

loading thereof aboard the said ship,
upon the said ship, etc.

and so shall continue and endure, during her abode there, upon the said ship, etc. And further, until the said ship, with all her ordnance, tackle, apparel, etc., and goods and merchandises whatsoever shall be arrived at

upon the said ship, etc., until she hath moored at anchor twenty-four hours in good safety; and upon the goods and merchandises, until the same be there discharged and safely landed. And it shall be lawful for the said ship, etc., in this voyage, to proceed and sail to and touch and stay at any ports or places whatsoever

without prejudice to this insurance. The said ship, etc., goods and merchandises, etc., for so much as concerns the assured by agreement between the assured and assurers in this policy, are and shall be valued at

Touching the adventures and perils which we the assurers are contented to bear and do take upon us in this voyage: they are of the seas, men of war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and counter-mart, surprisals, takings at sea, arrests, restraints, and detentions of all kings, princes, and people, of what nation, condition, or quality soever, barratry of the master and mariners, and of all other perils, losses, and misfortunes, that have or shall come to the hurt, detriment, or damage of the said goods and merchandises, and ship, etc., or any part thereof. And in case of any loss or misfortune it shall be lawful to the assured, their factors, servants and assigns, to sue, labour, and travel for, in and about the defence, safeguards, and recovery of the said goods and merchandises, and ship, etc., or any part thereof, without prejudice to this insurance; to the charges whereof we, the assurers, will contribute each one according to the rate and quantity of his sum herein assured. And it is especially declared and agreed that no acts of the insurer or insured in recovering, saving, or preserving the property insured shall be considered as a waiver, or acceptance of abandonment. And it is agreed by us, the insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard Street, or in the Royal Exchange, or elsewhere in London. And so we, the assurers, are contented, and do hereby promise and bind ourselves, each one for his own part, our heirs, executors, and goods to the assured, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured, at and after the rate of

IN WITNESS whereof we, the assurers, have subscribed our names and sums assured in London.

N.B.—Corn, fish, salt, fruit, flour, and seed are warranted free from average, unless general, or the ship be stranded—sugar, tobacco, hemp, flax, hides and skins are warranted free from average, under five pounds per cent, and all other goods, also the ship and freight, are warranted free from average, under three pounds per cent unless general, or the ship be stranded.

Rules for construction of policy.

The following are the rules referred to by this Ordinance for the construction of a policy in the above or other like form, where the context does not otherwise require—

1. Where the subject matter is insured "lost or not lost", and the loss has occurred before the contract is concluded, the risk attaches unless, at such time the assured was aware of the loss, and the insurer was not.

(Sue and labour clause).

(Waiver clause).

(Memorandum).

Lost or not lost.

2. Where the subject matter is insured "from" a particular place, the risk does not attach until the ship starts on the voyage insured. From.

3. (a) Where a ship is insured "at and from" a particular place, and she is at that place in good safety when the contract is concluded, the risk attaches immediately. At and from. (Ship).

(b) If she be not at that place when the contract is concluded, the risk attaches as soon as she arrives there in good safety, and, unless the policy otherwise provides, it is immaterial that she is covered by another policy for a specified time after arrival.

(c) Where chartered freight is insured "at and from" a particular place, and the ship is at that place in good safety when the contract is concluded, the risk attaches immediately. If she be not there when the contract is concluded, the risk attaches as soon as she arrives there in good safety. (Freight).

(d) Where freight, other than chartered freight, is payable without special conditions and is insured "at and from" a particular place, the risk attaches *pro rata* as the goods or merchandise are shipped; provided that if there be cargo in readiness which belongs to the shipowner, or which some other person has contracted with him to ship, the risk attaches as soon as the ship is ready to receive such cargo.

4. Where goods or other moveables are insured "from the loading thereof", the risk does not attach until such goods or moveables are actually on board, and the insurer is not liable for them while in transit from the shore to the ship. From the loading thereof.

5. Where the risk on goods or other moveables continues until they are "safely landed", they must be landed in the customary manner and within a reasonable time after arrival at the port of discharge, and if they are not so landed the risk ceases. Safely landed.

6. In the absence of any further licence or usage, the liberty to touch and stay "at any port or place whatsoever" does not authorize the ship to depart from the course of her voyage from the port of departure to the port of destination. Touch and stay.

7. The term "perils of the seas" refers only to fortuitous accidents or casualties of the seas. It does not include the ordinary action of the winds and waves. Perils of the seas.

8. The term "pirates" includes passengers who mutiny and rioters who attack the ship from the shore. Pirates.

9. The term "thieves" does not cover clandestine theft or a theft committed by any one of the ship's company, whether crew or passengers. Thieves.

10. The term "arrests, etc., of kings, princes, and people" refers to political or executive acts, and does not include a loss caused by riot or by ordinary judicial process. Restraint of princes.

11. The term "barratry" includes every wrongful act wilfully committed by the master or crew to the prejudice of the owner, or, as the case may be, the charterer. Barratry.

12. The term "all other perils" includes only perils similar in kind to the perils specifically mentioned in the policy. All other perils.

13. The term "average unless general" means a partial loss of the subject matter insured other than a general average loss, and does not include "particular charges". Average unless general.

14. Where the ship has stranded, the insurer is liable for the excepted losses, although the loss is not attributable to the stranding, provided that when the stranding takes place the risk has attached and, if the policy be on goods, that the damaged goods are on board. Stranded.

Ship.

15. The term "ship" includes the hull, materials and outfit, stores and provisions for the officers and crew, and, in the case of vessels engaged in a special trade, the ordinary fittings requisite for the trade, and also, in the case of a steamship, the machinery, boilers, and coals and engine stores, if owned by the assured.

Freight.


16. The term "freight" includes the profit derivable by a shipowner from the employment of his ship to carry his own goods or moveables, as well as freight payable by a third party, but does not include passage money.

Goods.

17. The term "goods" means goods in the nature of merchandise, and does not include personal effects or provisions and stores for use on board.

In the absence of any usage to the contrary, deck cargo and living animals must be insured specifically, and not under the general denomination of goods.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 7th day of June, 1961, and is found by me to be a true and correctly printed copy of the said Bill.

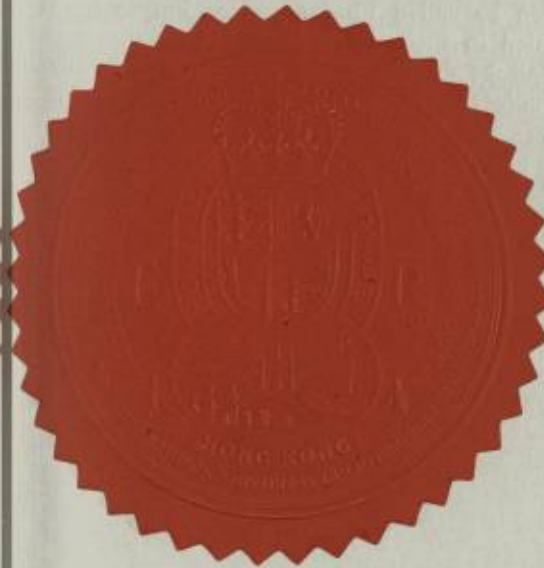


Deputy Clerk of Councils.

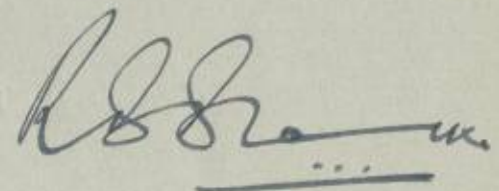
(Secretariat GR7/3231/58)

HONG KONG

No. 22 OF 1961.



I assent.



Governor.

22nd June, 1961.

An Ordinance to amend the Compulsory Service Ordinance, 1951.

[23rd June, 1961.]

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 Compulsory Service Short title. (Amendment) Ordinance, 1961.

2. Section 25 of the Compulsory Service Ordinance, 1951, is repealed and replaced by the following new section—

<sup>“Commence-
ment and
suspension.</sup>

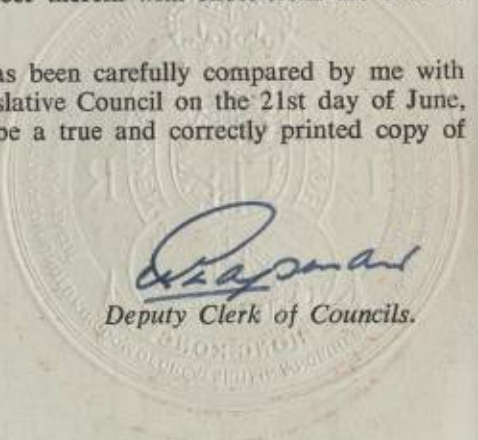
25. (1) This Ordinance shall come into operation on such date as the Governor in Council may appoint by proclamation published in the *Gazette* and may be suspended from time to time by the Governor in Council by further proclamation published in the *Gazette*.

(2) Upon the suspension of this Ordinance by further proclamation issued under subsection (1), any person who has been called up for service by virtue of any direction

Repeal and
replacement
of section 25.
(24 of 1951).

issued pursuant to section 6 and who is at the time of such further proclamation still serving in the Royal Hong Kong Defence Force, the Hong Kong Auxiliary Police Force or the Essential Services Corps shall be deemed for all purposes not to have been so called up for service but to have voluntarily enrolled in such Force or Corps, as the case may be, and shall be deemed to have been continuously serving as a volunteer therein with effect from the date of such direction."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 21st day of June, 1961, and is found by me to be a true and correctly printed copy of the said Bill.

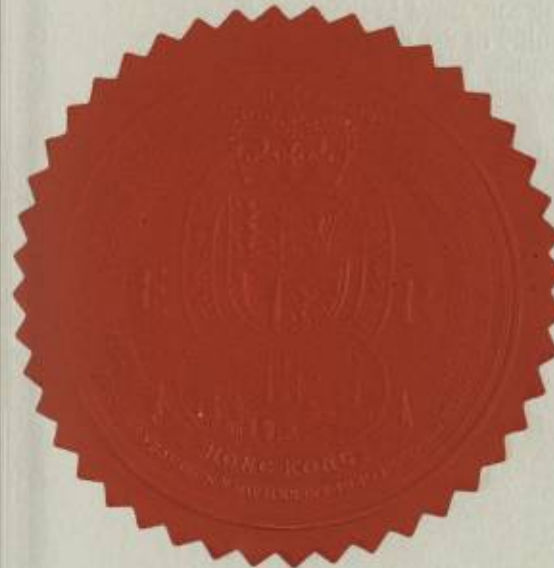


[Signature]
Deputy Clerk of Councils.

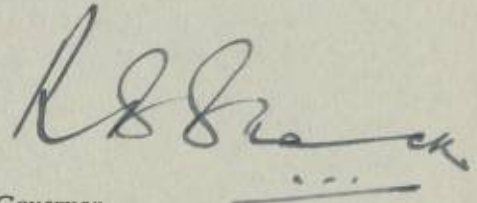
(Secretariat D/M/CA)

HONG KONG

No. 23 OF 1961.



I assent.



[Signature]
Governor.

22nd June, 1961.

An Ordinance to amend the Dangerous Goods Ordinance, 1956.

[23rd June, 1961.]

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

1. This Ordinance may be cited as the Dangerous Goods Short title.
(Amendment) Ordinance, 1961.

2. Section 7 of the Dangerous Goods Ordinance, 1956, (herein- Amendment
after referred to as the principal Ordinance) is amended by the addition of section 7.
after subsection (6) of the following new subsection— (38 of 1956).

"(7) Notwithstanding any other liability which may arise under the provisions of this Ordinance or otherwise, the breach of any term or condition endorsed upon any licence issued pursuant to subsection (1) shall constitute an offence which shall be punishable upon summary conviction by a fine not exceeding one thousand dollars and imprisonment not exceeding one month."

Addition of
new section
13A.

3. The principal Ordinance is amended by the addition after section 13 of the following new section—

"Liability of
directors, etc.
where offence
committed
by company.

13A. Where a person by whom an offence under this Ordinance has been committed is a company, every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent."

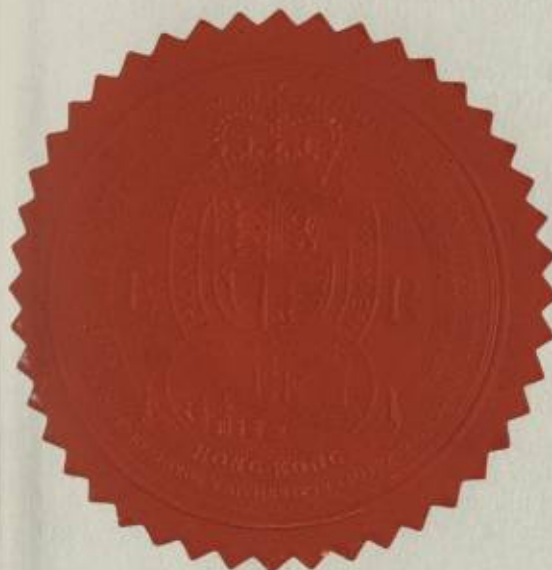
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 21st day of June, 1961, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

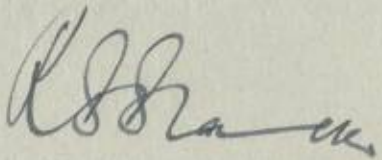
(Secretariat GR11/3231/51H)

HONG KONG

No. 24 OF 1961.



I assent.


Governor.

22nd June, 1961.

An Ordinance to impose a tax to be paid on the first registration of certain motor vehicles and to provide for matters connected with the purpose aforesaid.

[23rd June, 1961.]

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 Motor Vehicles (First Short title. Registration Tax) Ordinance, 1961.

2. In this Ordinance, save where the context otherwise requires— Interpretation.
"car" means any motor vehicle constructed or adapted only for the carriage of not more than nine passengers and their effects;

"dual purpose vehicle" means any motor vehicle constructed or adapted for the carriage both of passengers and of goods or equipment in accordance with the provisions of the Road Traffic (Construction and Use) Regulations, 1956; (G.N.A. 106/56).

(G.N.A.
89/56).

"first registration" means first registration in accordance with the provisions of the Road Traffic (Registration and Licensing of Vehicles) Regulations, 1956;

"motor cycle" means a two wheeled motor vehicle of unladen weight not exceeding six hundredweight, with or without a side-car attached thereto;

"motor tricycle" means a three wheeled motor vehicle of unladen weight not exceeding six hundredweight, but does not include a motor cycle with a side-car attached thereto;

"motor vehicle" means any mechanically propelled vehicle intended or adapted for use on roads, but does not include any conveyance for use solely on railways or tramways;

"passenger" includes any person carried in a car except one driver;

"public car" means any car which stands or plies for hire and is used to carry passengers at separate and distinct fares within the Colony on a recognized and predetermined route or for a recognized and predetermined purpose;

"road" includes every highway, thoroughfare, street, lane, alley, court, square, archway, passage, path, way and place to which the public have access, either continuously or intermittently and either of right or by licence, whether the same is the property of the Crown or otherwise;

"stand or ply for hire" means, in respect of any motor vehicle, being on any road in motion or stopped and exhibiting any sign or signal, or having a driver who is exhibiting any sign or signal, indicating that it or any portion of it is available for hire whether on a predetermined route or otherwise;

"tax" means the tax payable under the provisions of section 3;

"taxi" means any car which stands or plies for hire and in which the passengers are carried for hire or reward under a contract express or implied for the use of the vehicle as a whole at a rate indicated by the taximeter;

"taximeter" means any appliance for measuring the time or distance for which a taxi is used, or for measuring both time and distance, or for recording the fare by time or distance or by a combination of time and distance, which is for the time being approved for the purpose by the Commissioner of Police.

3. (1) On the first registration in the Colony of any motor vehicle comprised in any of the classes of motor vehicles set out in the second column of the Schedule, there shall be charged and paid, in addition to any tax or other charge imposed by any other enactment, a tax equal to such percentage of the value of such vehicle as

Payment
of tax.

