

HONG KONG

No. 1 OF 1957.



I assent.

[Handwritten signature]
Governor.

24th January, 1957.

An Ordinance further to amend the Supreme Court Ordinance,
Chapter 4.

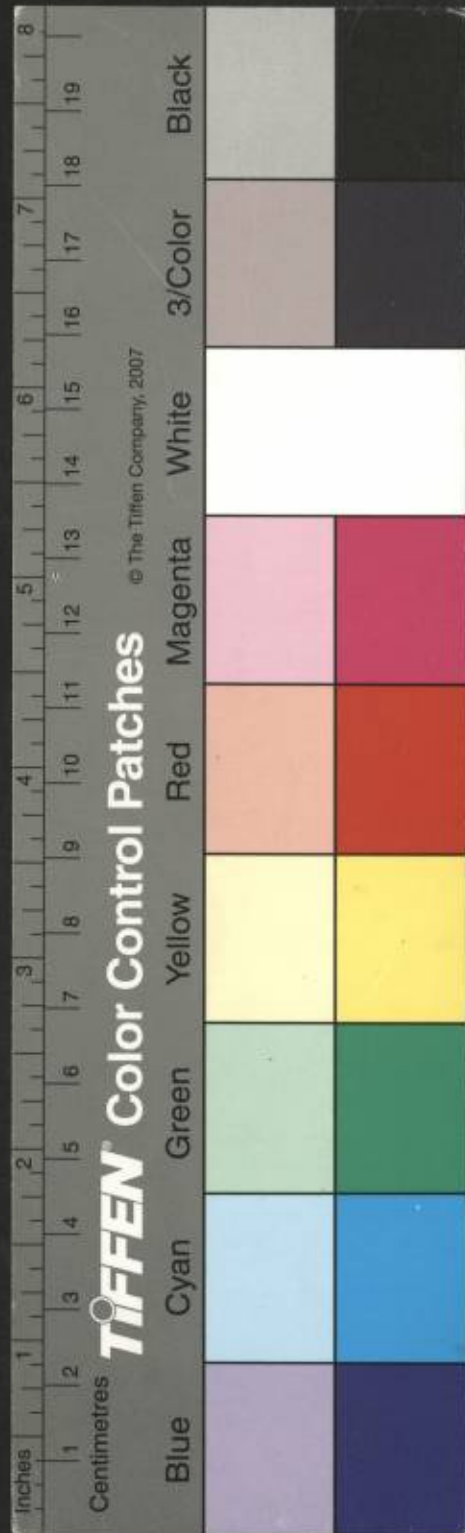
[25th January, 1957.]

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

1. This Ordinance may be cited as the Supreme Court Short title.
(Amendment) Ordinance, 1957.

2. Paragraph (a) of section 14 of the Supreme Court Amendment
Ordinance (hereinafter referred to as the principal Ordinance) is
amended by the insertion, between the words "Commonwealth"
and "having", of the following—

"or the Republic of Ireland".

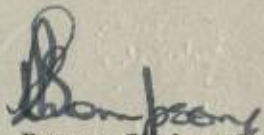


Amendment
of section
37.

3. Paragraph (a) of subsection (6) of section 37 of the principal Ordinance is amended by the deletion of the word "judge" in the second place where it occurs and the substitution therefor of the following—

"judges".

Passed the Legislative Council of Hong Kong, this 23rd day of January, 1957.

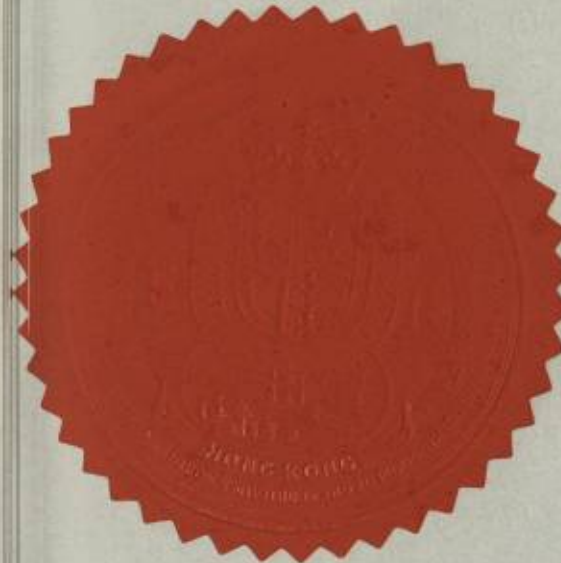

Deputy Clerk of Councils.

(Secretariat 4436/47)



HONG KONG

No. 2 OF 1957.



I assent.


Governor.

7th February, 1957.

An Ordinance to amend the Business Regulation Ordinance, 1952.

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

1. This Ordinance may be cited as the Business Regulation (Amendment) Ordinance, 1957, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.

2. Section 2 of the Business Regulation Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the definition of the expression "Director" and by the substitution therefor of the following—

Amendment
of
section 2.
(14 of
1952).

(Cap. 112,
1956
Reprint).

" "Director" means the Commissioner of Inland Revenue appointed under the Inland Revenue Ordinance and includes the Deputy Commissioner of Inland Revenue and any Assistant Commissioner of Inland Revenue."

Amendment
of
section 7.

3. Section 7 of the principal Ordinance is amended—
- (a) by the substitution of a semicolon for the colon at the end of paragraph (c) of subsection (6);
 - (b) by the addition after paragraph (c) of subsection (6) of the following new paragraph—

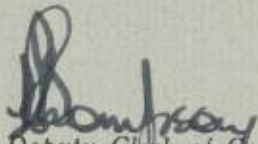
“(d) the fee prescribed in subsection (1) of this section and in subsection (2) of section 8 shall be paid on or before the date specified notwithstanding application for remission unless the Director orders that the payment of the fee or any part thereof be held over pending the result of such application for remission.”.

