which such order relates shall be deemed to be the property of the Crown free from the rights of any person."

7. The Emergency (Penicillin Ordinance, 1948) (Amendment) Regulations, 1951, and the Emergency (Penicillin Ordinance, 1948) (Amendment) (No. 2) Regulations, 1951, are hereby revoked.

G.N.A.
15/51 and
G.N.A.
25/51
revoked.

Passed the Legislative Council of Hong Kong, this 26th day of October, 1955.



Deputy Clerk of Councils.

(Secretariat 52/3231/47)

HONG KONG

No. 51 OF 1955.



I assent.

[Signature]
Governor.

27th October, 1955.

An Ordinance to amend the Business Regulation Ordinance, 1952.

[28th October, 1955.]

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

1. This Ordinance may be cited as the Business Regulation (Amendment) Ordinance, 1955.

2. Section 14 of the Business Regulation Ordinance (hereinafter referred to as the principal Ordinance) is repealed.

Repeal of
section 14.
(14 of
1952).

Amend-
ment of
section 18.

3. Section 18 of the principal Ordinance is amended by the addition at the end thereof of the following—

"A copy or extract of any such document certified by the Director to be a true copy or extract thereof shall be, in all legal proceedings, civil or criminal, *prima facie* evidence as to the facts stated therein. Any such copy or extract purporting to be certified by the Director shall be deemed, until the contrary is proved, to have been certified by him."

Passed the Legislative Council of Hong Kong, this 26th day of October, 1955.

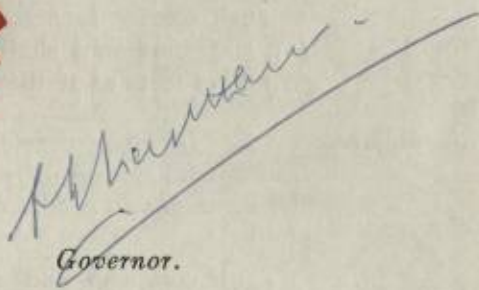
(Secretariat 3/2301/47II)


Deputy Clerk of Councils.

HONG KONG

No. 52 OF 1955.


I assent.


Governor.

27th October, 1955.

An Ordinance to make provision for alternative procedure for entering pleas of guilty and for the payment of fines in respect of certain summary offences.

[28th October, 1955.]

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

1. This Ordinance may be cited as the Administration of Short title. Justice (Summary Offences) Ordinance, 1955.

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

"prescribed fine" means the fine specified in the second column of the First Schedule;

Interpre-
tation.

First
Schedule.

Second
Schedule.

"prescribed form" means the form set out in the Second Schedule;

"scheduled offence" means any offence specified in the first column of the First Schedule.

Plea of
guilty and
payment
of fine.
(Cap. 227).

3. (1) Notwithstanding anything contained in the Magistrates Ordinance, where a summons in the prescribed form is issued to any person in respect of any scheduled offence, such person may, subject to the provisions of this Ordinance and not later than twenty-four hours before the date specified in the summons for the hearing of the charge, plead guilty to such offence and pay the prescribed fine therefor in the manner hereinafter provided.

(2) Where any such person does not elect to plead guilty to such offence in accordance with the provisions of subsection (1), such summons shall take effect and be heard and determined in all respects as if this Ordinance had not been enacted.

Procedure.

4. (1) Any person to whom any such summons has been issued who desires to plead guilty to the offence referred to in the summons in accordance with the provisions of this Ordinance shall—

- (a) complete and sign his name in the appropriate form provided on the summons; and
- (b) deliver the summons together with a sum in cash equal to the prescribed fine for such offence by messenger or in person to the magistrates' clerk of the magistracy where the summons was issued.

(2) On delivery to the magistrates' clerk of the summons duly completed and signed by such person, and of the prescribed fine, a receipt shall be issued therefor and thereupon such person shall be deemed to have been convicted by the magistrate by whom the summons was issued in accordance with the provisions of the Magistrates Ordinance of the offence referred to in the summons.

(Cap. 227).

Amount
of fine.

5. Notwithstanding that any greater penalty is specified for any scheduled offence by any enactment, the penalty for any such offence shall, where the person charged pleads guilty there-to in accordance with the provisions of this Ordinance, be the prescribed fine for such offence.

6. Subject to the provisions of section 9, every summons issued in respect of a scheduled offence shall be in the prescribed form and shall be in respect of one scheduled offence only and of no other offence.

Form of
summons.

7. The Governor in Council may by order amend the First Schedule:

Power to
amend
First
Schedule.

Provided that—

- (a) no indictable offence shall be included therein; and
- (b) the prescribed fine for any scheduled offence shall not exceed the maximum fine specified for such offence by any enactment.