Schedule.

is specified in the third column of the Schedule in relation to the class of motor vehicle in which such vehicle is comprised.

(2) Where, after the commencement of this Ordinance, tax is not for any reason payable on the first registration of any motor vehicle and subsequently, by reason of a transfer of the ownership of such vehicle or a change in the use to which the same is put or otherwise, tax would be payable if the vehicle were then first registered, tax shall be charged and payable on the happening of such event.

4. (1) The value of a motor vehicle for the purposes of this Ordinance shall be—

Calculation
of value.

(a) in the case of a new motor vehicle brought into the Colony in such state and condition as is required for first registration, the price which an importer would give for the motor vehicle, delivered, freight and insurance paid, to the Colony;

(b) in the case of a new motor vehicle brought into the Colony not in such state and condition as is specified in paragraph (a), such value as is prescribed in that paragraph together with the cost of all materials and work necessary to bring the motor vehicle into the state and condition specified in that paragraph;

(c) in the case of a motor vehicle other than a new motor vehicle brought into the Colony, the price which an importer would have given for the motor vehicle delivered as a new motor vehicle, freight and insurance paid, to the Colony, less depreciation, at such rate and in such manner as is prescribed by rules made under section 85 of the Inland Revenue Ordinance for the calculation of depreciation under section 37 of that Ordinance, for the period from the date when the motor vehicle ceased to be a new motor vehicle until the date of its importation into the Colony; or

(Cap. 112,
1956 Reprint).

(d) in the case of a motor vehicle in respect of which tax is payable under the provisions of subsection (2) of section 3, the value calculated in accordance with the provisions of paragraph (a) or (c), as the case may be, less depreciation, calculated in the manner specified in paragraph (c), for the period from the date of the importation of the motor vehicle into the Colony until the happening of the event.

(2) For the avoidance of doubt, it is hereby declared that, in calculating the value of any motor vehicle, there shall be included the value of the tyres and of any spare wheel and spare parts.

(3) In this section, the expression "new motor vehicle" means a motor vehicle which has not been used on any road outside the Colony except by the manufacturer thereof or his agent or by a retailer.

Tax not payable in respect of certain motor vehicles.

5. Tax shall not be payable in respect of any motor vehicle imported into the Colony by a person who is a member of Her Majesty's naval, military or air force service, being a motor vehicle in respect of which there has been paid in any country of the Commonwealth a tax or other charge which is the same as or similar to the tax payable under this Ordinance, whether such tax or charge was payable in the form of import duty or in the form of purchase tax or otherwise, so long as such person continues to be a member of such service and such motor vehicle continues to be owned by such person.

Refund of tax in certain cases.

6. Without prejudice to the provisions of any other enactment, where it appears to the Governor that tax has been paid in respect of a motor vehicle brought into and kept in the Colony for a period not exceeding three months on the occasion of or in connexion with a temporary stay in the Colony of the owner of the motor vehicle, the Governor may order that the amount of such tax shall be refunded in whole or in part.

Power of Colonial Secretary to waive tax in certain cases.

7. The Colonial Secretary may, in his absolute discretion, waive payment of tax in respect of a motor vehicle, the property of a foreign government, brought into the Colony for a period not exceeding three months for the use of an officer of flag rank of the naval forces of such government while it is so used.

Power of Legislative Council to vary rate of tax.

8. The Legislative Council may, from time to time, by resolution vary any rate at which tax is to be paid.

Regulations.

9. The Governor in Council may by regulation prescribe or provide for—

- (a) the payment of tax;
- (b) the better carrying out of the purposes of this Ordinance.

Certain provisions of Bill annexed to Order under Public Revenue Protection Ordinance to be amended with effect retrospectively to commencement of Order. (Cap. 120).

10. The Bill annexed to the Order made by the Governor under the provisions of section 2 of the Public Revenue Protection Ordinance on the 28th day of February, 1961, and published in a *Gazette Extraordinary* on the 1st day of March, 1961, as Notification Number 344 shall be read and shall be deemed always to have read as if—

- (a) in subclause (2) of clause 3, the words "for any reason tax was not" were deleted and the following substituted therefor—
"after 3 o'clock in the afternoon of the 1st day of March, 1961, tax is not for any reason";
- (b) the following clause were inserted therein after clause 8—

"Tax not payable in respect of certain motor vehicles.

9. Tax shall not be payable in respect of any motor vehicle imported into the Colony by a person who is a member of Her Majesty's naval, military or air force service, being a motor vehicle

in respect of which there has been paid in any country of the Commonwealth a tax or other charge which is the same as or similar to the tax payable under this Ordinance, whether such tax or charge was payable in the form of import duty or in the form of purchase tax or otherwise, so long as such person continues to be a member of such service and such motor vehicle continues to be owned by such person."; and

- (c) in item 4 of the Schedule, the words and comma "except dual purpose vehicles which are to be licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations, 1956, for use as taxis and goods vehicles" were inserted after the words "Dual purpose vehicles".

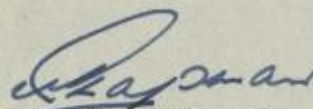
SCHEDULE.

[section 3.]

Classes of motor vehicles and rate of tax.

<i>Item.</i>	<i>Class of motor vehicle.</i>	<i>Rate of tax.</i>
1.	Cars, except—	
	(a) cars which are to be licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations, 1956, as taxis;	
	(b) public cars to be used solely in connexion with the maintaining of a service in accordance with the grant of the exclusive rights of maintaining such service under any enactment	10.
2.	Motor cycles	10.
3.	Motor tricycles	10.
4.	Dual purpose vehicles, except dual purpose vehicles which are to be licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations, 1956 for use as taxis and goods vehicles	10.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 21st day of June, 1961, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat GR3/3231/61)

HONG KONG

No. 25 OF 1961.



I assent.

Governor.

22nd June, 1961.

An Ordinance to amend The Hongkong and Shanghai Banking Corporation Ordinance, Chapter 70.

[23rd June, 1961.]

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 Hongkong and Shanghai Banking Corporation (Amendment) Ordinance, 1961. Short title.

2. Section 7 of The Hongkong and Shanghai Banking Corporation Ordinance is amended by the deletion of subsection (1) and the substitution therefor of the following— Amendment of section 7. (Cap. 70).

“(1) The capital of the bank is one hundred million dollars divided into four million shares of twenty-five dollars each.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 21st day of June, 1961, and is found by me to be a true and correctly printed copy of the said Bill.

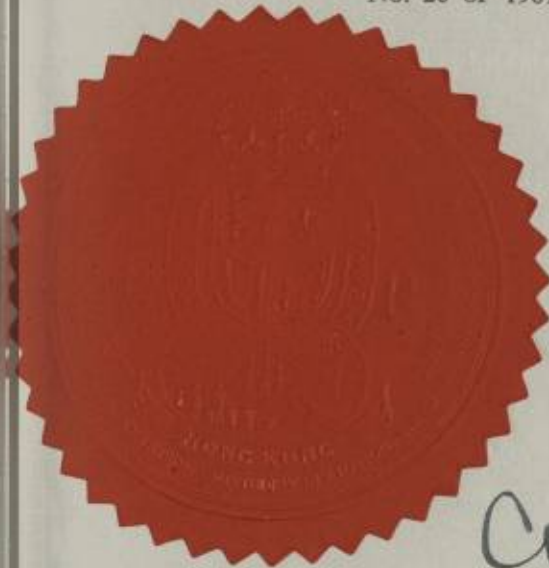
Deputy Clerk of Councils.

(Secretariat GR6/2961/46)



HONG KONG

No. 26 OF 1961.



I assent.

Clara Jung

Officer Administering the Government.

6th July, 1961.

An Ordinance to amend the Chinese Temples Ordinance, Chapter 153.

[1st August, 1961.]

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 Chinese Temples (Amendment) Ordinance, 1961, and shall come into operation on the 1st day of August, 1961.

Short title
and com-
mencement.

2. Section 7 of the Chinese Temples Ordinance (hereinafter referred to as the principal Ordinance) is amended by—

Amendment
of section 7.
(Cap. 153).

- (a) the insertion in subsection (1) after the words "Chinese Temples Committee" of a full stop and the deletion of the words "and which shall consist of the following persons" and all words thereafter; and
- (b) the insertion after subsection (1) of the following new subsections—

"(1A) The Chinese Temples Committee shall consist of the following persons—

- (a) the Secretary for Chinese Affairs who shall be Chairman of the Committee;
- (b) three members appointed by the Governor, one from the Chinese unofficial members for the time being of the Executive Council, one from the Chinese unofficial members for the time being of the Legislative Council, and one from the Chinese unofficial members for the time being of the Urban Council;
- (c) the chairman for the time being of the Board of Directors of the Tung Wah Group of Hospitals, or a director of the Board nominated by the chairman as his representative;
- (d) three persons appointed by the Governor, who shall each hold office for a period of three years, but who shall each be eligible for re-appointment from time to time.

(1B) The Chinese Temples Committee shall meet at such times and such places as the Chairman may appoint, and at any meeting of the Committee four members shall form a quorum.

(1C) All questions coming or arising before a meeting of the Chinese Temples Committee shall be decided by a majority of the members of the Committee present and voting thereon.

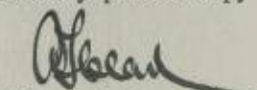
(1D) The Chairman at any meeting of the Chinese Temples Committee shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote."

Amendment
of section 9.

3. Section 9 of the principal Ordinance is amended by the deletion of subsection (2) and the substitution therefor of the following—

"(2) The Chinese Temples Committee may, subject to the approval of the Governor in Council, direct the manner in which the accounts of the General Chinese Charities Fund shall be kept and audited."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 5th day of July, 1961, and is found by me to be a true and correctly printed copy of the said Bill.


Clerk of Councils.

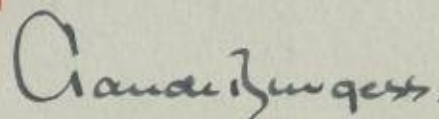
(Secretariat GR6/581/56)

HONG KONG

No. 27 OF 1961.



I assent.


Officer Administering the Government.

6th July, 1961.

An Ordinance to repeal and re-enact, subject to amendment, the Nurses Registration Ordinance, Chapter 164.

[7th July, 1961.]

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

PART I.

Citation and Interpretation.

1. This Ordinance may be cited as the Nurses Registration Short title Ordinance, 1961.
2. In this Ordinance, unless the context otherwise requires—
"Board" means the Nursing Board of Hong Kong established in accordance with section 3;

Interpreta-
tion.

- "chairman" means the chairman of the Board;
- "Director" means the Director of Medical and Health Services;
- "legal adviser" means the legal adviser to the Board;
- "member" means a member of the Board;
- "nurse" means a male or female nurse for the sick, and "nursing" shall be construed accordingly;
- "prescribed" means prescribed by regulation made pursuant to section 21;
- "Principal Matron" means the Principal Matron in the Medical and Health Department;
- "register" means the register of nurses maintained in accordance with section 5;
- "registered nurse" means a nurse whose name appears in any part of the register;
- "secretary" means the secretary to the Board.

PART II.

The Nursing Board.

Establishment and composition of the Board.

3. (1) For the purposes of this Ordinance, there shall be established a Board to be known as the Nursing Board of Hong Kong.
- (2) The Board shall consist of—
- (a) the Director;
 - (b) the Principal Matron;
 - (c) six members, who shall be nurses registered in accordance with the provisions of this Ordinance or State registered nurses of the United Kingdom and who shall be appointed by the Governor;
 - (d) one member who shall be nominated by the University of Hong Kong and shall be appointed by the Governor; and
 - (e) one member who shall be a registered nurse specially qualified in the nursing and care of persons suffering from mental

diseases or in the nursing and care of the mentally defective and who shall be appointed by the Governor.

(3) Any member appointed by the Governor shall hold office for a period of three years, or such lesser period as the Governor may appoint, and shall be eligible for re-appointment from time to time.

(4) If any member appointed by the Governor is temporarily absent from the Colony or is for any other reason unable to attend to the business of the Board, the Governor may appoint an additional member during the absence or disability of that member.

(5) The Director shall be the standing chairman of the Board and shall take the chair at all meetings of the Board at which he is present; but if the Director is absent from any meeting those members being present thereat shall elect one of their number to act as chairman for the purposes of that meeting.

(6) There shall be a secretary to the Board and a legal adviser to the Board, each of whom shall be appointed by the Governor.

4. (1) The Board shall meet at such times and in such places—
- (a) as the chairman may from time to time direct; or
 - (b) as may be requested in writing addressed to the chairman by not less than five members.

Meetings of the Board.

(2) At any meeting of the Board five members shall be a quorum.

(3) The validity of any proceedings of the Board shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereto.

(4) All questions for determination at any meeting of the Board shall be decided by a majority vote of the members present at such meeting and voting thereon:

Provided that nothing in this subsection shall be construed to prevent any question for determination by the Board being so determined by a majority opinion of the members upon circulation to them of papers relating thereto.

(5) The chairman at any meeting of the Board shall have an original vote and also, if upon any question the votes are equally divided, a casting vote except in the case of an inquiry held under section 11 in which case he shall have only an original vote.

(6) The Board may make standing orders for regulating procedure at, or in connexion with, its meetings.

PART III.

Registration of Nurses.

The register.

5. (1) The Board shall cause a register to be kept which shall contain such particulars as may from time to time be prescribed.

(2) The register shall be divided into such number of parts as may be prescribed.

(3) Where a person satisfies the conditions of admission to more than one part of the register, his name may be included in each such part.

(4) A certificate purporting to be under the seal of the Board and signed by the chairman or secretary of the Board stating that a person is or was at any date or is not or was not at any date duly registered shall be evidence in all courts of law of the fact stated in such certificate until the contrary is proved.

(Cap. 164).

(5) The register of nurses kept in accordance with the provisions of the Nurses Registration Ordinance repealed by this Ordinance shall be deemed to be the register required to be maintained, and to have been maintained, in accordance with the provisions of this Ordinance; and every nurse whose name appears therein at the commencement of this Ordinance shall be deemed to have been registered as a nurse in accordance with the provisions of this Ordinance.

Information with respect to nurses.

6. (1) The register or a copy thereof shall be kept at the headquarters of the Medical and Health Department and shall be open to inspection by any person free of charge during usual business hours upon application being made in writing addressed to the secretary.

(2) The Board shall cause to be published in the *Gazette* in relation to successive periods, in such manner as the Board may think fit and at intervals of not more than twelve months, lists of all persons whose names have been entered in, removed from or restored to the register during these periods.

7. (1) The secretary may from time to time amend the register as to the address or other relevant particulars relating to any nurse whose name appears therein upon his being satisfied that such amendment is necessary for the purpose of preserving the accuracy of the register.

Correction of the register.

(2) Subject to the provisions of section 15, the secretary shall add to or delete from the register the name of any nurse whose name the Board directs shall be added thereto or deleted therefrom, as the case may be.

(3) Without prejudice to anything contained in Part IV, the Board may direct that the name of any nurse be removed from the register who—

- (a) requests in writing addressed to the secretary that his name be so removed;
- (b) dies;
- (c) has left the Colony without giving to the secretary notice of intention to return;
- (d) has not kept the secretary supplied with an address in the Colony at which notices from the Board may be served upon him:

Provided that—

(i) this paragraph shall not apply to any registered nurse in the service of the Government; and

(ii) any nurse who fails to acknowledge within twelve months after the date of despatch the receipt of a registered letter or telegram addressed to him at his last address as recorded in the register shall be deemed not to have kept the secretary supplied with an address under this paragraph.

8. (1) Subject to the provisions of this Ordinance, no person shall be qualified to be registered under this Ordinance unless he has satisfied the Board that—

Qualification for registration.

