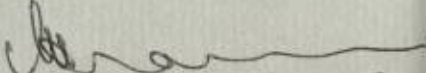


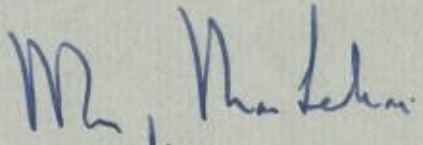
HONG KONG

No. 13 OF 1973


Clerk to the Legislative Council.



I assent.


Governor.

1st February, 1973.

An Ordinance to amend the Dangerous Drugs Ordinance.

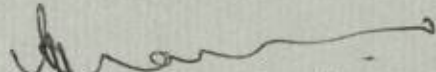
[2nd February, 1973]

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 (Amendment) Ordinance 1973. Short title.

2. Section 54 of the principal Ordinance is amended in subsection (1) by inserting after "inspector" the following— Amendment of section 54. (Cap. 134.)
"or any member of the Preventive Service not below the rank of Revenue Inspector".

Passed by the Hong Kong Legislative Council this 31st day of January, 1973.


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.

**HONG KONG**

No. 14 OF 1973



I assent.

Governor.

15th February, 1973.

An Ordinance to amend certain laws relating to the administration of justice.

[16th February, 1973]

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

- | | |
|---|--------------------------|
| <p>1. This Ordinance may be cited as the Administration of Justice (Miscellaneous Amendments) Ordinance 1973.</p> | Short title. |
| <p>2. The enactments 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.</p> | Amendments.
Schedule. |

SCHEDULE

[s. 2.]

<i>Enactment</i>	<i>Amendment</i>	
Supreme Court Ordinance.	<p>1. Section 2 is amended—</p> <p>(a) by inserting after the definition of "action" the following new definition—</p> <p>"1960 c. 65, s. 17(2). "application for <i>habeas corpus</i>" means an application for a writ of <i>habeas corpus ad subjiciendum</i> and references to a</p>	(Cap. 4.)

Enactment

Amendment

criminal application or civil application shall be construed according as the application does or does not constitute a criminal cause or matter;"; and

- (b) by inserting after the definition of "general holiday" the following new definition—

" "land" means land of whatever description, any part or section thereof, and tenements and buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way);".

2. Section 11 is amended by inserting after subsection (2) the following new subsections—

"1956 c. 46,
s. 36(1), (2).

(3) The power of the court to appoint a receiver by way of equitable execution shall be extended so as to operate in relation to land and any interest in land.

(4) The power under subsection (3) may be exercised in relation to land or any interest in land (whether or not a charge has been imposed on that land or interest under section 11A for the purpose of enforcing the judgment, decree, order or award under that section), and the power shall be in addition to and not in derogation of any power of any court to appoint a receiver in proceedings for enforcing such a charge."

3. The following new sections are added after section 11—

"Power of
court to
impose charges
on land of
judgment
debtor.
[cf. 1956 c. 46,
s. 35.]

11A. (1) The court may, for the purpose of enforcing a judgment or order of the court for the payment of money to a person, by order impose on any land or interest in land of the debtor as may be specified in the order a charge for securing the payment of any moneys due or to become due under the judgment or order.

(2) An order under subsection (1) may be made either absolutely or subject to conditions as to notifying the debtor as to the time when the charge is to become enforceable or as to other matters.

(Cap. 128.)

(3) The Land Registration Ordinance shall apply to orders under subsection (1) as it applies to registration of judgments or orders affecting land but, save as aforesaid, a charge imposed under subsection (1) shall have the like effect and shall be enforceable in the same manner as an equitable charge created by the debtor by writing under his hand.

Enactment

Amendment

(4) This section shall apply to a judgment, order, decree or award however called of any court or arbitrator, including any foreign court or foreign arbitrator, which is or has become enforceable, whether wholly or to a limited extent, as it applies to a judgment or order of the court.

11B. The writ of *elegit* is abolished.

Abolition of
writs of *elegit*.
[cf. 1956 c. 46,
s. 34.]

Attachment
of debts.
[cf. 1956 c. 46,
s. 38.]

11C. A sum standing to the credit of a person in a deposit account in a bank shall, for the purposes of the jurisdiction of the court to attach debts for the purpose of satisfying judgments or orders for the payment of money, be deemed to be a sum due or accruing to that person and, subject to rules of court, shall be attachable accordingly, notwithstanding that any of the following conditions applicable to the account, that is to say—

- (a) any condition that notice is required before any money is withdrawn;
- (b) any condition that a personal application must be made before any money is withdrawn;
- (c) any condition that a deposit book must be produced before any money is withdrawn;
- (d) any condition that a receipt for money deposited must be produced before any money is withdrawn; or
- (e) any other condition prescribed by rules of court,

has not been satisfied.

*Habeas
corpus*.
[cf. 1960 c. 65,
s. 14.]

11D. (1) On a criminal application for *habeas corpus* an order for the release of the person restrained shall be refused only by the Full Court, whether the application is made in the first instance to that court or to a single judge in accordance with rules of court.

(2) Notwithstanding anything in any enactment or rule of law, where a criminal or civil application for *habeas corpus* has been made by or in respect of any person, no such application shall again be made by or in respect of that person on the same

Enactment

(Cap. 136.)

Appeal in
habeas corpus
proceedings.
[cf. 1960 c. 65,
s. 15.]Power of
court to vary
sentence on
certiorari.
[cf. 1960 c. 65,
s. 16.]

Amendment

grounds, whether to the same court or judge or to any other court or judge, unless fresh evidence is adduced in support of the application.

(3) In every case where the person by or in respect of whom an application for *habeas corpus* is made is restrained as a person liable, or treated by virtue of any enactment as liable, to be detained in pursuance of an order or direction under Part IV of the Mental Health Ordinance (otherwise than by virtue of paragraph (e) or (f) of section 53(2) of that Ordinance), the application shall be deemed for the purposes of this section and of any appeal in the proceedings to constitute a criminal cause or matter.

11E. (1) No appeal shall lie from an order made by a single judge on a criminal application for *habeas corpus* for the release of the person restrained.

(2) An appeal shall lie as of right to the Full Court from an order made by a single judge on a civil application for *habeas corpus* for the release of the person restrained as well as against the refusal of such an order.

11F. (1) Where a person who has been sentenced for an offence by a magistrate or by the District Court applies to the court for an order of *certiorari* to remove the proceedings before the magistrate or of the District Court into the court, and the court determines that the magistrate or the District Court had no power to pass the sentence, the court may, instead of quashing the conviction, amend it by substituting for the sentence passed any sentence which the magistrate or the District Court had power to impose.

(2) Any sentence passed by the court by virtue of this section in substitution for the sentence passed in the proceedings before a magistrate or of the District Court shall, unless the court otherwise directs, begin to run from the time when it would have begun to run if passed in those proceedings.

(3) This section shall apply, with the necessary modifications, in relation to any order of a magistrate or the District Court

Enactment

Amendment

which is made on, but does not form part of, the conviction of an offender as it applies in relation to a conviction and sentence.”.

4. The following new section is added after section 37—

“Appeal in
cases of
contempt of
court.
[cf. 1960 c. 65,
s. 13.]

37A. (1) Subject to this section, an appeal shall lie from any order or decision of a court in the exercise of jurisdiction to punish for contempt of court, including criminal contempt; and in relation to any such order or decision this section shall have effect in substitution for any other enactment relating to appeals in civil or criminal proceedings.

(2) An appeal under this section shall lie to the Full Court in any case at the instance of the person against whom the proceedings for contempt of court were brought or the order was made and, in the case of an application for committal or attachment, at the instance of the applicant.

(3) The Full Court may on appeal reverse or vary the order or decision of a court, and make such other order as may be just; and without prejudice to the powers of any court to grant bail, provision may be made by rules of court for authorizing the release on bail of an appellant under this section.

(4) In this section—

[cf. 1960 c. 65,
s. 13(5).]

“court” means any court of the Colony, any tribunal and any person, having power to punish for contempt; and references in this section to an order or decision of a court in the exercise of jurisdiction to punish for contempt of court include references to an order or decision of any court under any enactment enabling the court to deal with an offence as if it were contempt of court.

(Cap. 221.)

(5) This section does not apply to a conviction or sentence in respect of which an appeal lies under the Criminal Procedure Ordinance, or to a decision of the Full Court under that Ordinance; and for the purposes of that Ordinance and of this subsection an order for the punishment of any person for contempt of court in proceedings in which he has a right of appeal against his sentence shall be treated as part of that sentence.”.

	<i>Enactment</i>	<i>Amendment</i>
(Cap. 6.)	Bankruptcy Ordinance.	<p>Section 45(2) is amended—</p> <p>(a) in paragraph (c), by deleting "and due registration thereof in the appropriate Land Office;" and substituting therefor the following—</p> <p style="padding-left: 2em;">"or charging order and due registration thereof in the appropriate Land Office, or by the appointment of a receiver;" and</p> <p>(b) by deleting paragraph (g).</p>
(Cap. 32.)	Companies Ordinance.	<p>Section 269(2) is amended by deleting "in the Land Office, and in the case of an equitable interest," and substituting therefor the following—</p> <p style="padding-left: 2em;">"or charging order in the Land Office; or".</p>
(Cap. 287.)	Judicial Proceedings (Regulation of Reports) Ordinance.	<p>1. The long title is amended by adding before "regulate" the following—</p> <p style="padding-left: 2em;">"amend the law relating to contempt of court and to".</p> <p>2. The following new section is added after section 1—</p> <p style="padding-left: 2em;">"Interpretation.</p> <p style="padding-left: 4em;">1A. In this Ordinance, unless the context otherwise requires—</p> <p style="padding-left: 4em;">"court" means any court, tribunal or person having by law power to hear, receive and examine evidence on oath;</p> <p style="padding-left: 4em;">"court sitting in private" means any court sitting <i>in camera</i> or in chambers;</p> <p style="padding-left: 4em;">"judicial proceedings" and "proceedings" mean proceedings before any court."</p> <p>3. Section 2 is amended—</p> <p>(a) in subsections (2) and (3), by deleting "Ordinance" and substituting the following—</p> <p style="padding-left: 2em;">"section"; and</p> <p>(b) by deleting subsection (5).</p> <p>4. The following new sections are added after section 2—</p> <p style="padding-left: 2em;">"Innocent publication and distribution.</p> <p style="padding-left: 4em;">3. (1) A person shall not be guilty of contempt of court on the ground that he has published any matter calculated to interfere with the course of justice in connexion with any proceedings pending or imminent at the time of publication if at that time, having taken all reasonable care, he did not know and had no reason to suspect that the proceedings were pending, or that such proceedings were imminent, as the case may be.</p>

Inf. 1960 c. 65, s. 12(3).1

Innocent publication and distribution.
1960 c. 65, s. 11.

	<i>Enactment</i>	<i>Amendment</i>
		<p>(2) A person shall not be guilty of contempt of court on the ground that he has distributed a publication containing such matter as is mentioned in subsection (1) if at the time of distribution, having taken all reasonable care, he did not know that it contained any such matter as aforesaid and had no reason to suspect that it was likely to do so.</p> <p>(3) The proof of any fact tending to establish a defence afforded by this section to any person in proceedings for contempt of court shall lie upon that person.</p>
	Publication of information relating to proceedings in private. <i>Inf.</i> 1960 c. 65, s. 12.]	<p>4. (1) The publication of information relating to proceedings before any court sitting in private shall not of itself be contempt of court except in the following cases, that is to say—</p> <p>(a) where the proceedings relate to the wardship or adoption of an infant or wholly or mainly to the guardianship, custody, maintenance or upbringing of an infant, or rights of access to an infant;</p> <p>(b) where the proceedings are brought under Part II or IV of the Mental Health Ordinance;</p> <p>(c) where the court sits in private for reasons of national security during that part of the proceedings about which the information in question is published;</p> <p>(d) where the information relates to a secret process, discovery or invention which is in issue in the proceedings;</p> <p>(e) where the court, having power to do so, expressly prohibits the publication of all information relating to the proceedings or of information of the description which is published.</p> <p>(2) Without prejudice to subsection (1), the publication of the text or a summary of the whole or part of an order made by a court sitting in private shall not of itself be contempt of court except where the court, having power to do so, expressly prohibits the publication.</p>
	(Cap. 136.)	

Enactment

(Cap. 336.)

District Court (Civil Jurisdiction and Procedure) Ordinance.

Amendment

(3) Nothing in this section shall be construed as implying that any publication is punishable as contempt of court which would not be so punishable apart from this section."

1. Section 2 is amended by inserting after the definition of "judge" the following new definition—

"“land” means land of whatever description, any part or section thereof, and tenements and buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way);”.

2. The following new sections are added after section 21—

“Power of court to impose charges on land of judgment debtor.
[cf. 1959 c. 22, s. 141.]

21A. (1) The Court may, for the purpose of enforcing a judgment or order of the Court for the payment of money to a person, by order impose on any land or interest in land of the debtor as may be specified in the order a charge for securing the payment of any moneys due or to become due under the judgment or order.

(2) An order under subsection (1) may be made either absolutely or subject to conditions as to notifying the debtor as to the time when the charge is to become enforceable or as to other matters.

(Cap. 128.)

(3) The Land Registration Ordinance shall apply in relation to orders under subsection (1) as it applies to judgements or orders affecting land but, save as aforesaid, a charge imposed under subsection (1) shall have the like effect and shall be enforceable in the same manner as an equitable charge created by the debtor by writing under his hand; and for the purposes of this provision the limit imposed by section 8(1)(c) on the jurisdiction of the Court shall be disregarded.

Receivers.
[cf. 1959 c. 22, s. 142(1), (2).]

21B. (1) The Court may appoint a receiver by an interlocutory order in all cases in which it may appear to the Court to be just or convenient that such order should be made; and any such order may be made either unconditionally or on such terms and conditions as the Court may think just.

(2) The power of the Court to appoint a receiver by way of equitable execution shall operate in relation to land and any interest in land.

Enactment

Amendment

(3) The power under this section may be exercised in relation to land or any interest in land (whether or not a charge has been imposed on that land or interest under section 21A for the purpose of enforcing the judgment or order under that section), and the power shall be in addition to and not in derogation of any power of any court to appoint a receiver in proceedings for enforcing such a charge.

Attachment of debts.
[cf. 1959 c. 22, s. 143.]

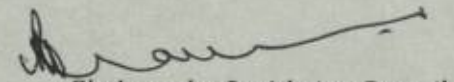
(Cap. 336, sub. leg.)

21C. A sum standing to the credit of a person in a deposit account in a bank shall, for the purposes of jurisdiction of the Court to attach debts for the purpose of satisfying judgments or orders for the payment of money, be deemed to be a sum due or accruing to that person and, subject to the District Court Civil Procedure (General) Rules, shall be attachable accordingly, notwithstanding that any of the following conditions applicable to the account, that is to say—

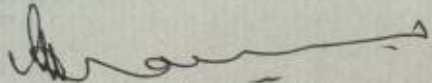
- (a) any condition that notice is required before any money is withdrawn;
- (b) any condition that a personal application must be made before any money is withdrawn;
- (c) any condition that a deposit book must be produced before any money is withdrawn;
- (d) any condition that a receipt for money deposited must be produced before any money is withdrawn; or
- (e) any other condition prescribed by the District Court Civil Procedure (General) Rules,

has not been satisfied.”.

Passed by the Hong Kong Legislative Council this 14th day of February, 1973.


Clerk to the Legislative Council.

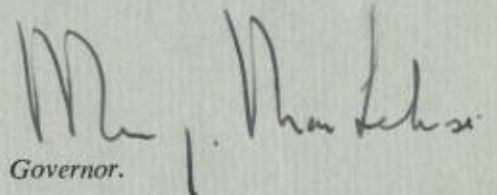
*This printed impression has been carefully compared
by me with the bill, and is found by me to be a true and
correctly printed copy of the said bill.*



Clerk to the Legislative Council.



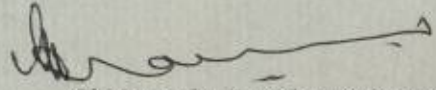
I assent.



Governor.

15th February, 1973.

An Ordinance to amend the Juvenile Offenders Ordinance and to

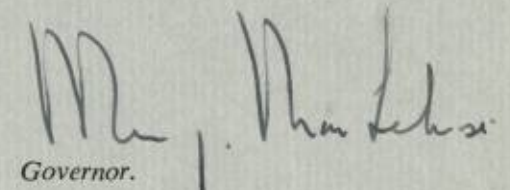

Clerk to the Legislative Council.

HONG KONG

No. 15 OF 1973



I assent.


Governor.

15th February, 1973.