8. The procedure prescribed by subsection (5) of section 18 of the Magistrates Ordinance shall not be applicable in the case of any scheduled offence in respect of which a summons in the prescribed form is issued.

Section
18(5) of
the Magis-
trates
Ordinance
not
applicable.
(Cap. 227).

9. (1) The Attorney General, the Commissioner of Police or any officer authorized by the Commissioner of Police in writing for the purpose of this section may make application in writing to the magistrate before whom an information in respect of a scheduled offence is laid at the time when such information is so laid that such information shall, notwithstanding anything contained in this Ordinance, be heard and determined before a magistrate.

Power to
require
attendance
before a
magistrate.

(2) This Ordinance shall not apply in any case in which any such application is made, and the information shall, in any such case, be dealt with in accordance with the provisions of the Magistrates Ordinance.

(Cap. 227).

10. The provisions of the Magistrates Ordinance shall apply in every case in which an information in respect of a scheduled offence is laid before a magistrate except in so far as such provisions are inconsistent with the provisions of this Ordinance, and where, under this Ordinance any person is deemed to have been convicted by a magistrate of an offence, the provisions of the Magistrates Ordinance shall apply as if such conviction had been made by the magistrate in accordance with the provisions of that Ordinance.

Application
of the
Magis-
trates
Ordinance
(Cap. 227).

Duration. 11. This Ordinance shall continue in force for a period of one year from the date of its coming into operation :

Provided that the Legislative Council may by resolution extend the duration of this Ordinance for such term, not exceeding one year at a time, as may be specified in such resolution.

FIRST SCHEDULE. [ss. 2 & 7].

In this Schedule "Vehicles and Traffic Regulations" means the Vehicles and Traffic Regulations set forth in Volume II of the Regulations of Hong Kong (1937 Edition).

First column	Second column
1. Leaving a vehicle unattended in any road or public place contrary to regulation 19 of the Vehicles and Traffic Regulations.	\$15.
2. Causing or permitting a vehicle to stand on a road or tramway so as to cause any unnecessary obstruction thereof contrary to regulation 20 of the Vehicles and Traffic Regulations.	\$15.
3. When stopping a vehicle for the purpose of taking or setting down a passenger or load, failing to stop as near as possible to the left or near side of the road contrary to regulation 40 (2) of the Vehicles and Traffic Regulations.	\$10.
4. Parking a vehicle contrary to regulation 119(b) of the Vehicles and Traffic Regulations.	\$15.

SECOND SCHEDULE. [s. 2.]

FORM.

HONG KONG.

IN THE MAGISTRATE'S COURT AT

To C.D., of

Information having this day been laid before the undersigned, a magistrate of the said Colony, for that you (here state shortly the matter of the information): These are, therefore, to command you, in Her Majesty's name to be and appear on day, the of 19, at o'clock in the noon, at the said court, before such magistrate as may then be there, to answer to the said information, and to be further dealt with according to law.

Under the Administration of Justice (Summary Offences) Ordinance, 1955, you may, if you so desire, plead guilty to the offence referred to in this summons without appearing before a magistrate by delivering this summons, duly completed and signed in the space provided below together with \$ in cash in payment of the prescribed fine, by messenger or in person to the magistrates' clerk of the magistracy where this summons was issued, not later than 24 hours before the date of hearing specified above.

A receipt will be issued.

Dated this day of , 19

(Signed)
Magistrate.

[L. S.]

I hereby plead guilty to the offence referred to in this summons and attach herewith \$ in payment of the prescribed fine.

(Signed)
, 19

Passed the Legislative Council of Hong Kong, this 26th day of October, 1955.


Deputy Clerk of Councils.

(Secretariat 5/2706/54)

HONG KONG

No. 53 OF 1955.



I assent.

W. H. P. Chan
Governor.

10th November, 1955.

An Ordinance to validate an undertaking for reclamation and other works over and upon unleased Crown foreshore and seabed situate at Gin Drinkers Bay, and to authorize, subject to the definitive approval of the Governor in Council, a further undertaking for reclamation and other works in the same situation.

[11th November, 1955.]

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

1. This Ordinance may be cited as the Public Reclamation Short title. and Works (Gin Drinkers Bay) Ordinance, 1955.

Validation
of under-
taking in
progress
and
extinguish-
ment of
rights.
Schedule:
Part I.