Amendment
of
section 8.

4. Section 8 of the principal Ordinance is amended by the insertion in paragraph (b) of subsection (2) immediately after the word “direction” of the following—

“to pay”.

Passed the Legislative Council of Hong Kong, this 6th day of February, 1957.


Deputy Clerk of Councils.

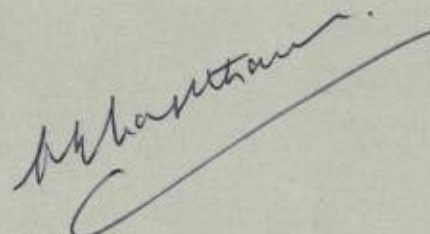
(Secretariat 3/2301/47II)

HONG KONG

No. 3 OF 1957.



I assent.


Governor.

7th February, 1957.

An Ordinance to provide for the incorporation of the Board of Trustees of The United College of Hong Kong.

[8th February, 1957.]

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

1. This Ordinance may be cited as The Board of Trustees Short title.
of The United College of Hong Kong Incorporation Ordinance,
1957.

2. In this Ordinance—

“constitution” means the constitution of The Board of Trustees
of The United College of Hong Kong approved from time
to time by its members for the time being in accordance
with the constitution for the time being in force.

Interpre-
tation.

Incorporation.

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

Power of corporation.

4. The corporation shall have full power—

- (a) to manage administer and operate The United College of Hong Kong;
- (b) to acquire, accept leases of, purchase, take or otherwise hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate:

Provided that the corporation shall not acquire, accept leases of, purchase, take or hold any immovable property in the Colony unless it shall have previously obtained the consent of the Governor in Council in each case;

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

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

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

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

7. All the existing members of the unincorporated Board of Trustees of The United College of Hong Kong at the date of the passing of this Ordinance shall be the first members of the corporation. Existing members to become members.

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

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

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

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

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

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

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

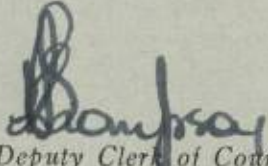
Sealing of deeds.

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

Saving.

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

Passed the Legislative Council of Hong Kong, this 6th day of February, 1957.


Deputy Clerk of Councils.

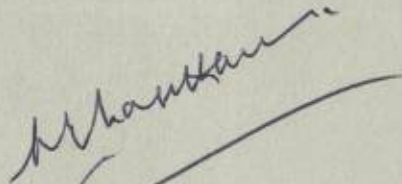
(Secretariat 29/3231/56)

HONG KONG

No. 4 OF 1957.



I assent.


Governor.

28th February, 1957.

An Ordinance to amend the Defences (Firing Areas) Ordinance, Chapter 196.

[1st March, 1957.]

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

1. This Ordinance may be cited as the Defences (Firing Areas) (Amendment) Ordinance, 1957. Short title.

2. Section 3 of the Defences (Firing Areas) Ordinance (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following— Repeal and replacement of section 3. (Cap. 196).

“Author-
ized Firing
Areas.

First
Schedule.

- 3.** Subject to the provisions of this Ordinance—
- (a) practice firing may take place from any gun site over all or any of the firing areas described in Part I of the First Schedule, and
 - (b) torpedo practice firing may take place over all or any of the firing areas described in Part II of the First Schedule :

Provided that when a vessel or aircraft is within danger in or over any such firing area, all firing within or over that area shall cease.”.

Amendment of section 4.

3. Section 4 of the principal Ordinance is amended—
- (a) in subsection (1) by the insertion, immediately before the words “the First Schedule”, of the following—
“Part I of”;
 - (b) in subsection (3) by the insertion, immediately before the words “the First Schedule”, of the following—
“Part I of”;
 - (c) in subsection (5) by the insertion, immediately after the words “Firing Area A”, of the following—
“or any firing area described in Part II of the First Schedule”;
 - (d) by the addition after subsection (6) of the following new subsection—

“(10) No practice torpedo firing under the provisions of this Ordinance shall take place between half an hour before sunset and half an hour after sunrise and unless the firing area is patrolled by not less than two safety craft.”.

Amendment of section 7.

4. Section 7 of the principal Ordinance is amended—
- (a) by the insertion of the comma and word “, torpedo” after the word “shell” wherever it appears;
 - (b) by the insertion of the words “torpedoes or” after the word “recover” in the proviso.

Passed the Legislative Council of Hong Kong, this 27th day of February, 1957.

Clerk of Councils.

(Secretariat BL2/4941/54)

HONG KONG

No. 5 OF 1957.



I assent.

Governor.

28th February, 1957.

An Ordinance to amend the Dutiable Commodities Ordinance, Chapter 109.

[1st March, 1957.]

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

1. This Ordinance may be cited as the Dutiable Commodities (Amendment) Ordinance, 1957. Short title.
2. The long title to the Dutiable Commodities Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment to long title. (Cap. 109).
 - (a) by the insertion after the word “taxation” of the following—
“and control”;
 - (b) by the insertion after the words “hydrocarbon oils” of the following—
“, methyl alcohol”.

Amendment
of section
3.

3. Section 3 of the principal Ordinance is amended by the deletion of the full stop at the end of subsection (1) and the addition thereto of the following—

“and methyl alcohol.”.

Amendment
of section
47.

4. Section 47 of the principal Ordinance is amended by the insertion in the definition of “proof spirit” of the word “ethyl” immediately before the word “alcohol” wherever appearing.