An Ordinance to amend the Juvenile Offenders Ordinance and to amend consequentially the Protection of Women and Juveniles 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 Juvenile Offenders (Amendment) Ordinance 1973 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. The long title of the principal Ordinance is amended by deleting "*for proceedings in reference to juvenile offenders*" and substituting the following—

Amendment of long title. (Cap. 226.)

"for juvenile courts and juveniles".

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

Amendment of section 2.

(a) being renumbered as subsection (1);

(b) inserting after the definition of "guardian" the following—

"Panel" means the Juvenile Courts Advisory Panel appointed under subsection (2) of section 3B;

"place of detention" means a place of detention appointed under section 16"; and

(c) inserting the following new subsection—

"[cf. 1933, c. 12, s. 107(2).]

(2) References in this Ordinance to a finding of guilty shall be construed as including references to a plea of guilty and an admission that an offence has been committed."

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

"Age of criminal responsibility. 1933, c. 12, s. 50.

3. It shall be conclusively presumed that no child under the age of seven years can be guilty of an offence.

3A. (1) Courts constituted in accordance with this section and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Ordinance shall be known as juvenile courts.

(2) A juvenile court shall consist of a permanent magistrate appointed by the Chief Justice.

(3) A juvenile court shall have jurisdiction to hear and determine a charge against a child or young person of any offence other than homicide.

(4) A juvenile court shall have all the powers of a permanent magistrate and, subject to this Ordinance, the Magistrates Ordinance shall apply to proceedings before a juvenile court as it applies to proceedings before a magistrate.

(Cap. 227.)

Juvenile court may take advice as to method of dealing with juvenile.

3B. (1) A juvenile court may, in determining the method of dealing with a child or young person who has been found guilty of any offence, take the advice of two persons selected by the court from the Panel.

(2) For the purposes of subsection (1), the Chief Justice may, after consultation with the Secretary for Home Affairs, appoint a panel of persons, which shall be known as the Juvenile Courts Advisory Panel.

(3) Notice of the appointment of any person to the Panel shall be published in the *Gazette*.

Repeal and replacement of section 3, and addition of new sections 3A, 3B, 3C, 3D, 3E and 3F.

Juvenile courts. [cf. 1933, c. 12, s. 45.]

Assignment of certain matters to juvenile courts. [cf. 1933, c. 12, s. 46.]

3C. (1) Subject as hereinafter provided, no charge against a child or young person shall be heard by a court of summary jurisdiction which is not a juvenile court.

(2) Notwithstanding subsection (1)—

(a) a charge made jointly against a child or young person and a person who has attained the age of sixteen years shall be heard by a court of summary jurisdiction other than a juvenile court;

(b) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of sixteen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and

(c) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this subsection shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(3) No direction, whether contained in this or any other Ordinance, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any judge, District Judge or magistrate to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

Procedure in juvenile courts. [cf. 1933, c. 12, ss. 47 and 49.]

3D. (1) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by this or any other Ordinance.

(2) A juvenile court shall not sit in a room in which sittings of a court other than a juvenile court are held if a sitting of that other court has been or will be held within an hour before or after the sitting of the juvenile court.

(3) No person shall be present at any sitting of a juvenile court except—

- (a) officers of the court;
- (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
- (c) *bona fide* representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorize to be present.

(4) Notwithstanding subsection (3)(c) a juvenile court may exclude any representative of a newspaper or news agency from any sitting thereof.

Miscellaneous provisions as to powers of juvenile courts. [cf. 1933, c. 12, s. 48.]

3E. (1) A juvenile court sitting for the purpose of hearing a charge against a person who is believed to be a child or young person may proceed with the hearing and determination of the charge notwithstanding that it is discovered that the person in question is not a child or young person.

(2) The attainment of the age of sixteen years by a person—

- (a) under supervision by virtue of a probation order made under the Probation of Offenders Ordinance; or
- (b) in whose case an order for conditional discharge has been made,

(Cap. 298.)

shall not deprive a juvenile court of jurisdiction to—

- (i) enforce his attendance and deal with him for any contravention of the requirements of the probation order or for the commission of a further offence; or
- (ii) amend or discharge the probation order.

(3) When a juvenile court has remanded a child or young person for information to be obtained about him, any juvenile court may—

- (a) in his absence extend the period for which he is remanded, so, however, that he appears before a court at least once in every twenty-one days; and
- (b) when the required information has been obtained, deal with him finally.

Power of other courts to remit juvenile offenders to juvenile courts. [cf. 1933, c. 12, s. 56.]

3F. (1) If a child or young person is found guilty of an offence other than homicide by any court other than a juvenile court, the court shall, unless satisfied that it would be undesirable to do so, remit the case to a juvenile court; and where any such case is so remitted the offender shall be brought before the juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(2) Where any case is so remitted—

- (a) the offender shall have the same right of appeal against any order of the juvenile court to which the case is remitted as if he had been found guilty by that court, but shall have no right of appeal against the order of remission; and
- (b) any appeal against the finding of guilt shall be made in accordance with the provisions for appeal against the finding of the remitting court and the time within which such appeal shall be made shall run from the date of the final order of the juvenile court to which the case was remitted.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary for the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.”

5. Section 5 of the principal Ordinance is amended by deleting “provided under this Ordinance”.

Amendment of section 5.

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

Repeal and replacement of section 6.

“Separation of children and young persons in police stations, courts, etc. [cf. 1933, c. 12, s. 31.]

6. (1) No child or young person while—

- (a) detained in a police station;
- (b) being conveyed to or from any criminal court; or
- (c) waiting before or after attendance in any criminal court,

shall be permitted to associate with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged.

(2) Any girl (being a child or young person) shall, while so detained, being conveyed or waiting, be under the care of a female.”.

Amendment of section 7.

7. Section 7 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

“(1) A court on remanding or committing for trial a child or young person who is not released on bail shall commit him to custody—

(a) in the case of a child, in a place of detention;

(b) in the case of a young person, in a place of detention or a training centre established under the Training Centres Ordinance.”.

(Cap. 280.)

Amendment of section 8.

8. Section 8 of the principal Ordinance is amended—

(a) by deleting subsection (7) and substituting the following—

“(7) Where—

(a) the child or young person admits the offence or the court is satisfied that it is proved; or

(b) the case of a child or young person is remitted to the court under section 3F,

the child or young person shall be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise.”; and

(b) by deleting subsections (10) and (11).

Amendment of section 9.

9. Section 9 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

“Attendance at court of parent of child or young person charged with an offence, etc. [cf. 1933, c. 12, s. 34.]

(1) Subject to subsection (1A), where a child or young person is charged with any offence or is brought before a court under the provisions of this or any other Ordinance, his parent or guardian shall, unless the court otherwise orders, attend before the court during all stages of the proceedings; and the court may compel the attendance of the parent or guardian as if he were required as a witness in the proceedings.

(1A) If it appears to a court to be necessary to do so in the interest of a child or young person, the court may require his parent or guardian to withdraw from the court.”.

10. Section 10 of the principal Ordinance is amended by deleting subsection (4) and substituting the following—

Amendment of section 10.

“(4) No order shall be made under this section unless the parent or guardian has been given opportunity of being heard.”.

11. Section 11 of the principal Ordinance is amended in subsection (2) by deleting “whether by probation, fine, corporal punishment, committal to a place of detention, reformatory or industrial school, or otherwise”.

Amendment of section 11.

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

Repeal and replacement of section 14.

“Detention in place of detention.

14. (1) Where a child or young person—

(a) is found guilty of an offence punishable in the case of an adult with imprisonment; or

(b) would be liable if he were an adult to be imprisoned in default of payment of any fine, damages or costs,

and the court considers that no other method in which the case may be dealt with is suitable, the court may order that he be detained in a place of detention.

(2) A child or young person ordered to be detained in a place of detention shall be so detained for such period not exceeding six months from the date of such order as the Director of Social Welfare may determine:

Provided that the period of detention shall not exceed the maximum term of imprisonment to which the child or young person would have been liable, if he were an adult, for the offence of which he was found guilty or in default of payment of the fine, damages or costs, as the case may be.”.

13. Section 15 of the principal Ordinance is amended—

Amendment of section 15.

(a) by deleting paragraphs (d) and (e) and substituting the following—

“(d) by dealing with the offender under paragraph (b) of section 96 of the Magistrates Ordinance;

(Cap. 227.)

- (e) if the offender is in need of care and protection, by dealing with him under section 34 of the Protection of Women and Juveniles Ordinance;"
- (Cap. 213.)
- (b) in paragraph (g) by inserting after "caned" the following—
- (Cap. 222.) "in accordance with the Corporal Punishment Ordinance";
- (c) in paragraph (k) by deleting "provided under this Ordinance";
- (d) in paragraph (l) by inserting after "imprisonment" the following—
- "or to detention in a training centre established under the Training Centres Ordinance"; and
- (Cap. 280.)
- (e) by deleting paragraph (m) and substituting the following—
- "(m) where the offender is a male person, by dealing with him under the provisions of the Detention Centres Ordinance 1972;
- (12 of 1972.)
- (n) by dealing with the case in any other manner in which it may be legally dealt with;"

Amendment of section 16.

14. Section 16 of the principal Ordinance is amended by deleting subsections (1), (2) and (3) and substituting the following—

- "(1) The Governor may by order—
- (a) appoint any place to be a place of detention for the purposes of this Ordinance;
- (b) declare that any place of detention shall be used only for such of the purposes for which places of detention are provided as may be specified in the order."

Amendment of section 17.

15. Section 17 of the principal Ordinance is amended in subsections (1) and (3), by deleting "provided under this Ordinance" wherever those words occur.

Amendment of section 18.

16. Section 18 of the principal Ordinance is amended—
- (a) by deleting "Commissioner of Police" and substituting the following—
- "Government"; and
- (b) by deleting "provided under this Ordinance".

17. The principal Ordinance is amended by adding after section 20 the following—

"Restriction on reports of proceedings in juvenile courts and power of other courts to prohibit certain reports.
[cf. 23 Geo. 5, c. 12, s. 49.]

20A. (1) Subject to subsection (2) no person shall—

- (a) publish a written report or broadcast a report of any proceedings in a juvenile court or on appeal from a juvenile court—
- (i) revealing the name, address or school; or
- (ii) including any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein; or
- (b) publish in a written report any picture or broadcast any picture as being or including a picture of any child or young person so concerned in any such proceedings.

(2) The court may, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of subsection (1) to such extent as may be specified in the order.

(3) In any proceedings in any court, other than proceedings to which subsection (1) applies, the court may direct that, except in so far as the court may otherwise permit, no person shall publish any of the matters specified in subsection (1) in respect of the proceedings before it.

(4) If a report or picture is published or broadcast in contravention of subsection (1) or of a direction of a court under subsection (3), the following persons—

- (a) in the case of publication of a written report or picture as part of a newspaper or periodical publication, any proprietor, editor, publisher or distributor thereof;
- (b) in the case of a publication of a written report or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes it;
- (c) in the case of a broadcast of a report or picture, any person who transmits or pro-

Addition of new section 20A.

[cf. 23 Geo. 5, c. 12, s. 39(1).]

vides the programme in which the report or picture is broadcast and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical publication, shall be guilty of an offence and shall be liable on conviction to a fine of ten thousand dollars and to imprisonment for six months.

(5) Proceedings for an offence under this section shall not be instituted except with the consent of the Attorney General.

(6) Subsections (1) and (3) shall be in addition to, and not in derogation from, the provisions of any other Ordinance with respect to the publication of reports of judicial proceedings.

(7) In this section—

“broadcast” means sounds or visual images broadcast by wireless telegraphy or by means of a high frequency distribution system over wire or other paths provided by a material substance and intended for general reception;

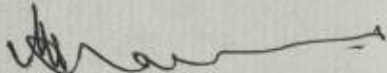
“publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public.”

Amendment of
Cap. 213.


18. Section 34 of the Protection of Women and Juveniles Ordinance is amended in subsection (1) by inserting after “A juvenile court,” the following—

“on its own motion or”.

Passed by the Hong Kong Legislative Council this 14th day of February, 1973.


Clerk to the Legislative Council.

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

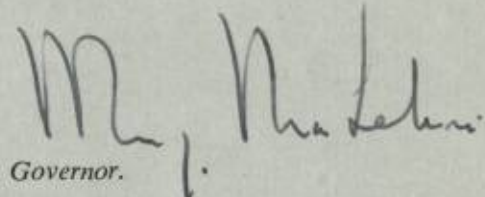

Clerk to the Legislative Council.

HONG KONG

No. 16 OF 1973



I assent.


Governor.

15th February, 1973.

An Ordinance to amend the Royal Hong Kong Regiment Ordinance.

[16th February, 1973]

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 Royal Hong Kong Regiment (Amendment) Ordinance 1973.

Short title.

2. Section 3 of the principal Ordinance is amended in subsection (3)(d) by deleting “or reserve of” and substituting the following—

Amendment to section 3. (Cap. 199.)

“and”.

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

Repeal and replacement of section 15.

“Pensions for disabled officers or members or for their dependants.

15. (1) Where an officer or member is disabled and a Pensions Assessment Board is of the opinion that the disablement is due to an injury which—

(a) is attributable to service; or

- (b) existed before or arose during service and has been and remains aggravated thereby,

the officer or member may be awarded a pension, gratuity, allowance or other payment in accordance with the provisions of the Royal Warrant applicable to his rank and appropriate to the Regiment.

(2) Where an officer or member dies and a Pensions Assessment Board is of the opinion that the death was due to or hastened by—

- (a) an injury which was attributable to service; or
 (b) the aggravation by service of an injury which existed before or arose during service,

the dependants of the deceased officer or member may be awarded a pension, gratuity, allowance or other payment in accordance with the provisions of the Royal Warrant applicable to the deceased's rank and appropriate to the Regiment.

(3) A pension, gratuity, allowance or other payment awarded under this section shall be calculated in accordance with the provisions of the Royal Warrant in force at the date of the service in respect of which the pension, gratuity, allowance or other payment is awarded, irrespective of whether the officer or member was, at such time, in service.

(4) A pension, gratuity, allowance or other payment awarded under this section—

- (a) shall be paid from moneys provided by the Legislative Council;
 (b) shall not be assignable, transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Government.

(5) The Governor in Council may make regulations for all or any of the following matters—

- (a) the establishment of a Pensions Assessment Board—
 (i) with power to award a pension, gratuity, allowance or other payment under this section; and
 (ii) for the purpose of exercising or performing such powers, duties or functions as

may be conferred or imposed on it in connexion therewith;

- (b) such modification of the Royal Warrant as may be considered necessary for the purposes of this section;
 (c) the establishment of a Pensions Appeal Tribunal to which an appeal may be made against any award or refusal of a pension, gratuity, allowance or other payment, or against any decision or assessment of the degree of disablement by a Pensions Assessment Board, or against any variation of such award, decision or assessment;
 (d) the making, conduct and hearing of appeals;
 (e) the submission and admissibility of evidence in appeals;
 (f) the representation of the parties to an appeal and, in particular, the representation of an appellant who for any reason is unable to attend or conduct his appeal;
 (g) the payment of travelling expenses, fees and allowances to members of a Pensions Appeal Tribunal, witnesses, appellants, and representatives and attendants of appellants;
 (h) the payment of medical expenses reasonably incurred by an appellant for the purposes of an appeal;
 (i) the recording and proving of decisions of a Pensions Appeal Tribunal;
 (j) the appointment and payment of such staff as may be necessary to enable a Pensions Appeal Tribunal properly to fulfil its functions;
 (k) generally for the better carrying out of the provisions of this section.
 (6) For the purposes of this section—

“dependant” shall be construed in the same way as in the Royal Warrant:

Provided that “wife”, “widow” and “child” shall have the meanings assigned to them in section 18(3) of the Pensions Ordinance;

“injury” includes wound and disease;

"service" means service with the Regiment when on active service or under training."

Amendment of section 16.

4. Section 16 of the principal Ordinance is amended in paragraph (b) by inserting after "pension" the following—

“, gratuity, allowance or other payment”.

Passed by the Hong Kong Legislative Council this 14th day of February, 1973.

[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.



I assent.

[Handwritten signature: Murray Lehmann]
Governor.

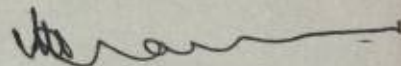
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section 16.

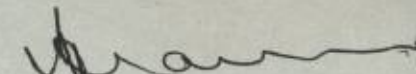
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" , gratuity, allowance or other payment".

Passed by the Hong Kong Legislative Council this 14th day of February, 1973.


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.

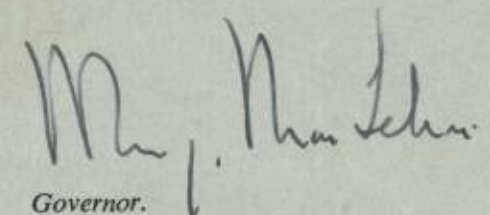

Clerk to the Legislative Council.