2. (1) All public and private rights of navigation or fishing and all public and private rights of access, user, possession or occupation and all other public or private rights (if any) in, upon and over the Crown foreshore, seabed and land occupied by the undertaking in progress set out in Part I of the Schedule, and existing prior to the commencement thereof, shall be deemed to have been extinguished and to have ceased to exist on such commencement; and such undertaking is validated for all purposes notwithstanding that such work may have been undertaken or commenced without regard to such rights (if any) and without the authority of any enactment extinguishing such rights.

(2) Save as is provided by this Ordinance, no claim shall at any time be made or action brought or continued in respect of the extinguishment under this section in whole or in part of any public or private right or the injurious affection of any land or other property resulting therefrom.

Director of
Public
Works
given pro-
visional
authority to
construct
under-
taking.
Schedule:
Part II.

3. The Director of Public Works is authorized provisionally and subject to the definitive approval of the Governor in Council to construct the undertaking set out in Part II of the Schedule.

Provisions
for com-
pensation
to apply to
under-
taking in
progress.
(Ord. No.
40 of
1936).

4. The provisions for compensation set out in sections 7, 8 and 9 of the Public Reclamations Validation and Clauses Ordinance, 1936, shall apply to the undertaking in progress validated under section 2 of this Ordinance as if such undertaking in progress were to receive definitive approval at the same time as the undertaking now authorized to be carried out subject to such approval.

SCHEDULE.

PART I.

[s. 2.]

Undertaking in progress.

A rubble mound approximately 1,550 feet long joining the Crown foreshore of Tsing Chau Island to the mainland at a point adjacent to the southern boundary of Tsun Wan Permanent Cemetery, Demarcation District 446 Lot No. 262, which rubble mound is delineated and coloured blue on plan No. P. 1554A signed by the Director of Public Works and deposited in the Land Office.

PART II.

[s. 3.]

Undertaking now authorized.

A reclamation in Gin Drinkers Bay of approximately 103.6 acres of Crown foreshore and seabed bounded on the west by a rubble mound approximately 1,550 feet long joining the Crown foreshore of Tsing Chau Island to the mainland at a point adjacent to the southern boundary of Tsun Wan Permanent Cemetery, Demarcation District 446 Lot No. 262, on the north by the high water mark of the foreshore of the mainland, on the south by the high water mark of the foreshore of Tsing Chau Island and on the north-east and south-east by a line marked CBA on plan No. P. 1554A signed by the Director of Public Works and deposited in the Land Office and showing and delineating in red the limits and extent of such reclamation.

Passed the Legislative Council of Hong Kong, this 9th day of November, 1955.



Deputy Clerk of Councils.

(Secretariat 3/3181/54)

HONG KONG

No. 54 OF 1955.



I assent.

Robert H. S. Ho
Governor.

10th November, 1955.

An Ordinance to amend the Public Health (Sanitation) Ordinance, 1935.

[11th November, 1955.]

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

1. This Ordinance may be cited as the Public Health Short title. (Sanitation) (Amendment) Ordinance, 1955.

2. The Public Health (Sanitation) Ordinance, 1935, is amended by the insertion after section 16 of the following new section—

"Powers of arrest of watchmen in the

16A. In the absence of an officer of the police it shall be lawful for any watchman employed by the Urban Services Department on any refuse dump under

Insertion of new section 16A. (15 of 1935).

absence of police officers. the control of that Department to arrest any person whom he finds trespassing on such dump or committing any offence in the nature of a sanitary nuisance on such dump and either give him into the custody of an officer of police or take him to the nearest police station."

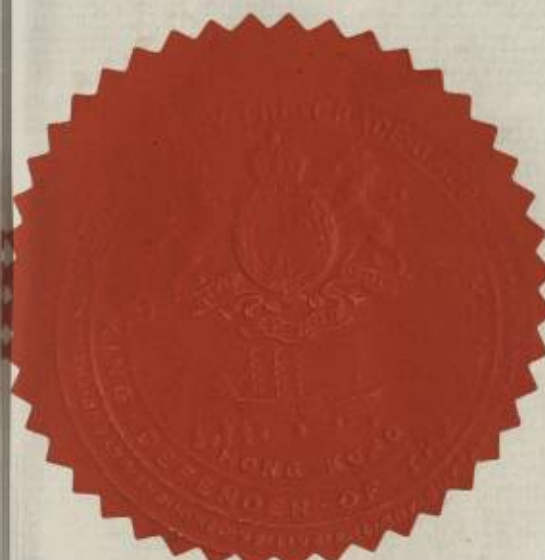
Passed the Legislative Council of Hong Kong, this 9th day of November, 1955.


Deputy Clerk of Councils.

(Secretariat 46/2961/46)

HONG KONG

No. 55 OF 1955.


I assent.


Governor.

10th November, 1955.