Amendment
of section
48B.

5. Section 48B of the principal Ordinance is amended—

(a) by the deletion of the full stop at the end thereof and the substitution therefor of a colon;

(b) by the addition thereto of the following proviso—

“Provided that—

(i) the board may in its discretion determine any matter by circulation of papers to its members and a resolution in writing so circulated and approved in writing by a majority of the members shall be valid and of the same effect as if it had been passed at a meeting of the board; and

(ii) in any case in which the opinion of the members of the board is equally divided the matter shall be referred to a meeting of the board.”.

Addition
of new
Part VII.

6. The principal Ordinance is amended by the insertion after section 85 of the following new Part—

“PART VII—METHYL ALCOHOL.

Inter-
pretation.

86. In the application of this Ordinance to methyl alcohol—

“methyl alcohol” means the substance having the chemical formula CH_3OH , also known as methanol.

Marking
of con-
tainers.

87. Every container having in it methyl alcohol shall be conspicuously marked with the word “poison”.

Colouring
or flavour-
ing matter.

88. The Director may require an importer, dealer or retailer of methyl alcohol to add such colouring or flavouring substance, as the Director may from time to time specify, to any methyl alcohol in his possession.

Storage.

89. Methyl alcohol shall not be stored on the premises of any distiller, importer, dealer or retailer of intoxicating liquor as defined in section 47 without the written permission of the Director.”.

Passed the Legislative Council of Hong Kong, this 27th day of February, 1957.

Clerk of Councils.

(Secretariat GR48/3231/47)

HONG KONG

No. 6 OF 1957.



I assent.

[Handwritten signature]
Governor.

21st March, 1957.

An Ordinance to further amend the Summary Offences Ordinance,
Chapter 228.

[22nd March, 1957.]

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

1. This Ordinance may be cited as the Summary Offences Short title.
(Amendment) Ordinance, 1957.

2. The Summary Offences Ordinance is amended by the
addition after section 6 of the following new section—

"Fire
escapes.

6A. (1) Every building which has a storey the
floor of which is more than thirty-five feet above the
level of the street or ground surface adjoining the

Addition
of new
section
6A.
(Cap. 228).

front of the building shall be provided, in every such storey, with either—

- (a) free and unobstructed means of escape therefrom leading to the roof of the building and to the street or ground surface adjoining the building, to the satisfaction of the Chief Officer; or
- (b) such other means of escape in the event of fire as the Chief Officer may require:

Provided that this subsection shall not apply to a building constructed and maintained to a standard not less than that laid down by regulations 34, 35, 36 and 37 of the Building (Planning) Regulations, 1956.

(G.N.A.
37/56).

(2) Any owner who fails to provide a means of escape in accordance with the provisions of subsection (1) or who fails to maintain and keep such means of escape so provided in good condition, order and repair shall be guilty of an offence.

(3) Any person who obstructs any staircase, landing or passage leading from one storey of any such building to another storey or to the roof of the building or to the street or ground surface adjoining the building shall be guilty of an offence.

(4) For the purpose of enforcing the provisions of this section, the Chief Officer and any person authorized in writing by him may enter upon any staircase, landing, passage or roof-top of any building to which this section applies and may require the owner or occupier of any such building to permit him to enter on any such staircase, landing, passage or roof-top and, if such permission is refused or cannot be obtained, may take all reasonable steps to obtain access to any such staircase, landing, passage or roof-top.

(5) Any person who refuses to permit the Chief Officer or any person authorized in writing by him, on proof of his identity, to enter on any such staircase, landing, passage or roof-top or obstructs any such person in the exercise of his duties under this section shall be guilty of an offence.

(6) Any person who is guilty of an offence under this section shall be liable, on summary conviction, to a fine of five hundred dollars.

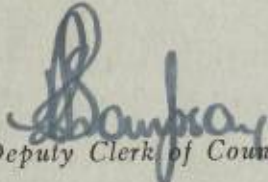
(7) In this section—

“Chief Officer” means the Chief Officer of the Fire Brigade; and

“owner” has the meaning assigned to it by section 2 of the Buildings Ordinance, 1955.”

(68 of
1955).

Passed the Legislative Council of Hong Kong, this 20th day of March, 1957.


Deputy Clerk of Councils.

(Secretariat GR31/3231/56)

HONG KONG

No. 7 OF 1957.



I assent.

Michael Jackson
Governor.

28th March, 1957.

An Ordinance to apply a sum not exceeding five hundred and sixty-one million, one hundred and fifty-seven thousand, two hundred and eighty dollars to the Public Service of the financial year ending the 31st day of March, 1958.

[29th March, 1957.]

WHEREAS the expenditure required for the service of this Preamble. Colony for the financial year ending on the 31st day of March, 1958, has been estimated at the sum of five hundred and sixty-one million, one hundred and fifty-seven thousand, two hundred and eighty dollars :

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

1. This Ordinance may be cited as the Appropriation Short title. (1957-58) Ordinance, 1957.

Appropriation from the general revenues and other funds.

Schedule.

2. A sum not exceeding five hundred and sixty-one million, one hundred and fifty-seven thousand, two hundred and eighty dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st day of April, 1957, and ending on the 31st day of March, 1958, and the said sum so charged may be expended in the manner expressed in the Schedule.

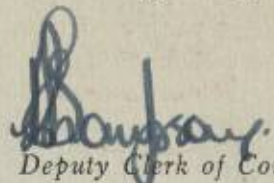
SCHEDULE. [s. 2.]

