

... of the said bill.

*[Handwritten signature]*

Clerk to the Legislative Council.



**HONG KONG**

No. 23 OF 1978



I assent.

*[Handwritten signature: Newys Roberts]*

Acting Governor.

27th April, 1978.

An Ordinance to amend the Stamp Ordinance.

[2nd March, 1978]

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

- 1. This Ordinance may be cited as the Stamp (Amendment) (No. 2) Ordinance 1978 and shall be deemed to have come into operation on the 2nd March 1978. Short title and commencement.
- 2. The Schedule to the principal Ordinance is amended by deleting head 11(2). Amendment of Schedule, (Cap. 117.)
- 3. Nothing in this Ordinance shall be construed as relieving a bank in respect of any liability for the payment of duty on unstamped cheques issued by the bank to its customers prior to the 2nd March 1978, and all amounts collected by a bank under section 15 of the principal Ordinance as duties on such unstamped cheques shall, notwithstanding subsection (1)(c) of that section, be paid to the Collector not later than the 31st March 1978. Saving.

Provided that the Collector may waive the payment by a bank of any such amount in respect of unstamped cheques shown to his satisfaction to have been returned to the bank by its customers prior to the 2nd March 1978 as spoiled or unused.

Passed by the Hong Kong Legislative Council this 26th day of April, 1978.

*[Handwritten signature]*

Clerk to the Legislative Council.

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

*[Handwritten signature]*

Clerk to the Legislative Council.



                      
No. 24 OF 1978



I assent.

*[Handwritten signature]*

Acting Gove

27th April, 1

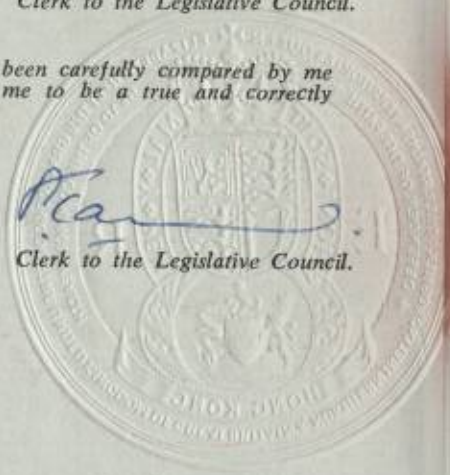
*[Handwritten signature]*

Clerk to the Legislative Council.

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

*[Handwritten signature]*

Clerk to the Legislative Council.



**HONG KONG**

No. 24 OF 1978



I assent.

*[Handwritten signature: Derys Roberts]*

Acting Governor.

27th April, 1978.

An Ordinance to amend the Stamp Ordinance and to make consequential amendments to the Stamp Duties Management Ordinance and the Companies Ordinance.

[6th March, 1978]

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

1. This Ordinance may be cited as the Stamp (Amendment) (No. 3) Ordinance 1978 and shall be deemed to have come into operation on the 6th March 1978. Short title and commencement.

2. Section 3 of the principal Ordinance is amended— Amendment of section 3. (Cap. 117.)  
(a) by deleting the definition of "conveyance on sale" and substituting the following—

"conveyance on sale" means every instrument, and every decree or order of any court, whereby any immovable property, upon the sale thereof, is transferred to or vested in a purchaser, or any other person on his behalf or by his direction;"

(b) by deleting the definitions of "bank note", "banker", "bill of exchange", "cheque", "exchange contract", "exchange contract cancellation note", "letter of hypothecation", "money changer", "mortgage", "partnership instrument", "policy of insurance", "power of attorney", "promissory note", "servant's security agreement", "settlement" and "vessel".

- Amendment of section 5. 3. Section 5(2) of the principal Ordinance is amended by deleting "19, 21, 22 and 24" and substituting "19 and 21".
- Amendment of section 6A. 4. Section 6A of the principal Ordinance is amended—  
 (a) in subsection (1) by deleting "property" wherever it occurs and substituting "immovable property";  
 (b) by deleting subsection (2).
- Amendment of section 12B. 5. Section 12B of the principal Ordinance is amended by deleting "land" wherever it occurs and substituting "immovable property".
- Amendment of section 13. 6. Section 13(4) of the principal Ordinance is amended by deleting "sections 19, 22 and 24" and substituting "section 19".
- Amendment of section 14. 7. Section 14 of the principal Ordinance is amended by deleting subsection (2) and substituting the following—  
 "(2) Postage stamps shall not be used for the purpose of paying any stamp duty under this Ordinance except that postage stamps of any denomination which are over-printed by direction of the Governor with the words "contract note" may be used as adhesive stamps for the purposes of head 18A(1) in the Schedule."
- Repeal of sections 15, 15A and 15E. 8. Sections 15, 15A and 15E of the principal Ordinance are repealed.
- Repeal of section 20. 9. Section 20 of the principal Ordinance is repealed.
- Amendment of section 21. 10. Section 21(1) of the principal Ordinance is amended by deleting ", not being a bill of exchange or a promissory note."
- Repeal of sections 22, 23 and 24. 11. Sections 22, 23 and 24 of the principal Ordinance are repealed.
- Repeal of section 26. 12. Section 26 of the principal Ordinance is repealed.
- Repeal of section 29. 13. Section 29 of the principal Ordinance is repealed.
- Repeal of section 32. 14. Section 32 of the principal Ordinance is repealed.
- Amendment of section 37. 15. Section 37 of the principal Ordinance is amended—  
 (a) by deleting subsection (1) and substituting the following—  
 "(1) Any contract or agreement for the sale of any equitable estate or interest in any immovable property shall be charged with the same *ad valorem* duty, to be paid by the purchaser, as if it were an actual conveyance on sale of the estate or interest";  
 (b) in subsection (2) by deleting "except where appropriate with the fixed duty of \$20";  
 (c) in subsection (5) by deleting "any such contract or agreement is stamped with a fixed duty of \$20 or would, apart from this section, not be chargeable with any duty, and".
- Repeal of sections 37A, 38 and 39. 16. Sections 37A, 38 and 39 of the principal Ordinance are repealed.

17. Section 40(4) of the principal Ordinance is amended—  
 (a) by deleting paragraphs (a), (dd) and (i);  
 (b) in paragraph (h) by deleting the semicolon and substituting a full stop.
18. The Schedule to the principal Ordinance is amended—  
 (a) by deleting heads 6, 8, 11(1), 11(3) to 11(7), 14(1), 14(2), 18, 20 to 24, 27, 29, 37(1) to 37(11), 41, 43, 45 to 47, 48(4), 50 and 52(3);  
 (b) in head 5—  
 (i) by deleting "any property whatsoever" and substituting "immovable property";  
 (ii) by deleting the exemption thereto;  
 (c) in head 18A(1) by deleting "\$4" and substituting "\$3";  
 (d) in head 19(1) by deleting "of land";  
 (e) in head 44A—  
 (i) by deleting the following—  
 "(ii) By way of security. See mortgage.";  
 (ii) by deleting the following—  
 "(iv) In any other case not otherwise specifically charged with duty. (a) \$20. (b) 30 days after execution. (c) Every person executing.";  
 (f) in head 48(1) by deleting "\$8" and substituting "\$6";  
 (g) in head 53(1) by deleting "land" wherever it occurs and substituting "immovable property";  
 (h) in head 53(2) by deleting "land or other property" wherever they occur and substituting "immovable property";  
 (i) by deleting the entries "AGREEMENT OR CONTRACT accompanied by a deposit: See Mortgage.", "ATTORNEY, letter or power of: See power of Attorney.", "AVERAGE: See Bond.", "BANK CHEQUE: See Bill of Exchange.", "BILLS OF EXCHANGE (including cheques, circular notes, letters of credit, and travellers cheques) and promissory notes, as beneath. See s. 23 as to bills in sets.", "BILL OF SALE, absolute and by way of security, see Conveyance and Mortgage.", "BOND as beneath.", "BOND: See Mortgage.", "COVENANT: See Mortgage.", "DEBENTURE: See Mortgage.", "LETTER OF ATTORNEY: See Power of Attorney.", "MORTGAGE, BOND, DEBENTURE, COVENANT (except a marketable security otherwise specifically charged with duty) and WARRANT OF ATTORNEY to confess and enter up judgment, as beneath.", "PROMISSORY NOTE: See Bill of exchange (6)." and "WARRANT OF ATTORNEY: See Mortgage."
19. (1) The enactments specified in the first column of the Schedule hereto are amended to the extent indicated in the second column thereof.  
 (2) The Stamp (Bank Authorization) Order is revoked.
20. (1) Nothing in this Ordinance shall be construed as relieving any person in respect of any liability for the payment of stamp duty on any

Amendment of section 40.

Amendment of Schedule.

Consequential amendments. Schedule. (Cap. 117, sub. leg.)

Saving.

instrument which had become chargeable with duty prior to the 6th March 1978, and the principal Ordinance shall, until such instrument is duly stamped, continue to apply in relation to such instrument as if this Ordinance had not been enacted.

(2) Nothing in section 12 or paragraph (c) of section 18 of this Ordinance shall apply in relation to transactions entered into prior to the 6th March 1978, and section 26 and heads 18A(1) and 27 of the principal Ordinance shall continue to apply in relation to such transactions as if the said sections 12 and 18 had not been enacted.

## SCHEDULE

[s. 19.]

## CONSEQUENTIAL AMENDMENTS

<i>Enactment</i>	<i>Extent of amendment</i>																
Stamp Duties Management Ordinance (Cap. 121).	In section 10, delete paragraphs (d), (e) and (f).																
Companies Ordinance (Cap. 32).	In section 6, delete "must bear the same stamp as if it were a deed, and". In section 12, delete paragraph (c).																
Stamp and Denoting of Documents Regulations (Cap. 117).	Regulation 2 is revoked and replaced by the following— <table border="0"> <tr> <td>"Denominations of adhesive revenue stamps.</td> <td><b>2.</b> The denominations of adhesive revenue stamps are as follows—</td> </tr> <tr> <td></td> <td>\$1      \$ 9      \$ 30</td> </tr> <tr> <td></td> <td>\$2      \$10     \$ 40</td> </tr> <tr> <td></td> <td>\$3      \$12     \$ 50</td> </tr> <tr> <td></td> <td>\$4      \$15     \$ 60</td> </tr> <tr> <td></td> <td>\$5      \$16     \$ 80</td> </tr> <tr> <td></td> <td>\$6      \$20     \$100</td> </tr> <tr> <td></td> <td>\$8      \$25     \$200."</td> </tr> </table> <p>In regulation 5, delete "overprinted with the letters "B, of E." or". Delete regulation 6(1). Regulation 7 is revoked. In the Schedule, delete Class I, Class II and Class IX.</p>	"Denominations of adhesive revenue stamps.	<b>2.</b> The denominations of adhesive revenue stamps are as follows—		\$1      \$ 9      \$ 30		\$2      \$10     \$ 40		\$3      \$12     \$ 50		\$4      \$15     \$ 60		\$5      \$16     \$ 80		\$6      \$20     \$100		\$8      \$25     \$200."
"Denominations of adhesive revenue stamps.	<b>2.</b> The denominations of adhesive revenue stamps are as follows—																
	\$1      \$ 9      \$ 30																
	\$2      \$10     \$ 40																
	\$3      \$12     \$ 50																
	\$4      \$15     \$ 60																
	\$5      \$16     \$ 80																
	\$6      \$20     \$100																
	\$8      \$25     \$200."																
Stamp Duties Management (Franking Machines) Regulations (Cap. 121).	In regulation 3(1), delete "one of the classes of instrument" and substitute "of the instruments". In regulation 3(2), delete paragraph (a). In regulation 7, delete "of the class". In regulation 8(2)— (a) delete "in Class X"; (b) delete "instruments within that Class" and substitute "such instruments".																

*Enactment**Extent of amendment*

Regulation 11 is revoked and replaced by the following—

"Collector to prescribe die.  
(Cap. 117, sub. leg.)

**11.** The Collector shall prescribe the die to be used in a licensed machine, and the colour of the stamp, for stamping any instruments authorized by the Stamping and Denoting of Documents Regulations to be stamped by means of such machine."

In the Schedule—

(a) delete "in Class (see Note)";

(b) delete the Note and substitute the following—

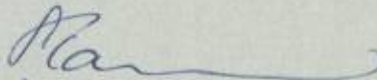
"Note The instruments specified in the Schedule to the Stamping and Denoting of Documents Regulations are certain transfers of shares and marketable securities to which head 48(2) of the Stamp Ordinance (Cap. 117) applies."

Passed by the Hong Kong Legislative Council this 26th day of April, 1978.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

ROYAL WARRANT

No. 25 of 1978

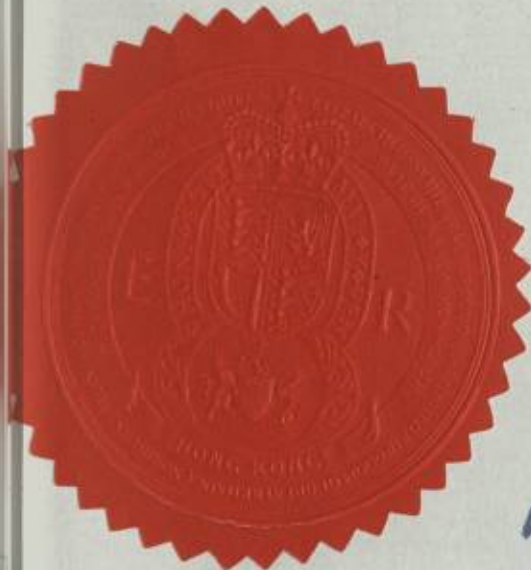


I assent

*Alauy*

**HONG KONG**

No. 25 OF 1978



I assent.

*Henry Roberts*  
Acting Governor.

27th April, 1978.

An Ordinance to amend the Crimes Ordinance and to make incidental amendments to the Criminal Procedure Ordinance and the Magistrates Ordinance.

[28th April, 1978]

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

1. This Ordinance may be cited as the Crimes (Amendment) (No. 2) Ordinance 1978. Short title.

2. Section 117(1) of the principal Ordinance is amended—

(a) by deleting the full stop at the end of the definition of "owner" and substituting a semicolon; and

(b) by inserting after the definition of "owner", the following definition—

Amendment of  
section 117.  
(Cap. 200.)

"[1976 c. 82,  
s. 7(2).] "rape offence" means any of the following, namely, rape, attempted rape, aiding, abetting, counselling or procuring rape or attempted rape, and incitement to rape."

Amendment of section 118.

3. Section 118 of the principal Ordinance is amended by inserting after subsection (2) the following subsections—

[1976 c. 82, s. 1(1).]

- (3) A man commits rape if—
- he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it; and
  - at that time he knows that she does not consent to the intercourse or he is reckless as to whether she consents to it.

[1976 c. 82, s. 1(2).]

(4) It is hereby declared that if at a trial for a rape offence the jury has to consider whether a man believed that a woman was consenting to sexual intercourse, the presence or absence of reasonable grounds for such a belief is a matter to which the jury is to have regard, in conjunction with any other relevant matters, in considering whether he so believed.

[1976 c. 82, s. 7(3).]

(5) In relation to such a trial as is mentioned in subsection (4) which is a trial in the District Court or a summary trial before a magistrate or in a juvenile court, references to the jury in that subsection shall be construed as references to the District Court, the magistrate or the juvenile court, as the case may be.”.

Addition of new sections 154 to 159.

4. The principal Ordinance is amended by adding after section 153 the following sections—

*“Restrictions on evidence and on publishing details regarding identity*

Restrictions on evidence at trials for rape etc. [cf. 1976 c. 82, s. 2.]

154. (1) If at a trial before the High Court any person is for the time being charged with a rape offence to which he pleads not guilty (whether or not at the trial he, or any other person, is for the time being charged with an offence which is not a rape offence), then, except with the leave of the judge, no evidence and no question in cross-examination shall be adduced or asked at the trial, by or on behalf of any defendant at the trial, about any sexual experience of a complainant with a person other than that defendant.

(2) The judge shall not give leave in pursuance of subsection (1) for any evidence or question except on an application made to him in the absence of the jury by or on behalf of a defendant; and on such an application the judge shall give leave if and only if he is satisfied that it would be unfair to that defendant to refuse to allow the evidence to be adduced or the question to be asked.

(3) In subsection (1) “complainant” means a woman upon whom, in a charge for a rape offence to which the trial in question relates, it is alleged that rape was committed, attempted or proposed.

(4) Nothing in this section authorizes evidence to be adduced or a question to be asked which cannot be adduced or asked apart from this section.

Application of s. 154 to committal proceedings, District Court and summary trials. [1976 c. 82, s. 3.] (Cap. 227.)

155. (1) Where, on a hearing under Part III of the Magistrates Ordinance, a magistrate inquires into a rape offence, then, except with the consent of the magistrate, evidence shall not be adduced and a question shall not be asked at the hearing which, if the hearing were a trial at which a person is charged with a rape offence and each of the accused at the hearing were charged at the trial with the offences of which he is accused at the hearing, could not be adduced or asked without leave in pursuance of section 154.

(2) On an application for consent in pursuance of subsection (1) for any evidence or question the magistrate shall—

- refuse the consent unless he is satisfied that leave in respect of the evidence or question would be likely to be given at a relevant trial;
- give the consent if he is so satisfied.