An Ordinance to amend the Dentists Registration Ordinance,
Chapter 156.

[11th November, 1955.]

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

1. This Ordinance may be cited as the Dentists Registration Short title.
(Amendment) Ordinance, 1955.

2. Section 3 of the Dentists Registration Ordinance (herein-
after referred to as the principal Ordinance) is amended by—
(a) the deletion from paragraph (b) of subsection (2) of the following—
Amend-
ment of
section 3,
(Cap. 156).

“; or”

and the substitution therefor of a full stop;

(b) the deletion of paragraph (c) of subsection (2).

Amend-
ment of
section 4.

3. Section 4 of the principal Ordinance is amended by the deletion from paragraph (b) of subsection (1) of the words "Senior Government Dental Surgeon" and the substitution therefor of the following—

"Government Dental Specialist".

Amend-
ment of
section 7.

4. Section 7 of the principal Ordinance is amended by the deletion from paragraph (e) of the words "professional qualification, experience" and the substitution therefor of the following—

"academic qualification, professional experience".

Amend-
ment of
section 8.

5. Section 8 of the principal Ordinance is amended by the deletion of subsection (3) and the insertion of the following new subsections—

"(3) If, after due inquiry, the Board is satisfied that any applicant for registration—

- (a) has been convicted in the Colony or elsewhere of any offence punishable with imprisonment; or
- (b) has been guilty of unprofessional conduct,

the Board may, in its discretion, order that the name of the applicant be not entered upon the register.

(4) Such of the provisions of sections 17, 17A, 17B, 17C and 17D as are capable of application to an inquiry held for the purposes of this section shall apply to such inquiry, and any such provision may be construed with such modification not affecting the substance as may be necessary to render it conveniently applicable."

Amend-
ment of
section 12.

6. Section 12 of the principal Ordinance is amended by the deletion of subsection (1) and the substitution therefor of the following new subsection—

"(1) The Registrar shall publish annually in the *Gazette* as soon as practicable after the 1st day of January of each year, a list of all persons registered under this Ordinance to whom an annual practising certificate has been issued for that year, and of all persons who are exempt from obtaining an annual practising certificate by virtue of section 26, showing the qualifications and the places of carrying on business of all such persons."

7. Section 13 of the principal Ordinance is amended by the deletion from subsection (1) of the words "certificate of registration issued under section 9," and the substitution therefor of the following—

Amend-
ment of
section 13.

"annual practising certificate issued under section 11, or his certificate of registration issued under section 9 where no annual practising certificate has yet been issued, in either case".

8. Section 17 of the principal Ordinance is repealed and replaced by the following section—

Repeal and
replace-
ment of
section 17.

"Disci-
plinary
inquiries
by the
Board.

17. (1) If, after due inquiry, the Board is satisfied that any registered dentist—

- (a) has been convicted in the Colony or elsewhere of any offence punishable with imprisonment;
- (b) has been guilty of unprofessional conduct;
- (c) has obtained registration by fraud or misrepresentation; or
- (d) was not at the time of his registration entitled to be registered,

the Board may, in its discretion—

- (i) order the name of the registered dentist to be erased from the register; or
- (ii) order the name of the registered dentist to be removed from the register for such period as it may think fit; or
- (iii) order the registered dentist to be reprimanded; or
- (iv) postpone judgment on the case for a period, or periods in the aggregate, not exceeding two years,

and may, in any case, make such order as the Board thinks fit with regard to the payment of the costs of the Registrar and of the complainant or of the registered dentist, and any costs awarded may be recovered summarily as a civil debt in accordance with the provisions of sections 65 and 66 of the

(Cap. 227). Magistrates Ordinance.

(2) For the purposes of subsection (1)—

“due inquiry” means an inquiry by the Board conducted substantially in accordance with procedure prescribed by regulations made under paragraph (f) of subsection (2) of section 25; and

“unprofessional conduct” means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.

(3) Nothing in this section shall be deemed to require the Board to inquire into the question whether the registered dentist was properly convicted but the Board may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.

[cf. 14 Geo.
6, c.29,
s.18(2)].

(4) In any inquiry under this section whether a person has been guilty of unprofessional conduct, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.

(5) It shall be lawful for the Board to publish the result of any inquiry held under this section either with or without an account of the proceedings thereat.”.

9. The principal Ordinance is amended by the addition after section 17 of the following new sections—

“Powers of
Board with
regard to
obtaining of
evidence
and the
conduct of
proceedings.