- (a) he has attained the minimum age of twenty-one years;
- (b) he is of good character,

and in addition thereto—

- (c) he has completed such training as may be prescribed and has passed such examinations as may be required by the Board; or

- (d) his name is registered in any part of the register maintained by the General Nursing Council for England and Wales; or
- (e) his name is registered in any part of the register maintained by the General Nursing Council for Scotland; or
- (f) his name is registered in the register maintained by the Joint Nursing and Midwives Council for Northern Ireland; or
- (g) his name is registered in the register maintained by the Bord Altranais for Eire; or
- (h) he possesses a valid certificate to practise nursing issued by such certifying body, other than the above, as may be recognized by the Board from time to time as constituting sufficient evidence of his competency to practise nursing.

(2) Notwithstanding anything contained in subsection (1), the Board may require any applicant for registration in any part of the register to prove his competency in nursing by examination conducted by examiners appointed by the Board and, if required, to undergo such further training as the Board may specify.

Registration.

9. (1) Any person who considers himself qualified to be registered in any part of the register may apply in the manner prescribed to the secretary for registration.

(2) If, after due enquiry, the Board is satisfied that the applicant is qualified in accordance with section 8 to be registered, the secretary shall, upon payment of the prescribed fee (if any), cause his name to be entered in the register:

Provided that if the Board is satisfied that the applicant for registration—

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

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

(3) Such provisions of Part IV as are capable of application to an inquiry held for the purposes of this section shall apply to any such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it applicable.

Certificate of registration.

10. (1) When the name of any person is registered under section 9 the secretary shall issued to him a certificate in the form prescribed.

(2) If any certificate issued under subsection (1) is lost or destroyed, or if for any other reason the person to whom such certificate was issued requires a copy thereof, the secretary, upon being satisfied as to the loss or destruction of the original and as to the propriety of the reason for which the copy is required, shall, upon payment of the fee prescribed, if any, issue to such person a certified copy of the original certificate.

(3) Any certificate issued under the provisions of the Nurses (Cap. 164). Registration Ordinance repealed by this Ordinance shall be deemed to have been validly issued under the provisions of this Ordinance.

(4) If the name of any registered nurse is removed from the register by order of the Board made under section 11, such nurse shall forthwith return to the secretary the certificate of registration and any certified copy thereof issued to him in accordance with the provisions of this section or, if such certificate or such copy has been lost or destroyed, he shall deliver to the secretary a statement in writing signed by him to that effect.

(5) If any person fails to comply with any of the provisions of subsection (4) he shall be guilty of an offence and liable to a fine of two hundred and fifty dollars.

PART IV.

Disciplinary Proceedings and Offences.

11. (1) If, after due inquiry in accordance with regulations made under section 21, the Board is satisfied that any registered nurse— Disciplinary powers of the Board.

- (a) has been, in the Colony or elsewhere, convicted of any offence punishable with imprisonment;
- (b) has been, in the Colony or elsewhere, guilty of unprofessional conduct;
- (c) has obtained registration by fraud or misrepresentation;
- (d) was not at the time of registration qualified to be registered; or
- (e) has contravened any prohibition imposed under subsection (1) of section 19,

the Board, in its discretion, may—

- (i) order that the name of such nurse be removed from the register or any part thereof;
- (ii) order that the name of such nurse be removed from the register or any part thereof, for such specified period as it may think fit;
- (iii) order that such nurse be reprimanded; or

- (iv) postpone judgment on the case for any period not exceeding two years,

and may, in any event, make such order as the Board thinks fit with regard to the payment of costs of the secretary or of any complainant or of such registered nurse.

(2) Any costs awarded in pursuance of subsection (1) may be recovered as a civil debt in accordance with sections 65 and 66 of the Magistrates Ordinance.

(3) For the purposes of section 9 and this section, "unprofessional conduct" means an act or omission by a registered nurse which could be reasonably regarded as disgraceful or dishonourable by registered nurses of good repute and competency.

(4) Nothing in this section shall be construed to require the Board to inquire into the question whether a registered nurse 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.

(5) In any inquiry under this section as to whether a nurse 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.

(6) Within thirty days after the expiration of the time within which an appeal against an order made by the Board may be made to the Full Court in accordance with the provisions of section 16, or if such an appeal has been made, within thirty days after the decision of the Full Court affirming or varying such order, the Board shall cause the order or the order as so varied, as the case may be, to be published in the *Gazette*, and may cause an account of the proceedings at the inquiry at which such order was made to be so published together with sufficient particulars to acquaint the public with the nature of the offence to which the order relates.

12. (1) For the purpose of any inquiry under section 9 or 11, the Board shall have the following powers—

- (a) to take evidence and examine witnesses on oath;
- (b) to summon any person to attend the inquiry to give evidence or to produce any document or other thing in his possession or under his control and to examine him as a witness or to require him to produce any document or other thing in his possession or under his control;

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

- (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; and

(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 as to witnesses may be in such form as may be prescribed and shall be signed by the secretary.

13. Any person who, being summoned to attend as a witness or to produce any document or other thing at any inquiry held in accordance with the provisions of section 11, refuses or neglects to do so or to answer any question put to him by or with the leave of the Board shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for three months:

Penalty for failure to give evidence.

Provided that no person shall be required to answer any question, or to produce any document or other thing which, in the opinion of the Board, may tend 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 he were giving evidence before a court of justice.

14. The complainant in any inquiry held in accordance with the provisions of section 11 and the nurse whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or solicitor or by a friend throughout the inquiry.

Representation of parties at disciplinary inquiries.

15. (1) The secretary shall cause a copy of any order made under subsection (1) of section 11 or of any order refusing registration made under subsection (2) of section 9 to be served, as soon as may be after the making of the order, upon the nurse concerned either personally or by registered post addressed to him at the last address known to the secretary.

Provisions relating to orders of the Board.

(2) The secretary shall not remove the name of any nurse from the register or any part thereof, before the expiration of thirty days after the service upon such nurse of the copy of the order referred to in subsection (1), or, in the case of an appeal against such order, until after the determination of such appeal.

(3) Any nurse whose name is removed from the register, or from any part thereof, in accordance with the provisions of this Ordinance, or whose name, prior to the commencement of this Ordinance, was so removed in accordance with the provisions of the Nurses Registration Ordinance repealed by this Ordinance from the register or from any part thereof, maintained in accordance with the provisions of that

(Cap. 164).

Ordinance, may apply to the Board for restoration of his name to the register or to such part thereof, and the Board, in its absolute discretion, and after such inquiry and subject to such conditions as it may consider expedient, may either allow or reject the application, and, if it allows the application, shall direct the secretary upon payment of the prescribed fee, if any, to restore the name of the applicant to the register or to such part thereof, and thereupon the secretary shall so restore the name accordingly:

Provided that where the name of such nurse was removed from the register or any part thereof by order of the Board for a specified period only, no fee shall be payable upon restoration of the name upon the expiration of such period.

Appeals.

16. (1) Any person who considers himself aggrieved by any order of the Board made in accordance with the provisions of section 9 refusing him registration or by any order made in accordance with the provisions of section 11 may appeal therefrom to a judge of the Supreme Court and the judge may affirm, vary or reverse the decision of the Board, and may exercise any power which the Board might have exercised and the decision of such judge shall be final.

(Cap. 4).

(2) The procedure in relation to appeals made under this section shall be subject to any rules of court made under the provisions of the Supreme Court Ordinance:

Provided that no such appeal shall be heard unless notice thereof has been given to the court within thirty days after the service upon the appellant in accordance with section 15 of a copy of the order to which the appeal relates.

PART V.

Miscellaneous Offences and Prohibitions.

Falsification of register.

17. Any person who wilfully makes, or causes to be made, a falsification in a matter relating to the register or to the registration of any name therein, shall be guilty of an offence and liable upon summary conviction to a fine of one thousand dollars and to imprisonment for three months.

Penalties for assumption of title of registered nurses.

18. (1) Any person who—

- (a) not being a duly registered nurse in accordance with the provisions of this Ordinance, takes or uses the name or title of registered nurse, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform, or badge, implying that he is registered or recognized by law as registered; or

- (b) being a person whose name is included in any part of the register, takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the register; or

- (c) at any time, with intent to deceive, makes use of any certificate of registration issued to him or to any other person,

shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars and imprisonment for three months.

(2) Any person who, knowing that some other person is not registered as a nurse in accordance with the provisions of this Ordinance, makes any statement or does any act such as to suggest that such other person is so registered, shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for three months.

(3) Nothing in this section shall be construed to render any person guilty of an offence under this section by reason only that, without objection by him, other persons use the word nurse in addressing or referring to him.

(4) Proceedings for an offence against this section shall not be instituted except with the consent of the Director.

19. (1) If any registered nurse contracts any infectious disease within the meaning of the Quarantine and Prevention of Diseases Ordinance, which, in the opinion of the Board, is likely to endanger the health of any person attended by him, the Board may prohibit such nurse from attending sick persons in his professional capacity.

Power of Board to prohibit registered nurses suffering from certain diseases from attending sick persons. (Cap. 141).

(2) Any contravention of a prohibition imposed under this section shall constitute a ground for the institution of disciplinary proceedings in accordance with section 11.

PART VI.

Exemptions, Regulations and Repeal.

20. The following persons shall be exempted from registration but shall be deemed to be registered nurses—

Exemptions from registration.

- (a) persons serving on full pay in Her Majesty's Armed Forces in the capacity of nurse while acting in the discharge of their duty; and
- (b) persons in full time employment by the Government in the capacity of nurse while acting in the discharge of their duty.

Regulations.

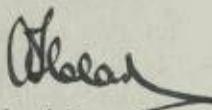
21. The Governor in Council may by regulation prescribe or provide for—

- (a) the procedure to be adopted at meetings of the Board;
- (b) the duties of the legal adviser to the Board;
- (c) the nature of the particulars to be entered in the register and the mode in which it shall be kept;
- (d) the fees to be paid in connexion with registration, re-registration and certificates of registration and certified copies thereof;
- (e) the manner in which applications for registration or re-registration shall be made;
- (f) examinations and courses of training in nursing and fees to be paid in connexion therewith;
- (g) the procedure to be followed in relation to—
 - (i) the preliminary investigations into complaints touching the conduct of registered nurses; and
 - (ii) inquiries held by the Board in accordance with sections 9 and 11;
- (h) matters relating to the conduct of nursing practice;
- (i) generally giving effect to the provisions of this Ordinance.

Repeal.
(Cap. 164).

22. The Nurses Registration Ordinance is repealed.

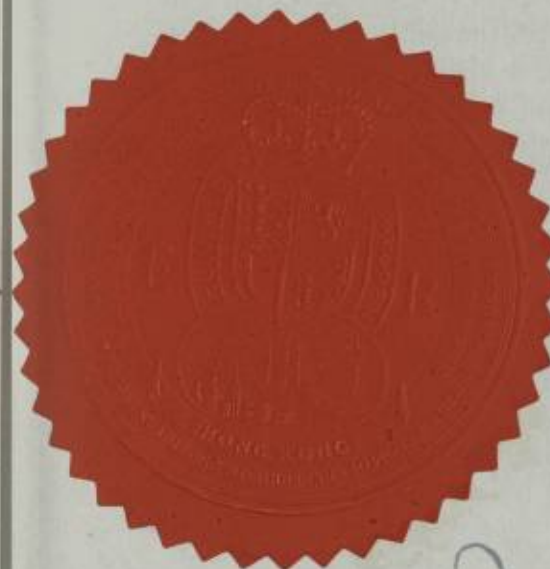
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 5th day of July, 1961, and is found by me to be a true and correctly printed copy of the said Bill.


Clerk of Councils.

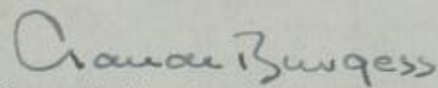
(Secretariat GR77/3231/47)

HONG KONG

No. 28 OF 1961.



I assent.


Officer Administering the Government.

20th July, 1961.

An Ordinance to amend the Societies Ordinance, Chapter 151.

[21st July, 1961.]

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

1. This Ordinance may be cited as the Societies (Amendment) Ordinance, 1961. Short title.

2. Section 2 of the Societies Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 2. (Cap. 151).

(a) by the insertion after the figure "2" of the following—
"1";

(b) by the deletion of the definition "society" and the substitution therefor of the following—

"society" means any club, company, partnership or association of persons, whatever the nature or objects, to which the provisions of this Ordinance apply;"

- (c) by the addition after the definition "society" of the following—
 "“branch of a society” includes any society which is in any way subordinate to any other society;”;
- (d) by the deletion of the semicolon at the end of the definition “office-bearer” and the addition thereto of the following—
 “or in the case of a Triad Society, any person holding any rank or office in the Triad Society other than that of any ordinary member;”;
- (e) by the addition after the definition “office-bearer” of the following—
 ““prescribed” means prescribed by rules made under section 25;”;
- (f) by the deletion of the definitions “Registrar” and “assistant registrar” and the substitution therefor of the following—
 ““Registrar” means the Registrar of Societies and any assistant registrar appointed in accordance with the provision of section 3;”;
- (g) by the addition after the definition “Registrar” of the following—
 ““triad ritual” means any ritual commonly used by triad societies, any ritual closely resembling any such ritual and any part of any such ritual.”; and
- (h) by the addition at the end thereof of the following—
 “(2) The provisions of this Ordinance shall not apply to any person listed in the Schedule.
 (3) The Governor in Council may by order amend the Schedule.”.

Repeal and replacement of section 5.

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

“Registration.

5. (1) Within fourteen days of formation every local society shall make application to the Registrar for registration or for exemption from registration under this Ordinance, in such form and such manner as shall be prescribed.

(2) The Registrar may register the society or if he is satisfied that the society is established solely for religious, charitable, social or recreational purposes or as a rural committee or as a federation or other association of rural committees, he may in his absolute discretion exempt the society from registration.

Refusal of registration, etc.

5A. (1) The Registrar may refuse to register or to exempt from registration a society if—

- (a) the society is a branch of or is affiliated to or is connected with any society whose registration has been cancelled or whose exemption from registration has been rescinded; or
- (b) the society is unlawful by virtue of any other enactment; or
- (c) any group of members of the society or any office-bearers of the society have in any way been connected with or participated in or instigated or supported the commission of an offence against this Ordinance.

(2) The Registrar, after consultation with the Colonial Secretary, may refuse to register or to exempt from registration a society if he is satisfied that—

- (a) the society is a branch of or is affiliated to or is connected with any organization or group of a political nature established outside the Colony; or
- (b) the society has exercised or is exercising or intends to exercise or has attempted to exercise influence over the conduct or management of any school as defined by section 2 of the Education Ordinance, 1952, or over any teacher or pupil in any such school and that such influence is—
 (i) of a political nature; or
 (ii) prejudicial to the conduct or management of such school or to the welfare and good order of any such teacher or pupil; or
- (c) the society is likely to be used for any purpose prejudicial to or incompatible with peace, welfare or good order in the Colony.

(33 of 1952).

Name of society.

5B. (1) The Registrar shall refuse to register or to exempt from registration any society, and shall refuse to permit a society to change the name of the society if the name, or the new name, as the case may be, of the society—

- (a) contains the words “rural committee” or any other words which, in the opinion of the Registrar, suggest or are calculated to suggest that the society is a rural committee or a federation or other association of rural committees unless such society is a rural committee or a federation of rural committees acknowledged as such by the District Commissioner, New Territories; or

- (b) is identical with that by which a society already in existence is known or so nearly resembles that name as to be calculated in the opinion of the Registrar to mislead; or
- (c) in the opinion of the Registrar is calculated to mislead members of the public as to the true character or purpose of the society; or
- (d) in the opinion of the Registrar suggests or is calculated to suggest that the society belongs to a class of persons listed in the Schedule.

Schedule.