HONG KONG

No. 17 OF 1973



I assent.


Governor.

15th February, 1973.

An Ordinance to amend the Royal Hong Kong Auxiliary Air Force Ordinance.

[16th February, 1973]

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 Royal Hong Kong Auxiliary Air Force (Amendment) Ordinance 1973.

Short title.

2. Section 3 of the principal Ordinance is amended in subsection (3)(d) by deleting "or" and substituting the following—
"and".

Amendment of section 3. (Cap. 198.)

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

Repeal and replacement of section 15.

"Pensions for disabled officers or members or for their dependants.

15. (1) Where an officer or member is disabled and a Pensions Assessment Board is of the opinion that the disablement is due to an injury which—

- (a) is attributable to service; or
- (b) existed before or arose during service and has been and remains aggravated thereby,

the officer or member may be awarded a pension, gratuity, allowance or other payment in accordance with the provisions of the Order by Her Majesty applicable to his rank and appropriate to the Force.

(2) Where an officer or member dies and a Pensions Assessment Board is of the opinion that the death was due to or hastened by—

- (a) an injury which was attributable to service; or
- (b) the aggravation by service of an injury which existed before or arose during service.

the dependants of the deceased officer or member may be awarded a pension, gratuity, allowance or other payment in accordance with the provisions of the Order by Her Majesty applicable to the deceased's rank and appropriate to the Force.

(3) A pension, gratuity, allowance or other payment awarded under this section shall be calculated in accordance with the provisions of the Order by Her Majesty in force at the date of the service in respect of which the pension, gratuity, allowance or other payment is awarded, irrespective of whether the officer or member was, at such time, in service.

(4) A pension, gratuity, allowance or other payment awarded under this section—

- (a) shall be paid from moneys provided by the Legislative Council;
- (b) shall not be assignable, transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Government.

(5) The Governor in Council may make regulations for all or any of the following matters—

- (a) the establishment of a Pensions Assessment Board—
 - (i) with power to award a pension, gratuity, allowance or other payment under this section; and
 - (ii) for the purpose of exercising or performing such powers, duties or functions as may be conferred or imposed on it in connexion therewith;

- (b) such modification of the Order by Her Majesty as may be considered necessary for the purposes of this section;
- (c) the establishment of a Pensions Appeal Tribunal to which an appeal may be made against any award or refusal of a pension, gratuity, allowance or other payment, or against any decision or assessment of the degree of disablement by a Pensions Assessment Board, or against any variation of such award, decision or assessment;
- (d) the making, conduct and hearing of appeals;
- (e) the submission and admissibility of evidence in appeals;
- (f) the representation of the parties to an appeal and, in particular, the representation of an appellant who for any reason is unable to attend or conduct his appeal;
- (g) the payment of travelling expenses, fees and allowances to members of a Pensions Appeal Tribunal, witnesses, appellants, and representatives and attendants of appellants;
- (h) the payment of medical expenses reasonably incurred by an appellant for the purposes of an appeal;
- (i) the recording and proving of decisions of a Pensions Appeal Tribunal;
- (j) the appointment and payment of such staff as may be necessary to enable a Pensions Appeal Tribunal properly to fulfil its functions;
- (k) generally for the better carrying out of the provisions of this section.
- (6) For the purposes of this section—

“dependant” shall be construed in the same way as in the Order by Her Majesty:

Provided that “wife”, “widow” and “child” shall have the meanings assigned to them in section 18(3) of the Pensions Ordinance;

“injury” includes wound and disease;

“service” means service with the Force when on active service or under training.”

Amendment of
section 16.

4. Section 16 of the principal Ordinance is amended in paragraph (b) by inserting after "pension" the following—

“, gratuity, allowance or other payment”.

Amendment of
section 34.

5. Section 34 of the principal Ordinance is amended by deleting "a military" and substituting the following—

“an air force”.

Passed by the Hong Kong Legislative Council this 14th day of February, 1973.



Clerk to the Legislative Council.

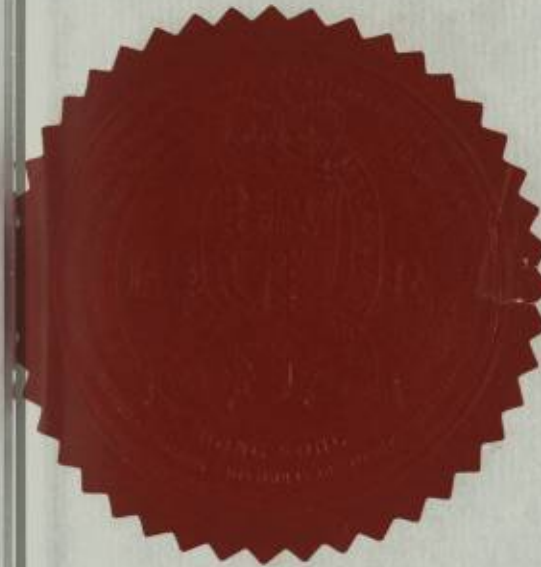
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



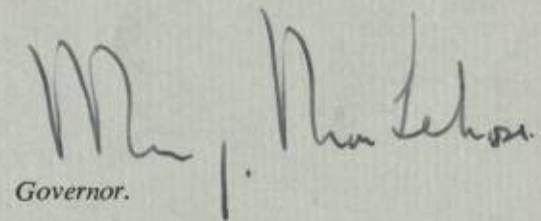
Clerk to the Legislative Council.

HONG KONG

No. 18 OF 1973



I assent.



Governor.

15th February, 1973.

An Ordinance to amend the Census Ordinance.

[16th February, 1973]

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 Census (Amendment) Ordinance 1973. | Short title. |
| 2. Section 3(2)(b) of the principal Ordinance is amended by inserting after "the date on which" the following—
“or the period in respect of which”. | Amendment of section 3. (Cap. 316.) |
| 3. Section 5 of the principal Ordinance is amended by— | Amendment of section 5. |
| (a) deleting the colon after "completed" and substituting a full stop; and | |
| (b) deleting the proviso. | |


Amendment of
section 10.

4. Section 10 of the principal Ordinance is amended—
- (a) in subsection (2) by deleting “either to the census officer from whom it was obtained or to such other census officer as the Commissioner may direct in writing” and substituting the following—
“to a census officer”;
- (b) in subsection (3)—
- (i) by inserting after “such occupier shall either” the following—
“at the request of a census officer”;
- (ii) by deleting “to the census officer from whom it was obtained or to such other census officer as the Commissioner may direct in writing” and substituting the following—
“to a census officer”; and
- (c) in subsection (5)—
- (i) by deleting “At any time within two months after the date ordered for the taking of any census” and substituting the following—
“At any time within two months after a census date, within twelve months after a census period or during a census period, being a date or period specified pursuant to section 3(2)(b)”;
- (ii) by inserting after “for the purpose of”, in the first place where it occurs, the following—
“completing any form.”;
- (iii) by inserting after “as he may consider necessary,” the following—
“complete any form or”.

Passed by the Hong Kong Legislative Council this 14th day of February, 1973.

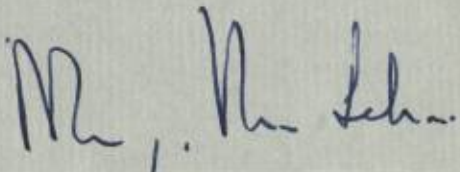

Clerk to the Legislative Council.

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


Clerk to the Legislative Council.



I assent.



... as the Commissioner may direct in writing" and substituting the following—

"to a census officer";

(b) in subsection (3)—

(i) by inserting after "such occupier shall either" the following—

"at the request of a census officer";

(ii) by deleting "to the census officer from whom it was obtained or to such other census officer as the Commissioner may direct in writing" and substituting the following—

"to a census officer"; and

(c) in subsection (5)—

(i) by deleting "At any time within two months after the date ordered for the taking of any census" and substituting the following—

"At any time within two months after a census date, within twelve months after a census period or during a census period, being a date or period

HONG KONG

No. 19 OF 1973



I assent.

M. J. M. Lehn
Governor.

1st March, 1973.

An Ordinance to provide for the incorporation of the Urban Council, its constitution, functions and matters incidental thereto.

[1st April, 1973]

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 Urban Council Ordinance 1973 and shall come into operation on the 1st day of April 1973.

Short title and commencement.

Interpretation.

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

“appointed member” means a person who has been appointed by the Governor to act as a member of the Council in accordance with the provisions of section 9;

(Cap. 254.)

“auxiliary force” means any of the auxiliary forces as defined in section 2 of the Auxiliary Forces Pay and Allowances Ordinance;

“candidate” means a person who has been nominated and who has consented to nomination as a candidate for election as an elected member;

“Chairman” means any person elected to be Chairman of the Council under section 20;

“Council” means the Urban Council incorporated under section 3;

“elected member” means a person who has been elected to act as a member of the Council in accordance with the provisions of the First Schedule;

First Schedule.

“elector” means a person who is registered as an elector in accordance with the provisions of paragraph 7 of the First Schedule;

“extraordinary election” means an election held to fill a vacancy declared under section 18 or in lieu of any election which has been countermanded in accordance with the provisions of paragraph 13(2) of the First Schedule.

“last previous final register” means the final register published on or before the 1st day of January 1973 and any final register published pursuant to paragraph 7(1)(b) of the First Schedule;

“member” means either an elected member or an appointed member;

“ordinary election” means an election held to fill vacancies caused by the expiration of the term of office of elected members;

“qualifying period” for registration as an elector on any register has the meaning assigned thereto by paragraph 2(5) of the First Schedule;

“register” means a register of electors prepared in accordance with the provisions of paragraph 7 of the First Schedule;

“registration officer” means a person appointed by the Governor to be a registration officer in accordance with paragraph 6 of the First Schedule and also an assistant registration officer;

“returning officer” means such officer as shall have been appointed by the Governor as returning officer in accordance with the provisions of paragraph 12 of the First Schedule and also an assistant returning officer;

“Secretary” means any person appointed by the Governor to be Secretary of the Council under section 28 and also an assistant secretary;

“standing committee” means the standing committee established under section 30(2).

PART II

INCORPORATION AND CONSTITUTION

3. The Urban Council shall be a body corporate with perpetual succession and shall and may sue and be sued in the corporate name of the Urban Council.

Incorporation.

4. (1) The Council shall have a common seal, and the fixing of the seal shall—

Seal.

(a) be authorized or ratified by resolution of the Council; and

(b) be authenticated by the signatures of the Chairman and any member of the Council, authorized by resolution of the Council either generally or specially to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

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

Certain contracts and instruments not required to be under seal.

Urban Council.

6. (1) The Council shall consist of twelve elected members and twelve members appointed by the Governor.

(Cap. 101.)

(2) Any person holding office as an ordinary member of the Council on the 1st day of April 1973, under section 3(b) of the Urban Council Ordinance repealed by section 54 (hereafter referred to as the former Ordinance) and any person elected or appointed to the Council but who has not assumed office at that date shall continue to hold office or shall proceed to take up office, as the case may be, notwithstanding the repeal of the former Ordinance and shall hold office until such time as his term of office under the former Ordinance would have expired.

Tenure of office of elected members.
First Schedule.

7. The elected members shall be elected in accordance with the provisions of the First Schedule and shall hold office—

- (a) in the case of a member elected at an ordinary election, for four years from the 1st day of April next following the notification in the *Gazette* of his election;
- (b) in the case of a member elected at an extraordinary election or to fill a vacancy caused by an elected member ceasing to be a member in accordance with section 17, from the date of the notification in the *Gazette* of his election until the date when the elected member whom he succeeded would otherwise have ceased to hold office.

Electoral provisions contained in First Schedule.

8. The provisions of the First Schedule shall have effect—

- (a) in Part I thereof, to determine the persons qualified for registration as electors in elections for elected members;
- (b) in Part II thereof, to govern the registration as electors of persons qualified under Part I;
- (c) in Part III thereof, to lay down the procedure for the conduct of elections; and
- (d) in Part IV thereof, to prescribe the procedure for challenging the result of any election by the presentation of election petitions to the Supreme Court and the powers of the Court on election petitions.

Appointment and tenure of office of appointed members.

9. (1) An appointed member shall be appointed by the Governor by a notification in the *Gazette*.

(2) Each appointed member shall hold office for such period not exceeding four years as the Governor may determine from

the 1st day of April next following the notification in the *Gazette* of his appointment or reappointment.

PART III

GENERAL PROVISIONS AS TO MEMBERS OF THE COUNCIL

10. A person shall be disqualified for being elected or being nominated for election or being appointed or holding office as a member if he—

Disqualification from membership of the Council.

- (a) holds any office of emolument under the Crown (other than as a member of an auxiliary force) or any office of emolument in the gift or disposal of the Council or any committee thereof or having held such office has been dismissed therefrom;
- (b) has in any Commonwealth country been sentenced to death or imprisonment (by whatever name called) for a term exceeding twelve months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon;
- (c) has been convicted of treason;
- (d) is disqualified from being elected or being nominated for election or being appointed or holding office as a member under any enactment;
- (e) is a member of any Parliament, assembly or council, whether central or local, of a foreign country or a salaried functionary of a foreign government;
- (f) is an undischarged bankrupt or, within the previous five years, has either obtained his discharge in bankruptcy or has entered into a composition with his creditors, in either case without paying his creditors in full.

11. (1) A person of either sex, unless disqualified by virtue of this Ordinance or any other enactment, shall be qualified for nomination as a candidate for election or appointment as a member if he is—

Qualification for membership of the Council.

- (a) entitled to be and is registered as an elector; and

(b) able, to the satisfaction of such authority or person as the Governor may appoint in that behalf, to speak and, unless incapacitated by blindness or other physical cause, to read and write the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Council.

(2) Notwithstanding anything in subsection (1), any person possessed of the knowledge of the English language as required by section 4 of the Jury Ordinance shall be deemed without further inquiry to satisfy the requirements of subsection (1)(b).

(Cap. 3.)

Eligibility for re-election or reappointment.

12. A person ceasing to be a member shall, unless he is not qualified or is disqualified, be eligible to be again elected, nominated for election or appointed as a member.

Saving.

13. The acts and proceedings of any person elected or appointed as a member under the provisions of this Ordinance and acting as such shall, notwithstanding his want of qualification or disqualification, be as valid and effectual as if he had been qualified.

Acceptance of office.

Second Schedule.

14. (1) A person elected or appointed to be a member shall not, unless he has made a declaration of acceptance of office in the form prescribed in the Second Schedule and the declaration has been delivered to the Chairman within thirty days after the publication in the *Gazette* of the notification of his election or appointment, act as a member.

(2) If such declaration is not made and delivered to the Chairman within thirty days after the publication in the *Gazette* of the notification of such election or appointment the election or appointment of the said person shall thereupon be null and void.

(3) The declaration shall be made within Hong Kong before a justice of the peace, magistrate, or commissioner for oaths.

Resignation of a member.

15. (1) A member may at any time resign his office by giving notice in writing under his hand to the Chairman.

(2) A notice of resignation given under subsection (1) shall take effect—

- (a) upon the date specified in the notice, which date shall not be earlier than the date of the receipt of the notice by the Chairman; or
- (b) if no such date is specified in the notice, then upon receipt of the notice by the Chairman.

16. If an appointed member is of the opinion that he will be prevented for more than three months, by absence from the Colony or any other cause, from acting he may give notice in writing to this effect to the Governor and to the Chairman and the Governor may thereupon appoint some other person to replace such appointed member until he returns to the Colony or is able to resume his functions and has notified the Governor in writing accordingly.

Substitution of members.

17. (1) If the Chairman or a member fails throughout a period of three consecutive months to attend any meeting of the Council he shall, unless the failure was due to some reason approved by the Council, cease to hold office as Chairman or, as the case may be, as a member of the Council.

Non-attendance.

(2) A member of an auxiliary force employed as such during war or emergency on any service therewith shall not cease to hold office under subsection (1) by reason only of failure to attend meetings of the Council if the failure was due to such employment.

18. When a member—

- (a) becomes disqualified by reason of any of the provisions of section 10; or
- (b) ceases to be registered or entitled to be registered as an elector; or
- (c) ceases to be a member by reason of the provisions of section 17; or
- (d) dies; or
- (e) resigns in accordance with the provisions of section 15; or
- (f) fails to complete and deliver to the Chairman within the appointed time a declaration of acceptance of office in accordance with the provisions of section 14; or
- (g) in the case of an elected member, is declared by the Supreme Court on an election petition not to have been validly elected,

Publication of notice of vacancy.

the Chairman shall forthwith declare his office to be vacant by a notification published in the *Gazette*.

19. (1) If a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter and is present at a meeting of the Council or a committee thereof at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part

Members interests in contracts.

in the consideration or discussion of, or vote on any question with respect to, the contract or other matter.