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
1.	His Excellency the Governor's Establishment	394,830
2.	Agriculture, Fisheries and Forestry Department ...	3,933,290
3.	Audit Department	778,680
4.	Broadcasting Department	2,010,230
5.	Civil Aviation Department	3,866,780
6.	Colonial Secretariat and Legislature	3,160,100
7.	Commerce and Industry Department	5,568,250
8.	Cooperatives and Marketing Department	539,690
Defence		
9A.	R.H.K.D.F. Headquarters and Hong Kong Regiment	2,289,360
9B.	Hong Kong Royal Naval Volunteer Reserve	893,300
9C.	Hong Kong Auxiliary Air Force	672,910
9D.	Essential Services Corps	92,050
9E.	Auxiliary Fire Service	197,430
9F.	Auxiliary Medical Service	740,690
9G.	Civil Aid Services	1,996,090
9H.	Registration of Persons	484,900
9I.	Directorate of Manpower	63,100
9J.	Miscellaneous Measures	19,852,200
10.	Education Department	24,613,020
11.	Fire Brigade	4,558,630
12.	Inland Revenue Department	3,541,200
13.	Judiciary	2,909,700
14.	Kowloon Canton Railway	5,332,250

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
Labour Department		
15A.	Labour Division	1,035,860
15B.	Mines Division	120,190
16.	Legal Department	885,900
17.	Marine Department	14,005,540
18.	Medical Department	37,243,950
19.	Miscellaneous Services	7,064,800
20.	New Territories, District Administration	1,747,820
21.	Pensions	14,596,000
Police Force		
22A.	Hong Kong Police	44,179,200
22B.	Hong Kong Police (Auxiliaries)	1,895,920
23.	Post Office	17,014,610
24.	Printing Department	2,384,000
25.	Prisons Department	7,604,390
26.	Public Debt	3,281,310
27.	Public Relations Office	691,200
28.	Public Services Commission	37,800
29.	Public Works Department	27,450,350
30.	Public Works Recurrent	26,133,000
31.	Public Works Non-Recurrent	152,063,280
32.	Quartering	2,562,500
33.	Rating and Valuation Department	677,700
34.	Registrar General's Department	1,174,500
35.	Registry of Trade Unions	183,940
36.	Resettlement Department	6,804,760
37.	Royal Observatory	2,237,940
Secretariat for Chinese Affairs		
38A.	Secretariat for Chinese Affairs	494,660
38B.	Social Welfare Office	3,019,130
38C.	District Watch Force	317,120

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
39.	Stores Department	8,454,710
40.	Subventions	57,955,050
	Treasury	
41A.	Treasury	2,062,950
41B.	Custodian of Property	34,160
	Urban Services and Urban Council	
42A.	Head Office and Sanitary Division	20,568,340
42B.	Gardens Division	2,356,050
42C.	Housing Division	519,200
43.	Colonial Development and Welfare Schemes	3,810,770
	TOTAL	\$561,157,280

Passed the Legislative Council of Hong Kong, this 27th day of March, 1957.


Deputy Clerk of Councils.

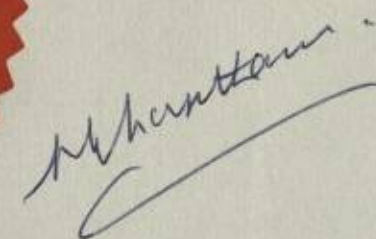
(Secretariat GR3/2291/57)

HONG KONG

No. 8 OF 1957.



I assent.


Governor.

28th March, 1957.

An Ordinance to amend the Pensions Ordinance, Chapter 89.

[1st April, 1957.]

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

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance, 1957, and shall come into operation on the 1st day of April, 1957. Short title and commencement.

2. Subsection (1) of section 8 of the Pensions Ordinance is repealed and replaced by the following new subsection— Amendment of section 8. (Cap. 89).

“(1) The normal age of retirement of an officer holding a pensionable office shall be on attaining the age of 55 years :

Provided that—

- (i) the Governor may approve any such officer's continued service in this Colony after attaining such age, which approval shall, in the case of a judge, be given in accordance with the directions of the Secretary of State;
- (ii) a female officer holding a pensionable office on the 1st day of April, 1957, may elect to retire on attaining the age of 50 years by giving to the Governor notice in writing of such election on or before attaining the age of 49 years and such election shall be irrevocable."

Passed the Legislative Council of Hong Kong, this 27th day of March, 1957.



Deputy Clerk of Councils.

(Secretariat PR3/4001/46)

HONG KONG

No. 9 OF 1957.



I assent.

Myhantam
Governor.

28th March, 1957.

An Ordinance to amend the Births and Deaths Registration Ordinance, Chapter 174.

[1st April, 1957.]

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

1. This Ordinance may be cited as the Births and Deaths Registration (Amendment) Ordinance, 1957, and shall come into operation on the 1st day of April, 1957.

Short title and commencement.

2. Section 2 of the Births and Deaths Registration Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the definition of "Registrar" and the substitution therefor of the following definitions—

Amendment of section 2. (Cap. 174).

" "Registrar" means the Registrar of Births and Deaths, and includes any deputy registrar of births and deaths;

“registrar” includes the Registrar and any deputy registrar or district registrar of births and deaths.”.

Substitution of the designation “district registrar” for “assistant registrar”.

3. The words “district registrar” or “district registrars” as the case may be shall be substituted for the designation “assistant registrar” or “Assistant Registrar” or “assistant registrars” wherever the same occurs in the principal Ordinance and the Schedules thereto and in any regulations made thereunder and in any forms relating to or used in connexion with births and deaths registration.

Amendment of section 3.