(2) For the purposes of paragraph (a) of subsection (1) the District Commissioner, New Territories, in his absolute discretion, may issue to any society a certificate in such form as he may prescribe showing that he acknowledges such society as a rural committee or as a federation or other association of rural committees and may cancel, amend or withdraw any such certificate and the issue or withdrawal of such certificate shall be conclusive evidence as to whether or not a society is acknowledged by the District Commissioner, New Territories as a rural committee or as a federation or other association of rural committees.

(3) No registered society or exempted society shall change its name without the prior consent in writing of the Registrar.

Rules of a society.

5C. (1) Subject to the provisions of subsection (3) of section 5D, no society shall be registered or exempted from registration if the constitution or rules thereof do not, to the satisfaction of the Registrar, contain—

- (a) such matters as are prescribed; and
- (b) such other matters as the Registrar may reasonably require.

(2) No amendment to the constitution of a registered society or an exempted society shall be made except in accordance with the prior approval in writing of the Registrar, which approval may be withheld if the constitution or rules as amended would not comply with the provisions of subsection (1).

(3) If at any time it appears to the Registrar that the activities of any registered society or any exempted society are not in accordance with the objects of the society as set out in the constitution or rules of the society, the Registrar may by notice served on the society order the society to desist from such activities.

Keeping of registers.

5D. (1) When the Registrar agrees to register a society or to grant to a society exemption from registration in accordance with the provisions of this Ordinance he shall forthwith enter or cause to be entered in a register of registered societies or a register of exempted societies, as the case may be, kept for that purpose the particulars given in the application form and the date of his order directing registration or exemption from registration.

(2) Any register kept in accordance with the provisions of this section shall be available for inspection during office hours by members of the general public on payment to the general revenue of the Colony of such fee as may be prescribed.

(3) In granting a society exemption from registration, the Registrar may grant the society exemption from compliance with the provisions of sections 5C and 5F upon such conditions as he shall consider necessary and may revoke or amend such exemption.

Cancellation of registration and exemption from registration.

5E. (1) The Registrar may serve on a society notice in such form as may be prescribed, requiring the society to show cause to his satisfaction, within fourteen days of such service, why the registration or exemption from registration of the society should not be cancelled by reason of the fact that—

- (a) the society is a branch of, or is affiliated to or is connected with, any society whose registration has been cancelled or whose exemption from registration has been rescinded in accordance with the provisions of this section; or
- (b) the society is unlawful by virtue of any other enactment; or
- (c) any group of members of the society or any office-bearers of the society have in any way been connected with or participated in or instigated or supported the commission of an offence against this Ordinance; or
- (d) the society has altered the constitution or rules thereof in contravention of the provisions of subsection (2) of section 5C; or
- (e) the society has failed to comply with a notice served on it in accordance with the provisions of subsection (3) of section 5C; or
- (f) the society is a branch of or is affiliated to or is connected with any organization or group of a political nature established outside the Colony; or

(33 of 1952).

- (g) the society has exercised or is exercising or intends to exercise or has attempted to exercise influence over the conduct or management of any school as defined by section 2 of the Education Ordinance, 1952, or over any teacher or pupil in such school and that such influence is—
- (i) of a political nature; or
 - (ii) prejudicial to the conduct or management of such school or to the welfare and good order of any such teacher or pupil; or
- (h) in the case of a society which has been exempted from registration, the society, in the opinion of the Registrar, has ceased to be used solely for religious, charitable, social or recreational purposes or to be a rural committee or a federation or other association of rural committees.
- (2) A copy of such notice shall be published in the *Gazette* within seven days after the date of such service.
- (3) If within such period of fourteen days the society does not show cause to the Registrar why the registration or exemption from registration of the society should not be cancelled—
- (a) if the notice was served on a ground set forth in paragraph (a), (b), (c), (d) or (e) of subsection (1), the Registrar shall cancel the registration or exemption from registration of the society; and
 - (b) if the notice was served on a ground set forth in paragraph (f), (g) or (h) of subsection (1), the Registrar, after consultation with the Colonial Secretary, may cancel the registration or exemption from registration of the society.
- (4) Notice of any such cancellation shall, as soon as is practicable thereafter, be—
- (a) served on the society;
 - (b) affixed in a conspicuous manner on any building occupied by the society and at the nearest police station of the police district in which such building exists; and
 - (c) published in the *Gazette*.
- (5) Any cancellation in accordance with the provisions of this section shall take effect on the expiry of fourteen days from the date when notice thereof was published in

the *Gazette* or from the determination of any appeal against such cancellation in accordance with the provisions of this Ordinance whichever is the later.

(6) Any notice in accordance with the provisions of this section or of subsection (3) of section 5C shall be deemed to have been properly served if posted by pre-paid registered post addressed to the last known address of the society.

Branch of a society.

5F. (1) No branch of a society shall be established without the prior approval of the Registrar.

(2) The Registrar may refuse his consent to the establishment of a branch of the society if—

- (a) the constitution or rules of the society do not provide for the establishment of a branch of the society; or
- (b) the constitution or rules of the branch of the society are such as to make the branch of the society an independent society not adequately under the control of the society.

(3) Every branch of the society established without the prior approval of the Registrar shall be deemed to be an unlawful society.

Appeal.

5G. (1) Any person who is aggrieved by a decision of the Registrar made in accordance with the provisions of section 5C, 5F, 6, 6A or 8A or subsection (1) of section 5A or subsection (1) or (3) of section 5B or paragraph (a) of subsection (3) of section 5E may appeal to the Supreme Court against such decision.

(2) Any person who is aggrieved by a decision of the Registrar made in accordance with the provisions of subsection (2) of section 5 or of subsection (2) of section 5A or of paragraph (b) of subsection (3) of section 5E, or by a decision of the District Commissioner, New Territories made in accordance with the provisions of subsection (2) of section 5B may appeal by petition to the Governor in Council against such decision.

(3) Any such appeal may be made within fourteen days after the date when the decision was notified to such person or the date of publication of the notice of such decision in the *Gazette*, whichever is the later.

(4) In any such case, the operation of decision shall be suspended until such appeal has been heard and

determined by the Supreme Court or by the Governor in Council, as the case may be.

(5) In the case of a decision in regard to a society, the society or any office-bearer of the society or any member of the society who is aggrieved by the decision may appeal against the decision in accordance with the provisions of this section."

Addition of
new section
6A.

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

"Dissolution
of a society.

6A. (1) If a registered society or an exempted society decides to dissolve itself the society shall notify the Registrar of its decision by notification in writing signed by one or more of the principal office-bearers of the society.

(2) On receipt of any such notification the Registrar shall as soon as practicable thereafter, publish in the *Gazette* in English and in Chinese characters notice of such notification stating that if no objection is received by him within fourteen days after the date of such publication, he will cancel the registration or exemption from registration of the society as the case may be.

(3) If no objection to such notice is received within such period, the Registrar shall cancel such registration or exemption as the case may be.

(4) If any objection to such notification is received by the Registrar he may, after such inquiry as he shall consider necessary, either cancel such registration or exemption or refuse to cancel such registration or exemption.

(5) Notice in such form as may be prescribed of any such cancellation or refusal shall be published and served in accordance with the provisions of subsection (4) of section 5E."

Addition of
new section
8A.

5. The principal Ordinance is amended by the addition after section 8 of the following new section—

"Disputes.

8A. (1) If the Registrar is of the opinion that a dispute has occurred among the members or office-bearers of a registered society as a result of which the Registrar is not satisfied of the identity of the persons who have been properly constituted as office-bearers of the society, the Registrar may serve notice on the society requiring the society, within one month of the service of such notice, to produce to him evidence of the settlement of any such

dispute and of the proper appointment of the lawful office-bearers of the society or of the institution of proceedings for the settlement of such dispute.

(2) If any such notice as is provided in subsection (1) is not complied with to the satisfaction of the Registrar within the period of one month, the Registrar may cancel the registration of the society.

(3) Notice of any such cancellation shall be served and published in accordance with the provisions of subsection (4) of section 5E."

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

Repeal and
replacement
of section 9.

"Unlawful
societies.

9. (1) Every local society, not being a registered society or an exempted society, shall be deemed to be an unlawful society after the expiration of fourteen days from the date of formation of such society unless before the expiry of such period of fourteen days application has been made to the Registrar in accordance with the provisions of this Ordinance by or on behalf of the society for registration or exemption from registration and the decision of the Registrar on such application has not been communicated to the society:

Provided that in any proceedings under this Ordinance, every society shall be deemed to have been established more than fourteen days before the date on which the offence against this Ordinance is alleged to have taken place until the contrary has been proved.

(2) Every Triad Society, whether or not such society is a registered society or an exempted society and whether or not such society is a local society, shall be deemed to be an unlawful society.

(3) Every society which uses any triad ritual shall be deemed to be a Triad Society."

7. Section 10 of the principal Ordinance is amended by the deletion of the words "on summary conviction to a fine of three thousand dollars and to imprisonment for three years" and the substitution therefor of the following—

Amendment
of section 10.

"on conviction on indictment to a fine of five thousand dollars and to imprisonment for five years".

Repeal and replacement of section 11.

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

“Member-ship, etc.

11. (1) Save as is provided in subsection (2), any person who is or acts as a member of an unlawful society or attends a meeting of an unlawful society or who pays money or gives any aid to or for the purposes of an unlawful society shall be guilty of an offence and shall be liable on conviction on indictment—

- (a) in the case of a first conviction for that offence to a fine of one thousand dollars and to imprisonment for twelve months; and
- (b) in the case of a second or subsequent conviction for that offence to a fine of five thousand dollars and to imprisonment for five years.

(2) Any person who is or acts as a member of a Triad Society or attends a meeting of a Triad Society or is found in possession of or has the custody or control of any books, accounts, writing, lists of members, seals, banners or insignia of or relating to any Triad Society or to any branch of a Triad Society whether or not such society or branch is established in the Colony, shall be guilty of an offence and shall be liable on conviction on indictment—

- (a) in the case of a first conviction for that offence to a fine of two thousand dollars and to imprisonment for three years; and
- (b) in the case of a second or subsequent conviction for that offence to a fine of five thousand dollars and to imprisonment for seven years.”.

Amendment of section 12.

9. Section 12 of the principal Ordinance is amended by the deletion of the words “on summary conviction to a fine of one thousand dollars and to imprisonment for one year” and the substitution therefor of the following—

“on conviction on indictment in the case of a first conviction for that offence, to a fine of five thousand dollars and to imprisonment for three years and in the case of a second or subsequent conviction for that offence, to a fine of ten thousand dollars and to imprisonment for five years”.

Amendments of sections 12A, 12B and 12C.

10. Sections 12A, 12B and 12C are amended by the deletion of the words “summary conviction” wherever the same occur and the substitution therefor of the following—

“conviction on indictment”.

11. Section 12C of the principal Ordinance is amended by the deletion therefrom of the words and figures “or subsection (2) of section 15”.

Amendment of section 12C.

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

Amendment of section 12D.

“Liability of office-bearer of a society whose registration or exemption from registration has been cancelled.

12D. If the registration or exemption from registration of any society has been cancelled under section 5E, any office-bearer of such society at the time of such cancellation who, after that time, becomes an office-bearer of any other society without the permission in writing of the Registrar shall be liable on conviction on indictment to a fine of three thousand dollars and to imprisonment for three years.”.

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

Repeal and replacement of section 15.

“Activities of a society before registration.

15. (1) No society shall carry on any activities until the society has been registered or exempted from registration under this Ordinance save only such activities as are necessary to enable the society to complete the formation of the society and to apply to the Registrar for such registration or exemption from registration.

(2) Any member of a society which contravenes the provisions of this section shall be guilty of an offence and on conviction on indictment shall be liable to a fine of one thousand dollars and to imprisonment for six months.”.

14. Section 16 of the principal Ordinance is amended by the deletion in subsection (3) of the word “thenceforward” and the substitution therefor of the following—

Amendment of section 16.

“from such date and time as shall be stipulated in the order”.

15. Section 21 of the principal Ordinance is amended by the deletion of the word, figures and symbols “12C, 12D and 15” and the substitution therefor of the following—

Amendment of section 21.

“10, 11, 12C and 12D”.

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

Addition of new section 23A.

“Protection of informers.

23A. Without prejudice to the provisions of section 20, except as is hereinafter provided—

- (a) no information laid under this Ordinance shall be admitted in evidence in any civil or criminal proceedings whatsoever;

- (b) no witness shall be obliged or permitted to disclose the name and address of any informer under this Ordinance or to state any matter which might lead to his discovery; and
- (c) if any books, documents or papers which are evidence or liable to inspection in any civil or criminal proceedings whatsoever under this Ordinance contained any entry in which any informer is named or described or which might lead to his discovery, the Court or magistrate shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery but no further:

Provided that if in any criminal proceedings under this Ordinance the Court or magistrate after full inquiry into the case is satisfied that the strict enforcement of the provisions of this section would be likely to cause a miscarriage of justice, the Court or magistrate may require the production of the original information and may permit inquiry and may require full disclosure concerning the informer."

Amendment
of section
24A.

17. Section 24A of the principal Ordinance is amended by the deletion in subsection (1) of the words "the rescission of the exemption from registration of a society under subsection (5) of section 5 or the cancellation of the registration of a society under subsection (6) of section 5" and the substitution therefor of the following—

"the cancellation of the registration or of the exemption from registration of a society under section 5E".

Amendment
of section 25.

18. Section 25 of the principal Ordinance is amended—

- (a) by the insertion after the figures "25" of the following—
" (1)";
- (b) by the deletion of paragraph (f) and the substitution therefor of the following—
" (f) the matters which must be contained in the rules of any society which is registered or exempted from registration in accordance with the provisions of this Ordinance;
" (ff) any fees payable in accordance with the provisions of this Ordinance";
- (c) by the addition at the end thereof of the following—
" (2) Any rule made under this Ordinance may provide that a contravention thereof shall be an offence and may provide penalties for such offences not exceeding

a fine of one thousand dollars and imprisonment for six months."

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

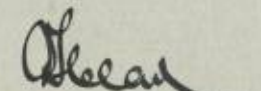
"SCHEDULE. [s. 2.]

Persons to which the Ordinance does not apply.

- (Cap. 32). (1) Any company registered under the Companies Ordinance.
- (Cap. 33). (2) Any co-operative society registered under the Co-operative Societies Ordinance.
- (Cap. 64). (3) Any trade union registered under the Trade Unions and Trade Disputes Ordinance.
- (33 of 1952, Second Schedule). (4) Any pupils' association registered under the Education Regulations, 1952.
- (5) Any company or association constituted under Royal Charter, Royal Letters Patent, any Imperial Act or any Ordinance.
- (6) Any company, association or partnership, consisting of not more than twenty persons, formed for the sole purpose of carrying on any lawful business and registered under any other Ordinance.
- (7) Any Lodge of Freemasons regularly constituted under any of the registered governing bodies of Freemasons in the Commonwealth or the Republic of Ireland.
- (Cap. 153). (8) Any Chinese temple registered under the Chinese Temples Ordinance."

20. Nothing in the provisions of this Ordinance shall affect the registration of any society or the grant to any society of exemption from registration under the principal Ordinance if such registration or exemption was valid and had not been cancelled or rescinded at the date of commencement of this Ordinance. Saving.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 19th day of July, 1961, and is found by me to be a true and correctly printed copy of the said Bill.

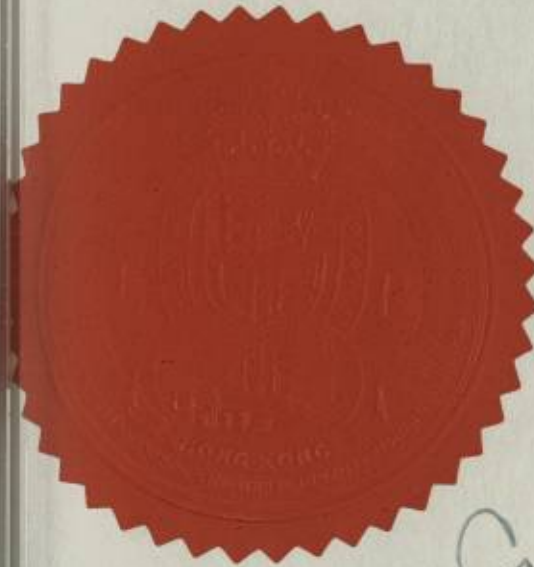


Clerk of Councils.