(2) This section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or resident of the urban areas or to an interest in any matter relating to the terms on which the right to participate in any service is offered to the public.

(3) A member shall not be treated as having a pecuniary interest in any contract or other matter if the interest—

- (a) of that member; or
- (b) of any company, body or person connected with him as mentioned in subsection (4),

is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

(4) For the purposes of this section a member shall be treated as having indirectly a pecuniary interest in a contract or other matter, if—

- (a) he, or any nominee of his, is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) he is a partner, or in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that—

- (i) this subsection shall not apply to membership of, or employment under, any public body;
- (ii) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.

(5) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(6) A general notice given in writing to the Secretary by a member to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified

person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(7) The Secretary shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1), and of any notice given under subsection (6), and the book shall be open at all reasonable hours to the inspection of any member of the Council.

(8) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable to a fine of ten thousand dollars for each offence, unless he proves that he did not know that a contract, proposed contract, or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(9) No prosecution for an offence under this section shall be instituted without the consent of the Attorney General.

(10) The Council may by standing orders provide for the exclusion of a member from a meeting of the Council or any committee whilst any contract, proposed contract or other matter in which he has an interest to which this section applies is under consideration.

(11) In this section "member" includes any person elected as Chairman under section 20(2)(c).

PART IV

CHAIRMAN

20. (1) A Chairman and a Vice-Chairman shall be elected at the first meeting of the standing committee held following the 31st day of March in any year in which members are elected by ordinary election.

Council to
elect Chairman
and Vice-
Chairman.

(2) The standing committee may elect as Chairman—

- (a) an elected member; or
- (b) an appointed member; or
- (c) a person who is not a member of the Council but who has agreed to accept election to such office.

(3) The election of an elected member or an appointed member as Chairman shall not create a vacancy on the Council

and such member shall hold office as Chairman only as long as he is a member of the Council.

(4) No person shall be elected as Chairman under subsection (2)(c) if—

- (a) he would be disqualified from being elected or being appointed as a member under any of the provisions of paragraph (b), (c), (d), (e) or (f) of section 10; or
- (b) he is unable to comply with the qualification for membership set out in section 11(1)(b).

(5) No person shall assume office as Chairman until he has completed a declaration of acceptance of such office in the form prescribed in the Third Schedule and delivered the same to the Secretary.

Third Schedule.

(6) The Chairman and the Vice-Chairman shall hold office for a term not exceeding two years and at the expiration of such term shall be eligible for re-election for a second or subsequent term of office.

Duties of
Chairman and
Vice-
Chairman.

21. (1) The Chairman shall preside at meetings of the Council and of the standing committee and shall perform such other duties as are prescribed in this Ordinance.

(2) In the absence of the Chairman, or if at any time the office of Chairman is vacant, the Vice-Chairman shall preside and shall perform such other duties of the Chairman as are prescribed in this Ordinance.

(3) If both the Chairman and the Vice-Chairman are absent from a meeting of the Council or of the standing committee the members present shall appoint from among themselves a temporary Chairman to preside at that meeting.

Chairman to
have casting
vote.

22. At any meeting of the Council or of the standing committee the Chairman or other person presiding shall have an original vote and also, if the votes are equal, a casting vote.

Resignation
etc. of
Chairman.

23. (1) The Chairman may resign his office by giving notice in writing under his hand to the Secretary and the provisions of section 15(2) shall thereupon apply as if the references therein to the Chairman were references to the Secretary.

(2) A Chairman elected under section 20(2)(c) shall cease to hold office if he becomes disqualified from being elected or being appointed as a member under any of the provisions of paragraph (b), (c), (d), (e) or (f) of section 10.

(3) Where the Chairman resigns, dies or the office of Chairman is otherwise vacated, a new Chairman shall be elected at the first meeting of the standing committee thereafter and he shall hold office until such date as the standing committee may determine but not later than two years from the date of the last election held under section 20(1).

PART V

FUNCTIONS OF THE COUNCIL

24. The Council shall—

Functions of
the Council.

(a) exercise such powers and perform such duties as may, from time to time, be conferred or imposed on the Authority by the Public Health and Urban Services Ordinance;

(Cap. 132.)

(b) manage such car parks and temporary car parks the management of which may from time to time be vested in it under the Road Traffic (Parking and Waiting) Regulations or the Road Traffic (Temporary Car Parks) Regulations;

(Cap. 220, sub. leg.)

(c) be the Board for the urban areas for the purposes of the Dutiable Commodities (Liquor) Regulations;

(Cap. 109, sub. leg.)

(d) be the licensing authority for the purposes of licensing places of entertainment within the urban areas under the Places of Public Entertainment Regulations;

(Cap. 172, sub. leg.)

(e) undertake such other functions within the urban areas as the Governor may from time to time direct.

25. The Council may, within the urban areas—

Powers of the
Council.

(a) establish and maintain places and facilities for recreation, relaxation, the performance of sports of any kind and the conduct of literary, artistic, musical or other cultural activities of any kind;

(b) provide, promote, sponsor, assist or collaborate with any person or group of persons whether incorporated or not in the organizing or presenting of—

(i) dancing, musical, dramatic or theatrical performances of any kind;

- (ii) cinematograph displays;
 - (iii) literary or artistic exhibitions or competitions;
 - (iv) demonstrations, displays or competitions of sports;
- (c) acquire and hold property of any description if in the opinion of the Council such property is necessary for the accommodation of the Council or the Urban Services Department or for the performance of any purpose which the Council is required or is permitted by this or any other Ordinance to perform and subject to the terms and conditions upon which such property is held to dispose of the same;
- (d) undertake and execute any lawful trust which has as its object the furtherance of any purpose which the Council is required or is permitted by this or any other Ordinance to perform or any other object similar or incidental to any such purpose;
- (e) accept gifts and donations whether of property or otherwise and whether subject to any special trust or not;
- (f) do all such other acts as are reasonably necessary for the exercise or performance of all or any of the powers or duties of the Council under this or any other Ordinance and to perform any other function which is incidental or conducive to the attainment or furtherance of the purposes of the Council in accordance with the provisions of this or any other Ordinance.

Director of
Urban
Services.

26. (1) The principal executive officer of the Council shall be the Director of Urban Services.

(2) The Director of Urban Services (or, with the consent of the Chairman, a Deputy or Assistant Director) shall, notwithstanding that he is not a member thereof, attend the meetings of the standing committee and report on the execution of its decisions and may tender such advice as he thinks fit.

(3) The Director of Urban Services (or a Deputy Director or Assistant Director) may attend any meeting of any committee of the Council appointed under section 35(1).

Urban
Services
Department.

27. The Council shall discharge its functions through the Urban Services Department which shall, under the direction of the Director of Urban Services, do all acts and things necessary

for implementing the decisions of the Council or of any committee thereof to which the Council may have delegated the exercise of any of its powers under this or any other Ordinance.

28. (1) The Governor shall, after consultation with the Council, appoint a Secretary to the Council.

Secretary and
assistant
secretaries.

(2) The Governor may appoint assistant secretaries and such other staff as he may determine to assist the Secretary.

PART VI

PROCEEDINGS OF THE COUNCIL

29. The Council may make standing orders for regulating its procedure and without prejudice to the generality of the foregoing such standing orders may make such provision for the preservation of order at meetings as the Council may deem necessary.

Standing
orders.

30. (1) The Council shall meet at such times as may be laid down in standing orders and may adjourn from time to time.

Council and
standing
committee
meetings.

(2) There shall be a standing committee consisting of the Chairman and all the members of the Council which shall meet at such times as may be laid down in standing orders and which may adjourn from time to time.

(3) The Chairman may at any time summon a meeting of the Council or of the standing committee.

(4) The Chairman shall, on a requisition signed by not less than three members of the Council to that effect, summon a meeting of the Council or of the standing committee as the case may be, within seven days of receiving such requisition.

(5) Notice of meetings shall be given by the Secretary to each member of the Council at least two clear days before the day of each meeting, except in case of emergency when as long a notice as possible shall be given. Accidental omission to supply such notice to any member of the Council shall not affect the validity of a meeting.

31. (1) Minutes of the proceedings of the Council and of the standing committee shall be kept and authenticated in accordance with standing orders.

Minutes.

(2) Until the contrary is proved, a meeting of the Council or of a committee thereof, in respect of the proceedings whereof a minute has been kept and authenticated in accordance with standing orders, shall be deemed to have been duly convened and held and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Acts of the Council.

32. (1) All questions coming or arising before a meeting of the Council or of the standing committee shall be decided by a majority of the members present and voting thereon.

(2) Nothing in subsection (1) shall be deemed to limit the discretion of the Council or of any committee thereof to determine any matter by the circulation of papers.

Quorum.

33. (1) At any meeting of the Council or of the standing committee five members shall be a quorum.

(2) The quorum for any committee of the Council appointed under section 35(1) shall be laid down in standing orders of the Council.

Validity of acts of the Council.

34. The proceedings of the Council or of a committee thereof shall not be invalidated by any vacancy among their number, or by any defect in the election or qualification of any member thereof.

Appointment of committees.

35. (1) The Council may appoint committees which may include persons who are not members of the Council.

(2) At least two-thirds of the members of each committee shall be members of the Council, one of whom shall be elected as Chairman of the committee and as such shall have an original vote and, if the votes be equal, a casting vote.

(3) The Council may co-opt to any committee—

- (a) the Director of Urban Services;
- (b) the Assistant Director (Hygiene) in the Urban Services Department;
- (c) with the consent of the Director of Urban Services, any officer of the Urban Services Department;
- (d) with the consent of the Colonial Secretary, any other public officer,

and any person so co-opted shall serve on such committee.

(4) Every person appointed to any committee who is not a member of the Council and every public officer co-opted to serve on any committee shall be a member thereof for the purposes of voting and determining a quorum.

36. (1) Subject to subsection (4) the Council may by resolution delegate any of its powers and functions to any member of the Council or to any committee of the Council or to any member of any such committee or to any public officer with full powers to enforce any of the provisions of any enactment conferring powers on the Council.

Delegation of powers.

(2) Any committee of the Council may by resolution delegate to any member of such committee or to any public officer such power and authority to enforce any of the provisions of any enactment conferring powers on the Council as may have been delegated by the Council to such committee.

(3) In any case where a single member is exercising such delegated powers under the provisions of subsections (1) and (2), if he is not in agreement with a recommendation in writing of the appropriate public officer he shall refer such recommendation to the appropriate Select Committee or to the Council, and the Committee or the Council, as the case may be, shall decide whether the recommendation be accepted, modified or rejected.

(4) No delegation under subsection (1) or (2) shall authorize the exercise of any power—

- (a) to approve the annual list of works or estimates of income or expenditure of the Council;
- (b) to raise any loan under section 42(1);
- (c) to authorize the annual report or statements of revenue and expenditure and of assets and liabilities of the Council;
- (d) to make any by-law or regulation; or
- (e) to invest surplus funds of the Council under section 43 other than in a current account with a licensed bank.

PART VII

FINANCIAL PROVISIONS

37. (1) The accounts of the Council shall be prepared in such form, and maintained in such manner as the Accountant General may direct.

Accounts of the Council.

(2) Subject to subsection (1), the Council shall as soon as practicable after the commencement of this Ordinance make by-laws providing for—

- (a) the limitations on expenditure by any committee or person to whom the Council may delegate the power to incur expenditure;
- (b) the extent to which funds appropriated to a particular heading or sub-heading or expenditure in the estimates may be transferred between sub-headings or to another heading without the special authority of the standing committee;
- (c) the establishment of reserves for particular purposes and the procedure to be adopted by the Council in making transfers thereto or therefrom; and
- (d) the establishment of a tender board for the procurement of such goods and services as may be determined by the Council.

(3) Subject to subsections (1) and (2) the Council may make such other by-laws for the regulation and control of its finances as it thinks fit.

Annual
accounts.

38. As soon as may be convenient after the end of each financial year the Council shall cause to be drawn up a statement of revenue and expenditure during such financial year and a statement of the assets and liabilities of the Council on the last day thereof.

Estimates.

39. (1) Not later than four months before the end of each financial year the Council shall prepare and furnish to the Governor estimates of its revenue and expenditure for the next financial year together with a list of works which the Council proposes to undertake during the next financial year.

(2) The estimates shall set out, under separate headings, the sources of revenue and the distribution of expenditure; and where several matters are dealt with under one heading each such matter shall be itemized and be shown in a separate sub-heading relating to similar items.

- (3) The estimates may provide for—
 - (a) expenditure of such sums as may be necessary to defray the cost of official ceremonies of the Council;
 - (b) payment of allowances to members to meet expenses incurred in connexion with the discharge of the office of a member of the Council; and

(c) payment of a special allowance or honorarium to the Chairman.

(3) The list of works shall show in respect of each work—

- (a) the estimated total cost thereof;
- (b) the date on which such work is expected to be completed; and
- (c) the amount to be expended thereon during the next financial year.

(4) The estimates of revenue and expenditure for, and the list of works which the Council proposes to undertake during, the financial year ending on the 31st day of March 1974 shall be furnished to the Governor as soon as practicable after the commencement of this Ordinance.

40. (1) The Chairman shall within the period of four months, or such longer period as the Governor may determine, after the close of each financial year, transmit to the Director of Audit—

Audit.

- (a) the statement of the revenue and expenditure of the Council for that financial year;
- (b) the statement of the assets and liabilities of the Council on the last day of that financial year; and
- (c) such other statements as the Accountant General may specify from time to time.

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

(3) On receipt of the statements referred to in subsection (1), the Director of Audit—

- (a) shall examine and audit the statements; and
- (b) shall within a period of six months after the close of the financial year, or such longer period as the Governor may determine, prepare and submit to the Council a report in respect of his examination and audit of the statements together with—
 - (i) a copy of the statement of assets and liabilities duly certified by him; and
 - (ii) a copy of the statement of revenue and expenditure duly certified by him.

(4) The Chairman shall send copies of the audited statements and of the report of the Director of Audit to the Governor.

Fees.

41. Where under any regulations made by the Governor in Council the Council is constituted as the authority for the purposes of such regulations and as such authority the Council is required to do anything for which a fee is to be paid or a charge made all such fees and charges shall be payable to the Council.

Power to borrow.

42. (1) Subject to such terms and conditions as may be approved by the Financial Secretary, the Council may raise a loan or loans, chargeable upon and payable out of the revenues and assets of the Council, of such sums of money as may be required for any capital expenditure of the Council or for the repayment of any loan previously raised for any such purpose.

(2) The Council may, with the approval of or in accordance with the terms of any general authority given by the Financial Secretary, borrow temporarily, by way of overdraft or otherwise, such sums of money as may be required for discharging obligations or fulfilling functions imposed or conferred upon the Council by this or any other Ordinance.

Investment of surplus funds.

43. All funds of the Council that are not immediately required shall be invested in such investments as may be approved by the Financial Secretary.

Exemption from taxation and stamp duties.
(Cap. 117.)

44. (1) The revenues of the Council shall not be subject to taxation.

(2) No duty shall be payable by the Council under the Stamp Ordinance in respect of any instrument executed for the purposes of this or any other Ordinance.

PART VIII

MISCELLANEOUS PROVISIONS

Directions by the Governor.

45. (1) The Governor may, after consultation with the Council, give the Council directions of a general character as to the discharge by the Council of its functions in relation to matters appearing to the Governor to affect the public interest, and the Council shall give effect to such directions.

(2) The Governor may, after consultation with the Council, give to the Council specific directions for the purpose of remedying any failure of the Council to discharge any obligation or to fulfil any function imposed upon the Council by this or any other Ordinance, and the Governor may further direct any public officer to remedy such failure and any expense incurred thereby shall be payable by the Council.

46. (1) The Governor may by order vest in the Council, for the purposes stated in such order, the management and control of any property which is vested in the Crown.

Vesting of property in the Council.

(2) Any property vested in the Council which ceases to be used for the purpose stated in the vesting order shall revert to the Crown without payment of compensation.

47. All communications from the Council to the Governor shall be signed by the Chairman or the Secretary and be delivered to the Colonial Secretary.

Communications between the Council and the Governor.

48. The Chairman shall, at the time of forwarding the statements referred to in section 40(4), make to the Governor a report on the activities of the Council during that financial year.

Annual report.

49. As soon as may be convenient after the receipt thereof, the Governor shall cause to be laid on the table of the Legislative Council—

Financial statements and report to be laid before Legislative Council.

(a) the estimates and list of works of the Council furnished under section 39(1);

(b) copies of the audited statements of accounts and of the report of the Director of Audit furnished under section 40(4); and

(c) the Chairman's report on the activities of the Council furnished under section 48.

50. Failure to comply with any written order of a member of the Council, of a committee of the Council, or of a member of a committee of the Council, duly empowered under section 36 such order having been signed by the Secretary, and failure to comply with any order of a public officer duly empowered under section 36 shall be punishable in the same manner as if such order had been made by the Council.