(3) Where a person charged with a rape offence is tried for that offence either in the District Court or summarily before a magistrate under Part V of the Magistrates Ordinance or in a juvenile court under the Juvenile Offenders Ordinance section 154 shall have effect in relation to the trial as if—

- the words “in the absence of the jury” in subsection (2) thereof were omitted; and
- for any reference to the judge there were substituted—
  - in the case of a trial in the District Court, a reference to the District Judge before whom the trial takes place;
  - in the case of a trial before a magistrate, a reference to the magistrate;
  - in the case of a trial in a juvenile court, a reference to the juvenile court.

Anonymity of complainants in rape etc. cases. [1976 c. 82, s. 4.]

156. (1) Subject to subsection (9)(a), after a person is accused of a rape offence no matter likely to lead members of the public to identify a woman as the complainant in relation to that accusation shall either be published in Hong Kong in a written publication available to the public or be broadcast in Hong Kong except as authorized by a direction given in pursuance of this section.

(2) If, before the commencement of a trial at which a person is charged with a rape offence, he or another person against whom the complainant may be expected to give evidence at the trial applies to a judge for a direction in pursuance of this subsection and satisfies the judge—

- that the direction is required for the purpose of inducing persons to come forward who are likely to be needed as witnesses at the trial; and
- that the conduct of the applicant's defence at the trial is likely to be substantially prejudiced if the direction is not given,

the judge shall direct that subsection (1) shall not, by virtue of the accusation alleging the offence aforesaid, apply in relation to the complainant.

[1976 c. 82,  
s. 5(2).]

(3) If after the commencement of a trial at which a person is charged with a rape offence a new trial of the person for that offence is ordered, the commencement of any previous trial at which he was charged with that offence shall be disregarded for the purposes of subsection (2).

(4) If at a trial before the High Court at which a person is charged with a rape offence the judge is satisfied that the effect of subsection (1) is to impose a substantial and unreasonable restriction upon the reporting of proceedings at the trial and that it is in the public interest to remove or relax the restriction, he shall direct that subsection (1) shall not apply to such matter relating to the complainant as is specified in the direction; but a direction shall not be given in pursuance of this subsection by reason only of an acquittal of a defendant at the trial.

(5) If a person who has been convicted of an offence and given notice of an appeal to the Court of Appeal against the conviction, or notice of an application for leave so to appeal, applies to the Court of Appeal for a direction in pursuance of this subsection and satisfies the Court—

- (a) that the direction is required for the purpose of obtaining evidence in support of the appeal; and
- (b) that the applicant is likely to suffer substantial injustice if the direction is not given,

the Court shall direct that subsection (1) shall not, by virtue of an accusation which alleges a rape offence and is specified in the direction, apply in relation to a complainant so specified.

[1976 c. 82,  
s. 5(3).]

(6) Subsection (5) shall apply in relation to a conviction of an offence tried summarily as mentioned in section 155(3), and, in so applying for references to the Court of Appeal there shall be substituted references to a judge and the reference to notice of an application for leave to appeal shall be omitted.

(7) For the purposes of this section a person is accused of a rape offence if—

- (a) a complaint is made to or an information is laid before a magistrate alleging that such person has committed a rape offence; or
- (b) he appears before a magistrate or a court charged with a rape offence; or
- (c) a magistrate before whom he is appearing commits him for trial at the High Court on a new charge alleging a rape offence; or
- (d) an indictment charging him with a rape offence is preferred before the High Court,

and references in this section to an accusation alleging a rape offence shall be construed accordingly.

(8) In this section—

“broadcast” means a broadcast by wireless telegraphy of sound or visual images intended for general reception;

“complainant”, in relation to a person accused of a rape offence or an accusation alleging a rape offence, means the woman against whom the offence is alleged to have been committed; and

“written publication” includes a film, a sound track and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.

(9) Nothing in this section—

- (a) prohibits the publication or broadcasting, in consequence of an accusation alleging a rape offence, of matter consisting only of a report of legal proceedings other than proceedings at, or intended to lead to, or on an appeal arising out of, a trial at which the accused is charged with that offence; or
- (b) affects any prohibition or restriction imposed by virtue of any other enactment upon a publication or broadcast,

and a direction in pursuance of this section does not affect the operation of subsection (1) at any time before the direction is given.

Offences and  
proceedings.  
[1976 c. 82,  
ss. 4(5), 5(4)-  
(5), 6(6).]

157. (1) If any matter is published or broadcast in contravention of section 156(1), the following persons, namely—

- (a) in the case of a publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
- (b) in the case of any other publication, the person who publishes it; and
- (c) in the case of a broadcast, any body corporate which transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,

shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 and to imprisonment for 6 months.

(2) When an offence under subsection (1) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members subsection (2) shall apply in relation to the acts and defaults of a member in connexion with his functions of management as if he were a director of the body corporate.

(4) Proceedings for an offence under subsection (1) (including such an offence which is alleged to have been committed by virtue of subsection (2), whether or not by virtue also of subsection (3)) shall not be instituted except by or with the consent of the Attorney General; and where a person is charged with such an offence it shall be a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication or broadcast in question was of such matter as is mentioned in section 156(1).

Application of ss. 156 and 157 to trials by courts-martial. [cf. 1976 c. 82, ss. 5(1), 6(4)-(6).]

158. (1) In relation to a person charged with a rape offence in pursuance of any provision of the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955, section 156 shall have effect with the following modifications, namely—

- (a) any reference to a trial or a trial before the High Court shall be construed as a reference to a trial by court-martial;
- (b) for any reference in section 156(2) to a judge there shall be substituted a reference to the officer who is authorized to convene or has convened a court-martial for the trial of the offence (or, if after convening it he has ceased to hold the appointment by virtue of which he convened it, the officer holding that appointment) and for any reference in subsection (4) of that section to such a judge there shall be substituted a reference to the court;
- (c) for any reference in section 156(5) to the Court of Appeal there shall be substituted a reference to the Courts-Martial Appeal Court; and
- (d) in section 156(7) for paragraphs (a) to (d) there shall be substituted the words "he is charged with a rape offence in pursuance of any provision of the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955";

and section 157 shall apply accordingly.

[cf. 1976 c. 82, s. 5(6).]

(2) In relation to a person who, having been charged with a rape offence in pursuance of any provision of any of the Acts specified in subsection (1), has been convicted of an offence and has given notice of an appeal to the Courts-Martial Appeal Court against the conviction, or notice of an application for leave so to appeal, a direction given by a judge of that Court that section 156(1) shall not, by virtue of an accusation which alleges a rape offence and is specified in the direction, apply in relation to a complainant so specified, shall be deemed to be a direction given by the Courts-Martial Appeal Court in pursuance of subsection (5) of that section (as modified by this section).

(3) In this section and in section 156 as modified by subsection (1)—

"court-martial" means a court-martial under any of the Acts specified in subsection (1);

"Courts-Martial Appeal Court" means the Courts-Martial Appeal Court established by the Courts-Martial (Appeals) Act 1951 for the purpose of hearing appeals from naval, army and air force courts-martial, and continued in existence by the Courts-Martial (Appeals) Act 1968.

Transitional provisions. [cf. 1976 c. 82, s. 7(5).]

159. Sections 154 and 155 shall not have effect in relation to a trial or inquiry which begins before the coming into operation of the Crimes (Amendment) (No. 2) Ordinance 1978."

5. Section 83Y(1) of the Criminal Procedure Ordinance is amended by inserting after "subsection (2)" the following—

"and the power to give directions under section 156(5) of the Crimes Ordinance".

Incidental amendment of Criminal Procedure Ordinance. (Cap. 221.) [cf. 1976 c. 82, s. 5(6).]

6. The Magistrates Ordinance is amended in item 2 of Part III of the Second Schedule by inserting after "53" the following—

"or 123".

Incidental amendment of Magistrates Ordinance. (Cap. 227.)

Passed by the Hong Kong Legislative Council this 26th day of April, 1978.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

HONG KONG

No. 26 OF 1978



I assen

*[Signature]*  
Acting Gove  
27th April,

An Ordinance to amend the Yan Chai Hospital Ordinance

**HONG KONG**

No. 26 OF 1978



I assent.

*Henry Roberts*  
Acting Governor.

27th April, 1978.

An Ordinance to amend the Yan Chai Hospital Ordinance.

[            ]

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

1. This Ordinance may be cited as the Yan Chai Hospital (Amendment) Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 4 of the principal Ordinance is repealed.

Repeal of section 4. (Cap. 1106.)

Passed by the Hong Kong Legislative Council this 26th day of April, 1978.

*Stanley*  
Clerk to the Legislative Council.

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

*Stanley*  
Clerk to the Legislative Council.

HONG KONG

No. 27 OF 1978



I assen

*Abu*

**HONG KONG**

No. 27 OF 1978



I assent.

*Denis Roberts*  
Acting Governor.

27th April, 1978.

An Ordinance to amend the Public Order Ordinance.

[28th April, 1978]

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

1. This Ordinance may be cited as the Public Order (Amendment) Ordinance 1978. Short title.

2. Section 33 of the principal Ordinance is amended—

Amendment of  
section 33.  
(Cap. 245.)

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

"summary conviction or conviction on indictment";

(b) in subsection (2) by deleting paragraph (b)(iv) and substituting the following—

"(iv) subject to the provisions of the Training Centres Ordinance, to detention in a training centre under that Ordinance;"; and

(c) by adding after subsection (2) the following new subsection—

"(2A) Notwithstanding subsection (2), the court may, in relation to a person convicted of an offence under this section, exercise the powers conferred by section 45 of the Mental Health Ordinance and for the purposes of that section an offence under this section is for the avoidance of doubt declared not to be an offence for which the sentence is fixed by law."

Passed by the Hong Kong Legislative Council this 26th day of April, 1978.



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

No. 28 of 1978

I assent.

*[Signature]*  
Acting Governor

(2A) Notwithstanding subsection (2), the court may, in relation to a person convicted of an offence under this section, exercise the powers conferred by section 45 of the Mental Health Ordinance and for the purposes of that section an offence under this section is for the avoidance of doubt deemed not to be an offence for which the sentence is fixed by law."

the Hong Kong Legislative Council this 26th day of April,

  
Clerk to the Legislative Council.

*Printed impression has been carefully compared by me with the original, and is found by me to be a true and correct copy of the said bill.*

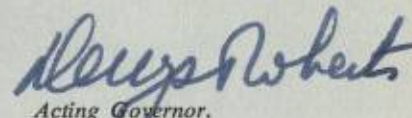
  
Clerk to the Legislative Council.

**HONG KONG**

No. 28 of 1978



I assent.

  
Acting Governor.  
27th April, 1978.

An Ordinance to amend the Motor Vehicles Insurance (Third Party Risks) Ordinance.

[1st August 1978]

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

1. This Ordinance may be cited as the Motor Vehicles Insurance (Third Party Risks) (Amendment) Ordinance 1978 and shall come into operation on the 1st August 1978. Short title and commencement.

2. Section 8 of the principal Ordinance is amended— Amendment of section 8. (Cap. 272.)

- (a) in subsection (1)—
  - (i) by deleting "Where" and substituting the following—  
"Subject to subsection (1A), where";
  - (ii) by inserting after "such hospital" the following—  
"or, in the case of a Government hospital, to the Director of Medical and Health Services or such agency as he may from time to time appoint,";
  - (iii) by inserting after "received by the hospital" the following—  
"; or by the Director of Medical and Health Services or such agency as he may have appointed,"; and

(iv) in the proviso by deleting "400" and substituting the following—

"2,500"; and

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

"(1A) Where under subsection (1) an insurer or owner of a motor vehicle is liable to pay to the Director of Medical and Health Services, or to such agency as the Director may from time to time appoint, expenses reasonably incurred in affording treatment to a person as an out-patient, the Director may in his discretion waive payment of such expenses."

Passed by the Hong Kong Legislative Council this 26th day of April, 1978.



*[Handwritten signature]*

Clerk to the Legislative Council.

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

*[Handwritten signature]*

Clerk to the Legislative Council.

HONG KONG

No. 29 OF 1978



I assent

*[Handwritten signature]*  
Acting Gov

28—

"2,500"; and

erting after subsection (1) the following subsection—

"(1A) Where under subsection (1) an insurer or owner of a motor vehicle is liable to pay to the Director of Medical Health Services, or to such agency as the Director may from time to time appoint, expenses reasonably incurred in providing treatment to a person as an out-patient, the Director may in his discretion waive payment of such expenses."

the Hong Kong Legislative Council this 26th day of April,



*Clerk to the Legislative Council.*

*Printed impression has been carefully compared by me with the original, and is found by me to be a true and correct copy of the said bill.*

*Signature*

**HONG KONG**

No. 29 OF 1978



I assent.

*Signature*  
*Acting Governor.*

27th April, 1978.

An Ordinance to amend the Criminal Procedure Ordinance.

[28th April, 1978]

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

1. This Ordinance may be cited as the Criminal Procedure (Amendment) (No. 2) Ordinance 1978. Short title.

2. Section 83Y of the principal Ordinance is amended by inserting after subsection (3) the following new subsection— Amendment of section 83Y. (Cap. 221.)

"(4) The references in this section to a single judge are to a single judge of the Court of Appeal or of the High Court."

Passed by the Hong Kong Legislative Council this 26th day of April, 1978.

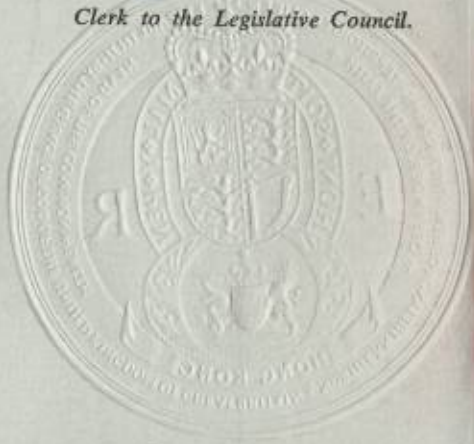
*Signature*

*Clerk to the Legislative Council.*

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

*Pla*

Clerk to the Legislative Council.



LEGISLATIVE COUNCIL

No. 30 OF 1978



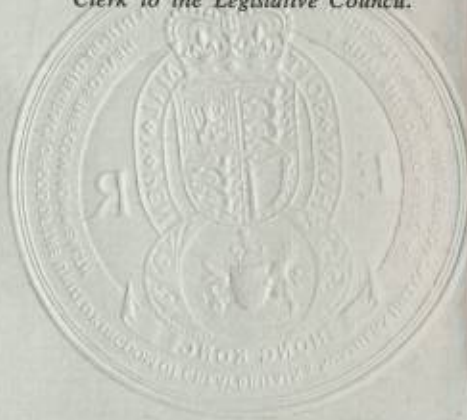
I assent

*Deputy*  
Acting Gov

... has been carefully compared by me  
ll, and is found by me to be a true and correctly  
of the said bill.



Clerk to the Legislative Council.

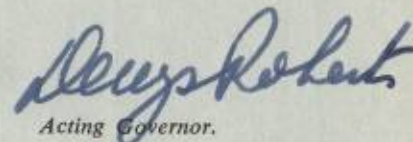


**HONG KONG**

No. 30 OF 1978



I assent.



Acting Governor.

27th April, 1978.

An Ordinance to amend the Evidence Ordinance.

[28th April, 1978]

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

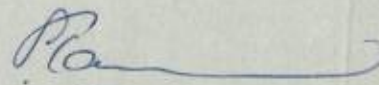
1. This Ordinance may be cited as the Evidence (Amendment) Short title.  
Ordinance 1978.

2. Section 77(3) of the principal Ordinance is amended by deleting  
"Hong Kong" and substituting the following—

"the United Kingdom, Hong Kong, or any other territory for  
which the United Kingdom is responsible under international  
law".

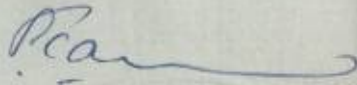
Amendment of  
section 77.  
(Cap. 8.)

Passed by the Hong Kong Legislative Council this 26th day of April,  
1978.



Clerk to the Legislative Council.

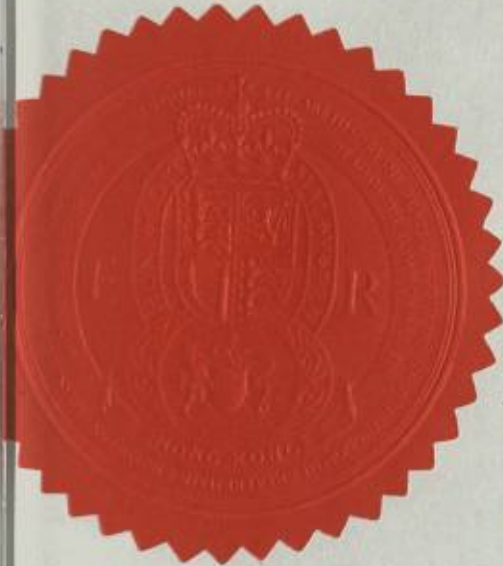
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



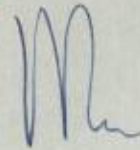
Clerk to the Legislative Council.



~~SECRET~~  
No. 31 of 1978

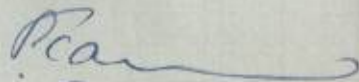


I assent



Governor

it, and is found by me to be a true and correctly  
of the said bill.