(Secretariat CR37/3231/47II)

HONG KONG

No. 29 OF 1961.



I assent.

Crawford Burgess.
Officer Administering the Government.

20th July, 1961.

An Ordinance further to amend the Road Traffic Ordinance, 1957.

[21st July, 1961.]

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 Road Traffic (Amendment) Short title.
(No. 2) Ordinance, 1961.

2. Section 24 of the Road Traffic Ordinance, 1957 (hereinafter Amendment
referred to as the principal Ordinance) is amended by the insertion of section 24.
in paragraph (b) of subsection (1), after the words "police station", (39 of 1957).
of the following—

"or to any police officer".

3. Section 26 of the principal Ordinance is amended, in sub- Amendment
section (1)— of section 26.

(a) by the addition in paragraph (b), after the word "shall", of
the following—

", within fourteen days of being so required,"; and

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

“(c) any other person shall, within fourteen days of being so required, give such information as may be required by a police officer, being information which it is in his power to give and which may lead to the identification of the driver.”

Addition of
new section
26A.

4. The principal Ordinance is amended by the addition after section 26, of the following new section—

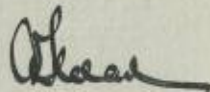
“Proof in
summary
proceedings,
of identity
of driver
of vehicle.

26A. Where in any summary proceedings in respect of an offence under any provision of this Ordinance or of any regulations made thereunder—

- (a) it is proved to the satisfaction of the court or magistrate, on oath, that a requirement under paragraph (b) of subsection (1) of section 26 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the proceedings relate has been served by post on the accused in the proceedings; and
- (b) if a statement in writing is produced to the court or magistrate purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court or magistrate may accept that statement as evidence that the accused was the driver of that vehicle on that occasion, until the contrary is proved.”

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 19th day of July, 1961, and is found by me to be a true and correctly printed copy of the said Bill.

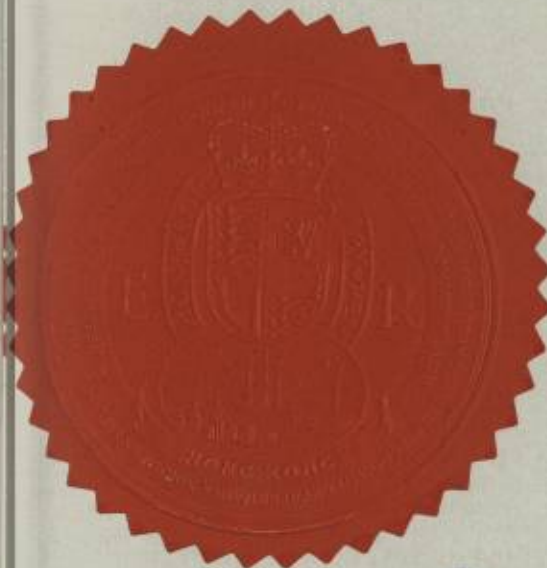


Clerk of Councils.

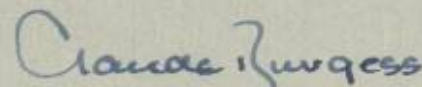
(Secretariat GR33/3231/54)

HONG KONG

No. 30 OF 1961.



I assent.



Officer Administering the Government.

3rd August, 1961.

An Ordinance to provide for the establishment and maintenance of a service to be known as the Immigration Service, to vest certain powers in its members and to provide for matters connected with the purposes aforesaid.

[]

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

PART I.

Preliminary.

1. This Ordinance may be cited as the Immigration Service Ordinance, 1961, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.

Interpre-
tation.

2. In this Ordinance, save where the context otherwise requires—
“Director” means the Director of Immigration;
“Service” means the Immigration Service established by section 3.

PART II.

Establishment of Service and its regulation and control.

Establish-
ment and
composition
of Service.

3. There is hereby established a service which shall be known as the Immigration Service and which shall consist of such officers and other ranks as shall by annual vote or otherwise be from time to time provided for by the Governor and the Legislative Council.

Payment and
maintenance
of Service.

4. Provision for the payment and maintenance of the Service shall be by charges on the general revenue of the Colony to such amounts as may from time to time by annual vote or otherwise be voted by the Legislative Council.

Direction and
administra-
tion of
Service.

5. Subject to the orders and control of the Governor, the Director shall be responsible for the direction and administration of the Service.

Warrant
cards.

6. A warrant card, signed by the Director, shall be issued to every member of the Service and shall be evidence of his membership thereof.

Duty of
members
to obey
orders.

7. Every member of the Service shall obey all lawful orders of his superior officers whether the same are given orally or in writing, and shall also obey all orders made by the Director under the provisions of section 9.

Disciplinary
offences by
certain
members
of Service.

8. (1) Any immigration sub-inspector and any member of the Service having a rank lower than that of immigration sub-inspector who is found guilty by an assistant director of immigration of any of the following, namely—

- (a) absence from duty without leave or good cause;
- (b) sleeping on duty;
- (c) conduct to the prejudice of good order and discipline;

- (d) disobedience of orders;
 - (e) insubordination;
 - (f) neglect of duty or orders;
 - (g) being unfit for duty by reason of intoxication;
 - (h) in the course of duty, making a statement which is false in a material particular;
 - (i) unlawful or unnecessary exercise of authority resulting in loss or injury to any person or to the Government;
 - (j) wilfully or negligently damaging or destroying or negligently losing any Government property;
 - (k) conduct calculated to bring the public service into disrepute,
- shall be liable to be punished by such assistant director of immigration with any one or more of the following punishments—
- (i) reduction in rank;
 - (ii) caution, warning, reprimand or severe reprimand;
 - (iii) forfeiture of not more than one week's pay, save that, in the case of absence without leave or good cause for more than one week, pay may be forfeited for a period of not more than the period of such absence from duty;
 - (iv) performance of extra duties for a period not exceeding twelve hours nor exceeding six hours in any week;
 - (v) stoppage of increment for a period not exceeding twelve months.

(2) Any member of the Service aggrieved by any finding of or punishment imposed by an assistant director of immigration under the provisions of subsection (1) may, within fourteen days from the date thereof, appeal to the Director.

(3) Upon any such appeal, the Director may confirm, reverse or vary such finding or punishment:

Provided that he shall not impose any punishment other than a punishment which an assistant director of immigration is authorized to impose under the provisions of subsection (1).

(4) In the event of any such appeal, the punishment against the imposition of which, or imposed on the finding against which, the appeal is made shall be suspended pending the determination of the appeal.

Power of Director to make standing orders.

9. (1) The Director may, from time to time, make orders, which shall be known as "Service standing orders", prescribing or providing for—

- (a) the control, direction and information of the Service;
- (b) discipline;
- (c) training;
- (d) classifications and promotions;
- (e) inspections, drills, exercises and parades;
- (f) welfare;
- (g) departmental finance;
- (h) services to be performed by members of the Service;
- (i) the manner and form of reports, correspondence and other records;
- (j) the performance of any act which may be necessary for the proper carrying out of the duties of the Service;
- (k) such other matters as may, in his opinion, be necessary or expedient for preventing abuse or neglect of duty and for rendering the Service efficient in the discharge of its duties.

(2) No Service standing order shall be inconsistent with any of the provision of this Ordinance.

Members of Service on duty.

10. For the purposes of this Ordinance, every member of the Service shall be deemed to be always on duty when required to act as such and shall perform the duties imposed upon, and exercise the powers granted to, him under this Ordinance or any other law at any and every place in the Colony where he may be doing duty.

Duty of member to deliver up uniform, etc. on leaving Service.

11. Every member of the Service who leaves the Service, whether in consequence of his resignation or dismissal or otherwise, shall on leaving the same deliver up his uniform and warrant card and any other Government property which may be in his possession.

PART III.

Certain powers of members of Service.

12. (1) Any member of the Service may arrest without warrant any person whom he may reasonably suspect of being guilty of an offence under section 15, 16, 17, 18 or 19.

Power to arrest without warrant in certain cases and provisions as to persons arrested by members of Service, etc.

(2) (a) Any person who is arrested by any member of the Service, whether under the provisions of this Ordinance or of any other enactment, shall be delivered into the custody of the officer in charge of a police station within twelve hours of his arrest, unless, in the meantime, such person has been brought before a magistrate or released.

(b) When any such person is delivered into the custody of the officer in charge of a police station, the provisions of section 47 of the Police Force Ordinance shall apply.

(Cap. 232).

(3) Without prejudice to the provisions of any other enactment conferring on any member of the Service power to arrest persons—

(a) if any person forcibly resists the endeavour of any member of the Service to arrest him or attempts to evade the arrest, such member may use all means necessary to effect the arrest; and

(b) if any member of the Service who is in pursuit of any person to be arrested has reason to believe that such person has entered into or is in any place, the person residing in or in charge of such place shall on demand of such member allow him free ingress thereto and afford all reasonable facilities for search therein for such person.

13. Any member of the Service may examine and, if he considers it necessary, detain anything which appears to him to be or to contain evidence of the commission of an offence under section 15, 16, 17, 18 or 19.

Power to examine and detain certain things.

14. Any member of the Service or any police officer may take the photograph, finger-prints, weight and measurements of any person who has been arrested by any such member, whether under the provisions of this Ordinance or of any other enactment:

Power to take photograph, etc. of arrested person.

Provided that, if any such person who has not previously been convicted is subsequently discharged or acquitted, any photograph (both negative and copies), finger-print impressions and records of weight or measurements so taken shall be destroyed forthwith or delivered to such person.

PART IV.

Offences and penalties.

Offences in relation to disaffection in the Service.

15. Any person who causes, or does any act calculated to cause, disaffection amongst the members of the Service or induces, or does any act calculated to induce, any member of the Service to withhold his services or to commit breaches of discipline shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand dollars and to imprisonment for two years.

Making of false reports, etc. to member of Service.

16. Any person who knowingly—

- (a) makes or causes to be made to any member of the Service a false report of the commission of any offence; or
- (b) misleads any member of the Service by giving false information or by making false statements or accusations,

shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Assaulting or resisting member of Service.

17. Any person who assaults, resists or obstructs any member of the Service acting in the execution of his duty, or aids or incites any person to assault, resist or obstruct any such member of the Service, shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and fifty dollars and to imprisonment for six months.

Contravention of section 11 to be an offence.

18. Any person who contravenes the provisions of section 11 shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars and may, in addition, be ordered by the court before which he is convicted to pay to the Government any sum not exceeding an amount equal to the value of the property.

Unauthorized wearing of Service uniform, etc.

19. If any person who is not a member of the Service wears, without the permission of the Director, the uniform of the Service or any dress having the appearance, or bearing any of the distinctive marks, of that uniform, he shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and fifty dollars.

PART V.

Supplementary and miscellaneous.

Regulations.

20. The Governor in Council may by regulation prescribe or provide for—

- (a) the creation and administration of a Service welfare fund;
- (b) such other matters as may be necessary or expedient for rendering the Service efficient in the discharge of its duties;

(c) the better carrying into effect of the purposes of this Ordinance.

21. The provisions of section 48 of the Magistrates Ordinance shall apply to any property which has come into the possession of any member of the Service in connexion with any criminal offence as they apply to property which has so come into the possession of the police.

Application of section 48 of Magistrates Ordinance. (Cap. 227).

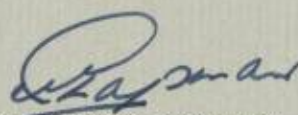
22. Nothing in the provisions of section 8 shall be deemed to affect the application to any immigration sub-inspector or to any member of the Service having a rank lower than that of immigration sub-inspector of Colonial Regulations, so far as they are applicable, or the General Orders of the Government, so however that no member of the Service shall be liable to be proceeded against under those Regulations or Orders in respect of any act or omission which has been the subject of disciplinary proceedings under the provisions of the said section 8.

Saving in relation to application of Colonial Regulations and Government General Orders.

23. Nothing in the provisions of this Ordinance shall be deemed to affect the right of the Crown to dismiss or terminate the appointment of any member of the Service and without compensation.

Saving in relation to prerogative right of Crown.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 2nd day of August, 1961, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

(Secretariat CR52/3231/48IV)

Amendment
of section 2.
(34 of 1958).

2. Section 2 of the Immigration (Control and Offences) Ordinance, 1958 (hereinafter referred to as the principal Ordinance) is amended in subsection (1) by—

(a) the insertion therein, after the definition of the word "crew", of the following new definition—

"“Director” means the Director of Immigration and, save where the expression Director of Immigration is used, also means any assistant director of immigration and any chief immigration inspector;”;

(b) the deletion of the definition of the words “Registrar of Aliens”; and

(c) the deletion of the definition of the words “travel document” and the substitution therefor of the following—

““travel document” means a passport issued by a competent authority within or without the Colony and any document which establishes the identity of the holder thereof and is accepted by the Director of Immigration in lieu of a passport.”.

Repeal of
section 3.

3. Section 3 of the principal Ordinance is repealed.

Amendment
of section 5.

4. Section 5 of the principal Ordinance is amended by the deletion from subsection (1) of the word “an” and the substitution therefor of the following—

“the”.

Repeal and
replacement
of section 7.

5. Section 7 of the principal Ordinance is repealed and replaced by the following—

“Production
of certain
lists of per-
sons by
masters of
vessels and
captains of
aircraft, etc.

7. (1) The master of every vessel arriving at the Colony and the captain of every aircraft arriving at or departing from the Colony and, whenever he is required to do so by the Director, the master of every vessel departing from the Colony shall, immediately on the arrival of the vessel or aircraft or immediately prior to the departure thereof, as the case may be—

(a) produce to the Director—

(i) a complete list of the crew of the vessel or aircraft; and

(ii) a complete list of the passengers, if any, which shall be arranged alphabetically and shall specify their nationality, place of birth, calling or occupation, the ports or places of their embarkation and the ports or places of their disembarkation or intended disembarkation; and

(b) produce all the passengers, if any, to the Director for inspection and interrogation.

(2) Whenever he is required to do so by the Director—

(a) the master of any vessel and the captain of any aircraft arriving at or departing from the Colony shall produce the crew of the vessel or aircraft to him for inspection and interrogation;

(b) the master of any vessel and the captain of any aircraft arriving at or departing from the Colony shall permit such search of the vessel or aircraft as may be necessary to establish who is on board the same; and

(c) the master of any vessel arriving at or departing from the Colony shall produce his ship’s papers.

(3) The master of any vessel and the captain of any aircraft arriving at or departing from the Colony shall report to the Director the presence on board the vessel or aircraft of any person whom he knows to be a person in respect of whom or against whom a deportation order has been made or issued under the provisions of the Deportation (British Subjects) Ordinance or the Deportation of Aliens Ordinance or who is a stowaway or an unauthorized person.

(4) A copy of the lists required by the provisions of paragraph (a) of subsection (1) to be produced to the Director shall be furnished to him by, or on behalf of, the master of the vessel or the captain of the aircraft within forty-eight hours after the arrival or departure, as the case may be, of the vessel or aircraft.”.

(Cap. 239).

(Cap. 240).

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

“Delivery of
particulars,
etc. by per-
sons arriving
in or depart-
ing from
Colony.

7A. (1) Save as provided in subsection (3), every person arriving in or departing from the Colony, being a person who has attained the age of sixteen years, shall, immediately on his arrival or immediately prior to his departure, as the case may be, furnish to the Director in the prescribed form the particulars required thereby.