17A. (1) For the purposes of an inquiry under section 17, the Board shall have the following powers—

- (a) to hear, receive and examine evidence on oath;
- (b) to summon any person to attend the inquiry to give evidence or produce any document or other thing in his possession and to examine

Addition
of new
sections
17A, 17B,
17C and
17D.

him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;

- (c) to admit or exclude the public or any member of the public from the inquiry;
- (d) to admit or exclude the press from the inquiry;
- (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Board may have been reasonably expended by him by reason of his attendance.

(2) Summonses to witnesses may be in the form in the Schedule and shall be signed by the Chairman.

Penalty for
failure
to give
evidence.

17B. Any person who being summoned to attend as a witness or to produce a book, document or any other thing at an inquiry under section 17 refuses or neglects to do so or to answer any question put to him by or with the concurrence of the Board shall be guilty of an offence and shall be liable to a fine of one thousand dollars and to imprisonment for six months:

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him before the Board, be entitled to the same privileges to which he would be entitled if giving evidence before a court of justice.

Appear-
ance of
counsel, etc.

17C. The complainant in any inquiry under section 17 and the registered dentist whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or a solicitor throughout the inquiry.

Provisions
relating
to orders
of the
Board.

17D. (1) A copy of any order made under subsection (1) of section 17 shall be served forthwith by the Registrar upon the registered dentist concerned, either personally or by registered post addressed to his registered address.

(2) The Registrar shall not erase or remove the name of the registered dentist from the register before the expiry of one month after the date of service of the

order of the Board on the person concerned and in the case of an appeal shall await the decision of the Full Court.

(3) Any person whose name has been removed or erased from the register under subsection (1) of section 17 may apply to the Board for the restoration of his name to the register, and the Board, in its absolute discretion and after such inquiry as it may consider desirable, may either allow or refuse the application, and, if it allows the same, shall order the Registrar to restore the name of the applicant to the register, and thereupon the Registrar shall restore the name accordingly.

(4) Any order made by the Board as aforesaid shall be signed by the Registrar."

Repeal and
replace-
ment of
section 18.

10. Section 18 of the principal Ordinance is repealed and replaced by the following section—

"Appeals.

18. (1) Any registered dentist whose name has been ordered not to be entered upon the register under subsection (3) of section 8 or whose name has been ordered to be erased or removed from the register under subsection (1) of section 17 may, within one month of the service of the order in accordance with subsection (1) of section 17D but not otherwise, appeal to the Full Court, and the Full Court may thereupon affirm, reverse or vary the order appealed against.

(2) The decision of the Full Court upon such appeal shall be final.

(3) The practice in relation to any such appeal shall be subject to any rules of court made under the Supreme Court Ordinance."

Amend-
ment of
section 21.

11. Section 21 of the principal Ordinance is amended by the substitution of a colon for the full stop at the end thereof, and by the addition thereafter of the following proviso—

"Provided that, notwithstanding the foregoing provisions of this section, the Board may, by writing under the hand of the Secretary, authorize a dentist registered by virtue

of paragraph (e) of section 7 to use such title or titles associated with his academic qualifications as the Board may think fit."

12. The principal Ordinance is amended by the addition after section 24 of the following new section—

Addition
of new
section
24A.

"Forfeiture. **24A.** (1) Where a person has been convicted of an offence against subsection (1) of section 3, a magistrate may, on application made on behalf of the Crown, order that all dental materials and equipment in the possession or under the control of such person shall be forfeited to the Crown.

(2) Upon the making of an order for forfeiture under this section, the materials and equipment to which such order relates shall be deemed to be the property of the Crown free from the rights of any person."

13. Section 25 is amended by the deletion of paragraph (f) of subsection (2) and the substitution therefor of the following paragraph—

Amend-
ment of
section 25.

"(f) the procedure to be followed—

(i) in relation to preliminary investigation of complaints touching the conduct of registered dentists; and

(ii) in relation to inquiries held by the Board under the provisions of section 17;"

14. Section 26 of the principal Ordinance is amended—

Amend-
ment of
section 26.

(a) by the deletion of the expression "(a) or (b)" and the substitution therefor of the following—

"(a), (b) or (e)";

(b) by the substitution of a colon for the full stop at the end thereof, and by the addition thereafter of the following proviso—

"Provided that any dentist of Her Majesty's Navy, Army or Air Force practising dentistry privately shall only be exempt from the provisions of sections 8, 9 and 13."

Amend-
ment of
section 27.

15. Section 27 of the principal Ordinance is amended—

(a) by the insertion in subsection (2) after the word
“students” of the following—

“and dental nurses”;

(b) by the addition after subsection (2) of the following new
subsection—

“(3) Nothing in this Ordinance shall operate
to prevent the performance by dental nurses
employed in the public service of minor dental work
of such a character as may be authorized in writing
by the Government Dental Specialist.”.