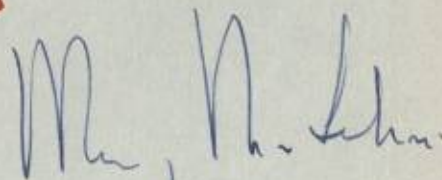
Clerk to the Legislative Council.



**HONG KONG**

No. 31 OF 1978

I assent.



Governor

11th May, 1978.

An Ordinance to amend the Urban Council Ordinance.

[12th May, 1978]

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

1. This Ordinance may be cited as the Urban Council (Amendment) Ordinance 1978. Short title.
2. The First Schedule to the principal Ordinance is amended in paragraph 2 of Part I— Amendment of  
First Schedule.  
(Cap. 101.)
  - (a) in sub-paragraph (2)(c) by deleting the references therein to "business profits tax" and substituting the following—  
"profits tax";
  - (b) in sub-paragraph (2)(s) by deleting "authorized architect" and substituting the following—  
"authorized person";
  - (c) by deleting sub-paragraph (2)(t) and substituting the following—  
"(t) was a professional accountant as defined in section 2 of the Professional Accountants Ordinance; or"; (Cap. 50.)

(d) by inserting after sub-paragraph (2)(w)(v) the following—

“(va) the Hong Kong Certificate of Education with Grade E or a higher grade in at least five subjects, or Grade D or a higher grade in at least four subjects, or Grade C or a higher grade in at least three subjects;”.

Passed by the Hong Kong Legislative Council this 10th day of May, 1978.



*Clerk to the Legislative Council.*

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

*Clerk to the Legislative Council.*

HONG KONG

No. 32 OF 1978



I asser

Govern

a) the Hong Kong Certificate of Education with Grade E or a higher grade in at least five subjects, or Grade D or a higher grade in at least four subjects, or Grade C or a higher grade in at least three subjects;".

the Hong Kong Legislative Council this 10th day of May,



inted impression has been carefully compared by me  
ll, and is found by me to be a true and correctly  
of the said bill.

**HONG KONG**

No. 32 of 1978



I assent.

*[Signature]*  
Governor.

11th May, 1978.

An Ordinance to amend the Protection of Women and Juveniles Ordinance.

[12th May, 1978]

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

1. This Ordinance may be cited as the Protection of Women and Juveniles (Amendment) Ordinance 1978. Short title.

2. Section 2 of the principal Ordinance is amended by— Amendment of section 2. (Cap. 213.)

(a) inserting after the definition of "infant" the following definition—  
"juvenile" means a person who is, in the opinion of a court or a person exercising any power under this Ordinance, 14 years of age or upwards and under the age of 18 years;";

(b) deleting the full stop at the end and substituting a semicolon; and

(c) inserting after the definition of "probation officer" the following definition—

"supervision order" means an order made under section 34(1)(d) placing a child or juvenile under supervision, and "supervised person" and "supervisor", in relation

to a supervision order, mean respectively the child or juvenile placed or to be placed under supervision by the order and the person under whose supervision he is placed or to be placed under the order."

Amendment of section 27.

3. Section 27 of the principal Ordinance is amended by inserting after "girl," in each case where it occurs the following—  
"juvenile,".

Amendment of section 30.

4. Section 30(1) of the principal Ordinance is amended by deleting "adopts a female infant otherwise than by virtue of an order of a competent court" and substituting the following—  
"acquires the custody or control of any female infant in circumstances that would, before the 31st December 1972, have constituted an adoption in Hong Kong under Chinese law and custom".

Amendment of section 31.

5. Section 31(4) of the principal Ordinance is amended by deleting "a magistrate" wherever it occurs and substituting in each place the following—  
"the District Court".

Amendment of section 34.

6. Section 34 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by deleting "young person" in the first and second places where it occurs and substituting in each case the following—  
"juvenile"; and

(ii) in paragraph (d), by deleting "and may from time to time upon its own motion or upon similar application or upon application of a parent or guardian or of any person or institution to whose care such child or young person has been committed, amend any order so made";

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

"(1A) The probation officer or other person under whose supervision a female child or female juvenile is placed under a supervision order shall be a woman.

(1B) A juvenile court shall, if practicable, forthwith send copies of—

(a) an order made under subsection (1)(a) or an order made under section 34C(1) discharging or varying such order—

(i) to the juvenile in relation to whom the order is made and to his parent or guardian (other than the Director of Social Welfare) or, in the case of a child, to his parent or guardian (other than the Director of Social Welfare); and

(ii) to the Director of Social Welfare;

(b) an order made under subsection (1)(b) or (c) or an order made under section 34C(1) discharging or varying such order—

(i) to the juvenile in relation to whom the order is made and to his parent or guardian or, in the case of a child, to his parent or guardian;

(ii) to the Director of Social Welfare; and

(iii) to the person or institution to whom or to which the order is directed or to whose care the child or juvenile is committed;

(c) a supervision order made under subsection (1)(d) or an order under section 34C(2)—

(i) to the juvenile in relation to whom the order is made and to his parent or guardian or, in the case of a child, to his parent or guardian;

(ii) to the Director of Social Welfare; and

(iii) where the supervised person is required by the order, or was required by the supervision order before it was varied or discharged, to reside with an individual or to undergo medical treatment for his mental condition by or under the direction of an individual or at any place, to the individual or the person in charge of the place.";

(c) in subsections (2), (3), (5) and (7), by deleting "young person" wherever it occurs and substituting in each case the following—  
"juvenile";

(d) in subsection (4)—

(i) by deleting "young person" wherever it occurs and substituting in each case the following—  
"juvenile"; and

(ii) in paragraph (c), by inserting after "whose care the child" the following—  
"or juvenile"; and

(e) by deleting subsection (6) and substituting the following subsections—

(2 of 1978.)  
(Cap. 181.)  
"6) An order under subsection (1)(a) which is in force at the commencement of the Protection of Women and Juveniles (Amendment) Ordinance 1978 or which is made on or after such commencement, shall, unless it previously ceases to have effect, cease to have effect on the date the child or juvenile in relation to whom the order was made attains the age of 21 or marries (with the consent of the proper person prescribed in the Marriage Ordinance) before that date.

(6A) An order under subsection (1)(b), (c) or (d) which is in force at the commencement of the Protection of Women and Juveniles (Amendment) Ordinance 1978—

(a) in relation to a male child or male juvenile, shall, unless it previously ceases to have effect, cease to have effect on the date he attains the age of 16;

(b) in relation to a female, shall cease to have effect if she has attained the age of 18 or, unless it previously ceases to have effect, on the date she attains the age of 18 or marries (with the consent of the proper person prescribed in the Marriage Ordinance) before that date.

(6B) An order under subsection (1)(b), (c) or (d) made on or after the commencement of the Protection of Women and Juveniles (Amendment) Ordinance 1978, shall, unless it previously ceases to have effect, cease to have effect on the date the child or juvenile in relation to whom the order was

made attains the age of 18 or marries (with the consent of the proper person prescribed in the Marriage Ordinance) before that date.

(6C) Any reference in this Ordinance to a child or juvenile in relation to whom an order under subsection (1) has been made shall, while the order remains in force, be construed as including a reference to the same person notwithstanding that in the meantime he has ceased to be a child or juvenile."

Repeal and replacement of section 34A. 7. Section 34A of the principal Ordinance is repealed and replaced by the following sections—

"Power to include requirements in supervision orders.

**34A.** A supervision order may require the supervised person to comply during the whole or any part of the duration of the supervision order with such requirements, including requirements as to residence or medical treatment for his mental condition, as the juvenile court, having regard to the circumstances of the case, considers necessary for securing the adequate care, protection and control of the supervised person.

Duty of supervisor. 1969 c. 54, s. 14.

**34B.** While a supervision order is in force it shall be the duty of the supervisor to advise, assist and befriend the supervised person.

Discharge or variation of orders under section 34(1).

**34C.** (1) Subject to subsection (5), a juvenile court may at any time on its own motion, or upon the application of a parent or guardian, or of any person or institution to whose care a child or juvenile has been committed, discharge or vary an order made under section 34(1)(a), (b) or (c).

(2) Subject to subsection (5), a juvenile court may at any time upon the application of the supervisor or the supervised person discharge or vary a supervision order and any such variation may include—

- (a) the cancellation of any requirement included in it; or
- (b) the insertion in it (either in addition to or in substitution for any of its provisions) of any requirement which could have been included in it.

(3) In dealing with any matter relating to the discharge or variation of an order made under section 34(1), the juvenile court may require the presence before it of the child and the parent or guardian of the child, or may require the presence before it of the juvenile, as the case may be, and subject to subsection (4) a court shall not make an order under this section unless the child and the parent or guardian of the child, or the juvenile, is present before it.

(4) A juvenile court may make an order under this section in the absence of the child and the parent or guardian of the child, or the juvenile, if the effect of the order is confined to one or more of the following—

- (a) discharging the order;
- (b) reducing the duration of the order or any requirement included in it;
- (c) cancelling a requirement included in the order.

(5) Where an application under this section for the discharge of an order is dismissed, no further application for its discharge shall be made under this section by any person during the period of 3 months beginning with the date of the dismissal except with the consent of a juvenile court.

Contraventions of supervision orders.

**34D.** Where a supervised person fails to comply with any requirement imposed by a supervision order, the supervisor may make an application to a juvenile court under section 34C(2) for an order to be made under that section.

Detention of child or juvenile in place of refuge. [cf. 23 Geo. 5, C. 12, s. 67 and 1963 c. 37, s. 23(2).] Schedule.

**34E.** (1) Any probation officer, any person authorized in writing by the Director of Social Welfare, or any police officer of the rank of station sergeant or above may take to a place of refuge any child or juvenile—

- (a) in relation to whom any of the offences specified in items 3, 4 and 5 in the Schedule has been or is believed to have been committed;
- (b) who appears to be in need of care and protection and who is about to be brought before a juvenile court for the purposes of section 34; or
- (c) in relation to whom there is in force an order under section 34(1) and who is about to be brought before a juvenile court for the purposes of section 34C.

(2) Subject to this section, a child or juvenile who is taken to a place of refuge under subsection (1), or who has taken refuge in a place of refuge, may be detained there until the child or juvenile can be brought before a juvenile court.

(3) Within 8 days after a child or juvenile is taken to, or takes refuge in, a place of refuge, an application in relation to that child or juvenile shall be made to a juvenile court under section 34(1) or 34C, as the case may be, if no such application has already been made.

(4) Notwithstanding anything contained in section 34(1), where an application is made to a juvenile court under that section or under section 34C the court may, whether or not the child or juvenile in relation to whom the application is made is before the court, order the detention or continued detention of the child or juvenile in a place of refuge for a period not exceeding 28 days from the date of the order in the first instance in order that further inquiries may be made about the child or juvenile, and, if necessary for that purpose, may during the continuance in force of such order make further orders of detention for such period or periods as the court thinks fit, provided that the total period of continuous detention does not at any time exceed an aggregate of 56 days.

(5) Where a child or juvenile is detained in a place of refuge in pursuance of this section, the person in charge of the place of refuge shall have the like control over the child or juvenile as the parent and shall be responsible for his maintenance, and the child or juvenile shall continue in the care of the person in charge of the place of refuge, notwithstanding that he is claimed by his parent or any other person."

Amendment of  
section 35.

8. Section 35 of the principal Ordinance is amended by—  
(a) deleting "young person" wherever it occurs and substituting in each case the following—

"juvenile"; and

- (b) inserting after subsection (6) the following subsection—

"(7) Where a person endangered is detained in a place of refuge in pursuance of this section, the person in charge of the place of refuge shall have the like control over that person as the parent and shall be responsible for his maintenance, and that person shall continue in the care of the person in charge of the place of refuge, notwithstanding that he is claimed by his parent or any other person."

Amendment of  
section 39.

9. Section 39(1) of the principal Ordinance is amended—

- (a) in paragraph (e)—

(i) by deleting "young persons" and substituting the following—

"juveniles"; and

(ii) by inserting after "such children" the following—

"or juveniles"; and

- (b) in paragraph (f), by deleting "young persons" and substituting the following—

"juveniles".

Amendment of  
section 41.

10. Section 41 of the principal Ordinance is amended by—

- (a) deleting "young person" wherever it occurs and substituting in each case the following—

"juvenile"; and

- (b) deleting "or by any district watchman or by any person specially or generally authorized in that behalf by the Director of Social Welfare".

Amendment of  
section 42.

11. Section 42 of the principal Ordinance is amended by deleting "young person" wherever it occurs and substituting in each case the following—

"juvenile".

Amendment of  
section 43.

12. Section 43 of the principal Ordinance is amended by deleting "young person" and substituting the following—

"juvenile".

Amendment of  
section 44.

13. Section 44 of the principal Ordinance is amended by deleting "young person" wherever it occurs and substituting in each case the following—

"juvenile".

Amendment of  
section 45.

14. Section 45(2) of the principal Ordinance is amended in paragraph (c) by deleting "young person" and substituting the following—

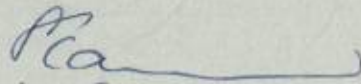
"juvenile".

Amendment of  
Schedule.

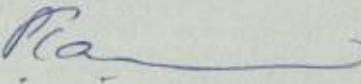
15. The Schedule to the principal Ordinance is amended in items 1 and 5 by deleting "young person" and substituting in each case the following—

"juvenile".

Passed by the Hong Kong Legislative Council this 10th day of May, 1978.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

HUNG KONG

No. 33 OF 1978



I assent


A handwritten signature in blue ink, appearing to be "M. M. M." or similar, written in a cursive style.

Governor

**HONG KONG**

No. 33 OF 1978

I assent.



*M. S. M. S. M.*

*Governor.*

*11th May, 1978.*

An Ordinance to amend the Housing Ordinance.

[12th May, 1978]

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

1. This Ordinance may be cited as the Housing (Amendment) (No. 2) Ordinance 1978. Short title.

2. Section 2 of the principal Ordinance is amended—

Amendment of section 2.

(a) in the definition of "estate", by inserting, after "Authority" in the second place where it occurs, the following— (Cap. 283.)

"under section 5 or under a deed of mutual covenant or otherwise";

(b) by deleting the definition of "land" and substituting the following—

"land" includes any building and structure thereon and any part of such building or structure;"; and

(c) by inserting, in their appropriate alphabetical positions, the following definitions—

"common parts" means the whole of any land sold or otherwise disposed of under section 17A, except such parts

thereof as have been specified or designated in an instrument registered in the Land Office as being for the exclusive use, occupation or enjoyment of an owner;

"Land Office" means the Land Office established under the Land Registration Ordinance and a District Land Office established under the New Territories Ordinance;

(Cap. 128.)  
(Cap. 97.)

"owner" means—

- (a) a person who for the time being appears from the records at the Land Office to be the owner of an undivided share in land; and
- (b) a registered mortgagee in possession of such undivided share in land;

"registered mortgagee" means—

- (a) a person to whom an owner's interest in land has been mortgaged or charged under a mortgage or charge which has been registered in the Land Office; and
- (b) a person in whose favour a charge upon land has been created by virtue of any Ordinance;"

Amendment of  
section 4.

3. Section 4(2) of the principal Ordinance is amended by—

(a) inserting after paragraph (a) the following paragraph—

"(aa) to prepare and execute proposals, plans and projects for the construction, alteration, enlargement or improvement of buildings;"

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

"(e) to manage any housing, and any premises, structures and grounds ancillary thereto, and any common parts, having regard to the interests, welfare and comfort of the tenants, owners or occupiers thereof, and to charge fees for its services in connexion with such management;" and

(c) inserting after paragraph (g) the following paragraphs—

"(ga) enter into, assign or accept the assignment of, and vary or rescind, any contract or obligation;

(gb) charge fees for such other purposes as it thinks fit;"

Addition of  
sections 17A  
and 17B.

4. The principal Ordinance is amended by adding after section 17 the following sections—

"Sale of land.

17A. (1) Subject to the conditions of the Crown lease in respect of any land in an estate, and subject to the payment of such purchase price and such terms and conditions of payment as the Authority may determine with the prior approval of the Governor, the Authority may sell or otherwise dispose of any such land.

(2) Subject to the conditions of the Crown lease in respect of any land in an estate, the Authority may fix the terms, covenants and conditions on which such land may be sold or otherwise disposed of.

(3) The Authority shall determine the eligibility of persons to purchase land in an estate, specify the form of application for the purchase of such land and the information to be provided in such application, and charge such fee in respect of such application as it may determine.

Assignments  
when void.

17B. Where any land in an estate is sold under section 17A to any person, an assignment or purported assignment, or parting with possession, of such land, or an agreement to assign such land, or an alienation of any interest in such land, by the owner thereof in breach of—

- (a) any term or condition of the agreement for sale and purchase; or
- (b) any covenant in the deed of assignment, entered into or executed by the owner and the Authority in respect of such land shall be void."

5. Section 18 of the principal Ordinance is amended—

- (a) by being renumbered as subsection (1) thereof;
- (b) in subsection (1), by deleting "The Buildings Ordinance,"; and
- (c) by inserting the following subsections—

(Cap. 123.)

"(2) Subject to subsection (3), the Buildings Ordinance shall not apply to any building to be constructed, or which is being constructed, by the Authority and to any building which is vested in the Authority and no part of which has been sold or otherwise disposed of under section 17A.