(2) Save as provided in subsection (3), every alien who remains in the Colony for a period of more than fourteen days after his arrival and who has not previously delivered such photographs to the Director or to the former Registrar of Aliens within the period of three years preceding the day of his arrival shall, within forty-eight hours after the expiry of such period of fourteen days unless he has in

Addition of
new section
7A.

the meantime departed from the Colony, deliver to the Director such photograph or photographs of himself as may be prescribed.

(3) The Director of Immigration may waive compliance with the provisions of subsections (1) and (2) in respect of such persons or classes or descriptions of persons as he may specify."

Amendment
of section 9.

7. Section 9 of the principal Ordinance is amended by the deletion from subsection (1) of the words "disclose and produce to any such officer on demand" and the substitution therefor of the following—

"; whenever so required by the Director, disclose and produce to him".

Repeal and
replacement
of section 10.

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

"Place of
examination.

10. Any person who arrives in the Colony or who is about to depart therefrom shall, if he is required to do so by the Director, proceed to such place, at or before such time, as the Director may specify for further examination of his case, and shall remain at such place until the Director permits him to leave."

Amendment
of section 11.

9. Section 11 of the principal Ordinance is amended by—

(a) the insertion in subsection (1), after the words "authorized or unauthorized", of the following—

"and notwithstanding that at the time of such examination such persons had not reached an authorized landing place or point of entry";

(b) the deletion of the word "and" in the first place where it occurs in paragraph (a) of subsection (1) and the substitution therefor of the following—

"or";

(c) the deletion of subsection (3) and the substitution therefor of the following—

"(3) If, under the provisions of subsection (1) or (2), an immigrant is prohibited from landing in the Colony, the Director may—

(a) require the master of the vessel or the captain of the aircraft in which such immigrant was brought to the Colony to remove him from the Colony by the same vessel or aircraft when it next departs therefrom; or

(b) where the vessel in which such immigrant was brought to the Colony is a junk, yacht, launch or similar small craft, require the master thereof to remove such immigrant from the Colony forthwith by such vessel and thereupon take such steps as he may consider necessary to procure the departure of such vessel from the Colony.

(3A) Where an immigrant has, under the provisions of subsection (1) or (2), been detained or, in lieu of detention, has been permitted to remain in the Colony, the master of the vessel or the captain of the aircraft, as the case may be, in which such immigrant was brought to the Colony and the owner or charterer of such vessel or aircraft or the agent in the Colony of such owner or charterer shall be liable to pay to the Government all costs incurred by it in respect of the maintenance of such immigrant whilst he is in the Colony and in respect of his removal therefrom."

(d) the deletion of subsection (5) and the substitution therefor of the following—

"(5) If any person enters the Colony in contravention of any of the provisions of paragraph (a) of subsection (1) of section 4, the Governor may, whether or not any proceedings are instituted in respect of such contravention, make an order directing that such person shall be returned as soon as possible, at the expense of the owner or charterer of the vessel or aircraft in which he was brought to the Colony or of the agent in the Colony of such owner or charterer, to the place at which such person embarked on the vessel or aircraft or to the country in which he was born or of which he is a citizen."; and

(e) the deletion of subsection (6).

10. Section 13 of the principal Ordinance is amended—

(a) in subsection (1), by—

(i) the deletion of the words and commas "or any police officer authorized by him in writing in that behalf, either generally or for a particular occasion,";

(ii) the deletion from paragraph (c) of the words "such officer" and the substitution therefor of the following—

"him";

Amendment
of section 13.

(iii) the deletion from paragraph (d) of the words "such officer" in the first place where they occur therein and the substitution therefor of the following—

"he";

(iv) the deletion from paragraph (d) of the words "such officer" in the second place where they occur therein and the substitution therefor of the following—

"him";

(v) the deletion from paragraph (e) of the words "of the law" and the substitution therefor of the following—

"or attempted contravention of any of the provisions of this Ordinance";

(vi) the deletion from paragraph (e) of the words "such officer" and the substitution therefor of the following—

"him";

(vii) the deletion from paragraph (f) of the words "such officer" and the substitution therefor of the following—

"he"; and

(viii) the deletion from paragraph (f) of the words and commas "used, is being used, or has been used for the commission of an offence against" and the substitution therefor of the following—

"or is being or has been, made use of in the contravention or attempted contravention of any of"; and

(b) in subsection (2) by—

(i) the deletion of the words "Such officer" and the substitution therefor of the following—

"The Director"; and

(ii) the deletion from paragraph (c) of the words "material obstruction to" and the substitution therefor of the following—

"thing who or which is obstructing".

Amendment
of section 15.

11. Section 15 of the principal Ordinance is amended by the insertion in paragraph (a) of subsection (1), after the words "such conditions", of the following—

"as he may think fit".

Amendment
of section 16.

12. Section 16 of the principal Ordinance is amended by—

(a) the insertion therein, after the word "vessel", of the following—

"and a captain of an aircraft";

(b) the insertion therein, after the words "on board", of the following—

"the vessel or aircraft"; and

(c) the deletion of the marginal note thereto and the substitution therefor of the following—

"Power to detain persons on board vessels and aircraft in certain cases.".

13. Section 17 of the principal Ordinance is amended by—

Amendment
of section 17.

(a) the deletion of the words "an immigration control officer" and the substitution therefor of the following—

"any member of the Immigration Service or to any police officer"; and

(b) the deletion of the words "and may be arrested without a warrant".

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

Repeal and
replacement
of section 18.

"Prohibition
of entry with-
out valid
travel docu-
ment, etc.

18. (1) Save as provided in subsections (2) and (3), no person may enter the Colony without a valid travel document.

(2) The provisions of subsection (1) shall not apply to any person who is in possession of a valid entry permit, or a valid re-entry permit, issued under the provisions of the regulations.

(3) Subject to such conditions as he may specify, the Director of Immigration may waive the requirements of subsection (1) in respect of any class or description of persons."

15. Section 20 of the principal Ordinance is repealed and replaced by the following—

Repeal and
replacement
of section 20.

"Validity of
travel docu-
ments.

20. (1) No travel document shall be valid for any of the purposes of this Ordinance unless—

(a) it establishes the identity of the holder thereof; and

(b) it bears—

(i) an indication, either specific or in general terms, not invalidated by endorsement, that it is valid for Hong Kong;

(ii) an indication that it is still valid according to the laws of the country by or on behalf of which it was issued;

(iii) a photograph of the holder so affixed and authenticated that the removal of such photograph and the substitution therefor of another photograph is unlikely; and

(iv) if the holder thereof is an alien, a visa which was granted, not more than one year prior to his arrival in the Colony, by an officer who is authorized to issue visas in respect of the Colony and which is valid at the date of his arrival in the Colony and applicable, either generally or specifically, to the journey on which he is engaged or which he has completed by his arrival in the Colony.

(2) For the purpose of giving effect to any agreement which seeks to dispense with the necessity for travel documents to bear visas, either generally or in particular cases, and which applies to the Colony, the Director of Immigration may waive the requirements of sub-paragraph (iv) of paragraph (b) of subsection (1) in respect of the persons or classes or descriptions of persons to whom the agreement relates.”.

Addition of new section 22A.

16. The principal Ordinance is amended by the addition thereto, in Part II after section 22, of the following new section—

“Recovery of penalty where passenger without valid travel document is brought to Colony by aircraft.

22A. (1) If any person arrives in the Colony by aircraft without a valid travel document, the owner or charterer of the aircraft in which he was brought to the Colony or the agent in the Colony of such owner or charterer shall, on demand by the Director of Immigration, pay to the Government, within seven days of such demand, a penalty of one thousand dollars.

(2) Any such penalty so demanded shall be deemed to be a debt due to the Crown and may be recovered by action in the District Court from such owner or charterer or from the agent in the Colony of such owner or charterer.”.

Repeal and replacement of section 24.

17. Section 24 of the principal Ordinance is repealed and replaced by the following—

“Aliens in Colony who attain the age of sixteen to deliver to the Director certain particulars, etc.

24. (1) Save as provided in subsection (2), every alien in the Colony who attains the age of sixteen years shall, within one month thereafter, or, if he had already attained the age of sixteen years at the commencement of the Immigration (Control and Offences) (Amendment) Ordinance, 1961, within one month of the commencement of that Ordinance, furnish to the Director in the prescribed form the particulars required thereby and deliver to the Director such photograph or photographs of himself as may be prescribed.

(2) The provisions of subsection (1) shall not apply to—

- (a) aliens who are nationals of China or stateless persons of the Chinese race; or
- (b) aliens who, on arrival in the Colony or otherwise—

(i) have previously furnished to the Director or to the former Immigration Officer or to the former Registrar of Aliens the particulars required to be furnished to him by this Ordinance or the Immigrants Control Ordinance repealed by section 44 or by any requirement made under either of those Ordinances; and

(ii) have delivered to the Director or to the former Registrar of Aliens the photographs so required to be delivered to him.

(Cap. 243).

Changes in particulars furnished by aliens to be notified.

(Cap. 243).

24A. (1) Save as provided in subsection (2), every alien who has furnished to the Director or to the former Immigration Officer or to the former Registrar of Aliens the particulars required to be furnished to him by this Ordinance or the Immigrants Control Ordinance repealed by section 44 or by any requirement made under either of those Ordinances shall, within forty-eight hours of any such change, notify the Director of any change in—

- (a) any of the particulars so furnished or furnished pursuant to the provisions of this section; or
- (b) the address at which he resides.

(2) The provisions of subsection (1) shall not apply to aliens who are nationals of China or stateless persons of the Chinese race.”.

18. Section 25 of the principal Ordinance is amended by the deletion from subsection (1) thereof of the words “Immigration Officer or of any deputy immigration officer or of any immigration control officer” and the substitution therefor of the following—

Amendment of section 25.

“Director”.

19. Section 26 of the principal Ordinance is amended by—

Amendment of section 26.

- (a) the deletion from subsection (1) of the word “persons” and the substitution therefor of the following—

“aliens”;

- (b) the deletion from subsections (2) and (4) of the words “Registrar of Aliens” and the substitution therefor in each case of the following—

“Director”; and

- (c) the deletion from subsection (3) of the words "such other particulars as may be prescribed" and the substitution therefor of the following—

"the particulars a record of which is required by the provisions of subsection (1) to be kept by the keeper of such premises".

Amendment
of section 33.

20. Section 33 of the principal Ordinance is amended by the insertion therein, at the end of the definition of the word "serviceman", of the following—

" , other than such a member who is a person of the Chinese race".

Amendment
of section 37.

21. Section 37 of the principal Ordinance is amended by—

- (a) being renumbered as subsection (1) thereof; and
(b) the insertion therein of the following new subsection—

"(2) For the purposes of this section and of section 38, the expression "travel document" includes an entry permit and a re-entry permit issued under the provisions of the regulations."

Addition of
new sections
38A and 38B.

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

"Persons attempting to enter Colony unlawfully not to be carried in vessels.

38A. (1) No person who is attempting to enter the Colony in contravention of the provisions of paragraph (a) of subsection (1) of section 4 shall be carried in any vessel.

(2) In the event of any contravention of the provisions of subsection (1), the master and the owner or charterer of the vessel shall be guilty of an offence and shall be liable to a fine of one hundred thousand dollars and to imprisonment for two years.

Penalty for contravention of section 4(1) and liability of masters of vessels, etc. in event of such contravention.

38B. (1) Any person who contravenes any of the provisions of subsection (1) of section 4 shall be guilty of an offence and shall be liable to a fine of five thousand dollars and to imprisonment for twelve months.

(2) In the event of the contravention by any person of any of the provisions of paragraph (a) of subsection (1) of section 4, the master of the vessel or the captain of the aircraft, as the case may be, in which such person was brought to the Colony and the owner or charterer of such vessel or aircraft shall be guilty of an offence and shall be liable to a fine of one hundred thousand dollars and to imprisonment for two years."

23. Section 39 of the principal Ordinance is amended by—

Amendment
of section 39.

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

"(1) (a) Any person who contravenes—

(i) any of the provisions of section 5, 6, 10, 17, 18, 23, 27, 31, 32 or 36 or of paragraph (b) or (c) of subsection (1) or subsection (2), (3) or (4) of section 7, subsection (1) or (2) of section 7A, subsection (1) or (2) of section 9, subsection (4) of section 11, subsection (3) of section 13, subsection (1) of section 24, subsection (1) of section 24A, subsection (1) of section 25, subsection (1), (2), or (3) of section 26 or subsection (1) of section 28;

(ii) any conditions imposed under the provisions of section 14 or of paragraph (a) of subsection (1) of section 15; or

(iii) any requirement made under the provisions of subsection (3) of section 11, shall be guilty of an offence.

- (b) In the event of any contravention of any of the provisions of paragraph (a) of subsection (1) of section 7 or of subsection (4) of that section, the master of the vessel or the captain of the aircraft, as the case may be, and the owner or charterer of such vessel or aircraft and the agent in the Colony of such owner or charterer shall be guilty of an offence.

- (c) If any list furnished to the Director in accordance with the provisions of paragraph (a) of subsection (1) of section 7 is false in any material particular, the master of the vessel or the captain of the aircraft, as the case may be, and the owner or charterer of such vessel or aircraft and the agent in the Colony of such owner or charterer shall be guilty of an offence unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained that such list was so false."; and

- (b) the deletion from subsection (4) of the words "without a permit from the Immigration Officer or who enters in breach" and the substitution therefor of the following—

"the Colony in contravention".

Addition of
new section
40A.

24. The principal Ordinance is amended by the addition thereto, after section 40, of the following new section—

"Limitation
of time for
prosecution
of offences.

40A. A complaint may be made or an information laid in respect of an offence under any of the provisions of this Ordinance within twelve months from the time when the matter of such complaint or information respectively arose."

Repeal and
replacement
of section 41.

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

"Forfeiture
of vehicles
and vessels
in certain
cases.

41. (1) Any vehicle and any vessel not exceeding two hundred and fifty gross tons seized under the provisions of paragraph (f) of subsection (1) of section 13 which has been made use of in the contravention or attempted contravention of any of the provisions of this Ordinance shall be liable to forfeiture whether or not any person has been convicted in respect of such contravention or attempted contravention.

(2) Within twenty-one days of the seizure of any vehicle or vessel appears to him to be liable to forfeiture under the provisions of subsection (1), the Director may serve notice of such seizure—

- (a) in the case of a vehicle, on any person who to his knowledge was, at the time of such seizure, the owner or one of the owners thereof; and
- (b) in the case of a vessel, on any person who to his knowledge was, at the time of such seizure, the master or the owner or one of the owners thereof;

Provided that, where there is more than one owner of any such vehicle or vessel, such notice given to any one such owner shall satisfy the provisions of this subsection.

(3) A notice under the provisions of subsection (2) shall be deemed to have been duly served if—

- (a) it is delivered to the person on whom it is to be served; or
- (b) it is sent by registered post addressed to such person at the place of residence or business of such person, if any, known to the Director; or
- (c) where it cannot be served in accordance with the provisions of paragraph (a) or (b), the notice is exhibited at the office of the Director in a place to which the public have access for a period of seven days commencing within twenty-one days of the seizure of the vehicle or vessel.

(4) The owner of a vehicle or vessel in respect of which a notice has been served under the provisions of subsection (2) or any person authorized by him for the purposes of this subsection or the person from whom such vehicle or vessel was seized or the master of such vessel (hereinafter referred to as the claimant) may, within one month after—

- (a) the date of the notice of seizure; or
- (b) where such notice was served under the provisions of paragraph (c) of subsection (3), the first day on which the same was exhibited,

claim such vehicle or vessel as not being liable to forfeiture by giving to the Director notice in writing of such claim by sending it to him by registered post.

(5) If, on the expiry of the appropriate period limited by the provisions of subsection (4) for the giving of a notice of claim, no such notice has been duly given to the Director, the vehicle or vessel shall be forfeited to the Crown.