Addition of
Schedule.

16. The principal Ordinance is amended by the addition
thereto of the following Schedule—

“SCHEDULE.

[s. 17A(2).]

DENTISTS REGISTRATION ORDINANCE.

(Cap. 156).

Summons to Witness.

In the matter of a Disciplinary Inquiry under section 17/section 8
of the Ordinance:

And in the matter of (1)
To (2)

You are hereby summoned to appear before the Dental Board at
.....
upon the day of at o'clock
in the noon to give evidence touching the matter under
inquiry (3) and also to bring with you and produce (4)

Given under my hand this day of

Chairman, Dental Board.

NOTE: (1) Insert name of registered dentist.

(2) Insert name and address of witness.

(3) Delete if not required.

(4) Specify the books, documents or other things to be produced.”.

Passed the Legislative Council of Hong Kong, this 9th day
of November, 1955.

Deputy Clerk of Councils.

(Secretariat 37/3231/49)

HONG KONG

No. 56 OF 1955.



I assent.

Governor.

10th November, 1955.

An Ordinance to amend the Mental Hospitals Ordinance, Chapter
136.

[11th November, 1955.]

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

1. This Ordinance may be cited as the Mental Hospitals Short title.
(Amendment) Ordinance, 1955.

2. The Mental Hospitals Ordinance (hereinafter referred to
as the principal Ordinance) is amended by the addition after
section 10 of the following new sections—

Amendment
of the
principal
Ordinance.
(Cap. 136).

“Power of
Governor
to prescribe
maximum
number of
persons
to be
admitted
to a
hospital.

10A. The Governor may, by order published in
the *Gazette* from time to time, prescribe the maximum
number of persons who may, at any given time, be
detained under the provisions of section 10.

Procedure when maximum has been prescribed, and reached.

10B. (1) When an order under section 10A prescribing a maximum is in force, and such maximum has been reached, the following further provisions shall apply—

- (a) the two medical practitioners who have signed the certificate referred to in section 10 shall further endorse thereon in the prescribed form their opinion as to whether or not the person mentioned therein is so far deranged in mind as to render it essential that he should be detained in a mental hospital notwithstanding that such maximum has been reached;
- (b) upon receipt of the certificate so endorsed, a magistrate shall, within 72 hours of its receipt, countersign such certificate if he is satisfied with the opinion of the medical practitioners as endorsed on the certificate or upon such evidence as he may consider necessary, that it is essential that such person should be detained, and he shall forthwith return the countersigned certificate to the medical practitioner in charge of the mental hospital in which such person is detained;
- (c) if he does not so countersign such certificate within the prescribed time, he shall forthwith cause notice of such fact to be sent to the medical practitioner aforesaid, and such person shall be discharged within 72 hours of the receipt of such notice.

(2) Notwithstanding the provisions of sections 7 and 11, detention of a person in pursuance of the provisions of subsection (1) shall be deemed to be lawful detention."

Repeal and replacement of section 13.

3. Section 13 of the principal Ordinance is repealed and replaced by the following—

"Temporary absence from hospital.

13. Notwithstanding the provisions of sections 7, 8, 10, 11 and 12, a medical practitioner in charge of a mental hospital may, in his absolute discretion and

on his own authority, permit a person detained therein under the provisions of this Ordinance other than a person detained in pursuance of section 16 to be absent on trial and, for this purpose, deliver him, upon such conditions as he may see fit to prescribe with regard to re-examination and re-admission which may be enforced in manner provided by subsection (2) of section 7, to the care of any party or parties to whom it is expedient to deliver such person."

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

"Protection of persons carrying out the provisions of this Ordinance.

Repeal and replacement of section 15.

15. (1) Where a person has made application for the removal or detention of any person under the provisions of this Ordinance, or signed or carried out, or done any act with a view to signing or carrying out, an order purporting to be an order for removal or detention, or any report, application, recommendation, or certificate purporting to be a report, application, recommendation, or certificate under this Ordinance, or has done anything or given any advice in a professional capacity in pursuance of this Ordinance, he shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground unless he has acted in bad faith or without reasonable care.

(2) No proceedings, civil or criminal, shall be brought against any person in any court in respect of any such matter as is mentioned in subsection (1), without the leave of the Court, and leave shall not be given unless the Court is satisfied that there is substantial ground for the contention that the person, against whom it is sought to bring the proceedings, has acted in bad faith or without reasonable care.