(3) The Buildings Ordinance, other than section 21 thereof, shall apply to any such building if, after its construction has been completed, any part of it is sold or otherwise disposed of under section 17A of this Ordinance."

Amendment of  
section 18.

6. Section 23(1) of the principal Ordinance is amended by deleting "or part thereof in an estate" and substituting the following—

"which is vested in the Authority and no part of which has been sold or otherwise disposed of under section 17A, or any part of such building."

Amendment of  
section 23.

7. Section 24(1) of the principal Ordinance is amended by deleting paragraphs (b), (c) and (d) and substituting the following paragraphs—

"(b) found on any land in an estate (other than land leased under section 16) vested in or under the control and management of the Authority and which appears to an authorized officer to have been abandoned;

(c) which has been placed in or on or affixed to any land in an estate in contravention of any condition in a lease, deed of assignment or deed of mutual covenant;

(d) which causes an obstruction or nuisance on or in any land in an estate (other than land leased under section 16) vested in or under the control and management of the Authority."

Amendment of  
section 24.

8. Section 26 of the principal Ordinance is amended—

- (a) by being renumbered as subsection (1) thereof; and
- (b) by inserting the following subsection—

"(2) Any person who makes any statement to the Authority—

- (a) in respect of any matter relating to the purchase of land in an estate; or

Amendment of  
section 26.

(b) in providing any information to the Authority in respect of such matter,

which he knows to be false or misleading as to a material particular shall be guilty of an offence and shall be liable on conviction to a fine of one hundred thousand dollars and to imprisonment for six months."

Repeal and replacement of section 29A.

9. Section 29A of the principal Ordinance is repealed and replaced by the following section—

"Limitation of time for prosecution of offences. (Cap. 227.)

29A. Notwithstanding anything in the Magistrates Ordinance—

- (a) proceeding in respect of an offence against any section of this Ordinance, other than section 26(2), may be brought at any time within two years next after the commission of the offence or within six months after the discovery thereof by the prosecutor, whichever period expires first;
- (b) proceedings in respect of an offence against section 26(2) may be brought at any time within six years next after the commission of the offence or within six months after the discovery thereof by the prosecutor, whichever period expires first."

Amendment of section 30.

10. Section 30(1) of the principal Ordinance is amended by inserting after paragraph (f) the following paragraph—

"(fa) The management and control of common parts;"

Amendment of section 32.

11. Section 32 of the principal Ordinance is amended by deleting "Any part of an estate, which is not the subject of a lease," and substituting the following—

"Any land in an estate (other than land leased under section 16 or land which has been sold or otherwise disposed of under section 17A) vested in or under the control and management of the Authority".

Amendment of section 35.

12. Section 35 of the principal Ordinance is amended by deleting "letter, notice or document" and substituting the following—

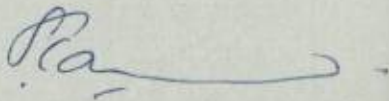
"assignment, agreement, deed of mutual covenant, letter, notice or other document".

Consequential amendment to Buildings Ordinance. (Cap. 123.)

13. Section 41(1)(aa) of the Buildings Ordinance is amended by inserting before "building" the following—

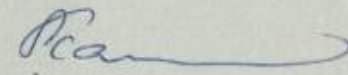
"subject to section 18(2) and (3) of the Housing Ordinance,".

Passed by the Hong Kong Legislative Council this 10th day of May, 1978.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

HONG KONG

No. 34 of 1978



I assent

A handwritten signature in blue ink, appearing to be 'M' followed by a flourish.

Governor

**HONG KONG**

No. 34 OF 1978



I assent.

*Governor.*

*11th May, 1978.*

An Ordinance to amend the Land Registration Ordinance.

[12th May, 1978]

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

1. This Ordinance may be cited as the Land Registration (Amendment) Ordinance 1978. Short title

2. Section 3(1) of the principal Ordinance is amended by deleting "All" and substituting the following— Amendment of section 3. (Cap. 128.)

"Subject to this Ordinance, all".

3. Section 5 of the principal Ordinance is amended by deleting "if executed in the Colony, are registered within one month, or which, if executed in any other place, are registered within twelve months, after the time of execution thereof respectively, and all wills which, if the deviser dies in the Colony, are registered within one month, or which, if the deviser dies in any other place, are registered within twelve months," and substituting the following— Amendment of section 5.

"are registered within one month after the time of execution thereof respectively, and all wills which are registered within one month".

Addition  
of new  
section 5A.

4. The principal Ordinance is amended by adding after section 5 the following—

"Priority  
of registered  
charging  
orders and *lites  
pendentes*."

5A. Notwithstanding section 3 or section 5 a charging order or *lis pendens* which is duly registered shall have priority from the commencement of the day following the date of its registration."

Saving for  
instruments  
executed  
within 12  
months before  
the commence-  
ment of this  
Ordinance.

5. Notwithstanding section 3—

- (a) all deeds, conveyances and other instruments in writing (except wills) which were executed outside Hong Kong within 12 months before the date of the commencement of this Ordinance and which on or after that date are registered within 12 months after the date of the execution thereof; and
- (b) all wills which if the deviser has died outside Hong Kong within 12 months before the date of the commencement of this Ordinance and which on or after that date are registered within 12 months after the decease of the deviser,

shall be entitled to priority and take effect respectively as if this Ordinance had not been passed.

Passed by the Hong Kong Legislative Council this 10th day of May, 1978.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

No. 35 OF 1978



I assent.

Governor.

Principal Ordinance is amended by adding after section 3 the

5A. Notwithstanding section 3 or section 5 a charging order or *lis pendens* which is duly registered shall have priority from the commencement of the day following the date of its registration."

Notwithstanding section 3—

deeds, conveyances and other instruments in writing (except those which were executed outside Hong Kong within 12 months before the date of the commencement of this Ordinance and those on or after that date are registered within 12 months after the date of the execution thereof; and

deeds which if the devisor has died outside Hong Kong within 12 months before the date of the commencement of this Ordinance and which on or after that date are registered within 12 months after the date of the decease of the devisor,

shall have priority and take effect respectively as if this Ordinance had been passed.

Enacted by the Hong Kong Legislative Council this 10th day of May,



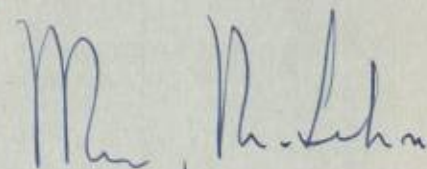
Clerk to the Legislative Council.

## HONG KONG

No. 35 OF 1978



I assent.



Governor.

11th May, 1978.

An Ordinance to amend the Summary Offences Ordinance.

[1st July, 1979]

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

1. This Ordinance may be cited as the Summary Offences (Amendment) Ordinance 1978 and shall come into operation on the 1st July 1979. Short title and commencement.
2. Section 13 of the principal Ordinance is amended— Amendment of section 13.
  - (a) in subsection (1) by deleting paragraph (b) and substituting the following—

“(b) between the hours of 7 p.m. and 7 a.m. or on any public holiday, uses or causes or permits to be used any powered mechanical equipment for the purposes of carrying out any work.”;
  - (b) by inserting after subsection (1) the following new subsection—

“(1A) It shall not be an offence under subsection (1)(b)—

    - (a) for any person to use or cause or permit to be used a single piece of powered mechanical equipment for the purposes of carrying out any work on or within domestic premises;

Provided that—

- (i) the powered mechanical equipment being used is of a kind normally used or operated, or has been so manufactured or designed as to be reasonably capable of being used or operated, by holding the equipment in the hand without any other form of support; and
  - (ii) no more than one such piece of powered mechanical equipment is being used in the premises at any one time;
- (b) for any person to use or cause or permit to be used any powered mechanical equipment for the purpose of—
- (i) preventing injury to any person or saving the life of any person; or
  - (ii) preventing damage to property where the circumstances placing the property in danger of being damaged could not reasonably have been foreseen by the proprietor, occupier, inhabitant or person in charge thereof and where the immediate use of such equipment is necessary in order to prevent damage to that property or any adjoining property.”;
- (c) in subsection (2) by deleting “the operation of the pile driver,” and substituting the following—
- “the use of any powered mechanical equipment.”;
- (d) in subsection (7)—
- (i) by deleting the definitions of “pile” and “piling”; and
  - (ii) by inserting the following definitions—
- ““domestic premises” means, in relation to the occupier thereof, premises which are his usual or habitual dwelling place and are either used or occupied by him for dwelling purposes only, or partly for dwelling purposes and partly for business purposes;
- “powered mechanical equipment” means any machine or device driven by electrical, chemical or thermal energy including energy transmitted by compressed air, steam or hydraulic means a principal function of which is to produce mechanical movement.”; and
- (e) by deleting subsection (8).

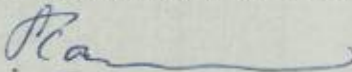
3. The principal Ordinance is amended by adding after section 37 the following new section—

“Power of Governor to give directions.

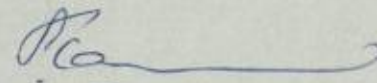
38. (1) The Governor may give such directions as he thinks fit, either generally or in any particular case, to the Director of Public Works for the purposes of section 13.

(2) The Director of Public Works shall comply with any direction given by the Governor under subsection (1).”.

Passed by the Hong Kong Legislative Council this 10th day of May, 1978.

  
Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

HONG KONG

No. 36 OF 1978



I assen

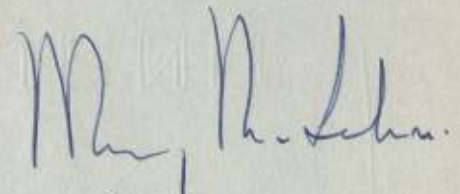

A handwritten signature in blue ink, appearing to be "M. H. S.", written over a faint, circular embossed watermark.

Governor

**HONG KONG**

No. 36 OF 1978

I assent.



*Governor.*

*11th May, 1978.*

An Ordinance to amend certain Ordinances relating to the disciplined services to enable certain grants to be made from welfare funds established under those Ordinances, and to make certain other amendments relating to grants from such funds.

[12th May, 1978]

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

1. This Ordinance may be cited as the Disciplined Services (Welfare Funds) Ordinance 1978. Short title.

2. The Ordinances specified in the Schedule are amended in the manner specified therein. Amendments. Schedule.

**SCHEDULE**

[s. 2.]

<i>Item</i>	<i>Ordinance</i>	<i>Amendment</i>	
1.	Fire Services Ordinance.	Section 19 is amended— (a) by deleting the full stop at the end of paragraph (b) and substituting a semicolon; and (b) by inserting after paragraph (b) the following paragraph— “(c) in making grants to persons who were wholly or partially dependent	(Cap. 95.)

Item	Ordinance	Amendment
(Cap. 232.)	2. Police Force Ordinance.	<p>at the time of his death on a deceased member, or a deceased former member who had retired on pension, gratuity or other allowance, and who are in need of financial assistance, whether towards the payment of the funeral expenses of the deceased member or deceased former member or otherwise.”.</p> <p>Section 39(3) is amended—</p> <p>(a) in paragraph (c) by deleting “on rates and terms in accordance with police regulations”;</p> <p>(b) by deleting “and” at the end of paragraph (c);</p> <p>(c) by deleting the full stop at the end of paragraph (d) and substituting a semicolon; and</p> <p>(d) by inserting after paragraph (d) the following paragraph—</p> <p>“(e) making grants to persons who were wholly or partially dependent at the time of his death on—</p> <p>(i) a deceased police officer or a deceased former police officer who had retired on pension or gratuity; or</p> <p>(ii) a deceased person who was at any time a public officer attached to the police force and who died in service or who had retired on pension or gratuity, and who are in need of financial assistance, whether towards the payment of the funeral expenses of the deceased or otherwise.”.</p>
(Cap. 234.)	3. Prisons Ordinance.	<p>Section 22 is amended—</p> <p>(a) in subsection (2)(a) by deleting “subordinate officer” and substituting the following—</p> <p>“officer of the Prisons Department”; and</p> <p>(b) in subsection (3)—</p> <p>(i) in paragraphs (a) and (b) by deleting “subordinate officers” in both places where it occurs and substituting in each place the following—</p> <p>“officers of the Prisons Department”;</p> <p>(ii) by deleting “and” at the end of paragraph (b);</p> <p>(iii) by deleting paragraph (c) and substituting the following—</p> <p>“(c) granting loans to officers of the Prisons Department and other persons employed in the prisons who are serving or who have retired on pension or gratuity;”;</p>

Item	Ordinance	Amendment
		<p>(iv) by inserting after paragraph (c) the following paragraph—</p> <p>“(d) making grants to persons who were wholly or partially dependent at the time of his death on—</p> <p>(i) a deceased officer or a deceased former officer who had retired on pension or gratuity; or</p> <p>(ii) a deceased person employed in the prisons or a deceased person who was at any time employed in the prisons and who had retired on pension or gratuity, and who are in need of financial assistance, whether towards the payment of funeral expenses of the deceased or otherwise.”.</p>
	4. Hawker Control Force Ordinance.	<p>Section 39(1) is amended—</p> <p>(a) by deleting “and” at the end of paragraph (b);</p> <p>(b) in paragraph (c) by deleting “at such rates and on such terms as may be prescribed by regulations and”;</p> <p>(c) by deleting the full stop at the end of paragraph (c) and substituting a semicolon; and</p> <p>(d) by inserting after paragraph (c) the following paragraph—</p> <p>“(d) making grants to persons who were wholly or partially dependent at the time of his death on a deceased member, or a deceased former member of the Force who had retired on pension or gratuity and who are in need of financial assistance, whether towards the payment of the funeral expenses of the deceased member or deceased former member or otherwise.”.</p> <p>(Cap. 325.)</p>
	5. Immigration Service Ordinance.	<p>Section 16 is amended—</p> <p>(a) in paragraph (b) by deleting “, on such terms and conditions as may be prescribed by regulations made under section 22,”;</p> <p>(b) by deleting the full stop at the end of paragraph (b) and substituting a semicolon; and</p> <p>(c) by inserting after paragraph (b) the following paragraph—</p> <p>“(c) making grants to persons who were wholly or partially dependent at the time of his death on a deceased member, or a deceased former member of the Service who had retired on pension, gratuity or other allowance, and who are in need of financial assistance, whether towards</p> <p>(Cap. 331.)</p>

## Item Ordinance

## Amendment

(Cap. 342.)

6. Customs and Excise Service Ordinance.

Section 19 is repealed and replaced by the following—  
"Control of Fund.

the payment of the funeral expenses of the deceased member or deceased former member or otherwise."

is repealed and replaced by the

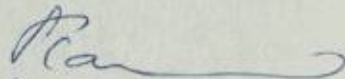
19. The Customs and Excise Service Welfare Fund shall be controlled by the Commissioner, subject to regulations made under section 22, and applied—

(a) (i) for the purpose of procuring comforts, convenience and other benefits, which are not chargeable to public revenue, for, and

(ii) in granting loans to, members or former members who have retired on pension, gratuity or other allowance or, where any member or any such former member has died, any person who was wholly or partially dependent on him at the time of his death; and

(b) in making grants to persons who were wholly or partially dependent at the time of his death on a deceased member, or a deceased former member who had retired on pension, gratuity or other allowance, and who are in need of financial assistance, whether towards the payment of the funeral expenses of the deceased member or deceased former member or otherwise."

Passed by the Hong Kong Legislative Council this 10th day of May, 1978.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

HONG KONG  
No. 37 OF 1978



I assent.

s and  
Service  
ice.

Section 19  
following—  
"Control  
of Fund.

*Amendment*  
the payment of the funeral expenses  
of the deceased member or deceased  
former member or otherwise."

is repealed and replaced by the


19. The Customs and Excise  
Service Welfare Fund shall be con-  
trolled by the Commissioner, subject  
to regulations made under section 22,  
and applied—

- (a) (i) for the purpose of  
procuring comforts, conveni-  
ence and other benefits,  
which are not chargeable to  
public revenue, for, and  
(ii) in granting loans to,  
members or former members  
who have retired on pension,  
gratuity or other allowance  
or, where any member or  
any such former member  
has died, any person who  
was wholly or partially de-  
pendent on him at the time  
of his death; and  
(b) in making grants to persons  
who were wholly or partially  
dependent at the time of his  
death on a deceased member,  
or a deceased former

## HONG KONG

No. 37 OF 1978

I assent.



*Mr. N. S. K. ...*  
Governor.

11th May, 1978.

An Ordinance to amend the Factories and Industrial Undertakings  
Ordinance.

[12th May, 1978]

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

1. This Ordinance may be cited as the Factories and Industrial  
Undertakings (Amendment) Ordinance 1978.

Short title.

2. Section 2(1) of the principal Ordinance is amended in the defini-  
tion of "industrial undertaking" by—

Amendment of  
section 2.  
(Cap. 59.)

- (a) deleting "and" at the end of paragraph (g);  
(b) adding "and" at the end of paragraph (h); and  
(c) adding the following new paragraph—

"(i) any premises or site in or upon which, and the machinery,  
plant, tools, gear and materials with which, any of the  
foregoing industrial undertakings is carried on."

Passed by the Hong Kong Legislative Council this 10th day of May, 1978.

*[Handwritten signature]*

Clerk to the Legislative Council.