4. Section 3 of the principal Ordinance is amended—

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

“Registrar General’s”;

(b) by the deletion from subsection (2) of the words “Director of Medical and Health Services” and the substitution therefor of the following—

“Registrar General”;

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

“Provided that unless and until otherwise directed by the Governor, the officer in charge of each police station mentioned in the First Schedule shall be a district registrar of deaths for that district.”

First Schedule.

Amendment of section 29.

5. Subsection (1) of section 29 of the principal Ordinance is amended by the insertion before the word “Schedule” of the following—

“Second”.

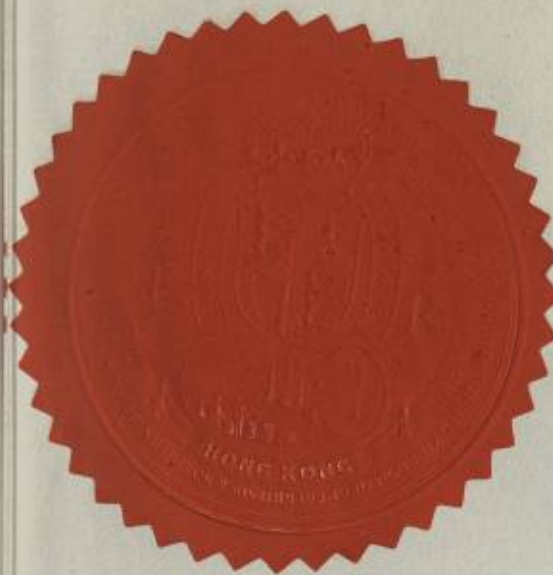
Passed the Legislative Council of Hong Kong, this 27th day of March, 1957.

B. Thompson
Deputy Clerk of Councils.

(Secretariat GR3/1806/52)

HONG KONG

No. 10 OF 1957.



I assent.

Robert H. Murray
Governor.

28th March, 1957.

An Ordinance to amend the Registrar General (Establishment) Ordinance, Chapter 100.

[1st April, 1957.]

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

1. This Ordinance may be cited as the Registrar General (Establishment) (Amendment) Ordinance, 1957, and shall come into operation on the 1st day of April, 1957.

Short title and commencement.

Amend-
ment of
Schedule.
(Cap. 100).

2. The Schedule to the Registrar General (Establishment) Ordinance is amended by the insertion between the description "Registrar of Marriages." and the description "Official Receiver in Bankruptcy." of the following—

"Registrar of Births and Deaths."

Passed the Legislative Council of Hong Kong, this 27th day of March, 1957.

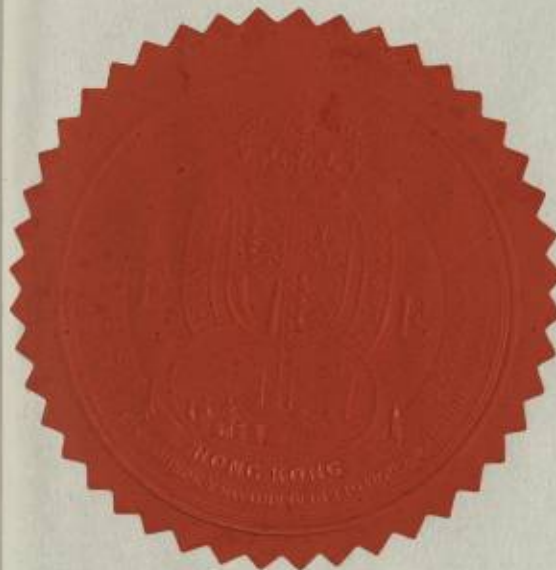

Deputy Clerk of Councils.

(Secretariat GR3/1806/52)

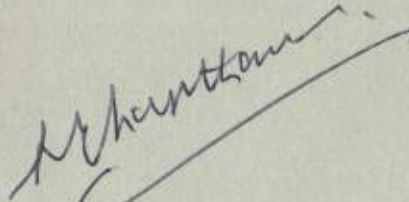


HONG KONG

No. 11 OF 1957.



I assent.


Governor.

10th April, 1957.

An Ordinance to repeal the Shops (Hours of Closing) Ordinance, Chapter 62.

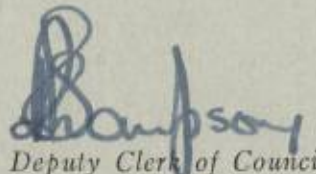
[11th April, 1957.]

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

1. This Ordinance may be cited as the Shops (Hours of Closing) (Repeal) Ordinance, 1957. Short title.

2. The Shops (Hours of Closing) Ordinance is repealed. Repeal.
(Cap. 62).

Passed the Legislative Council of Hong Kong, this 10th day of April, 1957.

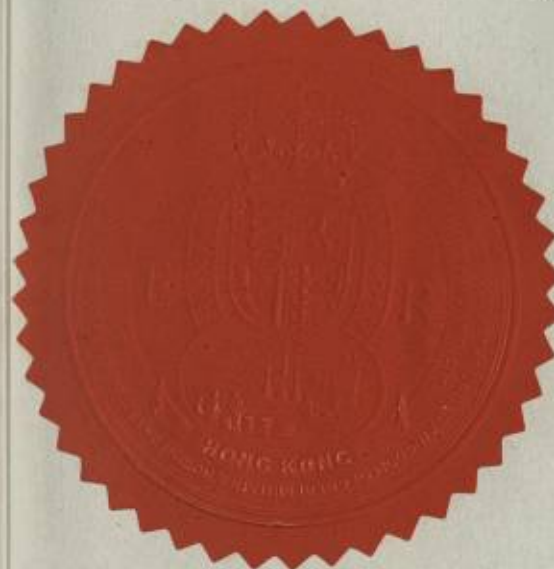

Deputy Clerk of Councils.