(3) Notice of any application under subsection (2) shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

(4) Where on an application under this section leave is given to bring any proceedings and the proceedings are commenced within four weeks after the

date on which leave was so given, the proceedings shall for the purposes of subsection (1) of section 17 (Cap. 23). of the Law Amendment (Miscellaneous Provisions) Ordinance, be deemed to have been commenced on the date on which notice of the application was given to the person against whom the proceedings are to be brought."

Amendment
of section
16.

5. Subsection (2) of section 16 of the principal Ordinance is amended by the insertion between the word "order" in the second place where it occurs and the colon of the following—

"or, if he is a prisoner detained in a mental hospital by virtue of the provisions of subsection (1) of section (No. 17 of 1954). 13 of the Prisons Ordinance, 1954, and is, in the opinion of the medical practitioner in charge thereof, of unsound mind, he may, in like manner, be similarly detained".

Passed the Legislative Council of Hong Kong, this 9th day of November, 1955.



Deputy Clerk of Councils.

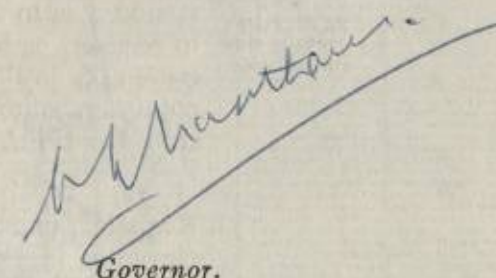
(Secretariat 11/3231/52)

HONG KONG

No. 57 OF 1955.



I assent.


Governor.

10th November, 1955.

An Ordinance to amend the Control of Publications Consolidation Ordinance, 1951.

[11th November, 1955.]

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

1. This Ordinance may be cited as the Control of Publications Consolidation (Amendment) Ordinance, 1955. Short title.

2. The Control of Publications Consolidation Ordinance, 1951 (hereinafter referred to as the principal Ordinance), is amended by the insertion immediately after section 7 of the following new sections— Addition of new sections 7A and 7B (15 of 1951).

"Registrar may refuse or suspend registration of local newspaper" 7A. (1) During such time as an order for the suppression of a newspaper or an order for the suspension of publication of a newspaper under section 4 is in force, the Registrar may either refuse to

in certain circumstances.

register, or by notice in writing suspend the registration of, any other local newspaper which, in his opinion, is substantially under the same management, direction or control as the first-mentioned newspaper.

(2) Any person aggrieved by a decision of the Registrar under subsection (1) may appeal to the Governor in Council who shall either confirm or set aside such decision.

Registrar may refuse or suspend registration of news agency in certain circumstances.

7B. (1) During such time as an order for the suppression of a newspaper or an order for the suspension of publication of a newspaper under section 4 is in force, the Registrar may either refuse to register, or by notice in writing suspend the registration of, any news agency whose proprietor, printer, publisher, editor or manager is connected in any of such capacities with such newspaper.

(2) Any person aggrieved by a decision of the Registrar under subsection (1) may appeal to the Governor in Council who shall either confirm or set aside such decision."

Repeal and replacement of section 13.

3. Section 13 of the principal Ordinance is repealed and replaced by the following section—

"Vicarious responsibility of proprietor, printer, publisher and editor.

13. On the trial of the proprietor, printer, publisher or editor of any local newspaper, or the printer of any other printed document, for any offence in which an ingredient is the publication of matter contained in any issue of such newspaper or in such document, the accused person shall be presumed to have published all matter contained in such issue or in such printed document, as the case may be, unless he prove that the publication was made without his authority, consent or knowledge, and that the publication did not arise from want of the due care or caution on his part."

Amendment of section 16.

4. Section 16 of the principal Ordinance is amended—

(a) by the deletion of subsections (1) and (2) and the substitution therefor of the following—

"(1) The Governor in Council may by regulation prescribe or provide for—

- (a) the registration of local newspapers (including news agencies) and their proprietors, printers, publishers and editors;
- (b) the licensing of distributors of newspapers upon such conditions as may be prescribed by regulation;
- (c) the prohibition of the distribution of newspapers except by licensed distributors;
- (d) the regulation of the distribution with or in newspapers of documents not forming an integral part thereof;
- (e) the supply by newspaper distributors to the Registrar of a copy of imported newspapers;
- (f) the registration, sale, purchase, removal use, control and licensing of printing presses;
- (g) the particulars to be furnished in connexion with registration or licensing, notification of any change in the required particulars and the manner in which and the conditions upon which effect may be given or refused to be given, to any such change;
- (h) the manner in which the identity of the printer of any newspaper or printed document or publication and the time of printing or publication shall be established, and in particular for the printing of the printer's name and address on printed documents of any category;
- (i) the prohibition of the editing, printing, publication, possession and distribution of printed documents which do not comply with the requirements of any regulations made pursuant to this section;

- (j) the retention by the printer of copies of printed documents, the particulars to be inscribed on such retained copies and the production of retained copies to such persons as may be prescribed;
- (k) the identification of press representatives on their request by the issue of passes or otherwise by such authority as may be prescribed;
- (l) granting exemption from all or any of the provisions of this Ordinance or of any of the regulations made hereunder;
- (m) fees and deposits;
- (n) forms either in addition to or in substitution for the forms in the Second Schedule;
- (o) anything which is by this Ordinance to be prescribed by regulation.”;

(b) by the renumbering of subsection (3) as subsection (2).