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

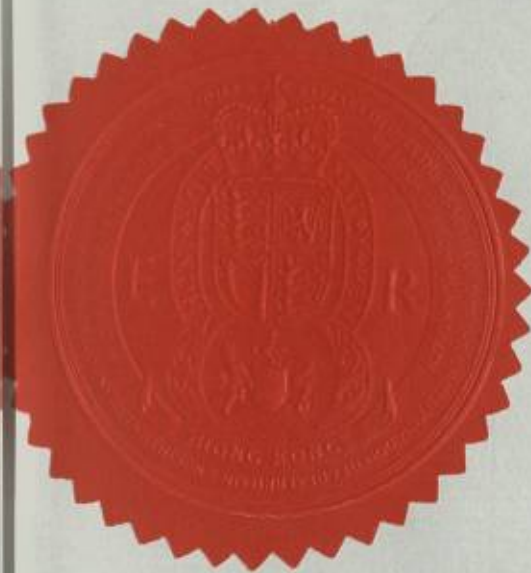


*[Handwritten signature]*

Clerk to the Legislative Council.

HONG KONG

No. 38 OF 1978



I assent.

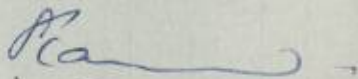
*[Handwritten signature]*

Governor

25th May, 1978

An Ordinance to provide for the taking of a census of population, collection, compilation and publication of statistical information.

HONG KONG Legislative Council this 10th day of May,

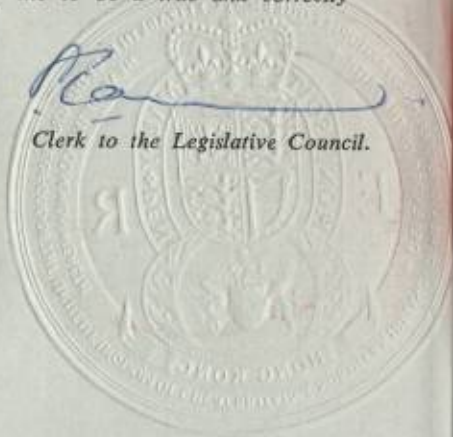


Clerk to the Legislative Council.

Printed impression has been carefully compared by me  
with the original, and is found by me to be a true and correct  
copy of the said bill.

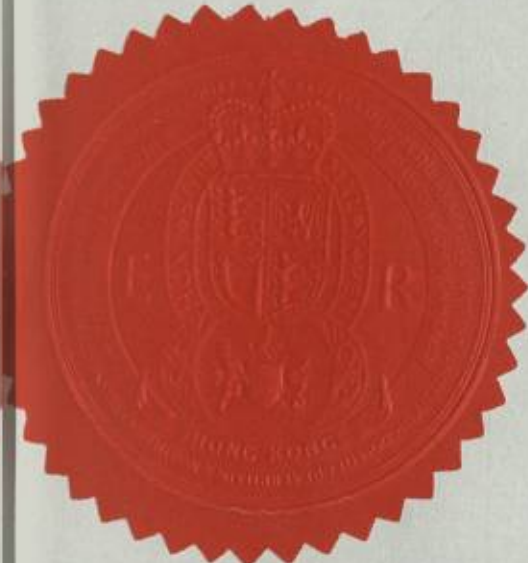


Clerk to the Legislative Council.

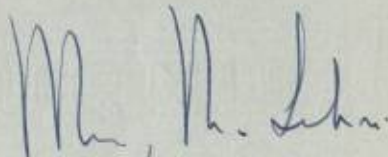


**HONG KONG**

No. 38 OF 1978



I assent.



Governor

25th May, 1978.

An Ordinance to provide for the taking of a census of population and the collection, compilation and publication of statistical information concerning Hong Kong and for matters connected therewith; and to repeal the Census Ordinance.

[26th May, 1978]

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

**PART I**

**PRELIMINARY**

1. This Ordinance may be cited as the Census and Statistics Short title Ordinance 1978.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"census officer" means—

- (a) the Commissioner;
- (b) any person employed or whose services are used under section 5;

"census of population" means a census of population taken under section 9;

"Commissioner" means the Commissioner for Census and Statistics appointed under section 3;

"functions" includes powers and duties;

"occupier", in relation to any premises, includes any person in charge or command thereof and, where such person is a corporation, any

director, secretary, manager or other person concerned in the management of the corporation or actually in charge of the premises on behalf of the corporation;

"premises" includes—

- (a) any land;
- (b) any building or other structure, whether permanent or temporary;
- (c) any part of any premises which is used as a dwelling or place of business or other activity separately from any other part;
- (d) any vessel, train, aircraft or vehicle;

"sampling" means a statistical procedure by which information relating to a whole field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons concerned in the relevant field of inquiry;

"schedule" means any form or other document issued by the Commissioner for collecting statistical information in any statistical inquiry;

"specified person", in relation to any statistical inquiry, means a person of a class or description of persons specified for the purpose of such inquiry in an order under section 9(2)(a)(iii) or section 11(2)(a)(iii);

"statistical inquiry" means—

- (a) a census of population;
- (b) a survey;

"survey" means a statistical survey carried out under section 11;

"undertaking" means any undertaking whether by way of trade or business or otherwise.

Commissioner  
for Census and  
Statistics.

3. (1) There shall be a Commissioner for Census and Statistics who shall be appointed by the Governor.

(2) Any person holding or acting in the public office of Commissioner for Census and Statistics immediately before the commencement of this Ordinance shall continue to hold or to act in such office, as the case may be, as if appointed under this section.

Functions of  
Commissioner.

4. Subject to this Ordinance, the functions of the Commissioner are—

- (a) to make such arrangements and to do all such things as are necessary for the taking of any census of population or the carrying out of any survey;
- (b) to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, financial, social, economic and general activities and condition of the people,

and for those purposes to design and use such schedules as he thinks fit and to lay down the instructions and procedures necessary for the proper distribution, completion and return thereof.

Temporary  
employment of  
persons as  
census officers.

5. (1) The Commissioner may employ temporarily, whether for payment or otherwise, such number of persons to be census officers as may appear to him to be necessary for the purpose of carrying out any statistical inquiry.

(2) The Commissioner may, with the approval of the Secretary for the Civil Service, use the services of any public officer for the purposes of any statistical inquiry.

(3) The duties of a person employed under subsection (1) or whose services are used under subsection (2) shall be such as the Commissioner may determine.

6. Every census officer shall, before entering upon his duties, complete a declaration either in Form 1 or Form 2 in the Schedule.

Declaration of  
secrecy.  
Schedule.

7. (1) The Commissioner shall issue to every census officer who is engaged in a statistical inquiry a certificate specifying the nature of the inquiry and stating that the person named therein is authorized to act as a census officer for the purpose of that inquiry; and a census officer shall produce such certificate for inspection by any person who may question his authority to exercise any function conferred on a census officer by this Ordinance.

Identification of  
census officers.

(2) A certificate purporting to be issued under subsection (1) by the Commissioner shall be admissible in evidence in any civil or criminal proceedings and shall, until the contrary is proved, be sufficient evidence of the facts stated therein.

(3) In addition to the issue of a certificate under subsection (1), the Commissioner may issue to census officers such insignia, arm bands or other tokens as he may consider necessary for the purpose of identification.

8. (1) The Governor may give to the Commissioner or any other public officer such directions as he thinks fit with respect to the exercise or performance of his functions under this Ordinance, and such directions may be given generally or in respect of any particular case.

Power of  
Governor to  
give directions.

(2) A person to whom a direction is given by the Governor under subsection (1) shall, in the exercise or performance of his functions under this Ordinance, comply with that direction.

## PART II

### CENSUS OF POPULATION

9. (1) The Governor in Council may, by order in the *Gazette*, direct that a census of population be taken for Hong Kong or any part thereof.

Power to  
direct census  
of population  
to be taken.

(2) An order made under subsection (1) in respect of a census of population—

(a) shall specify—

- (i) the purpose for which the census is required;
- (ii) the persons, premises, establishments or other matters, in respect of which particulars for the purpose of the census are to be obtained;
- (iii) the class or description of persons who are required to give information for the purpose of the census;
- (iv) the date or dates on which or the period in respect of which the census is to be taken;
- (v) the date by which all completed schedules collected or received by census officers for the census and all copies thereof shall be destroyed; and

(b) may authorize the use of sampling methods for the collection of information relevant to the census.

10. The Commissioner may, in such manner as he thinks fit, obtain such particulars as may be required for the purposes of any census of population regarding—

Enumeration of  
armed forces  
and travellers.

- (a) any naval, military or air force personnel for the time being in Hong Kong whether engaged in the Armed Forces of the Crown or in the armed forces of any foreign power; and

- (b) any persons who, at the time of the taking of the census, are travelling or are on board any vessel or for any reason are not residing in any premises of which account is to be taken in the census.

### PART III STATISTICAL SURVEYS

Power to direct  
statistical  
surveys.

11. (1) The Governor in Council may, by order in the *Gazette*, direct that a statistical survey be carried out in relation to any matter specified in section 4(b) other than a census of population.

(2) An order made under subsection (1)—

(a) shall specify—

- (i) the purposes for which the survey is required;
- (ii) the persons in respect of whom or matters in respect of which information is to be given for such purposes;
- (iii) the class or description of persons who are required to give information for such purposes;
- (iv) the date by which all completed schedules collected or received by census officers for the survey and all copies thereof shall be destroyed; and

(b) may—

- (i) specify the date or dates on which or the period in respect of which the survey is to be carried out;
- (ii) require any specified person to furnish to the Commissioner, in such form and manner and within such time as may be specified in the order, such estimates or returns as may be so specified relating to the matters which are the subject of the survey;
- (iii) authorize the use of sampling methods for the collection of the statistical information relevant to the survey.

### PART IV

#### DELIVERY AND COMPLETION OF SCHEDULES

Delivery of  
schedules.

12. (1) For the purpose of carrying out a statistical inquiry, the Commissioner may direct any census officer to deliver, in accordance with such direction, to any specified person one or more schedules for completion by such person.

(2) For the purpose of taking a census of population, the Commissioner may direct any census officer to deliver or cause to be delivered to the person in charge of any of the following premises—

- (a) any public or private institution of any kind whatsoever in which inmates reside, whether for payment or otherwise, including any penal, corrective or remand establishment; or
- (b) any hotel, boarding house, lodging-house, club or other residential establishment,

a schedule to be completed by that person in respect of the persons who, at the time of taking the census, are in or upon such premises.

(3) Delivery under subsection (1) of a schedule to a specified person may be effected—

- (a) personally by a census officer;
- (b) by being sent by post to the last known postal address of such specified person;

- (c) by being left by a census officer at his last known residential address or at any undertaking of such specified person, or, in the case of a corporation, at its registered office or principal place of business.

(4) For the purpose of providing information for specified persons generally in relation to a statistical inquiry, including the instructions and procedures laid down under section 4 for the completion of schedules, the Commissioner may give such publicity to the inquiry by means of advertisements or otherwise as he may deem fit.

13. (1) Any person (not being a person to whom subsection (2) applies) to whom a schedule relating to a statistical inquiry is delivered under section 12 shall complete it or cause it to be completed to the best of his knowledge and belief by providing the information specified, in the manner and within the time indicated, in such schedule and shall thereafter return it in the manner and within the time specified therein.

Completion  
and return of  
schedules.

(2) If any person to whom a schedule is delivered under section 12 is unable either himself to complete it in the manner or within the time indicated therein, or to cause some other person so to complete it, he shall return the schedule in the manner and within the time specified therein and shall declare, either verbally or in writing, his inability to complete the schedule and the reasons for such inability.

(3) Notwithstanding anything contained in subsection (1) or (2), any census officer charged with the delivery of any schedule for completion by any person for the purpose of any statistical inquiry may either at the request of such person or of his own motion, obtain verbally from such person the particulars required for completion of the schedule and complete the schedule in the manner required.

(4) Where any specified person is—

- (a) resident outside Hong Kong;
- (b) a corporation incorporated outside Hong Kong;
- (c) unable to complete a schedule by reason of sickness, absence or other sufficient cause,

the delivery of a schedule to the premises of any such specified person shall, for the purposes of this section, be a sufficient requirement to any manager or agent of the specified person, who is in possession of or has access to the information required therefor, to complete the schedule and to return it in the manner directed therein.

(5) Where reasonable grounds exist for believing that any specified person has withheld or incorrectly given any information in his possession which, in the opinion of the Commissioner, is required for the purpose of the completion by such specified person of any schedule, and the Commissioner so directs, a census officer may, at any reasonable time and on production of the certificate issued to him under section 7 for examination by any person requiring evidence of his identity, enter any premises occupied by such specified person and may therein—

- (a) deliver or collect any schedule or make any inquiries necessary for the completion or checking thereof;
- (b) inspect, extract information from or make copies of any document for the purpose of completing any schedule;
- (c) check any information obtained or obtain any further information required in respect of any statistical inquiry;

and may, in the light of any information so obtained, complete any schedule or add to or delete from any schedule any name or particular or otherwise correct any material particular therein:

Provided that the powers conferred by this subsection shall not be exercisable in relation to any statistical inquiry except—

- (i) where a date is or dates are specified in the order relating to that statistical inquiry under section 9(2)(a)(iv) or, as the case may be, section 11(2)(b)(i), within 2 months after that date or the later of those dates; or
- (ii) where a period is so specified, within that period and the period of 12 months next thereafter.

(6) Any person who contravenes subsection (1) or (2) commits an offence.

14. (1) Every person, whether or not he is a specified person, in possession of information required to be given for the completion of a schedule shall, to the best of his knowledge and belief, answer any question put to him by a census officer which is necessary for the completion of the schedule.

(2) Any person who contravenes subsection (1) commits an offence.

## PART V

### GENERAL

15. (1) The occupier of any premises shall permit any census officer seeking access to the premises in accordance with section 13 to enter the premises for the purpose of the exercise of any of his functions under that section.

(2) The occupier of any premises shall, upon the request of a census officer, permit such officer to paint or mark on or affix to such premises any letters, marks, numbers or other means of identification which appear to the Commissioner to be necessary for the purpose of carrying out a statistical inquiry.

(3) Any person who—

- (a) refuses or fails to comply with any request made to him by a census officer under subsection (1) or (2); or
- (b) before the expiration of a period of 2 months from the date on which any letter, mark, number or other means of identification is painted or marked or affixed by a census officer under subsection (2), removes or obliterates or alters such letter, mark, number or other means of identification without the permission of a census officer,

commits an offence.

16. Any person who enters or causes to be entered in any schedule or return required to be completed or made by him under this Ordinance any particular which he knows to be false or which he does not believe to be true commits an offence.

17. Any person who obstructs any census officer acting in the course of his duty under this Ordinance commits an offence.

18. Any person who—

- (a) with the intention of obtaining any information from any person, impersonates a census officer; or

(b) without lawful excuse, has in his possession any document purporting to be a certificate issued under section 7(1) or any insignia, arm band or other token issued under section 7(3) or any insignia, arm band or token so nearly resembling any such insignia, arm band or other token as to be likely to deceive, commits an offence.

19. Any census officer and any person engaged in the preparation of any schedule, return, abstract, report or other document in connexion with any statistical inquiry who—

- (a) without reasonable cause, refuses or neglects to comply with any lawful instruction issued to him by the Commissioner;
- (b) in the pretended performance of his duties under this Ordinance, obtains or seeks to obtain any information which he is not authorized to obtain; or
- (c) knowingly makes any false return or alters any particular contained in any such schedule, return, abstract, report or other document with intent to falsify the same,

commits an offence.

20. Any person having the custody, whether on his own behalf or on behalf of any other person, of—

- (a) any schedule completed or return made under this Ordinance; or
- (b) any abstract, report or other document containing particulars (other than particulars to which section 22(2) applies) obtained in the course of any statistical inquiry which enable identification of any individual or undertaking,

who fails to keep such schedule, return, abstract, report or other document at all times in a manner reasonably calculated to prevent any unauthorized person having access thereto commits an offence.

21. Any person who publishes or communicates any information which to his knowledge has been disclosed in contravention of this Ordinance to any other person commits an offence.

22. (1) Subject to subsections (2) and (3), any person who publishes or shows to any person otherwise than in the performance of any function under this Ordinance—

- (a) any schedule or other document or part thereof completed or any return or part thereof made for any of the purposes of this Ordinance;
- (b) any answer given to any question put for any of the purposes of this Ordinance; or
- (c) any particulars obtained in the course of any statistical inquiry which enable identification of an individual or undertaking,

commits an offence.

(2) Notwithstanding subsection (1), it shall not be an offence to publish or show to any person any particulars referred to in subsection (1)(c) which—

- (a) enable identification of an undertaking by reason only of the fact that they relate to that undertaking as being within a

Questions by census officers to be answered.

Duty of occupiers to grant access to premises.

False entries in schedules or returns.

Obstructing census officers.

Impersonation of census officers, etc.

Offences by census officers.

Custody of documents.

Offence to publish information knowingly received in contravention of Ordinance.