(Secretariat L/M GR12180/56)



HONG KONG

No. 12 OF 1957.



I assent.


Governor.

10th April, 1957.

An Ordinance to repeal the Ordinances relating to Trading with the Enemy and Enemy Property.

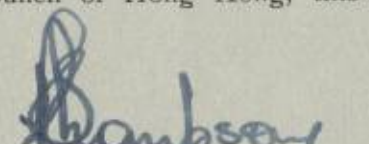
[]

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

1. This Ordinance may be cited as the Enemy Property Legislation Repeal Ordinance, 1957, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*. Citation and commencement.

2. The Alien Enemies (Winding up) Ordinance, 1914, and the Trading with the Enemy Ordinance are repealed. Repeal. (28 of 1914). (Cap. 188).

Passed the Legislative Council of Hong Kong, this 10th day of April, 1957.


Deputy Clerk of Councils.

(Secretariat D/TE)



HONG KONG

No. 13 OF 1957.



I assent.

[Handwritten signature]
Governor.

10th April, 1957.

An Ordinance to impose penalties for trading with the enemy, to make provision as respects the property of enemies and enemy subjects, and for purposes connected with the matters aforesaid.

[]

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

1. This Ordinance may be cited as the Trading with the Enemy Ordinance, 1957, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Citation and commencement.

Inter-pretation.

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

(Cap. 32). “company” has the meaning assigned by section 2 of the Companies Ordinance;

“controller” means a person appointed by the Governor as a controller in accordance with the provisions of subsection (2) of section 6;

“Court” means the Supreme Court;

“Custodian” means the Custodian of Enemy Property appointed in accordance with the provisions of section 10;

“enemy” means—

(a) any State, or Sovereign of any State, at war with Her Majesty;

(b) any individual resident in enemy territory;

(c) any person carrying on business in any place, if and so long as the person is controlled by a person who, under this section, is an enemy;

(d) any body of persons constituted or incorporated in, or under the laws of, a State at war with Her Majesty;

(e) in respect of any business carried on in enemy territory, any person carrying on that business; or

(f) any person who is deemed to be an enemy by order of the Governor under subsection (2) of section 3,

but does not include any individual by reason only that he is an enemy subject;

“enemy property” means any property for the time being belonging to or held or managed on behalf of an enemy or an enemy subject;

“enemy subject” means—

(a) an individual who, not being either a British subject or a British protected person, possesses the nationality of a State at war with Her Majesty; or

(b) a body of persons constituted or incorporated in, or under the laws of, any such State;

“enemy territory” means—

(a) any area which is under the sovereignty of, or in the occupation of, a power with whom Her Majesty is at war, not being an area in the occupation of Her Majesty or of a power allied with Her Majesty; or

(b) any area to which the provisions of this Ordinance have been applied by order of the Governor under subsection (1) of section 3 while so applied;

“inspector” means a person authorized by the Governor as an inspector in accordance with the provisions of subsection (1) of section 5;

“restriction order” means an order made by the Governor in accordance with the provisions of paragraph (a) of subsection (1) of section 6;

“supervisor” means a person authorized by the Governor as a supervisor in accordance with the provisions of subsection (2) of section 5;

“winding-up order” means an order made by the Governor in accordance with the provisions of paragraph (b) of subsection (1) of section 6.

(2) A certificate under the hand of the Colonial Secretary that any area is or was under the sovereignty of, or in the occupation of any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings under or arising out of this Ordinance, be conclusive evidence of the facts stated in the certificate.

3. (1) The Governor may direct by order that the provisions of this Ordinance shall apply in relation to any area specified in the order as they apply to enemy territory and the said provisions shall apply accordingly. Powers of the Governor.

(2) The Governor may direct by order that any person specified in the order shall, for the purposes of this Ordinance, be deemed to be, while so specified, an enemy.

(3) The Governor may declare, by order, that any notes or coins are enemy currency for the purpose of section 9.

(4) Where any area ceases to be enemy territory as defined in section 2, whether by reason of the occupation thereof by Her Majesty or by a Power allied with Her Majesty or by reason of its no longer being in the occupation of a Power with whom Her Majesty is at war, or for any other reason, that area shall, for the purposes of sections 6, 7, 8 and 10 and, save as expressly provided by any such order, for the purposes of any order made under section 10, be treated as if, until such time as the Governor may by order specify, there had been no such cessation.

(5) Any order made by the Governor under this section shall be published in the *Gazette*.

*Trading with the Enemy and
Matters Relating Thereto.*

Penalties
for trading
with the
enemy.

4. (1) Any person who trades with the enemy within the meaning of this Ordinance shall be guilty of an offence of trading with the enemy and shall be liable—

(a) on conviction, on indictment, to a fine of one hundred thousand dollars and to imprisonment for seven years; or

(b) on summary conviction to a fine of ten thousand dollars and to imprisonment for six months,

and the Court before which he is convicted may order that any goods or money in respect of which the offence has been committed shall be forfeited.

(2) For the purposes of this Ordinance a person shall be deemed to have traded with the enemy if—

(a) he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and in particular, but without prejudice, to the generality of the foregoing provision, if he has—

(i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory; or

(ii) paid or transmitted any money, negotiable instrument or security for money to or for the benefit of an enemy or to a place in enemy territory; or

(iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the coming into operation of this Ordinance; or

(b) he has done anything which, under the following provisions of this Ordinance, is to be treated as trading with the enemy:

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

(i) done anything under an authority, given generally or specially by, or by any person authorized in that behalf by, the Governor; or

(ii) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had already been performed when the payment was received, and had been performed at a time when the person from whom the payment was received was not an enemy.