- (6) (a) Where a notice of claim is given in accordance with the provisions of subsection (4), the Director shall apply in writing in the prescribed form to a magistrate for the forfeiture of the vehicle or vessel and shall state therein the name and address of the claimant as specified in the notice of claim.
- (b) When any such application is made to a magistrate, the magistrate shall issue his summons in the prescribed form to the claimant requiring him to appear before a magistrate upon the hearing of such application, and shall cause a copy of such summons to be served on the Director.
- (c) If, at the time and place appointed in the summons, the claimant or some other person who, though not the claimant, was or would have been entitled to make a claim under the provisions of subsection (4) appears before a magistrate, the magistrate shall proceed to hear the application.
- (d) If, at such time and place, neither the claimant nor any other person who, though not the claimant, was or would have been entitled to make a claim under the provisions of subsection (4) appears before a magistrate and it is made to appear to the magistrate that the summons was

duly served, the magistrate shall proceed to hear the application.

(Cap. 227).

- (e) Subject to the provisions of this section, the provisions of the Magistrates Ordinance as to the practice and procedure upon and in connexion with the hearing and determination of a complaint to which the provisions of section 8 of that Ordinance apply shall apply *mutatis mutandis* for the purposes of the hearing and determination of such application.

(7) Upon the hearing of such application, the person who appears in answer to such summons shall first satisfy the magistrate that he is a person who was or would have been entitled to make a claim under the provisions of subsection (4), and if no person so satisfies the magistrate he shall order the vehicle or vessel to be forfeited to the Crown.

(8) Subject to the provisions of subsection (7), if, upon the hearing of such application—

- (a) the magistrate is satisfied that the vehicle or vessel is liable to forfeiture, he shall order it to be forfeited to the Crown; or
- (b) the magistrate is not so satisfied, he shall dismiss the application, and shall, upon the application of the Director, order the delivery of the vehicle or vessel to any person appearing to him to be the owner thereof.

(9) Upon the hearing of such application—

- (a) a certified true copy of the record of the proceedings, including the decision of the court, in any proceedings in respect of a contravention or attempted contravention of any of the provisions of this Ordinance shall be admissible in evidence;
- (b) a certificate purporting to be issued under the hand of the Director of Marine certifying that the gross tonnage of any vessel does not exceed two hundred and fifty gross tons shall upon production of the certificate and without proof of the signature thereon be *prima facie* evidence of the facts stated therein; and
- (c) a certificate purporting to be issued under the hand of the Director of Marine certifying the gross tonnage of any vessel shall be admissible in evidence upon production of the certificate and without proof of the signature thereon.

- (10) (a) Where any such application has been made, a magistrate may order that, on the payment into court by way of security of a sum of money not less in amount than the value of the vehicle or vessel as assessed by the Director, the vehicle or vessel be delivered to the claimant until the hearing of the application, and if the vehicle or vessel is not surrendered to the Director before or at the commencement of the hearing of the application the sum so paid into court shall be deemed to be forfeited to the Crown.

- (b) Notwithstanding that a vehicle or vessel which has been delivered to the claimant under the provisions of paragraph (a) has not been surrendered to the Director before or at the commencement of the hearing of the application, the magistrate shall proceed to hear the application.

(11) The Governor in Council may, in his absolute discretion and after any proceedings under this Ordinance are concluded, entertain and give effect to any moral claim to or in respect of any vehicle or vessel which is liable to forfeiture or which has been forfeited to the Crown.”.

26. Section 42 of the principal Ordinance is amended by—

Amendment
of section 42.

- (a) the deletion of paragraph (a) and the substitution therefor of the following—

“(a) the exercise by public officers, in addition to the Director, of the powers vested in the Director by the provisions of this Ordinance;” and

- (b) the deletion from paragraph (e) of the words “Registrar of Aliens” and the substitution therefor of the following—

“Director”.

27. The principal Ordinance is amended by the addition thereto, after section 42, of the following new section—

Addition of
new section
42A.

“Persons deemed to be attempting to enter Colony in contravention of Ordinance in certain cases unless certain matters proved.

42A. For any of the purposes of this Ordinance, any person who is found in any vessel proceeding through the waters of the Colony or who is found landing in the Colony from any vessel shall be deemed to be attempting to enter the Colony in contravention of the provisions of paragraph (a) of subsection (1) of section 4 unless it is proved that—

- (a) he was a member of the crew of such vessel; or
- (b) he is normally resident in the Colony; or

- (c) he was in possession of a valid entry permit, or a valid re-entry permit, issued under the provisions of the regulations; or
- (d) he was in possession of a valid travel document; or
- (e) the vessel was leaving the Colony.”.

Amendment
of principal
Ordinance.

28. The principal Ordinance is amended by the deletion of the words “Immigration Officer” wherever they occur therein and the substitution therefor in each case of the following—

“Director”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 2nd day of August, 1961, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

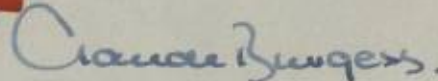
(Secretariat CR52/3231/48IV)

HONG KONG

No. 32 OF 1961.



I assent.



Officer Administering the Government.

3rd August, 1961.

An Ordinance to amend the Public Services Commission Ordinance, Chapter 93.

[4th August, 1961.]

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 Services Commission (Amendment) Ordinance, 1961. Short title.

2. Paragraph (b) of subsection (2) of section 6 of the Public Services Commission Ordinance (hereinafter referred to as the principal Ordinance) is amended by the insertion after the words “or a judge of the Supreme Court” of the following— Amendment of section 6. (Cap. 93).

“or the District Court or any magistrate”.

3. Section 9 of the principal Ordinance is amended by the deletion of the words “Government of Hong Kong” and the substitution therefor of the following— Amendment of section 9.

“Governor”.

Amendment
of First
Schedule.

4. The First Schedule to the principal Ordinance is amended by the deletion of the words "Cadet Officers, Staff Grade" and the substitution therefor of the following—

"Administrative Officer Staff Grade A".

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 2nd day of August, 1961, and is found by me to be a true and correctly printed copy of the said Bill.

(Secretariat CR4169/4611)



HONG KONG

No. 33 OF 1961.



I assent.

Claude Buzquets.

Officer Administering the Government.

3rd August, 1961.

An Ordinance to amend the Defamation and Libel Ordinance, Chapter 21.

[4th August, 1961.]

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 Defamation and Libel (Amendment) Ordinance, 1961. Short title.

2. Section 2 of the Defamation and Libel Ordinance (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following— Repeal and replacement of section 2. (Cap. 21).

"Interpretation.

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

"broadcast" or "broadcasting" means publication for general reception, as part of any programme or service provided through a broadcasting station within

(Cap. 106).

the Colony, by means of telecommunication, within the meaning of the Telecommunication Ordinance; and, where words broadcast by means of telecommunication are simultaneously transmitted by telegraph, as defined by the Telecommunication Ordinance, in accordance with a licence granted under such Ordinance, the provisions of this Ordinance shall apply as if the transmission were broadcast within the definition hereinbefore contained;

“broadcasting station” means any station operated by Government or in respect of which a licence granted by the Governor in Council or the Postmaster General under the Telecommunication Ordinance is in force, being a licence which (by whatever form of words) authorizes the use of the station for the purpose of providing broadcasting services for general reception;

“information” includes indictment;

“international court of justice” means the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between States;

“legislature”, in relation to any part of the Commonwealth which is subject to a central and a local legislature, means either of those legislatures;

“newspaper” means any paper containing public news or observations thereon or consisting wholly or mainly of advertisements which is printed for sale and is published in the Colony either periodically or in parts or numbers at intervals not exceeding thirty six days;

“proprietor” includes lessee;

“report of the Legislative Council” includes any report, paper, vote or other proceeding of the Council;

“words” includes pictures, visual images, gestures and other methods of signifying meaning.”

Amendment of section 4. 3. Section 4 of the principal Ordinance is amended by the deletion of the word “public”.

Amendment of section 5. 4. Section 5 of the principal Ordinance is amended by the deletion of the words and commas “, without hard labour.”.

Amendment of section 6. 5. Section 6 of the principal Ordinance is amended by the deletion of the words and commas “, without hard labour.”.

Amendment of section 12. 6. Section 12 of the principal Ordinance is amended by the insertion, after the word “printing”, of the following—
“or broadcasting”.

7. Section 13 of the principal Ordinance is amended by the addition, immediately after the word “newspaper”, of the following—
“or broadcast”.

Amendment of section 13.

8. Section 14 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 14.

“Qualified privilege of newspapers.
[cf. 15 & 16 Geo. 6 & 1 Eliz. 2 c. 66 s. 7].
Schedule.

14. (1) Subject to the provisions of this section, the publication in a newspaper or the broadcasting of any such report or other matter as is mentioned in the Schedule shall be privileged unless the publication is proved to be made with malice.

(2) In an action for libel in respect of the publication of any such report or matter as is mentioned in Part II of the Schedule, the provisions of this section shall not be a defence if it is proved that the defendant has been requested by the plaintiff to publish in the manner in which the original publication was made a reasonable letter or statement by way of explanation or contradiction, and has refused or neglected to do so, or has done so in a manner not adequate or not reasonable having regard to all the circumstances.

(3) Nothing in this section shall be construed as protecting the publication of any matter the publication of which is prohibited by law, or of any matter which is not of public concern and the publication of which is not for the public benefit.”

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

Repeal and replacement of section 17.

“Evidence of other damages recovered by plaintiff.
[cf. 15 & 16 Geo. 6 & 1 Eliz. 2 c. 66, s. 12].

17. In any action for libel or slander the defendant may give evidence in mitigation of damages that the plaintiff has recovered damages, or has brought actions for damages, for libel or slander in respect of the publication of words to the same effect as the words on which the action is founded, or has received or agreed to receive compensation in respect of any such publication.”

10. Section 19 of the principal Ordinance is amended by the addition, after subsection (2), of the following new subsection—

Amendment of section 19.

“[cf. 15 & 16 Geo. 6 & 1 Eliz. 2 c. 66 s. 13].

(3) This section shall apply to actions for slander and to actions for slander of title, slander of goods or other malicious falsehood as it applies to actions for libel; and references to the same, or substantially the same libel shall be construed accordingly.”

Amendment
of principal
Ordinance.

11. The principal Ordinance is amended by the addition immediately after section 21 of the following new sections—

"Broadcast
statements.
[cf. 15 & 16
Geo. 6 & 1
Eliz. 2 c. 66
s. 1].

22. For the purposes of the law of libel and slander, the broadcasting of words shall be treated as publication in permanent form.

Slander affect-
ing official,
professional
or business
reputation.
[cf. 15 & 16
Geo. 6 & 1
Eliz. 2 c. 66
s. 2].

23. In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication, it shall not be necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business.

Slander of
title, etc.
[cf. 15 & 16
Geo. 6 & 1
Eliz. 2 c. 66
s. 3].

24. (1) In an action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage—

- (a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or
- (b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

(2) Section 22 shall apply for the purposes of this section as it applies for the purposes of the law of libel and slander.

Unintentional
defamation.
[cf. 15 & 16
Geo. 6 & 1
Eliz. 2 c. 66
s. 4].

25. (1) A person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, make an offer of amends under this section; and in any such case—

- (a) if the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander shall be taken or continued by that party against the person making the offer in respect of the publication in question (but without prejudice to any cause of action against any other person jointly responsible for that publication);
- (b) if the offer is not accepted by the party aggrieved, then, except as otherwise provided by this section, it shall be a defence, in any proceedings by him for libel or slander against the person making the

offer in respect of the publication in question, to prove that the words complained of were published by the defendant innocently in relation to the plaintiff and that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff, and has not been withdrawn.

(2) An offer of amends under this section must be expressed to be made for the purposes of this section, and must be accompanied by an affidavit specifying the facts relied upon by the person making it to show that the words in question were published by him innocently in relation to the party aggrieved; and for the purposes of a defence under paragraph (b) of subsection (1) no evidence, other than evidence of facts specified in the affidavit, shall be admissible on behalf of that person to prove that the words were so published.

(3) An offer of amends under this section shall be understood to mean an offer—

- (a) in any case, to publish or join in the publication of a suitable correction of the words complained of, and a sufficient apology to the party aggrieved in respect of those words;
- (b) where copies of a document or record containing the said words have been distributed by or with the knowledge of the person making the offer, to take such steps as are reasonably practicable on his part for notifying persons to whom copies have been so distributed that the words are alleged to be defamatory of the party aggrieved.

(4) Where an offer of amends under this section is accepted by the party aggrieved—

- (a) any question as to the steps to be taken in fulfilment of the offer as so accepted shall in default of agreement between the parties be referred to and determined by the Supreme Court, whose decision thereon shall be final;
- (b) the power of the court to make orders as to costs in proceedings by the party aggrieved against the person making the offer in respect of the publication in question, or in proceedings in respect of the offer under paragraph (a), shall include power to order the payment by the person making the offer to the party aggrieved of costs on an indemnity

basis and any expenses reasonably incurred or to be incurred by that party in consequence of the publication in question;

and if no such proceedings as aforesaid are taken, the Supreme Court may, upon application made by the party aggrieved, make any such order for the payment of such costs and expenses as aforesaid as could be made in such proceedings.

(5) For the purposes of this section words shall be treated as published by one person (in this subsection referred to as the publisher) innocently in relation to another person if and only if the following conditions are satisfied, that is to say—

- (a) that the publisher did not intend to publish them of and concerning that other person, and did not know of circumstances by virtue of which they might be understood to refer to him; or
- (b) that the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that other person,

and in either case that the publisher exercised all reasonable care in relation to the publication; and any reference in this subsection to the publisher shall be construed as including a reference to any servant or agent of his who was concerned with the contents of the publication.

(6) Paragraph (b) of subsection (1) shall not apply in relation to the publication by any person of words of which he is not the author unless he proves that the words were written by the author without malice.

Justification.
[cf. 15 & 16
Geo. 6 & 1
Eliz. 2 c. 66
s. 5].

26. In an action for libel or slander in respect of words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges.

Fair
comment.
[cf. 15 & 16
Geo. 6 & 1
Eliz. 2 c. 66
s. 6].

27. In an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved.

Limitation
on privilege
at elections.
[cf. 15 & 16
Geo. 6 & 1
Eliz. 2 c. 66
s. 10].

28. A defamatory statement published by or on behalf of a candidate in any election to the Urban Council shall not be deemed to be published on a privileged occasion on the ground that it is material to a question in issue in the election, whether or not the person by whom it is published is qualified to vote at the election.

Agreements
for
indemnity.
[cf. 15 & 16
Geo. 6 & 1
Eliz. 2 c. 66
s. 11].

29. An agreement for indemnifying any person against civil liability for libel in respect of the publication of any matter shall not be unlawful unless at the time of the publication that person knows that the matter is defamatory, and does not reasonably believe there is a good defence to any action brought upon it."

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

Addition of
Schedule.

"SCHEDULE.

[s. 14.]

NEWSPAPER STATEMENTS HAVING QUALIFIED PRIVILEGE.

PART I.

STATEMENTS PRIVILEGED WITHOUT EXPLANATION OR CONTRADICTION.

1. A fair and accurate report of any proceedings in public of the legislature of any part of the Commonwealth outside the Colony.
2. A fair and accurate report of any proceedings in public of an international organization of which the Government of Hong Kong or Her Majesty's Government in the United Kingdom is a member, or of any international conference to which the Government of Hong Kong or Her Majesty's Government in the United Kingdom sends a representative.
3. A fair and accurate report of any proceedings in public of an international court.
4. A fair and accurate report of any proceedings before a court exercising jurisdiction throughout any part of the Commonwealth outside the Colony or of any proceedings before a court-martial held outside the Colony under the Naval Discipline Act, the Army Act or the Air Force Act.
5. A fair and accurate report of any proceedings in public of a body or person appointed to hold a public inquiry by the Government or legislature of any part of the Commonwealth outside the Colony.
6. A fair and accurate copy of or extract from any register kept in pursuance of any Ordinance which is open to inspection by the public, or of any other document which is required by the law of the Colony to be open to inspection by the public.
7. A notice or advertisement published by or on the authority of any court within the Colony or any judge or officer of such a court.