Restriction on publication and disclosure.

particular classification but do not enable identification of the capital employed or profits arising in such undertaking;

- (b) disclose in any directory of undertakings or otherwise any or any combination of the following particulars, namely, the name, the address, the type of business or the number of employees of any undertaking.
- (3) Nothing in this section shall be taken to prohibit—
- (a) the publication by the Commissioner of any statistical information in the form of abstracts, printed publications, press releases or otherwise as he may deem fit:

Provided that in compiling any report, summary or communication to the public of information obtained under this Ordinance, the Commissioner shall so arrange it as to prevent any particulars published therein (other than particulars to which subsection (2) applies) from being identified as particulars relating to any particular individual or undertaking except with the previous consent in writing of the individual or, as the case may be, of the person carrying on the undertaking;

- (b) the production of such evidence as may be necessary for the purpose of any proceedings instituted for an offence against this Ordinance.
- (4) The Commissioner shall not be required to disclose any information obtained in the course of or as a result of any statistical inquiry to or for inspection by or for the use of any other authority for the purpose of or in connexion with the investigation of crime or the assessment or levying of any tax.

Penalties.

23. (1) Any person who commits an offence under section 13, 14, 15 or 19(a) is liable to a fine of \$500.

(2) Any person who commits an offence under section 16, 17, 18, 19(b) or (c), 20, 21 or 22 is liable to a fine of \$5,000 and to imprisonment for 6 months.

Consent of Attorney General required for prosecution of offences.

24. No prosecution for an offence against this Ordinance shall be commenced without the written consent of the Attorney General.

Information obtained by statistical inquiry not admissible in evidence.

25. No census officer nor any other person shall be required in any civil or criminal proceedings whatsoever to give in evidence any information relating to particulars concerning any person, institution or undertaking obtained by him in the course of and as a result of his connexion with any statistical inquiry or with the preparation of any schedule, return, abstract, report or other document compiled in connexion with such inquiry; and no schedule completed or return made under this Ordinance, nor any abstract, report or other document (other than an abstract, report or other document published in accordance with section 22) which contains particulars relating to any individual, institution or undertaking obtained in the course of and as a result of any statistical inquiry, shall be admissible in evidence in any such proceedings:

Provided that nothing in this section shall be taken to prohibit the production of such evidence as may be necessary for the purpose of any proceedings instituted for an offence against this Ordinance.

Regulations.

26. (1) The Governor in Council may by regulations provide for the better carrying out of the provisions of this Ordinance.

(2) Regulations made under this section may provide that a contravention of any specified provision of such regulations shall be an offence and may prescribe penalties therefor not exceeding a fine of \$1,000.

27. The Governor may, by order in the *Gazette*, amend the Schedule. Amendment of Schedule.

28. (1) The Census Ordinance is repealed. Repeal and transitional. (Cap. 316.)

(2) This Ordinance shall apply in relation to information obtained in the course of a census taken under the Census Ordinance as it applies in relation to information obtained in the course of a statistical inquiry carried out under this Ordinance.

(3) Any census directed to be taken under the Census Ordinance which is not completed prior to the commencement of this Ordinance may be continued and completed in all respects after the commencement of this Ordinance as if it had been directed to be carried out by an order under section 11.

#### SCHEDULE

[ss. 6 and 27.]

#### Declaration to be completed by Census Officers

##### FORM 1

I, ....., do solemnly and sincerely declare that I will carry out my duty as a census officer to the best of my ability and will faithfully record on any schedule completed by me on behalf of any person all particulars reported to me by such person and will deliver such schedule to my superior officer and will not otherwise disclose to any person, except a person authorized to receive it, any information of which I have become aware in the course of my duty as a census officer.

(Signed) .....

Date .....


##### FORM 2

本人(姓名).....謹以至誠聲明：本人願竭盡所能，執行戶口統計員職務，將任何人提供之一切資料，在統計表內忠實紀錄填報，並將該統計表呈交上司。對於從統計員職務上得悉之資料，本人絕對嚴守秘密，除獲授權接受該等資料之人員外，不向任何人洩露。

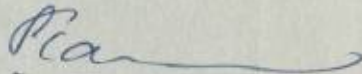
(簽署) .....

日期 .....

Passed by the Hong Kong Legislative Council this 24th day of May, 1978.

  
Clerk to the Legislative Council.

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



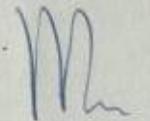
*Clerk to the Legislative Council.*

HONG KONG

No. 39 OF 1978

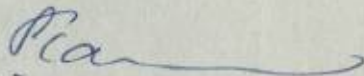


I assent



Governor  
25th May, 1978

it, and is found by me to be a true and correctly  
of the said bill.



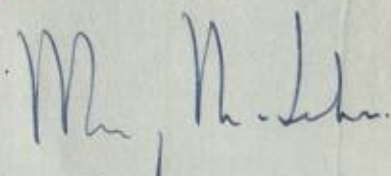
Clerk to the Legislative Council.

**HONG KONG**

No. 39 OF 1978



I assent.



Governor.

25th May, 1978.

An Ordinance to amend the Auxiliary Forces Pay and Allowances Ordinance.

[26th May, 1978]

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

1. This Ordinance may be cited as the Auxiliary Forces Pay and Allowances (Amendment) Ordinance 1978. Short title.

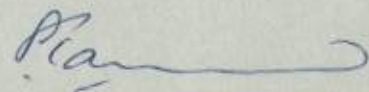
2. Section 10 of the principal Ordinance is amended by—

- (a) being renumbered as subsection (1);
- (b) deleting "In" and substituting the following—  
"Subject to subsection (2), in"; and
- (c) inserting the following new subsection—

Amendment of  
section 10.  
(Cap. 254.)

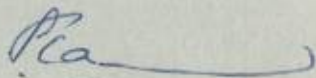
"(2) No member of the Royal Hong Kong Auxiliary Police Force shall be eligible to receive a ration allowance."

Passed by the Hong Kong Legislative Council this 24th day of May, 1978.

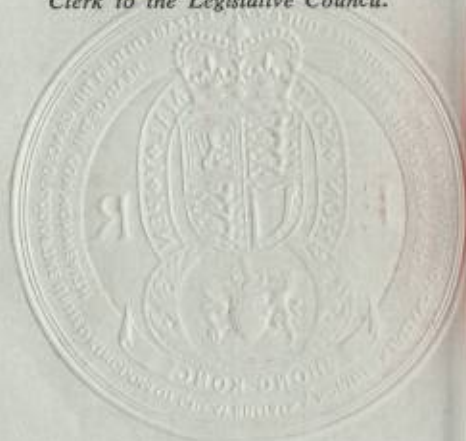


Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

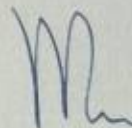


HONG KONG

No. 40 OF 1978



I assent.



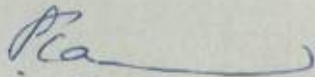
Governor.

25th May, 1978

An Ordinance to amend the Criminal Procedure Ordinance.

[26th M

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

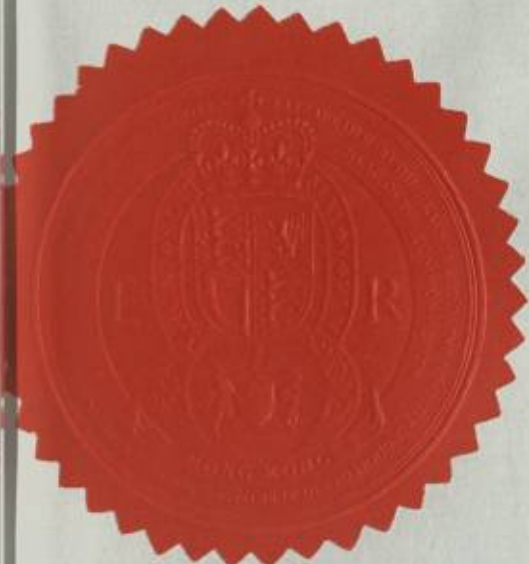


Clerk to the Legislative Council.

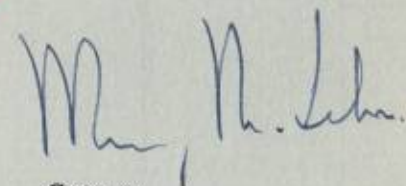


HONG KONG

No. 40 OF 1978



I assent.



Governor.

25th May, 1978.

An Ordinance to amend the Criminal Procedure Ordinance.

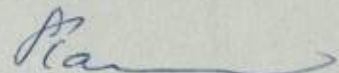
[26th May, 1978]

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

1. This Ordinance may be cited as the Criminal Procedure (Amend- Short title.  
ment) (No. 3) Ordinance 1978.

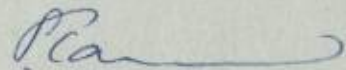
2. Section 81C of the principal Ordinance is amended by deleting Amendment of  
subsection (3). section 81C.  
(Cap. 221.)

Passed by the Hong Kong Legislative Council this 24th day of May,  
1978.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

**HONG KONG**

No. 41 of 1978



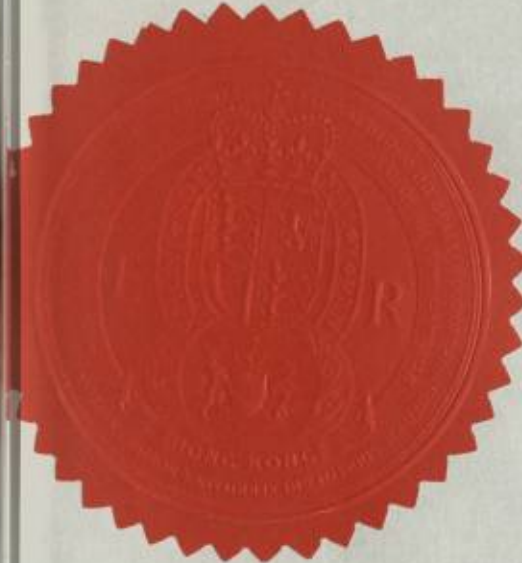
I assent.

A handwritten signature in blue ink, appearing to be 'M. H. M.', written over a horizontal line.

Governor

**HONG KONG**

No. 41 OF 1978



I assent.

*Governor.*

25th May, 1978.

An Ordinance to amend the Railways Ordinance

[26th May, 1978]

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

1. This Ordinance may be cited as the Railways (Amendment) Ordinance 1978. Short title.

2. The long title of the principal Ordinance is amended by deleting "railways" and substituting the following— Amendment of long title.

*"the Kowloon-Canton Railway".* (Cap. 99.)

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

(a) inserting after the definition of "assistant general manager" the following definition—

"deputy general manager" means the person appointed by the Governor to act as deputy general manager of the railway;"

(b) deleting the definition of "railway" and substituting the following—

"the railway" means the Kowloon-Canton Railway, or any section thereof, and—

- (a) all land within the fences or other boundary marks indicating the limits of the land belonging to the railway;
  - (b) all railway tracks, sidings or branches worked over for the purposes of or in connexion with the railway;
  - (c) all stations, offices, warehouses, wharves, workshops, manufactories, fixed plant, machinery, and other works, which belong to, or are constructed for the purposes of or in connexion with, the railway;
  - (d) all railway locomotives or other motive power, trains, rolling stock and vessels which are used for the traffic of the railway and belong to the railway or are hired or worked by or by the authority of the general manager;
  - (e) any extension of the railway in process of construction; and
  - (f) all works connected with or for the purposes of the railway authorized to be constructed; and
- (c) deleting the definition of "railway official" and substituting the following—

"railway employee" means the general manager, the deputy general manager, any assistant general manager and any other officer or employee of the railway."

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

**3.** Any duty or power required to be performed or exercised by the general manager by or under this Ordinance may be performed or exercised by the deputy general manager or an assistant general manager, if so authorized by the general manager."

5. Section 6 of the principal Ordinance is amended—

- (a) in subsection (1), by deleting "any railway within the Colony" and substituting the following—  
"the railway or any extension thereof"; and
- (b) in subsection (2), by deleting "such railway" and substituting the following—  
"the railway or any extension thereof".

6. The heading appearing above section 18 of the principal Ordinance is amended by deleting "ADMINISTRATOR" and substituting the following—

"GENERAL MANAGER".

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

**20.** (1) Subject to subsection (3), the liability of the general manager for the loss, destruction or deterioration of animals delivered to be carried on the railway shall not in any case exceed \$50 a head, unless the person delivering them declares them, or causes them to be declared, to be of higher value at the time of their delivery.

(2) Where a value higher than \$50 is declared, the general manager may charge in respect of the increased risk a percentage on the excess of the value over \$50.

Repeal and replacement of section 3.

Amendment of section 6.

Amendment of heading above section 18.

Repeal and replacement of section 20.

"Liability in respect of carriage of animals.

(3) The general manager shall not be liable for the loss, destruction or deterioration of poultry or other birds delivered to be carried on the railway."

8. Section 27 of the principal Ordinance is repealed.

Repeal of section 27.

9. Section 29 of the principal Ordinance is amended—

Amendment of section 29.

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

"(k) to make railway rules regulating the work and conduct of railway employees and, subject to the approval of the Governor, providing for disciplinary measures and punishment in the case of any breach of such railway rules."; and

(b) in subsection (2)—

(i) in paragraph (a), by deleting "and the restrictions to be suffered upon the carriage of persons who are lepers or who are suffering from any contagious or infectious disease";

(ii) by inserting, after paragraph (b), the following paragraphs—

"(ba) a system for securing or evidencing the payment of fares by passengers travelling, or rates for animals or goods carried, on the railway;

(bb) the imposing of a surcharge where a person travels, or animals or goods are carried, on a train without payment of the proper fare or rate, as the case may be, or on failure to produce evidence of such payment;

(bc) the safety of persons using or engaged in work on the railway;

(bd) the custody, forfeiture and disposal of unclaimed property found on the railway;"; and

(iii) by deleting paragraphs (f) and (g) and substituting the following paragraphs—

"(f) the control of persons, vehicles and animals whilst on the premises, rolling stock or other property belonging to the railway or under the control of the general manager;

(g) the powers and duties of railway employees;".

10. Section 31 of the principal Ordinance is amended—

Amendment of section 31.

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

"(2) If any railway employee is alleged to have committed a breach of any railway rules made under section 29(1)(k), the general manager may inquire summarily into such allegation in accordance with the railway rules and, if he is of the opinion that the breach was committed without reasonable excuse, he may impose on such railway employee such punishment as may be provided in the railway rules;";

(b) by deleting subsection (3); and

(c) in subsection (4), by deleting "penalty imposed by the general manager under this section" and substituting the following—

"punishment imposed by the general manager under the railway rules".

Repeal of sections 32 and 33.

11. Sections 32 and 33 of the principal Ordinance are repealed.

Repeal and replacement of section 47.

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

"Penalty for trespass.

47. Any person who without lawful excuse is on any train, railway track, station, land or other property belonging to the railway and refuses to leave the same on being required to do so by any railway employee may be immediately removed therefrom by any railway employee and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months."

Repeal and replacement of section 48.

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

"Penalty in respect of animals.

48. Any person who wilfully—

- (a) rides, leads or drives upon or across a railway track any animal except in directly crossing the railway track at any road or place appointed for that purpose and at a time at which he may lawfully do so;
- (b) tethers any animal upon or within reach of a railway track; or
- (c) suffers any animal to stray upon any railway track, shall be liable on summary conviction to a fine of one thousand dollars."

Repeal of section 57.

14. Section 57 of the principal Ordinance is repealed.

Deletion of the First Schedule.

15. The First Schedule to the principal Ordinance is deleted.

Deletion and substitution of Second Schedule.

16. The Second Schedule to the principal Ordinance is deleted and substituted by the following—

"SECOND SCHEDULE [s. 31.]

Railway Officer Class I

Railway Engineering Assistant Class I

Railway Workshops Inspector

Way and Works Inspector".

Schedule of amendments.

17. The sections of the principal Ordinance specified in the first column of the Schedule are amended to the extent and in the manner set out in the second column of that Schedule.

Consequential amendments. (Cap. 99, sub. leg.)

18. The Railway Rules are amended—

- (a) in rules 1, 9, 16 and 63 by deleting "rules" wherever it occurs and substituting "regulations" in each case;
- (b) in rule 40(2) by deleting "rule" and substituting "regulation"; and
- (c) by revoking rule 64 and replacing it by the following—

"Citation. 64. These regulations may be cited as the Kowloon-Canton Railway Regulations."

SCHEDULE

[s. 17.]

AMENDMENTS

Section


Amendment

1. By deleting "Railways" and substituting "Kowloon-Canton Railway".
2. (1) By deleting the definition of "administrator".  
(2) In the definition of "assistant general manager", by—  
(a) deleting "the person" and substituting "any person"; and  
(b) deleting "a" and substituting "the".  
(3) In the definition of "general manager" by deleting "a" and substituting "the".
- 4, 5, 7, 8, 9(2)  
10, 11, 12(1) &  
(2), 13, 16(1),  
18, 19, 21, 22(1)  
& (3), 23, 24,  
25, 26, 29(1),  
(2) & (4), 30(1)  
& (3), 34(1),  
41, 42(1), (2)  
& (3), 61. By deleting "administrator" wherever it occurs and substituting "general manager" in each case.
4. By deleting "all railways" and substituting "the railway".
7. By deleting "any such authorized railway" and substituting the following—  
"the railway, or any extension thereof, authorized under section 6(1)".
- 9(1). By deleting "administrator of any railway" and substituting "general manager".
- 10, 13, 16(1),  
26, 36. By deleting "any railway" wherever it occurs and substituting "the railway" in each case.
- 11, 16(2), 24,  
28, 41, 43,  
45(1), 61. By deleting "a railway" wherever it occurs and substituting "the railway" in each case.
- 12(1)(a). By inserting "track" after "railway" wherever it occurs.
14. (1) By inserting "or any extension thereof" before "shall".  
(2) By deleting "public" wherever it occurs before "carriage".  
(3) By deleting "chief resident engineer" and substituting "general manager".
- 17(1). By deleting "administrator" and substituting "railway".
19. By deleting "his agents or servants" and substituting "a railway employee".
- 21, 38, 39,  
42(1), 43, 44,  
45(3), 52(2) &  
(3), 54, 55, 58,  
59. By deleting "official" wherever it occurs and substituting "employee" in each case.