Enforcement of orders.

51. No matter or thing done, by any member of the Council or of a committee of the Council, *bona fide* for the purpose of carrying into effect the provisions of this Ordinance or of any other enactment conferring powers on the Council, shall subject such member personally to any action, liability, claim or demand whatsoever.

Protection of members.

52. The Chairman may refer any dispute between the Council and any public officer to the Governor in Council and such a reference shall be deemed to be an appeal to the Governor in Council for the purposes of section 64 of the Interpretation and General Clauses Ordinance.

Settlement of disputes.

(Cap. 1.)

Transitional provisions concerning contracts.

53. Any contract, agreement or undertaking imposing any obligation or conferring any benefit in force on 1st April 1973 relating to any premises the management and control of which is vested in the Council or to the supply of goods by or to any public officer in the performance of any function on behalf of the Council shall be deemed to have been entered into on behalf of the Council and shall be binding on all parties thereto.

Repeal and consequential amendments, (Cap. 101.) Fourth Schedule.

54. (1) The Urban Council Ordinance is repealed.
(2) The enactments specified in the second column of the Fourth Schedule are amended to the extent and in the manner set out in the third column of that Schedule.

FIRST SCHEDULE

[s. 8.]

PART I

FRANCHISE

Entitlement to vote.

1. (1) Subject to paragraphs 4 and 5, a person shall be entitled to vote at the election of members of the Council if, and shall not be so entitled unless, having regard to paragraph 2 he is lawfully registered as an elector on the final register of electors in force on the date of the election.

(2) A person registered as an elector on the final register of electors in force on the date of the election of members of the Council shall not be excluded from voting at that election on the ground that, having regard to the provisions of paragraph 2, his name ought not to be on the final register; but this sub-paragraph shall not prevent the rejection of the vote by the Court on an election petition under Part IV of this Schedule or affect his liability to any penalty for voting.

Qualification for registration as an elector.

2. (1) Subject to the provisions of sub-paragraph (3) and paragraphs 3, 4 and 5, a person shall be entitled to be registered as an elector on any register of electors to be compiled pursuant to paragraph 7 if, and shall not be so entitled unless, either—

(a) he—

(i) was in fact registered as an elector on the last previous final register, and

(ii) was lawfully entitled (whether by virtue of the operation of this sub-sub-paragraph or otherwise) to be registered on that register and each preceding final register (if any) on which his name appeared:

Provided that—

(i) if a person was in fact registered on the last previous final register, it shall be presumed by the registration officer and, in proceedings before the revising officer, by the revising officer, until the contrary is shown to his satisfaction, that such person was lawfully entitled to be registered on that register and on every preceding final register on which his name appeared; and

(ii) where it is shown to the satisfaction of the registration officer or, in proceedings before the revising officer, to the satisfaction of the revising officer that a person was not lawfully entitled to be registered on any preceding final register on which his name appeared, such person shall nevertheless be deemed to be entitled under this sub-sub-paragraph to be registered on the register to be compiled as aforesaid if he shows to the satisfaction of the registration officer or, in proceedings before the revising officer, to the satisfaction of the revising officer that, in respect of any subsequent final register on which his name appeared, he was lawfully entitled to be registered as an elector otherwise than by virtue of the operation of this sub-sub-paragraph; or

(b) he satisfies the requirements of sub-paragraph (2).

(2) In respect of any register of electors, a person shall satisfy the requirements of this sub-paragraph within the meaning of sub-paragraph (1)(b) if, at any time during the qualifying period for registration as an elector on that register, he—

(a) was either on the list of special jurors or the list of common jurors prepared in accordance with the provisions of section 7 of the Jury Ordinance, or would have been on the list of special jurors or the list of common jurors save that he had been omitted or removed therefrom merely through mistake in the preparation of such list; or

(Cap. 3.)

(b) would have been liable for jury service save for being over the age of sixty or being afflicted with deafness, blindness or other such infirmity; or

(c) was a person (which expression shall not, however, include a wife whose income is deemed under the Inland Revenue Ordinance to be the income of her husband or who, with respect to business profits tax, is deemed under that Ordinance to be one and the same person as her husband) who had, for each of at least three of the six years of assessment immediately preceding the year of the assessment in which the qualifying period commences, paid one or other of the following taxes, that is to say—

(Cap. 112.)

(i) salaries tax assessed under Part III of the Inland Revenue Ordinance;

(ii) business profits tax assessed under Part IV of that Ordinance in respect of any trade profession or business whether carried on by two or more persons jointly or not and whether such tax was charged or paid in a partnership name or not; or

(iii) tax assessed under Part VII of that Ordinance pursuant to an election for personal assessment; and, for the purposes of sub-sub-paragraph (ii), payment by a partnership of business profits tax for any year of assessment shall, notwithstanding any agreement between the partners as to the division of the tax amongst themselves or any of them, be taken as sufficient payment of business profits tax for that year by each and every person who was a partner therein at any time during that year; or

(d) was—

(i) a member of an auxiliary force; or

- (ii) a locally enlisted member of the regular armed forces of the Crown; or
- (e) was—
- (i) a person serving in a civil capacity under the Government on the permanent establishment of the Colony holding a pensionable office within the meaning of the Pensions Ordinance; or
(Cap. 89.)
- (ii) in receipt of a pension granted under the Pensions Ordinance or any Ordinance repealed thereby, or would have been in receipt of such a pension if it had not been suspended under section 11 of the Pensions Ordinance or ceased under section 13 of that Ordinance; or
- (f) was a barrister or solicitor qualified to practise or act as such under the Legal Practitioners Ordinance and in actual practice, or a clerk of any such barrister or solicitor; or
(Cap. 159.)
- (g) was a registered medical practitioner within the meaning of the Medical Registration Ordinance; or
(Cap. 161.)
- (h) was a registered dentist within the meaning of the Dentists Registration Ordinance; or
(Cap. 156.)
- (i) was a member of the Royal College of Veterinary Surgeons of Great Britain or a person holding the diploma of such British or foreign veterinary institution or examining body as the Governor in Council may by order approve; or
- (j) was the managing director or editor, or a sub-editor, reporter, photographer, commentator, producer or announcer, of—
- (i) any periodical local newspaper or news agency registered under the Control of Publications Consolidation Ordinance, or
(Cap. 268.)
- (ii) any other newspaper or news agency, being a newspaper or news agency not required to be registered under that Ordinance, or any periodical publication other than a newspaper, or
- (iii) any broadcasting service licensed as such under the Telecommunication Ordinance or the Television Ordinance, or
(Cap. 106.)
(Cap. 52.)
- (iv) any other broadcasting service being a service not required to be licensed as such under either the Telecommunication Ordinance or the Television Ordinance, employed on the full-time staff of such newspaper, news agency, publication or broadcasting service; or
- (k) was a registered pharmacist within the meaning of the Pharmacy and Poisons Ordinance, actually carrying on business as such; or
(Cap. 138.)
- (l) was—
- (i) a full-time clergyman, priest, minister or monk of any religious congregation and functioning as such in the Colony; or
- (ii) being a woman, was a vowed and full-time member of any religious order living in a convent or other such religious community; or
- (m) was the holder of—
- (i) a senior commercial pilot's licence,
- (ii) a commercial pilot's licence,
- (iii) an airline transport pilot's licence,
- (iv) a flight navigator's licence, or

- (v) a flight engineer's licence, granted under article 16 of the Colonial Air Navigation Order 1961; or
(Vol. 20, App. III, p. BG 1.)
- (n) was the holder of a certificate of competency as Master, First Mate, Second Mate, First Engineer or Second Engineer—
- (i) granted in the United Kingdom under the Merchant Shipping Acts as defined in section 2 of the Merchant Shipping Ordinance, or in the Colony under section 6 of that Ordinance, or
(Cap. 281.)
- (ii) which, by Order in Council under section 102 of the Merchant Shipping Act 1894, of England, is of the same force as if it had been granted under that Act; or
(1894 c. 60.)
- (o) was the holder of a First or Second Class certificate of competency in radio-telegraphy issued by the Telecommunications Authority under the Telecommunication Ordinance; or
(Cap. 106.)
- (p) was—
- (i) a registered nurse within the meaning of the Nurses Registration Ordinance; or
(Cap. 164.)
- (ii) a registered midwife within the meaning of the Midwives Registration Ordinance; or
(Cap. 162.)
- (iii) a member of the Chartered Society of Physiotherapists of the United Kingdom; or
- (iv) a holder of the Diploma of the Association of Occupational Therapists of the United Kingdom; or
- (v) a member of the Society of Radiographers of the United Kingdom; or
- (q) was a justice of the peace; or
- (r) was an individual whose name appeared against any rateable tenement on the current annual valuation list provided for by the Rating Ordinance; or
(Cap. 116.)
- (s) was an authorized architect as defined in section 2 of the Buildings Ordinance; or
(Cap. 123.)
- (t) was an accountant holding a practising certificate issued under section 30 of the Professional Accountants Ordinance 1972; or
(68 of 1972.)
- (u) was a full, associate or corporate member of any of the professional institutions or bodies specified in the Table to this Schedule; or
- (v) was—
- (i) a professor, lecturer or other academic officer of, or a graduate or full-time student of, the University of Hong Kong or The Chinese University of Hong Kong; or
- (ii) a teacher or other academic officer of, or awarded a College diploma or a College certificate by, or a full-time student of, the Hong Kong Polytechnic or any Approved Post Secondary College within the meaning of the Post Secondary College Ordinance; or
(Cap. 320.)
- (iii) a registered teacher or a permitted teacher within the meaning of the Education Ordinance, or a teacher in any school exempted from the Education Ordinance by section 9 thereof; or
(Cap. 279.)
- (w) possessed any of the following educational qualifications, that is to say—
- (i) the Hong Kong English School certificate;

(ii) the Hong Kong Chinese School certificate;

(iii) matriculation for the University of Hong Kong or The Chinese University of Hong Kong;

(iv) the Hong Kong Certificate of Education (English) 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;

(v) the Hong Kong Certificate of Education (Chinese) 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;

(vi) the General Certificate of Education with passes in at least three subjects at 'O' or a higher level or with passes in at least two subjects at 'A' or a higher level;

(vii) the University of Hong Kong Advanced Level Examination with passes in at least two subjects;

(viii) any diploma or certificate granted or issued by the University of Hong Kong or The Chinese University of Hong Kong, other than a certificate merely indicating attendance at any lecture or course and other than a diploma or certificate granted or issued by, or in respect of any course conducted by, the extra-mural department of either of such universities;

(ix) any diploma or certificate granted or issued by the Hong Kong Polytechnic or the Hong Kong Technical College on the completion of any full-time course, other than a certificate merely indicating attendance at such a course;

(x) any diploma or certificate granted or issued by the Hong Kong Polytechnic or the Hong Kong Technical College on the completion of any part-time course of at least three year's duration, being a course for which the completion of Form 4 studies was a required entry qualification at the time when the person concerned commenced such course.

(3) The registration officer may register as an elector on any register to be compiled pursuant to paragraph 7, any person who possesses educational qualifications which, in the opinion of the registration officer, are equivalent to those mentioned in sub-paragraph (2)(w).

(4) The Governor in Council in his absolute discretion may, by order, add to the professional institutions and bodies specified in the Table to this Schedule the name of any professional institution or body, whether British or foreign and whether similar to any of the institutions and bodies specified therein or not.

(5) The qualifying period for registration as an elector on any register to be compiled pursuant to paragraph 7 shall—

- (a) in the case of a provisional register, be the period commencing on the 15th day of February and ending on the 15th day of June of the year in which such register is to be compiled as aforesaid; and
- (b) in the case of a final register, be the period commencing on the 15th day of February and ending on the 15th day of June of the year immediately preceding the year in which such register will come into force under paragraph 7(2).

3. No person shall be entitled to be registered as an elector on any register to be compiled pursuant to paragraph 7 unless he has ordinarily resided in the Colony for the three years immediately preceding—

Residential qualification.

(a) in the case of a person whose name does not appear on the last previous final register compiled pursuant to paragraph 7—

(i) the date of his application for registration as an elector, being an application duly made during the qualifying period for registration on the register to be compiled as aforesaid; or

(ii) as regards a person applying for registration as an elector after the expiry of the qualifying period for registration on the register to be compiled as aforesaid, the last day of that qualifying period;

(b) in the case of a person whose name appears on the last previous final register compiled pursuant to paragraph 7, the first day of the qualifying period for registration on the register to be compiled as aforesaid.

4. (1) No person shall be entitled to be registered as an elector on any register to be compiled pursuant to paragraph 7 or, even if registered, to vote at the election of members of the Council who—

Disqualification by status.

(a) either has not attained the age of twenty-one years according to the Gregorian calendar, that is to say, by Western reckoning, or will not have attained that age before the expiration of the qualifying period for registration on such register; or

(b) has in any Commonwealth country been sentenced to death or imprisonment (by whatever name called) for a term exceeding six months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or

(c) is under any law in force in the Colony found or declared to be of unsound mind or adjudged to be a lunatic; or

(d) is a member of the regular armed forces of the Crown (which expression, however, shall be deemed not to include locally enlisted personnel of the said armed forces).

(2) A person registered as an elector on the final register of electors in force on the date of the election of any ordinary member of the Council shall not be excluded from voting at that election on the ground that, by virtue of sub-paragraph (1), he is not entitled to vote at that election; but this sub-paragraph shall not prevent the rejection of the vote by the Court on an election petition under Part IV of this Schedule or affect his liability to any penalty for voting.

5. (1) The following persons are disqualified from being registered as electors or, even if registered, from voting at an election of members of the Council held within seven years from the date of conviction—

Temporary disqualification.

(a) any person convicted of a corrupt practice or of an illegal practice within the meaning of the Corrupt and Illegal Practices Ordinance, other than the illegal practice consisting of a contravention of any of the provisions of section 19(2) of that

(Cap. 288.)

Ordinance, or convicted of a corrupt or illegal practice within the meaning of any other enactment for the time being in force providing for the punishment of corrupt or illegal practices;

(Cap. 215, 1964 Ed.)

(b) any person convicted of an offence under section 3 or 4 of the repealed Prevention of Corruption Ordinance;

(Cap. 201.)

(c) any person convicted of any offence under Part II of the Prevention of Bribery Ordinance.

(2) A person shall not be disqualified from voting at an election by reason only of the fact that he is employed for payment by or on behalf of a candidate at such election, so long as the employment is legal.

(3) A person registered as an elector on the final register of electors in force on the date of the election of members of the Council shall not be excluded from voting at that election on the ground that he is disqualified under this section from voting at that election; but this sub-paragraph shall not prevent the rejection of the vote by the Court on an election petition under Part IV of this Schedule or affect his liability to any penalty for voting.

PART II

REGISTRATION

Appointment of
registration officer.

6. (1) On or before the 15th day of February 1974 and in each alternate year thereafter the Governor shall appoint a registration officer:

Provided that if no appointment is made the person who previously performed the duties of registration officer shall continue to perform such duties until such appointment has been made.

(2) The Governor may appoint an assistant registration officer.

(3) Notification of the appointment and the address of the registration officer shall forthwith be published in the *Gazette*.

(4) The registration officer shall be provided with such staff as may be required from time to time.

Duties of registra-
tion officer.

7. (1) It shall be the duty of the registration officer—

(a) in the year 1974 and in each alternate year thereafter to compile a provisional register on or before the 16th day of August; and

(b) to compile and publish a final register on or before the 1st day of January 1975 and on or before the 1st day of January in each alternate year thereafter.

(2) A final register shall come into force on the 15th day of January next following the date of publication thereof and shall remain in force until the 14th day of January of the second year following the year in which it came into force:

Provided that if for any reason whatsoever a final register is not published, as required by sub-paragraph (1), on or before the 1st day of January in any year, the register in force at that time shall continue in force until fifteen days after the date of publication of such final register.

(3) Unless for any reason it appears to the registration officer that the contrary may be the case, he shall, in compiling a provisional register under this paragraph, presume, subject to any regulations under paragraph 11 concerning the periodical ascertainment of the facts hereinafter mentioned, that any person whose name appears on the last previous final register compiled pursuant to this paragraph is still living, satisfies the residential requirement of paragraph 3, is not disqualified under paragraph 4 or 5 from being registered as an elector and wishes to be registered on the provisional register being compiled, and, accordingly, notwithstanding that no application has been made by such person to be registered on that register, the registration officer shall include his name in such register; and any name so included shall, subject to the allowance of any duly made objection respecting the same, be also included in the ensuing final register.