(3) Any reference to this section to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(4) In any proceedings for an offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory shall, unless the contrary is proved, be evidence, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy.

(5) A prosecution for an offence of trading with the enemy shall not be instituted except by, or with the consent of, the Attorney General:

Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of a prosecution for the offence has not been obtained.

Inspection
and super-
vision of
businesses.

5. (1) The Governor, if he thinks it expedient for securing compliance with the provisions of section 4 so to do, may by order in writing appoint an inspector, for the purpose of this section and, by such order, authorize the inspector to inspect any books or documents belonging to, or under the control of, a person named in the order, and to require that person and any other person to give such information in his possession with respect to any business carried on by the named person as the inspector may demand, and for the purposes aforesaid to enter on any premises used for the purposes of that business.

(2) If, on a report made by an inspector in respect of any business, it appears to the Governor that it is expedient, for securing compliance with the provisions of section 4, that the business should be subject to supervision, the Governor may appoint a supervisor to supervise the business, with such powers as the Governor may determine.

(3) Any person who, without reasonable cause, fails to produce for inspection, or furnish, to an inspector or a supervisor, any document or information which he is duly requested by the inspector or supervisor so to produce or furnish, shall be guilty of an offence and, on summary conviction, shall be liable to a fine of one thousand dollars and to imprisonment for six months.

(4) Any person who, with intent to evade the provisions of this section, destroys, mutilates or defaces any book or other document which an inspector or a supervisor is or may be authorized under this section to inspect, shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine of one thousand dollars and to imprisonment for six months; or
- (b) on conviction, on indictment, to a fine of five thousand dollars and to imprisonment for five years.

Power to
control and
wind up
certain
businesses.

6. (1) Where any business is being carried on in the Colony by, or on behalf of, or under the direction of, persons all or any of whom are enemies or enemy subjects or appear to the Governor to be associated with enemies, the Governor may, if he thinks it expedient so to do, make—

- (a) a restriction order prohibiting the carrying on of the business either absolutely or except for such purposes and subject to such conditions as may be specified in the order; or

- (b) a winding-up order requiring the business to be wound-up,

and the making of a restriction order as respects any business shall not prejudice the power of the Governor, if he thinks it expedient so to do, at any subsequent date to make a winding-up order in respect of that business.

(2) Where an order under subsection (1) is made in respect of any business, the Governor, by that order or by a subsequent order, may appoint a controller to control and supervise the carrying out of the order, and, in the case of a winding-up order, to conduct the winding-up of the business, and may confer on the controller any such powers in relation to the business as are exercisable by a liquidator, in the voluntary winding-up of a company, in relation to the company, including power in the name of the person carrying on the business or in his own name, and by deed or otherwise, to convey or transfer any property and power to apply to the Court to determine any question arising in the carrying out of the order, and may by the order confer on the controller such powers as the Governor thinks necessary or convenient for the purpose of giving full effect to the order.

(3) Where a restriction order or a winding-up order is made in respect of any business, the distribution of any assets of the business which are distributed while the order is in force shall be subject to the same rules as to preferential payments as are applicable to the distribution of the assets of a company which is being wound-up, and the said assets of the business shall, so far as they are available for discharging unsecured debts, be applied in discharging unsecured debts due to creditors of the business who are not enemies in priority to unsecured debts due to any other creditors, and any balance, after providing for the discharge of all liabilities of the business, shall be distributed among the persons interested in the business in such manner as the Governor may direct:

Provided that the provisions of this subsection shall, in their application to the distribution of any money or other property which would, in accordance with those provisions, fall to be paid or transferred to an enemy, whether as a creditor or otherwise, have effect subject to the provisions of section 10 and of any order made under that section.

(4) Where any business in respect of which a controller has been appointed under this section has assets in enemy territory, the controller, if in his opinion it is practicable so to do, shall cause an estimate to be prepared—

- (a) of the value of those assets;
- (b) of the amount of any liabilities of the business to creditors, whether secured or unsecured, who are enemies;
- (c) of the amount of the claims of persons who are enemies to participate, otherwise than as creditors of the business, in any distribution of assets of the business made while an order under subsection (1) is in force in respect of the business,

and, where such an estimate is made, the said liabilities and claims shall, for the purposes of this section, be deemed to have been satisfied out of the said assets of the business in enemy territory, or to have been satisfied thereout so far as those assets will go, and only the balance, if any, shall rank for satisfaction out of the other assets of the business.

(5) Where an estimate has been prepared under subsection (4), a certificate of the controller as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for distribution amongst other persons claiming to be interested in the business:

Provided that nothing in this subsection shall affect the rights of creditors of, and other persons interested in, the business against the assets of the business in enemy territory.

(6) The Governor, on an application made by the controller appointed under this section and after considering the application and any objections which may be made by any person who appears to him to be interested, may by order grant to the controller a release, and an order of the Governor under this subsection shall discharge the controller from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as controller:

Provided that any such order may be revoked by the Governor on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(7) Any person who contravenes, or fails to comply with, the provisions of any order made under subsection (1) shall be guilty of an offence of trading with the enemy.

(8) Where an order under subsection (1) has been made in respect of a business carried on by an individual or by a company, no bankruptcy petition or petition for sequestration or summary sequestration against the individual, or petition for the winding-up of the company, shall be presented, or resolution for the winding-up of the company passed, or steps for the enforcement of the rights of any creditors of the individual or of the company shall be taken without the consent of the Governor, but where the business is carried on by a company the controller may present a petition for the winding-up of the company by the Court, and the making of an order under this section shall be a ground on which the company may be wound-up by the Court.