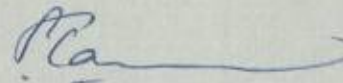
<i>Section</i>	<i>Amendment</i>
22.	(1) In subsection (1), by deleting "mentioned in the First Schedule". (2) In subsection (3), by deleting "mentioned in the First Schedule that the railway servant" and substituting the following— "valued in excess of one hundred dollars that the railway employee".
29(1).	(1) In paragraph (h), by deleting "ferry, ship, boat, craft" and substituting "vessel". (2) In paragraph (j)(i), by deleting "servants" and substituting "employees". (3) In paragraph (j)(iii), by inserting ", soft drinks, food" after "goods".
29(2), (3) & (4), 61.	By deleting "rules" wherever it occurs and substituting "regulations" in each case.
31.	In subsection (6), by deleting "official of or" and substituting "employee".
34(1)(a).	By deleting "railway" and substituting "train".
35(b).	By deleting "the railway" and substituting "a carriage".
36.	By deleting "cab or tender, or any luggage van" and substituting "carriage".
38.	(1) By deleting "a railway" and substituting "a train". (2) By inserting "or train" after "such carriage".
40.	By inserting "by any railway employee" after "premises".
45(1).	By deleting "any general rule made under section 29 of this Ordinance, except in accordance with the provisions of any general rule made under the last-mentioned section" and substituting the following— "regulations made under section 29(2) of this Ordinance, except in accordance with such regulations".
50.	By deleting "servant" and substituting "employee".
51.	(1) By inserting "track" after "railway" in the first and second places where it occurs. (2) By deleting "officials" and substituting "employees".
52(1).	By deleting "railway or upon any railway lands (such railway or lands" and substituting the following— "railway track or land belonging to the railway (such track or land".
53.	In paragraph (c)— (a) by deleting "injures" and substituting "interferes with"; (b) by deleting "engine" and substituting "locomotive"; and (c) by inserting "railway track, railway signal," before "fence".

<i>Section</i>	<i>Amendment</i>
54.	By inserting "track" after "railway" in the second and third places where it occurs.
55.	By deleting "a railway" in the second place where it occurs and substituting "the railway".
58.	By deleting "with all convenient dispatch be taken before a magistrate to be dealt with according to law" and substituting the following— "be taken forthwith to the nearest police station and handed over to the custody of a police officer, and thereupon section 52 of the Police Force Ordinance shall apply".

Passed by the Hong Kong Legislative Council this 24th day of May, 1978.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

**HONG KONG**

No. 42 of 1978



I assent.

A handwritten signature in blue ink, consisting of several stylized, overlapping loops.

*Governor*

*8th June, 1978*

HONG KONG

No. 42 of 1978



I assent.

*Governor.*

8th June, 1978.

An ordinance to amend the Motor Vehicles (First Registration Tax) Ordinance.

[2nd March, 1978]

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

1. This Ordinance may be cited as the Motor Vehicles (First Registration Tax) (Amendment) Ordinance 1978 and shall be deemed to have come into operation on the 2nd March 1978.

Short title and commencement.

2. The Schedule to the principal Ordinance is amended by deleting item 1 and substituting the following—

Amendment of Schedule. (Cap. 330.)

- "1. Cars (except cars specified in item 2):
- (a) where the value of the car does not exceed \$20,000 30
  - (b) where the value of the car exceeds \$20,000 but does not exceed \$30,000 ..... 35
  - (c) where the value of the car exceeds \$30,000 ..... 40".

Passed by the Hong Kong Legislative Council this 7th day of June, 1978.

*Clerk to the Legislative Council.*

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

*Pa*

*Clerk to the Legislative Council.*



HONG KONG

No. 43 OF 1978



I assent

*M*

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



Clerk to the Legislative Council.

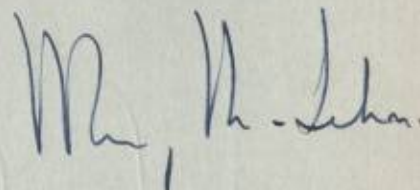


**HONG KONG**

No. 43 OF 1978



I assent.



Governor.

8th June, 1978.

An ordinance to amend the Stamp Ordinance.

[9th June, 1978]

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

1. This Ordinance may be cited as the Stamp (Amendment) (No. 4) Short title.  
Ordinance 1978.

2. Section 40(4) of the principal Ordinance is amended in para-  
graph (e) by inserting after "Ordinance" the following—

" , other than a conveyance on sale executed for the purposes of  
section 17A thereof,".

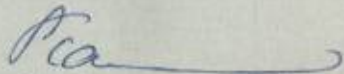
Amendment of  
section 40.  
(Cap. 117.)

Passed by the Hong Kong Legislative Council this 7th day of June,  
1978.



Clerk to the Legislative Council.

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



*Clerk to the Legislative Council.*

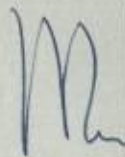


HONG KONG

No. 44 of 1978

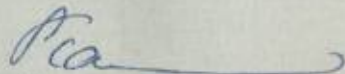


I assent.



*Governor.*

...impression has been carefully compared by me  
1. and is found by me to be a true and correctly  
of the said bill.



Clerk to the Legislative Council.

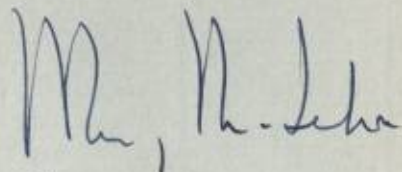


**HONG KONG**

No. 44 OF 1978



I assent.



Governor.

8th June, 1978.

An ordinance to amend the Dutiable Commodities Ordinance.

[9th June, 1978]

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

1. This Ordinance may be cited as the Dutiable Commodities Short title.  
(Amendment) Ordinance 1978.

2. Section 69 of the principal Ordinance is amended—

Amendment of  
section 69.  
(Cap. 109.)

(a) by inserting after the definition of "aircraft spirit" the following—  
"diesel oil for road vehicles" means any light diesel oil  
which is not treated oil;"

(b) by inserting after the definition of "hydrocarbon oils" the follow-  
ing—

"light diesel oil", commonly known as "gas oil", means a  
heavy oil of which not more than 50 per cent by volume  
distils at a temperature not exceeding 240° Centigrade  
and of which more than 50 per cent by volume distils at  
a temperature not exceeding 340° Centigrade;"

(c) in the definition of "motor spirit" by deleting the full stop and  
substituting a semicolon;

(d) by inserting after the definition of "motor spirit" the following—

"road vehicle" means any vehicle designed solely or principally for transporting persons, goods or animals by road;

"treated oil" means light diesel oil to which markers and colouring substance have been added as provided by regulations made under section 6."

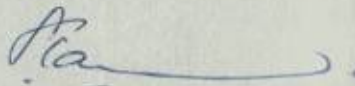
3. The principal Ordinance is amended in Part V by adding after section 69 the following—

**69A. Any person who—**

- (a) uses or permits the use of any heavy oils (other than diesel oil for road vehicles), or any admixture of hydrocarbon oils, as a fuel for any road vehicle;
- (b) sells or supplies or permits the sale or supply of any heavy oils (other than diesel oil for road vehicles), or any admixture of hydrocarbon oils, for the purpose of being used as a fuel for any road vehicle;
- (c) places or causes to be placed in the fuel tank of any road vehicle any heavy oils (other than diesel oil for road vehicles) or any admixture of hydrocarbon oils;
- (d) is the owner or the driver or is for the time being in charge of any road vehicle in the fuel tank of which any heavy oils (other than diesel oil for road vehicles) are found or any admixture of hydrocarbon oils is found,

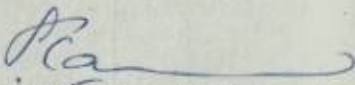
shall commit an offence and, in addition to any forfeiture which may be ordered, be liable on summary conviction to a fine of \$100,000 and to imprisonment for 2 years."

Passed by the Hong Kong Legislative Council this 7th day of June, 1978.



Clerk to the Legislative Council.

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



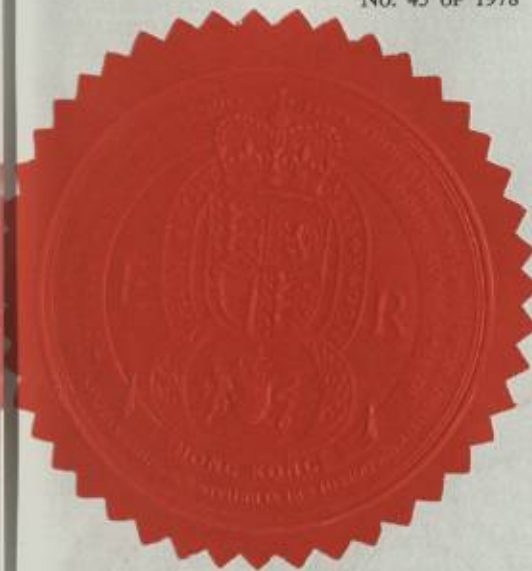
Clerk to the Legislative Council.

Addition of  
new section  
69A.

"Restriction  
on use of  
hydrocarbon  
oils as fuel  
for road  
vehicles.

HONG KONG

No. 45 OF 1978



I assent



Governor

8th June, 1978

An ordinance to amend the Workmen's Compensation Ordinance

bad vehicle" means any vehicle designed solely or principally for transporting persons, goods or animals by road;

reated oil" means light diesel oil to which markers and colouring substance have been added as provided by regulations made under section 6."

Principal Ordinance is amended in Part V by adding after following—

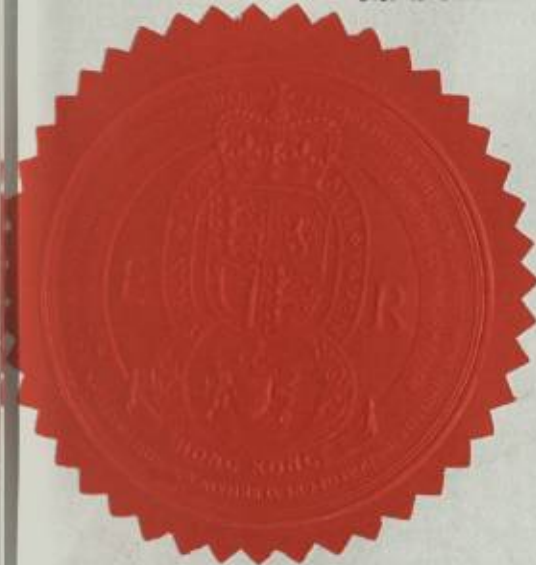
**69A. Any person who—**

- (a) uses or permits the use of any heavy oils (other than diesel oil for road vehicles), or any admixture of hydrocarbon oils, as a fuel for any road vehicle;
- (b) sells or supplies or permits the sale or supply of any heavy oils (other than diesel oil for road vehicles), or any admixture of hydrocarbon oils, for the purpose of being used as a fuel for any road vehicle;
- (c) places or causes to be placed in the fuel tank of any road vehicle any heavy oils (other than diesel oil for road vehicles) or any admixture of hydrocarbon oils;
- (d) is the owner or the driver or is for the time being in charge of any road vehicle in the fuel tank of which any heavy oils (other than diesel oil for road vehicles) are found or any admixture of hydrocarbon oils is found,

shall commit an offence and, in addition to any forfeiture

**HONG KONG**

No. 45 OF 1978



I assent.

*[Signature]*  
Governor.

8th June, 1978.

An ordinance to amend the Workmen's Compensation Ordinance.

[ ]

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

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) (No. 2) Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*, and notices under this section may appoint different dates for different provisions of this Ordinance. Short title and commencement.

2. Section 3 of the principal Ordinance is amended by inserting in their appropriate alphabetical positions the following definitions— Amendment of section 3. (Cap. 282.)

"Board" means the Pneumoconiosis Compensation Fund Board appointed under section 32B(2);

"pneumoconiosis" (an occupational disease) means—

- (a) fibrosis of the lungs due to dust of free silica or dust containing free silica, whether or not such disease is accompanied by tuberculosis of the lungs, or any other disease of the pulmonary or respiratory organs caused by exposure to such dust; or
- (b) fibrosis of the lungs due to dust of asbestos or dust containing asbestos, whether or not such disease is accompanied by tuberculosis of the lungs, or any other disease caused by exposure to such dust;

"Pneumoconiosis Compensation Fund" means the Pneumoconiosis Compensation Fund established by section 32B(1);

"specified trade, industry or process" means any trade, industry or process involving exposure to dust of free silica or dust containing free silica, or dust of asbestos or dust containing asbestos, specified by regulations under section 49 in respect of pneumoconiosis;"

Amendment of section 31.

3. Section 31 of the principal Ordinance is amended—

(a) in subsection (1), by deleting "subsection (2)" and substituting the following—

"subsections (2) and (2A)";

(b) by inserting after subsection (2) the following subsection—

"(2A) Except where section 33C(4) applies, the Commissioner may, if satisfied that a person who wishes to be employed as a workman in any specified trade, industry or process is known to be suffering from pneumoconiosis, or is found to be suffering from pneumoconiosis at the medical examination carried out in pursuance of section 33A(1), authorize the person and the employer to enter into an agreement in writing giving up the right of such person to compensation under the provisions of this Ordinance in respect of permanent total or partial incapacity or death resulting from pneumoconiosis."; and

(c) in subsection (3), by inserting after "(2)" the following—

"or (2A)".

Addition of new sections.

4. The principal Ordinance is amended by adding, after section 32, the following sections—

"Payment of compensation or damages for incapacity or death resulting from pneumoconiosis.

**32A.** (1) Where an employer who is insured in pursuance of section 39A becomes liable to pay compensation or damages for the permanent total or partial incapacity or the death of a workman resulting from pneumoconiosis who is or was employed on or after the date on which this section comes into operation in any specified trade, industry or process, such compensation or damages shall, notwithstanding section 32, be paid from the Pneumoconiosis Compensation Fund.

(2) In subsection (1), compensation or damages includes any sum payable in respect of costs.

Establishment of Pneumoconiosis Compensation Fund.

**32B.** (1) There is hereby established a Pneumoconiosis Compensation Fund which shall consist of—

(a) all moneys paid by or recovered from insurance companies in pursuance of section 32C;

(b) any moneys recovered from employers in pursuance of section 32D; and

(c) any moneys provided by the Government for the purposes of the Pneumoconiosis Compensation Fund.

(2) The Pneumoconiosis Compensation Fund shall be vested in and administered by a board appointed by the Governor which shall be called the Pneumoconiosis Compensation Fund Board and which shall, in that name, be a body corporate with perpetual succession and shall be capable of suing and being sued.

Payment of insurance premium into Pneumoconiosis Compensation Fund.

**32C.** (1) Every insurance company which issues a policy of insurance in pursuance of section 39A shall pay to the Board in the prescribed manner the insurance premium received by it in respect of the policy of insurance.

(2) Where an insurance company fails to pay to the Board any insurance premium payable under subsection (1), such insurance premium may be sued for and recovered by the Board as a civil debt.

(3) All insurance premiums paid under subsection (1) or recovered under subsection (2) shall be paid into the Pneumoconiosis Compensation Fund by the Board.

(4) Where an insurance premium in respect of a policy of insurance is paid to the Board by, or recovered by the Board from, an insurance company under this section, the Board shall—

(a) pay to the insurance company from the Pneumoconiosis Compensation Fund the prescribed administration fee;

(b) indemnify the insurance company against any liability under the policy of insurance.

Imposition of levy on employers, etc.

**32D.** (1) Compensation or damages paid by the Government under section 33D shall, together with any prescribed interest thereon, be recoverable by the Government from the Pneumoconiosis Compensation Fund in the prescribed manner.

(2) Compensation or damages paid by the Government under section 33D and any interest thereon shall be recovered by the Board in the prescribed manner by means of a levy imposed on every employer who has in his employment, on the date on which the levy becomes payable in pursuance of subsection (5), workmen employed in any specified trade, industry or process.

(3) Where an employer fails to pay to the Board any levy imposed under subsection (2), such levy may be sued for and recovered by the Board as a civil debt.

(4) Every levy recovered under subsection (2) or (3) shall be paid into the Pneumoconiosis Compensation Fund by the Board.

(5) The rate of the levy and the date on which the levy becomes payable shall be fixed annually by the Board with the prior approval of the Financial Secretary and shall be notified in the *Gazette*."

5. Section 33(1) of the principal Ordinance is amended by deleting "Any" and substituting the following—

"Subject to section 33A, any".

Amendment of section 33.

6. The principal Ordinance is amended by adding, after section 33, the following sections—

"Medical examination of workmen employed in specified trades, industries or processes.

**33A.** (1) Subject to subsection (2), every employer who engages any workman for employment, or transfers any workman to employment, in any specified trade, industry or process, shall before the end of the second month after such engagement or transfer require the workman to undergo, at the cost of the employer, the prescribed medical examination.

Addition of new sections.