(4) In the case where it appears to the registration officer that a person whose name appears on the last previous final register compiled pursuant to this paragraph may be dead or may not satisfy the residential requirement of paragraph 3 or may be disqualified under paragraph 4 or 5 from being registered as an elector, he may omit the name of such person from the provisional register to be compiled pursuant to this paragraph in such circumstances and after such inquiry, if any, as may be prescribed by regulations under paragraph 11.

8. (1) The Registrar of the Supreme Court shall perform the duties of revising officer under this Schedule during the period commencing on the 16th day of September and ending on the 15th day of October in the year 1974 and in each alternate year thereafter, at such times and at such place as he shall have notified to the registration officer:

Revising Officer.

Provided that if for any reason whatsoever the Registrar of the Supreme Court is not available to sit as revising officer at any time the Chief Justice may appoint any magistrate or any legal officer within the meaning of the Legal Officers Ordinance to perform the duties of revising officer.

(Cap. 87.)

(2) While the revising officer is sitting as such he shall have the powers and protection of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance.

(Cap. 227.)

9. (1) An appeal shall lie from any decision of the registration officer to the revising officer and the decision of the revising officer on any such appeal shall be final.

Appeals to revising
officer.

(2) The registration officer or an assistant registration officer shall appear before the revising officer in person in respect of any such appeal.

(3) Any other person concerned in any such appeal may appear before the revising officer in person and in addition may be represented by his legal adviser.

10. (1) Any expenses properly incurred by a registration officer in the performance of his duties shall be payable out of the general revenue of the Colony.

Expenses and fees
of registration
officer.

(2) All fees payable to and received by or on behalf of the registration officer in connexion with or in respect of his duties shall be accounted for and paid into the general revenue of the Colony.

Power to make regulations.

11. (1) Subject to the provisions of this Schedule the Governor in Council may by regulation provide for—

- (a) the registration of electors;
- (b) the revision of the registers of electors;
- (c) the ascertainment of the qualifications of electors;
- (d) the conduct of appeals from decisions of the registration officer;
- (e) the declaration and delineation of electoral districts and polling stations;
- (f) generally, the carrying into effect of the provisions of this part of this Schedule.

(2) Any regulation made under this paragraph may provide that a contravention thereof shall be an offence and may provide penalties for such offence not exceeding a fine of one thousand dollars and imprisonment for six months.

PART III ELECTIONS

Appointment of returning officer.

12. (1) The Governor shall appoint a returning officer who shall perform the duties imposed on him by this Schedule.

(2) The Governor may appoint an assistant returning officer.

(3) Notification of the appointment of a returning officer shall forthwith be published in the *Gazette*.

(4) The returning officer shall be provided with such staff as he may require from time to time.

(5) All expenses properly incurred by a returning officer under the provisions of this Schedule shall be payable out of the general revenue of the Colony.

Duties of returning officer.

13. (1) It shall be the duty of the returning officer—

- (a) to conduct such ordinary elections as may be required to fill vacancies caused by the expiration of the term of office of elected members; and
- (b) to conduct such extraordinary elections as may be required to fill vacancies published under section 18 or in lieu of any election which has been countermanded:

Provided that if an elected member ceases for any reason whatsoever to be an elected member in accordance with section 18 at any time between the 1st day of January and the 28th day of February in any year in which any elected member will cease to hold office on the expiry of his term of office, the vacancy caused thereby shall be filled at the ordinary election held in the month of March of that year or by an extraordinary election held in lieu of such ordinary election if such ordinary election has been countermanded whether such elected member would otherwise have retired on the 31st day of March in that year or not, and in any case such vacancy shall remain unfilled until it shall have been filled by such ordinary election or extraordinary election;

(c) to declare the result of each such election by publication in the *Gazette* of a notification to that effect.

(2) A returning officer shall countermand an election if a candidate dies or becomes disqualified in accordance with the provisions of section 10 or ceases to be qualified in accordance with the provisions of section 11 at any time between the last day for nomination of candidates and the day of the election.

14. (1) An election shall not be invalidated by non-compliance with provisions of any regulations made under this Schedule or mistake in the use of the forms prescribed in such regulations if it appears to the Court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Schedule and that the non-compliance or mistake did not affect the result of the election.

(2) No misnomer or inaccurate description of any person or place named in any register of electors, electors' list, nomination paper, ballot paper, voting paper, or notice, shall affect the full operation of that document with respect to that person or place, in any case where the description of the person or place is such as to be commonly understood.

15. (1) An election, unless questioned by election petition within the period fixed by law for the filing of such a petition, shall be deemed to have been a good and valid election.

(2) An election shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at, or conducting, the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at, or conduct, the election.

16. If a person appointed to perform the duties of returning officer at, or to take part in the conduct of, an election neglects or refuses to conduct the election, or to declare the result of, or to take part in the conduct of the election, as required by this Schedule, he shall be guilty of an offence and shall be liable to a fine of two thousand dollars:

Provided that a person shall not be liable to conviction under this paragraph, unless the information has been laid within three months from the date of the commission of the offence.

17. (1) Proceedings may be instituted, either in the Supreme Court or in a magistrate's court, against any person acting as a member, on the ground of his being disqualified within the meaning of this section for so acting, and proceedings may be instituted in the Supreme Court on the like ground against any person claiming to be entitled to so act:

Provided that proceedings under this paragraph on the ground of a person acting as aforesaid shall not be instituted after the expiration of six months from the date on which he so acted.

(2) Where in proceedings instituted under this paragraph it is proved that the defendant has acted as a member while disqualified for so acting, then—

(a) in proceedings in the Supreme Court, the court may—

- (i) make a declaration to that effect and to declare that the office in which the defendant has acted is vacant;

Saving.

Presumption of validity of election.

Penalties against returning officer.

Proceedings against members.

(ii) grant an injunction restraining the defendant from so acting; and

(iii) order that the defendant shall forfeit to the Crown such sum as the court thinks fit, not exceeding one thousand dollars for each occasion on which he so acted while disqualified;

(b) in proceedings in a magistrate's court, the court may, subject to the provisions of this paragraph, on conviction impose on the defendant a fine not exceeding one thousand dollars for each occasion on which he so acted while disqualified.

(3) Where proceedings are instituted under this paragraph in a magistrate's court—

(a) if the magistrate is satisfied that the matter in question would be more properly dealt with in the Supreme Court, he shall order the discontinuance of proceedings in the magistrate's court;

(b) if, on application made to the Supreme Court by the defendant within fourteen days after service of the summons upon him, the Supreme Court is satisfied that the matter in question would be more properly dealt with in the Supreme Court, the Supreme Court may make an order, which shall not be subject to any appeal, requiring the magistrate to order the discontinuance of proceedings in the magistrate's court.

(4) When in proceedings instituted under this paragraph in the Supreme Court it is proved that the defendant claims to act as a member and is disqualified for so acting, the Court may make a declaration to that effect and that the office in which the defendant claims to be entitled to act is vacant, and may grant an injunction restraining him from so acting.

(5) No proceedings shall be instituted under this paragraph by any person other than an elector or the Attorney General.

(6) Where proceedings are instituted under this paragraph by a person other than the Attorney General such proceedings shall thereafter be stayed until such person shall give security for all costs, charges and expenses which may become payable by him to any witness summoned on his behalf or to a defendant.

(7) The security shall be of such amount, not exceeding five thousand dollars, and shall be given in such manner and form as the Court may direct.

(8) Except as provided by this paragraph, no proceedings shall be instituted against a person on the ground that he has while disqualified for acting as a member, so acted or claimed to be entitled so to act.

(9) For the purposes of this paragraph, a person shall be deemed to be disqualified for acting as a member—

(a) if he is not qualified to be, or is disqualified for being, a member; or

(b) if by reason of failure to make and deliver the declaration of acceptance of office within the period required, resignation or failure to attend meetings of the Council, as the case may be, he has ceased to be a member.

18. (1) Subject to the provisions of this Schedule the Governor in Council may by regulation provide for the general conduct of elections including—

Power to make regulations.

(a) the nomination of candidates therefor including the filing of consent to such nomination and the withdrawal of any such nomination;

(b) the lodgement of deposits by or on behalf of candidates and the forfeiture thereof;

(c) the appointment of persons to assist the returning officer in the conduct of the election;

(d) the appointment by the candidate of certain persons to assist him in connexion with the election;

(e) the conduct of polling stations and the regulation of the ballot;

(f) the counting of votes;

(g) the declaration of the results of elections;

(h) the disposal of ballot papers and other such papers after an election;

(i) generally, the carrying into effect of the provisions of this Part of this Schedule.

(2) Any regulation made under this paragraph may provide that a contravention thereof shall be an offence and may provide penalties for such offence not exceeding a fine of one thousand dollars and imprisonment for six months.

PART IV

ELECTION PETITIONS

19. In this Part, "Court" means the Supreme Court and "Registrar" means the Registrar of the Supreme Court.

Interpretation.

20. (1) An election may be questioned by an election petition on the following grounds or any of them—

Power to question election by petition.

(a) that the election was wholly avoided by general bribery, treating, undue influence, or personation; or

(b) that the election was avoided by corrupt practices or by illegal practices committed at the election; or

(c) that the person whose election is questioned was at the time of the election disqualified; or

(d) that the person whose election is questioned was not duly elected; or

(e) that illegal practices committed in reference to the election of a candidate thereat, so extensively prevailed that they may be reasonably supposed to have affected the result of the election; or

(f) on any other ground provided by any enactment whereon an election may be questioned.

(2) No election may be questioned on any one or more of these grounds except by an election petition.

Who may present petition.

21. An election petition may be presented either by ten or more persons who had a right to vote at the election, or by a person alleging himself to have been a candidate at the election.

Who may be respondent.

22. (1) Any person whose election is questioned by an election petition and any returning officer of whose conduct a petition complains, may be made a respondent to the petition.

(2) Two or more candidates may be made respondents to the same petition and their cases may be tried at the same time, but for the purposes of this Part of this Schedule (including the provision of security for costs) the petition shall be deemed to be a separate petition against each respondent.

Signature and presentation of petition.

23. (1) An election petition shall be signed by the petitioner or by each petitioner if there is more than one and shall be presented to the Court by leaving the petition, together with two copies thereof, with the Registrar who shall give a receipt therefor, if required so to do.

(2) The Registrar shall forthwith send two certified true copies of the petition to the secretary who shall, forthwith upon receipt thereof, cause one of such copies to be posted in a conspicuous place on or near the outer door of his office or in some conspicuous place on or near the outer door of the Council Chamber.

Jurisdiction of Supreme Court in respect of petition.

24. (1) The Court shall have the same jurisdiction, powers and authority in respect of an election petition and all proceedings thereon as it would have if such petition was an ordinary cause within its jurisdiction.

(2) The trial of an election petition shall be held in open court and before one judge unless the Chief Justice shall otherwise direct.

(3) The Chief Justice may make rules providing for the effectual carrying out of the provisions of this Part of this Schedule and for the regulation of matters relating to the preparation, presentation, service, trial, withdrawal and costs of election petitions (including the provision of security for costs thereon) and the practice and procedure connected therewith, as well as the certifying and reporting thereon.

Time within which petition may be presented.

25. (1) Subject to the provisions of this paragraph, an election petition shall be presented—

(a) in the case of an election which is not contested, within twenty-one days after the publication by the returning officer of the list of persons elected; and

(b) in the case of a contested election, within twenty-one days after the declaration by the returning officer of the result of the election.

(2) If the election is questioned on the ground of a corrupt practice and the petition specifically alleges a payment of money or other reward to have been made since the time of the election by the candidate elected thereat, or on his account or with his privity, in pursuance or in furtherance of such corrupt practices, it may be presented at any time within twenty-eight days after such payment.

(3) If the election is questioned on the ground of an illegal practice, it may be presented at any time within fourteen days after the day on

which the Secretary receives the return and declaration respecting election expenses by the candidate to whose election the petition relates, or where there is an authorized excuse for failing to make the return and declaration, within fourteen days of the allowance of the excuse.

(4) If the election is questioned on the ground of an illegal practice and the petition specifically alleges a payment of money made or other act done since the election by the candidate elected thereat or by his agent, or with the privity of the candidate in pursuance or in furtherance of such illegal practice, it may be presented at any time within twenty-eight days after such payment or act, whether or not any other petition against that person has been previously presented or tried.

(5) A petition, presented within the time limited for the purpose of questioning the election upon an allegation of an illegal practice, may be amended with the leave of the Court within the time which is allowed under this paragraph for the presentation of a petition questioning the election on the ground of that illegal practice.

(6) The foregoing provisions as to the time within which a petition alleging, either originally or by amendment, an illegal practice may be presented shall apply even though the illegal practice is also a corrupt practice.

26. (1) At the time of presenting an election petition, or within five days thereafter or such other period as the Court may direct, the petitioner shall give security for all costs, charges and expenses which may become payable by him to any witness summoned on his behalf or to any respondent.

Security for costs.

(2) The security shall be of such amount, not exceeding ten thousand dollars, and shall be given in such manner and form as the Court may direct.

(3) In default of compliance with the provisions of this paragraph no further proceedings shall be taken on the petition.

27. (1) At the conclusion of the trial of an election petition the Court shall determine—

Determination of Court.

(a) in the case of an election which is not contested and in connexion with which the decision of the returning officer as to the validity of any nomination is brought to review, whether such decision was correct or whether the election was void; and

(b) in the case of a contested election, whether the person whose election is complained of, or any and what other person, was duly elected, or whether the election was void,

and shall forthwith certify in writing under the hand of a judge and the seal of the Court the determination of the Court and the determination so certified shall be final as to the matters at issue on the petition.

(2) A copy of the certificate of the Court shall be transmitted to the Colonial Secretary and also to the Secretary.

(3) The Court may of its own motion or at the request of the Governor make a special report to the Governor as to any matters arising in the course of the trial of an election petition an account of which ought, in the judgment of the Court, to be submitted to the Governor.

Withdrawal of
petition.

28. (1) A petitioner shall not withdraw or abandon or cease to endeavour to prosecute successfully an election petition without the leave of the Court on application thereto and on such conditions as to public notice or otherwise as the Court may think fit.

(2) On the hearing of the application any person who might have been a petitioner in respect of the election, or the Attorney General, may applying to the Court to be substituted as a petitioner, and the Court may, if it thinks fit, substitute him accordingly.

(3) If any application to withdraw or abandon or to cease to prosecute any election petition is, in the opinion of the Court, induced by any corrupt bargain or consideration, the Court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in the order, the original petitioner (and his sureties, if any) shall be liable to pay the costs of the substituted petitioner.

(4) Except in the case of the Attorney General, if the Court does not so direct, then security to the same amount as would be required in the case of a new petition and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within such time as the Court may by the order of substitution limit.

(5) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner, and the original petitioner shall furnish such substituted petitioner with all evidence available to him and relevant to the continued prosecution of the petition.

(6) If a petition is withdrawn or abandoned or the petitioner ceases to prosecute the petition, the petitioner shall be liable to pay the costs of the respondent.

(7) Where there are more petitioners than one, an application to withdraw or abandon or cease to prosecute a petition shall not be made except with the consent of all the petitioners.

(8) Any person who contravenes any of the provisions of sub-paragraph (1) or who fails to furnish a substituted petitioner with evidence as required by the provisions of sub-paragraph (5) shall be guilty of an offence and liable on summary conviction to a fine of two thousand dollars and imprisonment for six months.

Abatement of
petition.

29. (1) An election petition shall be abated by the death of a sole petitioner or the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the estate of the petitioner or the liability of any other person to the payment of costs previously incurred.

(3) On the abatement of a petition the Registrar shall cause a notification thereof to be published in the *Gazette*, and within fourteen days after the publication of such notification, any person who might have been a petitioner in respect of the election may apply to the Court to be substituted as a petitioner, and the Court may, if it thinks fit, substitute him accordingly.

(4) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

30. (1) If before the trial of an election petition a respondent other than a returning officer—

(a) dies, resigns, or otherwise ceases to hold office to which the petition relates; or

(b) gives to the Registrar notice that he does not intend to oppose the petition,

the Registrar shall cause a notification thereof to be published in the *Gazette*, and within fourteen days after the publication of such notification, any person who might have been a petitioner in respect of the election may apply to the Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly.

(2) A respondent who has given notice as aforesaid that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

31. Where a candidate who has been elected is, by a certificate of the Court, declared not to have been duly elected, acts done by him in the execution of his office before the time when the certificate is received by the secretary shall not be invalidated by reason of that declaration.

32. Where on an election petition the election of any person has been declared void and no other person has been declared elected in his place, a new election shall be held to supply the vacancy in the same manner as a vacancy declared under section 18.

Withdrawal and
substitution of
respondent.

Validation of acts
done pending a
petition.

Elections in
place of persons
unelected on
petition.