PART II.

STATEMENTS PRIVILEGED SUBJECT TO EXPLANATION OR CONTRADICTION.

8. A fair and accurate report of the findings or decision of any of the following associations, or of any committee or governing body thereof, that is to say—
 - (a) an association formed in the Colony for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and empowered by its constitution to exercise control over or

adjudicate upon matters of interest or concern to the association, or the actions or conduct of any persons subject to such control or adjudication;

- (b) an association formed in the Colony for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with the trade, business, industry or profession, or the actions or conduct of those persons;
- (c) an association formed in the Colony for the purpose of promoting or safeguarding the interests of any game, sport or pastime to the playing or exercise of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or pastime,

being a finding or decision relating to a person who is a member of or is subject by virtue of any contract to the control of the association.

9. A fair and accurate report of the proceedings at any public meeting held in the Colony, that is to say, a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern, whether the admission to the meeting is general or restricted.

10. A fair and accurate report of the proceedings at any meeting or sitting in any part of the Colony of—


- (a) any body, board or authority formed or constituted under the provisions of any Ordinance or of any committee appointed by such body, board or authority;
- (b) any justice or justices of the peace acting otherwise than as a court exercising judicial authority;
- (c) any commission, tribunal, committee or person appointed for the purposes of any inquiry by Letters Patent, Act of Parliament, Ordinance, by Her Majesty, by the Governor or by the head of any department of Government;
- (d) any other tribunal, board, committee or body constituted by or under, and exercising functions under, an Ordinance,

not being a meeting or sitting admission to which is denied to representatives of newspapers and other members of the public.

11. A fair and accurate report of the proceedings at a general meeting of any company or association constituted, registered or certified by or under any Ordinance or Act of Parliament or incorporated by Royal Charter, not being a private company within the meaning of the Companies Ordinance, Chapter 32.

12. A copy or fair and accurate report or summary of any notice or other matter issued for the information of the public by or on behalf of any Government department, or by or on behalf of the Commissioner of Police."

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 2nd day of August, 1961, and is found by me to be a true and correctly printed copy of the said Bill.

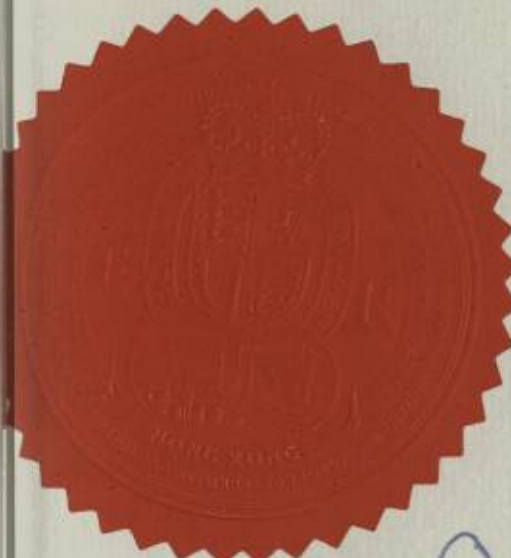


Deputy Clerk of Councils.

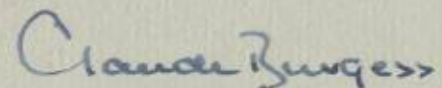
(Secretariat GR29/3231/54)

HONG KONG

No. 34 OF 1961.



I assent.



Officer Administering the Government.

17th August, 1961.

An Ordinance to establish a trust fund for the training of social workers.

[18th August, 1961.]

WHEREAS—

Preamble.

- (a) The United Kingdom Committee For World Refugee Year has given to the Government the sum of \$2,200,000.00 to inaugurate a fund to be applied in the provision of training facilities for social workers and for persons desirous of becoming social workers;
- (b) of the said sum of \$2,200,000.00, the sum of \$19,939.06 has been expended for such purpose, leaving a balance of \$2,180,060.94; and
- (c) it is considered expedient to vest the said balance of \$2,180,060.94 in the Director of Social Welfare Incorporated as trustee and to provide for the administration, by a committee appointed for that purpose, of the said balance and of any further sums added thereto:

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 Social Work Training Fund Ordinance, 1961.

Interpretation. 2. In this Ordinance, unless the context otherwise requires—
“committee” means the Social Work Training Fund Committee established by section 5;

“fund” means the Social Work Training Fund established by section 3;

“secretary” means the secretary of the committee appointed under section 7;

“social work” means any activity which, in the opinion of the committee, is concerned with the maintenance or improvement of the social and personal well-being, recreation or conditions of living of persons resident in the Colony but does not include any training or activity necessary for the purpose of obtaining registration under the provisions of the Education Ordinance, 1952, the Medical Registration Ordinance, 1957, the Dentists Registration Ordinance, 1959, the Midwives Registration Ordinance, 1960, or the Nurses Registration Ordinance, 1961;

(33 of 1952),
(25 of 1957),
(29 of 1959),
(57 of 1960),
(27 of 1961).

“social worker” means a person who is trained for or employed in or engaged in any social work;

“trustee” means the Director of Social Welfare Incorporated as trustee of the fund.

Establishment and vesting of fund.
(4 of 1959).

3. (1) There is hereby established a trust fund to be known as the Social Work Training Fund which is hereby vested in the Director of Social Welfare Incorporated, a body corporate incorporated under and by virtue of the Director of Social Welfare Incorporation Ordinance, 1959, as trustee.

(2) The fund shall consist of—

- (a) the sum of \$2,180,060.94 being the balance of the sum paid to the Government by The United Kingdom Committee For World Refugee Year, together with any interest thereon up to the date of coming into operation of this Ordinance; and
- (b) any further donations or bequests at any time made to the fund and accepted by the committee.

Objects of the fund.

4. (1) The trustee shall hold and stand possessed of the fund subject to such direction and control by the committee as is provided in this Ordinance and subject to and in accordance with the provisions

of this Ordinance upon trust to apply the income thereof and, subject as is hereinafter provided, to apply the capital thereof—

- (a) in making grants to individuals for the purpose of study and training as social workers, including payment of passages, travel and subsistence allowances and other incidental expenses;
- (b) in improving existing training facilities for social workers;
- (c) in running of courses for social workers and payment of any necessary expenses in connexion therewith;
- (d) in the training of persons for social work in the Colony and in obtaining advice about such training; and
- (e) for any other purpose connected therewith, designed to improve the training and skill of social workers in the Colony.

(2) The trustee, subject to the direction of the committee, may apply for such purposes any income of the fund and any capital of the fund which has been obtained by the accumulation of income in any previous year but may not apply any other part of the capital of the fund for any such purpose without the prior consent of the Governor.

5. (1) For the management of the fund, there shall be established a committee to be known as the Social Work Training Fund Committee which shall consist of—

Establishment of committee.

- (a) the Director of Social Welfare who shall be the Chairman of the committee;
- (b) the Director of Medical and Health Services or his nominee;
- (c) the Director of Education or his nominee; and
- (d) such other members not exceeding three as may be appointed by the Governor.

(2) A member appointed by the Governor shall hold office for three years or such lesser period as may be stipulated by the Governor from the date of his appointment and may be reappointed or removed by the Governor at his pleasure.

(3) If a member appointed under paragraph (d) of subsection (1) is absent from the Colony, the Governor may appoint another person to replace such member during his absence.

(4) The quorum necessary for the transaction of business by the committee may be fixed by standing orders made under section 6 and unless so fixed shall be four members.

6. (1) The committee may make standing orders—

- (a) governing the procedure of the committee in the transaction of business;

Standing orders of committee.

- (b) for the maintenance of good order at meetings of the committee; and
- (c) generally for matters relating to the administration and management of the fund and the discharge of the duties of the committee.

(2) A copy of every standing order made under subsection (1) shall be furnished to the Colonial Secretary and every standing order shall be subject to disallowance by the Governor.

(3) All questions arising at any meeting of the committee shall be decided by a majority of votes of members present and, in the case of an equality of votes the Chairman shall have a casting vote in addition to his original vote.

Secretary.

7. (1) There shall be a secretary to the committee who shall be appointed by the Governor.

(2) The secretary shall summon such meetings of the committee as may be required of which he shall give to each member thereof not less than seven days notice with an agenda.

(3) The secretary shall maintain minutes of each meeting of the committee.

Power to solicit and take donations and bequests.

8. The committee may, from time to time, solicit and accept on behalf of the trustee donations and bequests to the fund.

Borrowing powers.

9. The trustee may borrow such sums of money at such rates of interest and subject to such terms or conditions as the committee may from time to time direct for the furtherance of any of the purposes specified in section 4, and, with the prior consent of the Governor, may charge the capital and assets of the fund as security for the repayment thereof.

Accounts.

10. (1) The trustee shall cause proper accounts to be kept of all transactions of the fund and shall cause to be prepared for every period of twelve months ending on the 31st day of March in each year, a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet and shall be signed by the trustee.

(2) The accounts of the fund and the signed statement of the accounts shall be audited by an auditor appointed by the Governor and the auditor shall certify such statement subject to such report, if any, as he may think fit.

(3) A copy of the signed and audited statement of accounts together with the auditor's report, if any, and a report by the trustee on

the administration of the fund during the period covered by the audited accounts shall be laid upon the Table of the Legislative Council not later than the 30th day of September next following the end of such period or so soon thereafter as the Governor in his absolute discretion may allow.

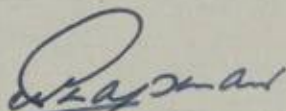
11. The trustee may invest any monies in such investments, whether or not such investments are trust investments, as the committee may direct subject, in the case of investments which are not trust investments, to the prior approval of the Financial Secretary and may remit monies comprised in the fund through the Accountant General to the Crown Agents for investment in the name of the trustee. Investments.

12. The cost of the administration of the fund shall be a charge on the general revenue of the Colony: Cost of administration.

Provided that the Financial Secretary may direct that an annual supervision fee to be determined by him shall be charged against the income of the fund and paid into the general revenue of the Colony.

13. 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 persons except such as are mentioned in this Ordinance and those claiming by, from or under them. Saving.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 16th day of August, 1961, and is found by me to be a true and correctly printed copy of the said Bill.



Deputy Clerk of Councils.

(Secretariat GR2/4821/60)

HONG KONG

No. 35 OF 1961.

I assent.



Claude Burgess.

Officer Administering the Government.

17th August, 1961.

An Ordinance to amend the Airfield (Kai Tak) Extension and Reversion Ordinance, Chapter 246.

[18th August, 1961.]

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 Airfield (Kai Tak) Extension and Reversion (Amendment) Ordinance, 1961. Short title.

2. Section 15 of the Airfield (Kai Tak) Extension and Reversion Ordinance is repealed and replaced by the following— Repeal and replacement of section 15. (Cap. 246).

“Time limit. 15. No claim for compensation under section 6 and no application or recommendation to the Governor in Council under section 7 shall be entertained unless it is presented before the 1st day of April, 1962.”.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 16th day of August, 1961, and is found by me to be a true and correctly printed copy of the said Bill.



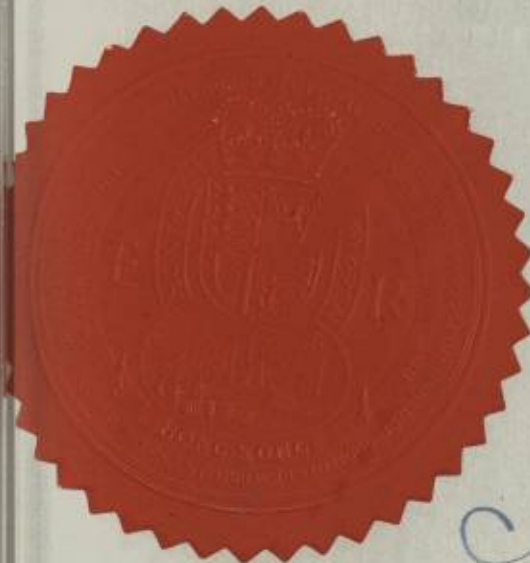
Deputy Clerk of Councils.

(Secretariat BL3/926/46II)



HONG KONG

No. 36 OF 1961.



I assent.

Claude Burgess.

Officer Administering the Government.

17th August, 1961.

An Ordinance to amend the Dangerous Drugs Ordinance, Chapter 134, and to remove doubt concerning the validity of certain penalty provisions contained in the Dangerous Drugs Regulations.

[18th August, 1961.]

WHEREAS—

Preamble.

- (a) section 17 of the Dangerous Drugs Ordinance provides that any person who contravenes any of the provisions of the Ordinance or the regulations made thereunder shall be guilty of an offence and liable to certain penalties specified in that section;
- (b) section 11 of the Ordinance provides for the making of regulations relating to certain matters, but does not make provision for the imposition of penalties other than those specified in section 17;
- (c) the Dangerous Drugs Regulations contain a penalty in excess of those specified in section 17;
- (d) doubt has arisen as to the validity of such penalty;

- (e) it is desirable to remove such doubt and to enable provisions as to penalties, other than those contained in section 17 of the Ordinance, to be inserted in regulations made under section 11:

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 Dangerous Drugs (Amendment and Validation of Regulations) Ordinance, 1961.

Amendment of section 11. **2.** Section 11 of the Dangerous Drugs Ordinance is amended by the addition after subsection (3) of the following new subsection—
(Cap. 134).

“(4) Regulations made under this section may provide that any contravention of any of the provisions of such regulations shall be an offence and may prescribe penalties therefor not exceeding a fine of one hundred thousand dollars and imprisonment for life.”.

Validation of regulations. **3.** For avoidance of doubt, it is hereby declared that all those provisions contained in the Dangerous Drugs Regulations which relate to the imposition of penalties shall have, and shall be deemed with effect from the date of their enactment to have had, the same force and effect as if they had been made under the provisions of section 11 of the Dangerous Drugs Ordinance as amended by section 2 of this Ordinance.
(Vol. X, p. 31).

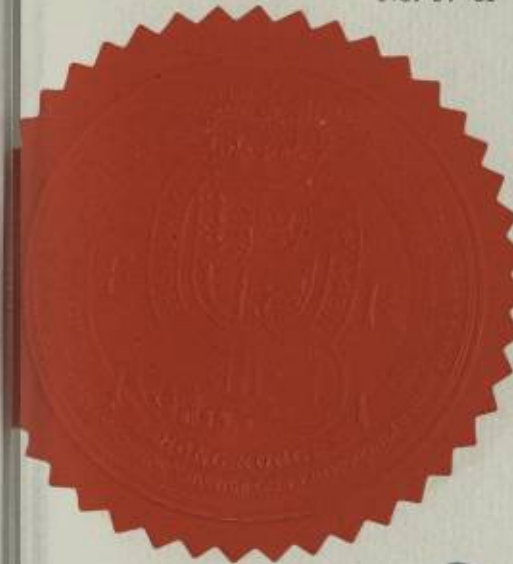
This printed impression has been carefully compared by me with the Bill which passed the Legislative Council on the 16th day of August, 1961, and is found by me to be a true and correctly printed copy of the said Bill.


Deputy Clerk of Councils.

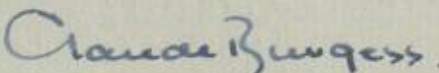
(Secretariat CR5/3281/51)

HONG KONG

No. 37 OF 1961.



I assent.



Officer Administering the Government.

17th August, 1961.

An Ordinance to amend the Buildings Ordinance, 1955.

[18th August, 1961.]

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

1. This Ordinance may be cited as the Buildings (Amendment) Ordinance, 1961. Short title.

2. Section 12 of the Buildings Ordinance, 1955 (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following—
Repeal and replacement of section 12. (68 of 1955, 1960 Reprint).

12. (1) No new building shall be occupied in any way except by not more than two caretakers unless—

(a) in respect of such building the Building Authority has issued an occupation permit in the prescribed form; or
Form 23.