(2) No employer shall require a workman to undergo a prescribed medical examination under subsection (1) if the workman has undergone the prescribed medical examination within a period of 3 months immediately prior to such engagement or transfer.

(3) In the case of a workman who is in employment in any specified trade, industry or process on the date on which this section comes into operation, the employer shall require the workman to undergo, at the cost of the employer, the prescribed medical examination within such period as may be prescribed.

(4) Every employer shall require every workman who has undergone an initial medical examination required by this section, and every workman to whom subsection (2) applies, and who continues employment in any specified trade, industry or process to undergo, at the expense of the employer, the prescribed medical examination periodically within such period as may be prescribed.

(5) Every workman who is required by his employer to undergo a medical examination under this section shall submit himself to the medical examination.

(6) Every workman who is in employment on the date on which this section comes into operation, or who, after such date, is engaged for employment, or is transferred to employment, in any specified trade, industry or process shall be required by his employer to provide and the workman shall, when so required, provide to his employer—

- (a) such particulars of his previous employment in any specified trade, industry or process as may be prescribed; and
- (b) particulars of any compensation or damages paid to him in respect of a permanent total or partial incapacity resulting from pneumoconiosis.

(7) Any employer who without reasonable excuse fails or refuses to comply with subsection (1), (3), (4) or (6) shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000.

(8) Any employer who knowingly contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000.

(9) If any workman—

(a) without reasonable excuse fails or refuses to submit himself to a medical examination in contravention of subsection (5)—

(i) he shall be guilty of an offence and shall be liable on conviction to a fine of \$500; and

(ii) he and his dependants shall not be entitled to recover compensation under this Ordinance in respect of a permanent total or partial incapacity or death resulting from pneumoconiosis;

(b) fails or refuses to comply with any requirement under subsection (6) or wilfully and with intent to deceive provides any particulars required in pursuance of that subsection which are false in any material particular, he shall be guilty of an

offence and shall be liable on conviction to a fine of \$500.

Occupational  
Diseases  
Medical Board.

**33B.** (1) The Director of Medical and Health Services shall appoint a board to be known as the Occupational Diseases Medical Board which shall consist of—

- (a) 2 medical practitioners; and
- (b) the Senior Industrial Health Officer or an Industrial Health Officer.

(2) The functions of the Occupational Diseases Medical Board shall be—

- (a) to determine whether the permanent total or partial incapacity or the death of a workman has resulted from an occupational disease; and
- (b) where the determination is that the incapacity or the death of a workman has resulted from an occupational disease, to determine the type of such occupational disease; and
- (c) in the case of such incapacity—
  - (i) to determine the date upon which the incapacity commenced; and
  - (ii) to assess the degree of the incapacity.

(3) Where the Occupational Diseases Medical Board determines under subsection (2) that the permanent partial incapacity of a workman has resulted from pneumoconiosis, the Board shall also—

- (a) determine, on the assumption that the workman ceases forthwith further employment in any specified trade, industry or process, whether the workman may in the future suffer a greater degree of permanent incapacity resulting from pneumoconiosis; and
- (b) where the determination is that the workman may in the future suffer such greater degree of permanent incapacity, assess the extent of the greater degree of permanent incapacity, but such assessment shall not exceed 50 per cent of the degree of the permanent partial incapacity assessed under subsection (2).

(4) A determination and assessment by the Occupational Diseases Medical Board, if not unanimous, shall be that of the majority of the members of the Board.

(5) The Occupational Diseases Medical Board shall issue a certificate in the prescribed form of its determination and assessment made under subsections (2) and (3) to—

- (a) the workman, or in the case of the death of the workman to his dependants;
- (b) the Pneumoconiosis Compensation Fund Board appointed under section 32B(2);
- (c) the employer of the workman, if any; and
- (d) the Commissioner.

(6) A certificate purporting to be issued under subsection (5) and to be signed by or for the Occupational Diseases Medical Board shall be admitted in evidence without further proof on its production in Court and—

- (a) until the contrary is proved, it shall be presumed that the certificate is so issued and signed;
- (b) shall be evidence of the matters stated therein.

Compensation for permanent partial incapacity resulting from pneumoconiosis.

**33C.** (1) Where the Occupational Diseases Medical Board determines under section 33B(2) that a permanent partial incapacity of a workman has been caused by pneumoconiosis and assesses the degree of such incapacity, the workman shall, subject to subsection (2), be paid compensation in respect of such incapacity.

(2) Where the Occupational Diseases Medical Board determines under section 33B(3) that a workman may in the future suffer a greater degree of permanent incapacity resulting from pneumoconiosis and assesses such greater degree of permanent incapacity, the workman shall be paid compensation in respect of such greater degree of permanent incapacity in addition to the compensation paid in pursuance of subsection (1).

(3) Where the aggregate percentage of the permanent incapacity assessed under section 33B(2) and (3) amounts to 100 per cent or more, compensation in respect of such incapacity shall be paid as if it were permanent total incapacity.

(4) Where compensation is paid to a workman in pursuance of this section, the workman or his dependants, as the case may be, shall not be entitled to compensation under this Ordinance in respect of any other permanent incapacity or the death of the workman resulting from pneumoconiosis.

Payment of compensation by Government in certain cases.

**33D.** (1) Where an employer becomes liable to pay compensation or damages for the permanent total or partial incapacity of a workman resulting from pneumoconiosis who is employed on the date on which this section comes into operation in any specified trade, industry or process and whose incapacity is determined on the occasion of the medical examination carried out in pursuance of section 33A(3), such compensation or damages shall, notwithstanding section 32, be paid by the Government from the general revenue.

(2) In subsection (1), compensation or damages includes any sum payable in respect of costs.”.

Amendment of section 38.

**7.** Section 38 of the principal Ordinance is amended—

- (a) in subsection (1), by deleting “such” and substituting the following—  
“employment in any specified trade, industry or process and to such other”; and
- (b) in subsection (2), by inserting after “Crown” the following—  
“, other than employment in any specified trade, industry or process”.

**8.** Section 39 of the principal Ordinance is amended—

Amendment of section 39.

- (a) in subsection (1), by deleting “The” and substituting the following—

“Subject to subsection (5), the”; and

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

“(5) No authorization shall be required under subsection (1) for an insurance company to carry on accident insurance business for the purposes of section 39A.”.

**9.** The principal Ordinance is amended by adding after section 39 the following section—

Addition of new section 39A.

“Insurance in respect of specified trades, industries or processes.

**39A.** An insurance company which carries on accident insurance business in the Colony shall, if so required by an employer who has in his employment any workman employed in any specified trade, industry or process, issue to the employer, on payment by him of the prescribed premium, a policy of insurance in the prescribed form for the full amount of the liability of the employer under this Ordinance and independently of this Ordinance for the permanent total or partial incapacity or the death of such workman resulting from pneumoconiosis arising out of and in the course of his employment.”.

**10.** Section 40 of the principal Ordinance is amended—

Amendment of section 40.

- (a) in subsection (1), by inserting before “section” the following—

“subsection (1A) and”; and

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

“(1A) Subject to subsection (1B), no employer shall employ any workman in any specified trade, industry or process unless there is in force in relation to such workman a policy of insurance issued in pursuance of section 39A.

(1B) Subsection (1A) shall not apply in relation to a workman—

- (a) who is newly engaged for employment, or is transferred to employment, in any specified trade, industry or process until after the expiry of the second month after such engagement or transfer;
  - (b) who has entered into an agreement with his employer under section 31(2A); or
  - (c) who has been paid compensation in pursuance of section 33C.”;
- (c) in subsection (2)—
    - (i) by inserting after “employment” the following—  
“or any specified trade, industry or process”; and
    - (ii) by inserting after “(1)” the following—  
“or (1A)”; and
  - (d) in subsection (3), by inserting after “(1)” the following—  
“or (1A)”.

Amendment of  
section 43.

11. Section 43 of the principal Ordinance is amended—  
(a) in subsection (1), by deleting "Where" and substituting the following—

"Subject to subsection (5), where"; and

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

"(5) In the application of this section and of section 44 to any matter relating to compensation or damages in respect of the permanent total or partial incapacity or the death of a workman resulting from pneumoconiosis, where a policy of insurance is issued in pursuance of section 39A and the insurance premium in respect of such policy of insurance is paid to, or recovered by, the Board in pursuance of section 32C, this section and section 44 shall be construed as if every reference to "insurer" appearing therein were a reference to the Board."

Amendment of  
section 44.

12. Section 44 of the principal Ordinance is amended by deleting "Every" and substituting the following—

"Subject to section 43(5), every".

Amendment of  
section 49.

13. Section 49 of the principal Ordinance is amended—

- (a) in subsection (1), by inserting after paragraph (c) the following paragraphs—

"(ca) specifying any trade, industry or process involving exposure to dust of free silica or dust containing free silica, or dust of asbestos or dust containing asbestos, in respect of pneumoconiosis;

(cb) prescribing the composition of the Board, the fees (if any) payable to members of the Board and the expenses of the Board, and providing for the payment of such fees and expenses from the Pneumoconiosis Compensation Fund;

(cc) prescribing the powers, functions and procedure of the Board;

(cd) empowering the Board to appoint employees and to determine all matters relating to their remuneration and terms and conditions of appointment, including their suspension or dismissal from office;

(ce) empowering the Board to perform any function or duty in association with any department of the Government, and providing for the payment to the Government from the Pneumoconiosis Compensation Fund for any such function or duty performed by a department of the Government;

(cf) empowering the Board to fix, or vary, with the approval of the Governor in Council, the insurance premiums for policies of insurance issued in pursuance of section 39A, and the administration fee under section 32C(4);

(cg) empowering the Board to recover the levy imposed on employers under section 32D through insurance companies;

(ch) providing for the repayment from the Pneumoconiosis Compensation Fund of any moneys provided by the Government for the purposes of the Pneumoconiosis Compensation Fund with or without interest;

(ci) prescribing the keeping and auditing of accounts of the Pneumoconiosis Compensation Fund, the submission to the Government of auditors' reports, audited statements of account and reports on the activities of the Board, and providing for the laying on the table of the Legislative Council of such reports and statements of accounts;

(cj) providing for the investment of moneys in the Pneumoconiosis Compensation Fund with the approval of the Financial Secretary;

(ck) providing for the carrying out of medical examinations for the purposes of section 33A, requiring workmen to attend to be medically examined at such date and time and place as may be specified;

(cl) providing that workmen who are absent from work in order to attend to be medically examined shall not suffer loss of wages or earnings in respect of such absence;

(cm) requiring employers and insurers to keep registers and records, and prescribing the form of such registers, records and other forms;

(cn) providing for such powers of entry and inspection as may be necessary to ascertain that the provisions of this Ordinance and of any regulations made thereunder are complied with and for the seizure of documents;

(co) empowering the Commissioner and the Occupational Diseases Medical Board appointed under section 33B to require employers and workmen to furnish such information as may be required for the purposes of this Ordinance and of any regulations made thereunder, and prescribing a time limit for the furnishing of such information;

(cp) empowering the Commissioner to amend any form prescribed under the regulations made under this Ordinance or to prescribe new forms for the purposes of such regulations;"; and

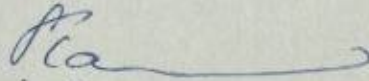
- (b) by deleting subsection (2).

14. The Second Schedule to the principal Ordinance is amended by inserting after item 21 the following item—

Amendment of  
Second  
Schedule.

- |                     |  |            |
|---------------------|--|------------|
| "22. Pneumoconiosis | Any specified trade, industry or process (that is, any trade, industry or process involving exposure to dust of free silica or dust containing free silica, or dust of asbestos or dust containing asbestos, and specified by regulations under section 49). | 10 years." |
|---------------------|--|------------|

Passed by the Hong Kong Legislative Council this 7th day of June, 1978.

  
Clerk to the Legislative Council.

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



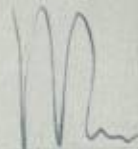
Clerk to the Legislative Council.

**HONG KONG**

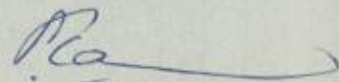
No. 46 OF 1978



I assent.



will, and is found by me to be a true and correctly  
copy of the said bill.



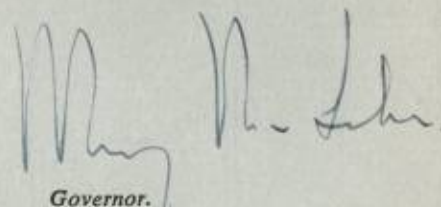
Clerk to the Legislative Council.

**HONG KONG**

No. 46 of 1978



I assent.



Governor.

22nd June, 1978.

An ordinance to amend the Dangerous Drugs Ordinance.

[23rd June, 1978]

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

1. This Ordinance may be cited as the Dangerous Drugs (Amend- Short title.  
ment) Ordinance 1978.

2. Section 2(1) of the principal Ordinance is amended— Amendment of  
section 2.  
(a) by deleting the definition of "cannabis" and substituting the (Cap. 134.)  
following—

"cannabis" means any plant, or any part of any plant, of  
the genus cannabis which contains tetrahydrocannabinol  
and the viable seeds of any plant of the genus cannabis;"

(b) by deleting the definition of "cannabis resin".

3. Section 14(1) of the principal Ordinance is amended— Amendment of  
section 14.

(a) by deleting "be guilty of an offence and shall be liable on  
conviction to a fine of \$10,000 and to imprisonment for 3 years";

(b) by inserting after "complied with" at the end of the subsection the following—

" , be guilty of an offence and shall be liable on conviction on indictment, to a fine of \$100,000 and to imprisonment for 10 years and on summary conviction, to a fine of \$10,000 and to imprisonment for 3 years".

Amendment of section 22.

4. Section 22 of the principal Ordinance is amended in subsection (6) by deleting "In this section, and in section 24" and substituting the following—

"In section 24, and in this section, except subsection (3)".

Amendment of section 46.

5. Section 46 of the principal Ordinance is amended—

(a) in paragraph (g) by deleting "or two grammes of cannabis resin"; and

(b) by inserting after paragraph (g) the following new paragraph—  
 "(ga) one half gramme of tetrahydrocannabinol either alone or contained in a preparation, mixture, extract or other material;"

Amendment of Part I of First Schedule.

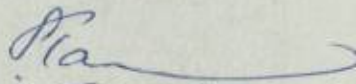
6. Part I of the First Schedule to the principal Ordinance is amended—

(a) in paragraph 1 by inserting after "Betaprodine." the following—  
 "Cannabinol and its tetrahydro derivatives; their 3-alkyl homologues.";

(b) by deleting paragraph 7;

(c) in paragraph 12 by deleting " , cannabis resin and all preparations of which cannabis resin forms the base, other than extract or tincture of cannabis".

Passed by the Hong Kong Legislative Council this 21st day of June, 1978.



Clerk to the Legislative Council.

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



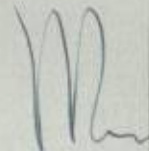
Clerk to the Legislative Council.

~~HONG KONG~~

No. 47 of 1978



I assent



Governor

erting after "complied with" at the end of the subsection  
lowing—

be guilty of an offence and shall be liable on conviction  
indictment, to a fine of \$100,000 and to imprisonment for  
years and on summary conviction, to a fine of \$10,000  
d to imprisonment for 3 years".

22 of the principal Ordinance is amended in subsection (6)  
a this section, and in section 24" and substituting the

tion 24, and in this section, except subsection (3)".

46 of the principal Ordinance is amended—

agraph (g) by deleting "or two grammes of cannabis  
and

erting after paragraph (g) the following new paragraph—

) one half gramme of tetrahydrocannabinol either alone  
or contained in a preparation, mixture, extract or other  
material;".

of the First Schedule to the principal Ordinance is

agraph 1 by inserting after "Betaprodine." the following—  
nabinol and its tetrahydro derivatives; their 3-alkyl  
homologues.";

eting paragraph 7;

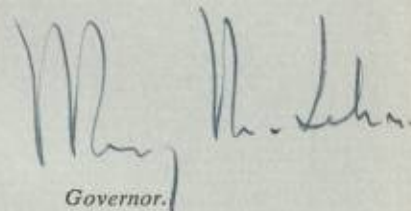
eraph 12. by deleting ", cannabis resin and all preparations

## HONG KONG

No. 47 OF 1978



I assent.

  
Governor.

22nd June, 1978.

An ordinance to amend the Road Traffic Ordinance.

[23rd June, 1978]

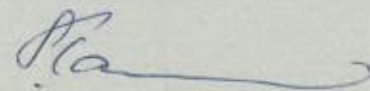
Enacted by the Governor of Hong Kong, with the advice and consent  
of the Legislative Council thereof.

1. This Ordinance may be cited as the Road Traffic (Amendment) Short title.  
(No. 2) Ordinance 1978.

2. Section 4A of the principal Ordinance is amended by inserting Amendment of  
after subsection (5), the following new subsection— section 4A.  
(Cap. 220.)

"(6) For the avoidance of doubt it is hereby declared that the  
Commissioner's power to register or license a motor vehicle as a  
public car ceased with effect from the 1st November 1977."

Passed by the Hong Kong Legislative Council this 21st day of June,  
1978.

  
Clerk to the Legislative Council.

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

*[Handwritten signature]*

*Clerk to the Legislative Council.*



HONG KONG

No. 48 OF 1978



I assen

*[Handwritten signature]*

Govern

22nd June.