TABLE [para. 2(2)(u) & (4)]

PROFESSIONAL INSTITUTIONS AND BODIES OF THE UNITED KINGDOM

Institution of Civil Engineers.
Institution of Mechanical Engineers.
Institution of Electrical Engineers.
Institution of Chemical Engineers.
Institution of Municipal Engineers.
Institution of Gas Engineers.
Institution of Structural Engineers.
Institution of Production Engineers.
Institution of Electronic and Radio Engineers.
Town Planning Institute.
Royal Institution of Naval Architects.
Royal Institute of British Architects.
Corporation of Secretaries.
Chartered Institute of Secretaries.
Royal Institution of Chartered Surveyors.
Institute of Housing Managers.
Institute of Chartered Accountants in England and Wales.

Institute of Chartered Accountants of Scotland.
 Institute of Chartered Accountants in Ireland,
 Association of Certified and Corporate Accountants,
 Institute of Cost and Works Accountants.
 Institute of Municipal Treasurers and Accountants.
 Textile Institute.
 Institute of Marine Engineers.
 Institute of Bankers.
 Institute of Public Cleansing.
 Royal Society for the Promotion of Health.
 Institution of Fire Engineers.

OTHER PROFESSIONAL INSTITUTIONS AND BODIES

Australian Society of Accountants.
 Institute of Chartered Accountants of Australia.

SECOND SCHEDULE [s. 14(1).]

URBAN COUNCIL ORDINANCE 1973
 DECLARATION OF ACCEPTANCE OF OFFICE

To the Chairman of the Urban Council.

I,
 of
 having been * ^{elected}/_{appointed} to the office of member of the Urban Council
 hereby declare that I take the said office upon myself and will duly and
 faithfully fulfil the duties thereof according to the best of my judgment
 and ability.

Dated this day of 19.....

Signature

This declaration was made and subscribed before me a *Justice of the
 Peace/Magistrate/Commissioner for Oaths.

Signature

Note: * Delete whichever is inapplicable.

THIRD SCHEDULE [s. 20(5).]

URBAN COUNCIL ORDINANCE 1973
 DECLARATION OF ACCEPTANCE OF OFFICE

To the Secretary of the Urban Council.

I,
 of
 having been elected to the office of Chairman of the Urban Council hereby
 declare that I take the said office upon myself and will duly and faithfully
 fulfil the duties thereof according to the best of my judgment and ability.

Dated this day of 19.....

Signature

This declaration was made and subscribed before me a *Justice of the
 Peace/Magistrate/Commissioner for Oaths.

Signature

Note: * Delete whichever is inapplicable.

FOURTH SCHEDULE [s. 54(2).]

CONSEQUENTIAL AMENDMENTS

Short title or citation	Amendment	
1. Interpretation and General Clauses Ordinance.	Section 96 is amended by inserting after "or to any public body" the following— "other than the Urban Council".	(Cap. 1.)
2. Places of Public Entertainment Ordinance.	1. The following section is added after section 4— "Urban Council premises. 4A. (1) Any place of public entertainment the management and control of which is vested in the Urban Council under the Public Health and Urban Services Ordinance may, if the Building Authority and the Director of Fire Services have no objection, be classified by the Urban Council as suitable for the presentation of entertainments of a particular kind.	(Cap. 172.) (Cap. 132.)

Short title or citation

Amendment

(2) Any premises classified under subsection (1) shall, for the purposes of section 4, be deemed to be licensed for the entertainments so classified."

2. Section 7(1) is amended—

(a) by inserting at the beginning of paragraph (a) the following—

"the kinds of entertainments for which places of public entertainment may be licensed,";

(b) by deleting paragraph (c).

3. The following section is added after section 7—

"Urban Council may specify fees.

7A. (1) Where by regulations made under section 7 the Urban Council is empowered to issue any licence, the Urban Council may, by notice published in the *Gazette*, specify the fees payable in respect of any such licence.

(2) Until the Urban Council shall specify fees payable in respect of any licence under subsection (1), the fees payable therefor shall be as prescribed in regulation 176 of the Places of Public Entertainment Regulations."

3. Places of Public Entertainment Regulations.

1. Regulation 2 is amended by deleting the definition of "licensing authority" and substituting the following—

" "licensing authority" means the Urban Council in respect of places of public entertainment situated within the urban areas and the Director of Urban Services in respect of places of public entertainment situated outside the urban areas;"

2. Regulation 169 is amended by inserting, after "The licensing authority," where it first appears, the following—

"and any public officer authorized by the licensing authority,".

3. Regulation 173 is amended by deleting "Assistant Superintendent" and substituting the following—

"Superintendent".

(Cap. 172, sub. leg.)

Short title or citation

Amendment

4. Regulation 174 is revoked and replaced by the following—

"Special powers of police.

174. (1) When it appears to any police officer not under the rank of Superintendent, that by reason of any breach of these regulations or for any other reason whatsoever, it is necessary for the safety or preservation of any person or any property, or the avoidance of any casualty, or the prevention or discontinuance of any disorder, or the prevention or discontinuance of any public entertainment offensive to good manners or decorum or calculated to corrupt public morals so to do, it shall be lawful for him and for any police officer specially authorized by the Commissioner of Police in that behalf to order, in person, that any place of public entertainment be temporarily closed or vacated, and upon such order every member of any audience, and every other person whatsoever, shall forthwith comply with such order in an orderly manner.

(2) Any police officer not under the rank of Superintendent or authorized by the Commissioner of Police, may take, in person or under his personal superintendence, such steps with a view to removal or mitigation of the cause of danger or offence, or with a view to the protection of any person or any property, or avoidance of any casualty, as may be considered expedient. No claim whatsoever shall be made against the licensing authority or any police officer or against any person assisting the police and under police direction in respect of any act done under this regulation."

5. Form 1 in the Schedule is amended by deleting, in each place where it appears, the

*Short title or citation**Amendment*

(Cap. 109.)

4. Dutiable Commodities Ordinance.

expression "Commissioner of Police" and substituting the following—

"Licensing Authority".

Section 6 is amended—

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

"(g) fees other than fees for liquor licences issued by the Urban Council;"

(b) by adding after subsection (4) the following new subsections—

"(5) Where by regulations made under subsection (2)(n) the Urban Council is appointed as a board empowered to issue liquor licences, the Urban Council may, by notice published in the *Gazette*, specify the fees payable in respect of such licences.

(6) Until the Urban Council shall specify fees payable in respect of liquor licences under subsection (5), the fees payable therefor shall be as prescribed in the Schedule to the Dutiable Commodities Regulations."

(Cap. 109, sub. leg.)

5. Dutiable Commodities (Liquor) Regulations.

1. Regulation 2 is amended—

(a) by deleting the definition of "appointed magistrate";

(b) by deleting paragraph (a) from the definition of "Board", and substituting the following—

"(a) in relation to the urban areas, means the Urban Council;"

(c) in the definition "prescribed fee" by deleting the semicolon and adding the following—

"or where a notice has been published in accordance with section 6(5), the fee specified in such notice;"

2. Regulation 3 is revoked and replaced by the following—

"Urban Council may delegate powers. 3. The Urban Council may delegate its powers and functions under these regulations to a committee of the Council."

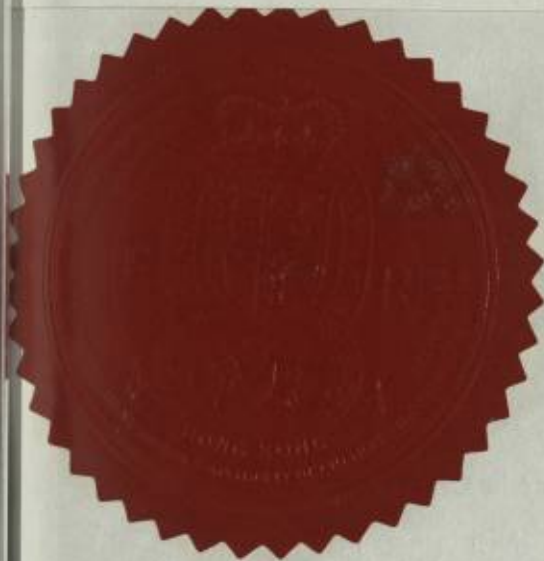
3. Regulations 5 to 12 are revoked.

Passed by the Hong Kong Legislative Council this 28th day of February, 1973.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



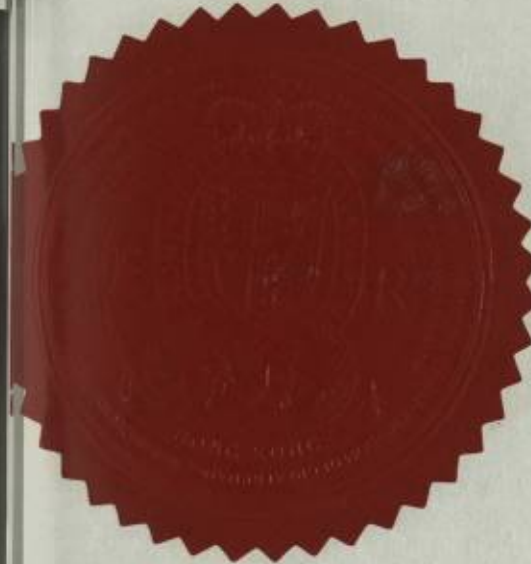
I assent.

M. J. Nease
Governor.

1st March, 1973.

HONG KONG

No. 20 OF 1973



I assent.

M. J. Ma
Governor.

1st March, 1973.

An Ordinance to regulate the establishment and operation of stock exchanges in Hong Kong.

[2nd March, 1973]

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 Stock Exchanges Control Ordinance 1973. Short title.

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

“dealer” means a person who carries on a business of dealing in securities, whether he carries on any other business or not;

“dealing in securities” means (whether as principal or agent) making or offering to make with any person, or inducing or attempting to induce any person to enter into or offer to enter into—

(a) any agreement for or with a view to acquiring, disposing of, subscribing for, or underwriting securities; or

(b) any agreement a purpose of which is to secure a profit to any of the parties from the yield of securities or by reference to fluctuations in the value of securities;

"recognized stock exchange" means a body of persons, corporate or unincorporate, in respect of which an order made or deemed to have been made under section 3(1) declaring the body to be a recognized stock exchange is for the time being in force;

"securities" means any debentures, loan-stock, bonds, stock, funds, notes, or shares of a body whether incorporated or unincorporated, or of any government or local government authority; and includes—

- (a) rights or interests (whether described as units or otherwise) in respect of any of the foregoing;
- (b) any certificates of interest or participation in, temporary or interim certificates for, receipts for, or warrants or rights to subscribe to or purchase any of the foregoing; or
- (c) any instruments commonly known as securities;

"stock market" means a market, exchange, or other place at which securities are regularly offered for sale, purchase, or exchange.

3. (1) The Governor in Council may, by order published in the *Gazette*, declare any incorporated or unincorporated body of persons the objects of which include the operation of a stock market or stock exchange, or which intends to carry on the business of operating a stock market, to be a recognized stock exchange for the purposes of this Ordinance and the Companies Ordinance.

(2) Where, immediately before the 2nd day of March 1973, an order made under section 2A(1) of the Companies Ordinance was in force in respect of any body of persons, that order shall, subject to the provisions of this section, be deemed to be an order made under subsection (1) of this section and shall continue in force in like manner as if it had been made under that subsection.

(3) The Governor in Council may, at any time by notice in writing, require any body of persons in respect of which an order has been or is deemed to have been made, or is proposed to be made, under subsection (1) to comply with such conditions relating to membership of the body, its rules or regulations, and the conduct of the stock market operated or proposed to be operated by it as he thinks fit, and, in particular, may prohibit any such body from operating a stock market at any premises other than those approved by him or by the Financial Secretary.

(4) The Governor in Council may at any time, after giving a recognized stock exchange not less than 14 days' notice in

Recognition
of stock
exchanges.

(Cap. 32.)

(Cap. 32.)

writing of his intention to do so, revoke an order made or deemed to be made under subsection (1) on the ground that the stock exchange is not complying with any condition or prohibition imposed on it under subsection (3) or that it is otherwise in the public interest to do so.

(5) An order made or deemed to be made under subsection (1) shall continue in force for such period (if any) as may be specified in the order unless sooner revoked under subsection (4).

4. (1) No person shall—

- (a) establish or operate a stock market which is not the stock market of a recognized stock exchange; or
- (b) assist in the operation of a stock market which, to his knowledge, is not the stock market of a recognized stock exchange.

(2) Any person who contravenes subsection (1) shall be guilty of an offence, and shall be liable on conviction to a fine of \$500,000 and, in the case of a continuing offence, to a further fine of \$50,000 for each day during which the offence continues.

5. (1) Any dealer who transacts a dealing in securities at or through a stock market which is not the stock market of a recognized stock exchange shall be guilty of an offence, and shall be liable on conviction to a fine of \$50,000 in respect of each such dealing.

(2) In any proceedings in respect of an offence against subsection (1), it is a defence for the accused to prove that he did not know and had no reason to believe that the place where the dealing was transacted was not the stock market of a recognized stock exchange.

6. (1) Any police officer not below the rank of superintendent may, without warrant, with the assistance of such other police officers as may be necessary—

- (a) enter and search any premises in which he reasonably suspects that an offence against section 4 or section 5 is being or has been committed; and
- (b) remove and detain any equipment, books, records, accounts, or other documents which he has reason to believe are related to the commission of the offence.

(2) Any such police officer may, in the exercise of the powers conferred on him under subsection (1)—

- (a) break open any outer or inner door of any premises which he is empowered to enter under that subsection;

Restriction on
establishment
of stock
exchanges.

Persons not
to deal in
securities in a
stock market
that is not a
stock exchange.

Power of entry
and search, etc.

- (b) remove by force any person or thing obstructing him in the exercise of any such powers;
- (c) detain any person found in the premises until the premises have been searched.

Power to order closure.

7. (1) If any person is charged with an offence against section 4 or section 5, a District Judge may, on application made by or on behalf of the Attorney General, order that any premises in which the offence is alleged to have been committed be secured and locked until the charge is heard and determined.

(2) Any person aggrieved by the making of an order under subsection (1) and having an interest in the premises in respect of which the order was made may apply to a District Judge to have the order discharged; and on the hearing of the application the District Judge may either confirm the order or direct that it be discharged.

(3) An application under subsection (2) may be opposed by the Attorney General and shall not be heard unless a copy of the application has been served on the Attorney General at least 24 hours before the hearing.

(4) If any person is convicted of an offence against section 4 or section 5, the court shall order the premises in which the offence was committed to be locked and secured for such period, being not less than one month nor more than three months, as may be specified in the order.

(5) Where any order under subsection (1) or subsection (4) has been made, any police officer, whether he is in possession of the order or copy of the order or not, may take all steps as may be necessary to ensure that the premises to which the order relates are locked and secured and to prevent the entry to those premises of any persons other than those authorized by a police officer.

(6) Any person who enters any premises in respect of which an order made under subsection (1) or subsection (4) is in force without the authority of a police officer shall be guilty of an offence and shall be liable on conviction to a fine of \$50,000.

8. No prosecution for an offence under this Ordinance shall be instituted without the consent of the Attorney General.

9. The Companies Ordinance is amended—

- (a) by repealing the definition of "recognized stock exchange in the Colony" in section 2(1), and substituting the following—

"recognized stock exchange" means a body of persons, corporate or unincorporate, in respect

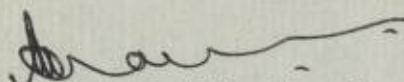
Consent of Attorney General.

Amendment to Companies Ordinance. (Cap. 32.)

of which an order made or deemed to have been made under section 3(1) of the Stock Exchanges Control Ordinance 1973 declaring the body to be a recognized stock exchange is for the time being in force;"

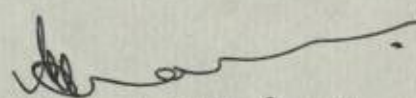
- (b) by repealing section 2A.

Passed by the Hong Kong Legislative Council this 28th day of February, 1973.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

M. J. Hughes

Governor.

1st March, 1973.

An Ordinance to amend the Public Health and Urban Services

HONG KONG

No. 21 OF 1973



I assent.

Governor.

1st March, 1973.

An Ordinance to amend the Public Health and Urban Services Ordinance and to repeal various Ordinances.

[1st April, 1973]

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 Health and Urban Services (Amendment) Ordinance 1973 and shall come into operation on the 1st day of April 1973.

Short title and commencement.

2. Section 2 of the principal Ordinance is amended—

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

Amendment of section 2. (Cap. 132.)