Addition
of new
section 16A.

5. The principal Ordinance is hereby amended by the insertion therein immediately after section 16 of the following new section—

“Cessation
of publica-
tion, etc.

16A. If any periodical publication ceases publication, or any news agency ceases to issue bulletins, for a consecutive period of not less than six months, the registration thereof under any regulations for the time being in force shall be deemed to have lapsed.”

Amend-
ment of
regulation
18 of
Part I of
Second
Schedule.

6. Regulation 18 of the Newspapers Registration and Distribution Regulations, 1951, is amended by the deletion of the expression “regulations 13, 14, and 17” and the substitution therefor of the following—

“regulation 14”.

Revocation
of regula-
tions,
Schedule.

7. The regulations contained in the Second Schedule to the principal Ordinance which are specified in the Schedule to this Ordinance are revoked.

SCHEDULE.

Revocation of certain regulations contained in the Second Schedule to the principal Ordinance.

Regulations 13 and 17 of the Newspapers Registration and Distribution Regulations, 1951.

(Part I of the Second Schedule to the principal Ordinance).

Regulations 14, 15 and 16 of the News Agencies Registration Regulations, 1951.

(Part III of the said Second Schedule).

Regulation 13 of the Printed Documents (Control) Regulations, 1951.
(Part IV of the said Second Schedule).

Passed the Legislative Council of Hong Kong, this 9th day
of November, 1955.



Deputy Clerk of Councils.

(Secretariat 46/3231/49)

HONG KONG

No. 58 OF 1955.



I assent.

[Handwritten signature]
Governor.

8th December, 1955.

An Ordinance to amend the Promissory Oaths Ordinance,
Chapter 90.

[9th December, 1955.]

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

1. This Ordinance may be cited as the Promissory Oaths Short title.
(Amendment) Ordinance, 1955.

2. Section 9 of the Promissory Oaths Ordinance (hereinafter
referred to as the principal Ordinance) is amended by the deletion
of the pronoun "His" and the substitution therefor of the
following—

"Her".

Amendment
of section
9.

Amendment
of Second
Schedule.

3. The Second Schedule to the principal Ordinance is amended—

- (a) under the heading "The Oath of Allegiance", by the deletion of the words "His Majesty King George the Sixth, His" and the substitution therefor of the following—

"Her Majesty Queen Elizabeth the Second, Her";

- (b) under the heading "The Judicial Oath", by the deletion of the words "Our Sovereign Lord King George the Sixth" and the substitution therefor of the following—

"Our Sovereign Lady Queen Elizabeth the Second";

- (c) under the heading "The Oath of Fidelity", by—

(i) the deletion of the pronoun "His" and the substitution therefor of the following—

"Her";

(ii) the deletion of the words "that I will not directly or indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. So help me God." and the substitution therefor of the following—

"that I will not, except with the authority of the Governor, directly or indirectly reveal the business or proceedings of the Executive Council or the nature or contents of any document communicated to me as a Member of the Council or any matter coming to my knowledge in my capacity as a Member of the Council, and that in all things I will be a true and faithful Councillor. So help me God.";

- (d) under the heading "The Official Oath", by the deletion of the words "His Majesty King George the Sixth" and the substitution therefor of the following—

"Her Majesty Queen Elizabeth the Second";

- (e) under the heading "The Oath of Secrecy", by the deletion of the words "that I will not directly or indirectly reveal such matters as shall be debated in the Executive Council and committed to my secrecy. So help me God." and the substitution therefor of the following—

"that I will not, except with the authority of the Governor, directly or indirectly reveal the business or proceedings of the Executive Council or the nature or contents of any document communicated to me as Clerk of Councils (or Deputy Clerk of Councils) or any matter coming to my knowledge in my capacity as Clerk of Councils (or Deputy Clerk of Councils). So help me God."

Passed the Legislative Council of Hong Kong, this 7th day of December, 1955.



Deputy Clerk of Councils.

(Secretariat 13/2961/46)