"book" includes a document, periodical, magazine, newspaper, pamphlet, music-score, gramophone record, picture, print, engraving, etching, deed, photograph, map, chart, plan, film, filmstrip, microfilm, slide or manuscript, and any other article or thing of a like nature, provided for the use of the public in any library, whether or not the library is the property of the Government;"

- (b) by inserting after the definition of "cemetery" the following new definition—

"civic centre" means any premises and the grounds appurtenant thereto set aside under section 105M as a civic centre;"

- (c) by inserting after the definition of "cream" the following new definition—

"crematorium" means any building or place designed or adapted for the purpose of burning human remains;"

- (d) by inserting after the definition of "excretal matter" the following new definition—

"exhibit" means an article intended for display within a museum whether or not the article is displayed to the public at any particular time;"

- (e) by inserting after the definition of "laundry" the following new definitions—

"librarian" means the Senior Librarian;

"library" means any building, or part of a building, designated under section 105K as a library;"

- (f) by inserting after the definition of "milk" the following new definition—

(Cap. 220.) "mobile library" means any vehicle within the meaning of section 2 of the Road Traffic Ordinance and any vessel maintained by the Authority and used for the conveyance of books for the use of the public;"

- (g) by inserting after the definition of "mortuary" the following new definition—

"museum" means a building, or part of a building, or area designated under section 105G as a museum;"

- (h) by inserting after the definition of "public analyst" the following new definitions—

"public billiard saloon" means any place opened, kept or used for the purpose of playing billiards, snooker, pool or similar games to which the public are admitted with or without payment for admission;

"public bowling-alley" means any place opened, kept or used for the purpose of playing the

game of skittles to which the public are admitted with or without payment for admission;"

- (i) in the definition of "public market", by deleting "managed by the Government" and substituting the following—

"designated as a public market under section 79(3)";

- (j) by inserting after the definition of "public pleasure ground" the following new definition—

"public skating rink" means any place opened, kept or used for the purpose of skating to which the public are admitted with or without payment for admission unless such place is a place of public entertainment licensed as such under the Places of Public Entertainment Ordinance;"

(Cap. 172.)

- (k) in the definition of "public swimming pool", by deleting "managed by the Government" and substituting the following—

"designated as a public swimming pool under section 42A;"

- (l) by inserting after the definition of "public swimming pool" the following new definition—

"public table tennis saloon" means any place opened, kept or used for the purpose of playing table tennis or ping pong, to which the public are admitted with or without payment for admission;"

- (m) by deleting the definition of "slaughterhouse" and substituting the following—

"slaughterhouse" and "abattoir" mean any premises or place habitually used for the slaughter of animals for human consumption; and the expression "public slaughterhouse" means a slaughterhouse designated as a public slaughterhouse under section 76A(1); and the expression "private slaughterhouse" means any other slaughterhouse;"

- (n) by inserting after the definition of "slaughterhouse" the following new definition—

"stadium" means any stadium for the time being specified in the Twelfth Schedule and delineated on any plan thereof deposited in accordance with section 105A(4);".

Addition of new sections 42A and 42B.

3. The principal Ordinance is amended by adding, after section 42, the following new sections—

42A. (1) The Governor may, by order published in the *Gazette*, designate any premises and the grounds appurtenant thereto as a public swimming pool.

(2) The swimming pools specified in the Fourteenth Schedule shall be deemed to have been designated as public swimming pools.

(3) The Governor may, by order published in the *Gazette*, amend, add to or delete from, the Fourteenth Schedule.

42B. The management and control of every public swimming pool shall be vested in the Authority.”

Addition of new sections 76A and 76B.

4. The principal Ordinance is amended by adding, after section 76, the following new sections—

76A. (1) The Governor may, by order published in the *Gazette*, designate any premises as a public slaughterhouse.

(2) The abattoirs specified in the First Schedule to the Abattoirs By-laws shall be deemed to have been designated as public slaughterhouses.

76B. The management and control of every public slaughterhouse shall be vested in the Authority.”

Amendment of section 79.

5. Section 79 of the principal Ordinance is amended by deleting subsection (3) and substituting the following—

“(3) The Governor may, by order published in the *Gazette*, designate as a public market any market to which the Ordinance applies.

(4) The markets specified in the Tenth Schedule shall be deemed to have been designated as public markets.

(5) The Governor may, by order published in the *Gazette*, amend, add to, or delete from, the Tenth Schedule.”.

Addition of new section 79A.

6. The principal Ordinance is amended by adding, after section 79, the following new section—

79A. The management and control of every public market shall be vested in the Authority.”

Addition of new Part VIIA.

7. The principal Ordinance is amended by adding, after section 92, the following new Part—

“PART VIIA

LICENSING OF CERTAIN ACTIVITIES

Prohibition of certain activities without licence.
Eleventh Schedule.

92A. No person shall conduct or open or keep open any place for the purpose of any activity specified in the Eleventh Schedule except under and in accordance with a licence issued by the Authority.

Regulations relating to licensed activities.

92B. The Authority may make regulations for any of the following matters—

- (a) the regulation and control of any activity or place in which any such activity specified in the Eleventh Schedule may be conducted;
- (b) classifying for the purposes of paragraph (a) any place or activity for which a licence may be issued;
- (c) the particulars which an applicant for any licence granted under this Part shall furnish;
- (d) the form and conditions of any licence granted under this Part, the fees therefor, the hours during which the activity licensed may be conducted and the period for which such licence shall be issued;
- (e) the lighting to be used in any place licensed under this Part and the general specifications and requirements to be satisfied in respect of such lighting, or to empower any specified officer to determine, at the time of the issue or renewal of any licence, the particular specifications and requirements to be satisfied in respect of such lighting in the place to which the licence relates;
- (f) precautions to be taken against fire in any place licensed under this Part;
- (g) maintenance of peace and good order in any place licensed under this Part;
- (h) means of securing hygienic conditions and requiring the maintenance of such conditions in any place licensed under this Part;
- (i) entry and inspection of any place licensed under this Part by any officer authorized by the Authority in that behalf.

Eleventh Schedule.

Offences.

92C. Any person who—

- (a) fails to comply with any condition in a licence; or

(b) in an application for a licence, furnishes any information which he knows or has reason to believe to be false in any material particular or by reason of the omission of any material particular or furnishes any information without any belief in the truth or accuracy of the information supplied,

shall be guilty of an offence.

Liability of agents and servants.

92D. Whenever any person to whom any licence or permit or authority has been issued or granted under this Part would be liable to any punishment, penalty or forfeiture for any act, omission, neglect or default, he shall be liable to the same punishment, penalty or forfeiture for every similar act, omission, neglect or default of any agent or servant employed by him in the course of his business, and every such agent or servant shall also be liable to every punishment, penalty or forfeiture prescribed for such acts, omissions, neglects or defaults as fully and effectually as if he had been the person to whom the licence or permit or authority had been issued or granted.

Saving.

92E. The provisions of this Part shall be in addition to and not in derogation of the provisions of any other enactment relating to or affecting any place, trade, business or occupation with respect to which this Part applies."

Addition of new Parts IXA and IXB.

8. The principal Ordinance is amended by adding, after Part IX, the following new Parts—

**"PART IXA
STADIA**

Provision for stadia.

105A. (1) The Governor may by order published in the *Gazette* set aside any premises for use as a stadium.

Twelfth Schedule.

(2) The premises specified in the Twelfth Schedule shall be deemed to have been set aside under subsection (1) for use as a stadium.

(3) The Authority shall, as soon as practicable, arrange for the preparation by the Director of Public Works of a plan of every stadium.

(4) Every plan prepared in accordance with subsection (3) shall be deposited in the appropriate Land Office.

(5) The Governor may, by order published in the *Gazette*, amend, add to or delete from, the Twelfth Schedule.

Management of stadia.

105B. (1) Subject to section 105F, the management and control of any stadium and the right to provide therein facilities of any kind shall be vested in the Authority.

(2) The Authority may enter into contracts for the purpose of the management of any stadium and the provision of facilities therein.

(3) The Authority may specify the purposes for which any stadium, or any part thereof, may be used.

Allocation and granting of stadium or parts thereof.

105C. (1) The Authority may grant to any person the exclusive use of any stadium or any part thereof for such purposes and at such times as the Authority may approve in each case.

(2) The person to whom the exclusive use of any stadium has been granted under subsection (1) shall determine—

- (a) whether or not the public shall be admitted to the stadium during the period of such exclusive use; and
- (b) the fees, if any, to be paid by members of the public for admission during this period.

Regulations relating to stadia.

105D. The Authority may make regulations for any of the following matters—

- (a) the management and control, including the closing or partial closing, of any stadium;
- (b) the fixing of the times during which any stadium, or any part thereof, may be open to members of the public;
- (c) the preservation of good order and discipline and prevention of nuisances in any stadium;
- (d) the control of trading or advertising in any stadium.

Powers of Authority in relation to fees, conditions for the use of stadia, etc.

105E. (1) The Authority may—

- (a) fix the fees to be paid for the use of—
 - (i) any stadium;
 - (ii) any part of any stadium;
 - (iii) any facilities provided therein;

- (b) specify the conditions to be observed in the use of—
- (i) any stadium;
 - (ii) any part of any stadium;
 - (iii) any facilities provided therein; and
- (c) impose charges to be paid for any trading or advertising in the stadium.
- (2) The Authority may reduce or waive any fees fixed under this section in any particular case.
- (3) The Authority may fix the fees to be paid by the public for admission to any function in any stadium organized by the Authority.

Function of
Director of
Urban
Services.

105F. (1) Subject to any direction of the Authority, the Director of Urban Services—

- (a) shall exercise the powers and perform the duties conferred or imposed on the Authority by this Part, except the power to make regulations under section 105D;
- (b) may issue such orders as may be necessary for the proper management and control of any stadium, including the use of any equipment, apparatus, fitting or facility provided for use in the stadium:

Provided that no such order shall be inconsistent with any provision of this Part or any regulation made under section 105D.

(2) A copy of every order made under paragraph (b) of subsection (1) shall be posted in a conspicuous place in the stadium.

(3) Any person who fails to comply with any order made under paragraph (b) of subsection (1) shall be guilty of an offence.

PART IXB

MUSEUMS, LIBRARIES AND CIVIC CENTRES

Museums

Provision
for
museums.

105G. The Governor may, by order published in the *Gazette*, designate any building, or part of a building, or area as a museum.

Management
of museums.

105H. The management and control of every museum shall be vested in the Authority.

Regulations
relating to
museums.

105I. The Authority may make regulations for any of the following matters—

- (a) the fixing of days and hours during which the public may be admitted to a museum, or any part thereof;
- (b) the closing or partial closing of a museum;
- (c) the regulation of admission of any person, animal or thing to a museum, or any part thereof;
- (d) the regulation of the copying, photographing or reproduction of exhibits;
- (e) the regulation of the use of any exhibit or facility in a museum;
- (f) the regulation of the conduct of persons in a museum;
- (g) the protection of a museum and the exhibits, fittings and furniture therein, and any other contents thereof, from damage, destruction or loss;
- (h) the circumstances in which the Authority may refuse any person the use of any facility in a museum;
- (i) the circumstances under which any person may be directed to leave a museum, or any part thereof;
- (j) the terms and conditions under which any article may be brought into or used within a museum;
- (k) the control of the movement and parking of vehicles within a museum;
- (l) the prevention of obstruction of the staff of a museum in the performance of their duties;
- (m) appeal against any decision, direction or requirement made or given by a public officer in accordance with regulations made under this section;
- (n) the general regulation and management of a museum.

Powers of
Authority
to fix fees.

105J. (1) The Authority may fix the fees to be paid by the public for—

- (a) admission to any part of a museum;

- (b) admission to any special exhibition or function organized by the Authority in a museum;
 - (c) the use of any facilities provided in a museum.
- (2) The Authority may, in any particular case, reduce or waive any fees fixed under this section.

Libraries

Provision
for and
management
of libraries.

105K. (1) The Governor may, by order published in the *Gazette*, designate any building, or part of a building, as a library.

(2) The management and control of every library shall be vested in the Authority.

(3) The Authority may establish and maintain mobile libraries for the use of the public.

Regulations
relating to
libraries.

105L. (1) The Authority may make regulations for any of the following purposes—

- (a) the powers, duties and functions of the librarian;
- (b) fixing the hours during which any library shall be open to the public;
- (c) regulating admission to any library or the use of any library or any of the facilities provided in any library;
- (d) regulating the lending and borrowing of any of the books in any library;
- (e) requiring a guarantee or security to be given by any person borrowing books from a library;
- (f) prescribing fees, charges and penalties to be paid by any person in respect of books borrowed from any library;
- (g) regulating the conduct of persons in any library;
- (h) protecting any library and the fittings, furniture and books therein, and any other contents thereof, from damage;
- (i) the assessment of the amount to be paid in respect of the repair or replacement of any book which has been lost, damaged or

destroyed or by way of compensation for the loss or damage sustained by the Government by reason of the fact that any book has been lost, damaged or destroyed, and the recovery of any such amount;

- (j) enabling any person to be refused the use of any library or any of the facilities provided in any library and the removal from a library of any person;
- (k) the terms on which articles may be deposited in a library for safe-keeping whilst any person is in the library.

(2) Regulations made under paragraph (i) of subsection (1) may provide that, in a case where one of the books forming a set of books in a library has been lost, damaged or destroyed, the amount to be paid in respect of the replacement of that book may be assessed by reference to the cost of replacing all the books in the set and may authorize the recovery, in addition to the amount to be paid in respect of the replacement of any book, of a surcharge not exceeding twenty *per cent* of such amount.

(3) For the purposes of this section and any regulations made hereunder the expression "library" shall include mobile library.

Civic Centres

Provision
for civic
centres.

105M. (1) The Governor may, by order published in the *Gazette*, set aside any premises and the grounds appurtenant thereto for use as a civic centre.

(2) The premises specified in the Thirteenth Schedule shall be deemed to have been set aside under subsection (1) for use as a civic centre.

(3) The Authority shall, as soon as practicable, arrange for the preparation by the Director of Public Works of a plan of every civic centre and the grounds appurtenant thereto.

(4) Every plan prepared in accordance with subsection (3) shall be deposited in the appropriate Land Office.

(5) The Governor may, by order published in the *Gazette*, amend, add to or delete from, the Thirteenth Schedule.

Thirteenth
Schedule.

Management of civic centres.

105N. The management and control of every civic centre shall be vested in the Authority.

Regulations relating to civic centres.

105O. The Authority may make regulations for any of the following matters—

- (a) the fixing of the days of the week and the hours of the day during which any civic centre or any part thereof may be open to members of the public;
- (b) the regulation of the conduct of persons admitted to any civic centre or any part thereof and for the removal therefrom of any person who infringes any of the provisions of any regulation made pursuant to this section;
- (c) the general regulation and management of civic centres and any facilities provided therein.

Powers of Authority to fix fees for civic centres.

105P. The Authority may—

- (a) fix the fees to be paid for, and specify the conditions to be observed in, the use of all or any of the facilities provided in any civic centre or the use of any part of a civic centre;
- (b) fix the fees to be paid by the public for admission to any part of a civic centre or to any function organized by the Authority in a civic centre.

Grant of use of civic centres.

105Q. Notwithstanding any power to make regulations under section 105O or to specify conditions conferred by section 105P, the Authority may grant, either gratuitously or for payment, to any person the exclusive use of any part of a civic centre for such period or periods and for such purposes as the Authority may consider fit in each case; and admission by the public to any such part, the exclusive use of which has been so granted, shall be either with or without payment as may be directed either by the Authority or, with the consent of the Authority, by the person to whom the use thereof has been so granted.

Public meetings.

105R. For the purposes of sections 105S and 105T, "public meeting" means—

- (a) any gathering or assembly of persons convened or organized for any purpose; and
- (b) any gathering or assembly of persons, whether or not previously convened or organized, at which any person assumes or attempts to assume control or leadership thereof,

but does not include any gathering or assembly of persons convened or organized exclusively—

- (i) for the purposes of any public body; or
- (ii) for the purposes of carrying out any duty or exercising any power imposed or conferred by any Ordinance.

Consent of Colonial Secretary.

105S. (1) Notwithstanding any grant made under section 105Q, if any person uses any part of a civic centre for the purpose of any public meeting without having obtained the prior consent thereto in writing of the Colonial Secretary he shall be guilty of an offence.

(2) Any consent of the Colonial Secretary granted in pursuance of subsection (1) may be withdrawn or granted subject to such conditions or restrictions as the Colonial Secretary may think fit.

(3) If, after the consent of the Colonial Secretary has been obtained for the holding of any public meeting to which the provisions of this section apply, any of the purposes of such meeting in respect of which the consent was obtained is materially altered or any new purpose is added thereto or if any condition or restriction subject to which the consent was granted is not complied with, such meeting shall be deemed to be held without the consent of the Colonial Secretary as required by subsection (1).

(4) The provisions of this section are in addition to and not in derogation from the provisions of any other law requiring the licensing of public meetings.

Prevention of unauthorized public meetings in civic centres.

105T. (1) Any police officer, or any duly appointed manager of a civic centre, having reasonable grounds to believe that any public meeting has been convened or is about to be convened in contravention