(9) Where an order is made under this section appointing a controller for any business, any remuneration of, and any costs, charges and expenses incurred by, the controller, and any other costs, charges and expenses incurred in connexion with the control and supervision of the carrying out of the order, to such amount as may be certified by the Governor, shall be defrayed out of the assets of the business, and, as from the date of the certificate, shall be charged on those assets in priority to any other charges thereon.

7. (1) No assignment of a chose in action made by or on behalf of an enemy shall, except with the sanction of the Governor, be effective so as to confer on any person any rights or remedies in respect of the chose in action, and no transfer of a negotiable instrument by or on behalf of an enemy, or subsequent transfer thereof, shall, except with the sanction of the Governor, be effective so as to confer any rights or remedies against any party to the instrument.

Transfer of negotiable instruments and choses in action by enemies.

(2) The provisions of subsection (1) shall apply in relation to any transfer of any coupon or other security transferable by delivery, not being a negotiable instrument, as they apply in relation to an assignment of a chose in action.

(3) Any person who by payment or otherwise purports to discharge any liability from which he is relieved by this section, knowing the facts by virtue of which he is so relieved, shall be deemed to have thereby traded with the enemy :

Provided that in any proceedings for an offence of trading with the enemy which are taken by virtue of this subsection it shall be a defence for the defendant to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being either a court having jurisdiction in the Colony or a court having jurisdiction in enemy territory, and would be enforced against him by such an order.

(4) Where a claim in respect of a negotiable instrument or chose in action is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would be thereby committing an offence of trading with the enemy, that person may pay into the Court any sum which, but for the provisions of subsection (1), would be due in respect of the claim, and thereupon that sum shall, subject to rules of court, be dealt with according to any order of the Court, and the payment shall for all purposes be a good discharge to that person.

(5) Nothing in this section shall apply to securities to which the provisions of section 8 apply.

8. (1) If—

- (a) any securities to which this section applies are transferred by or on behalf of an enemy ; or
- (b) any such securities, being securities issued by a company, are allotted or transferred to, or for the benefit of, an enemy subject without the consent of the Governor,

then, except with the sanction of the Governor, the transferee or allottee shall not, by virtue of the transfer or allotment, have any rights or remedies in respect of the securities, and no company by whom the securities were issued or are managed shall take any cognisance of, or otherwise act upon, any such transfer except under the authority of the Governor.

(2) No share warrants, stock certificates or bonds, being warrants, certificates or bonds payable to bearer, shall be issued in respect of any securities to which this section applies, being securities registered or inscribed in the name of an enemy or of a person acting on behalf of, or for the benefit of, an enemy.

Transfer and allotment of securities.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and, on summary conviction, shall be liable to a fine of two thousand dollars and to imprisonment for six months.

(4) This section applies to annuities, stock, shares, bonds, debentures or debenture stock registered or inscribed in any register, branch register or other book kept in the Colony.

9. Any person who purchases any notes or coins which circulate in any enemy territory or any other notes or coins which are for the time being declared by an order of the Governor under subsection (3) of section 3 to be enemy currency shall be guilty of an offence of trading with the enemy.

Purchase of enemy currency.

Property of Enemies and Enemy Subjects.

10. (1) With a view to preventing the payment of money to enemies and of preserving enemy property in contemplation of arrangements to be made at the conclusion of peace, the Governor may appoint a Custodian of Enemy Property.

Collection of enemy debts and custody of enemy property.

(2) The person for the time being holding the office of Custodian of Enemy Property shall be a corporation sole under that name, and by that name shall have perpetual succession with a capacity to acquire, whether as purchaser, mortgagee or otherwise, and hold in that name lands, Government securities, shares in any public company, debentures, stocks, funds, securities for money and real and personal property of every description, to sue and be sued, to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reconvey, reassign, transfer or otherwise deal with and dispose of any property of any nature whatsoever, to execute deeds, using an official seal, to enter into engagements binding on himself and his successors in office and to do all other acts necessary or expedient to be done in the execution of the duties of his office.

(3) The Governor may by order—

- (a) require the payment to the Custodian of money which would, but for the existence of a state of war, be payable to or for the benefit of a person who is an enemy, or which would, but for the provisions of section 7 or section 8, be payable to any other person ;

- (b) vest in the Custodian any enemy property;
- (c) vest in the Custodian the right to transfer any enemy property which has not been, and is not required by the order to be, vested in the Custodian;
- (d) confer and impose on the Custodian and on any other person such rights, powers, duties and liabilities as may be prescribed as respects—
 - (i) property which has been, or is required to be, vested in the Custodian by or under the order,
 - (ii) property of which the right of transfer has been, or is required to be, so vested,
 - (iii) any other enemy property which has not been, and is not required to be, so vested, or
 - (iv) money which has been, or is by the order required to be, paid to the Custodian;
- (e) require the payment of such fees as may be prescribed in the order to the Custodian in respect of such matters as may be prescribed and regulate the collection of and accounting for such fees;
- (f) require any person to furnish to the Custodian such returns, accounts and other information and to produce such documents, as the Custodian considers necessary for the discharge of his functions under the order,

and any such order may contain such incidental and supplementary provisions as appears to the Governor to be necessary or expedient for the purposes of the order.

(4) Where any requirement or direction with respect to any money or property is addressed to any person by the Custodian and accompanied by a certificate of the Custodian that the money or property is money or property to which an order under this section applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the requirement or direction, he shall not be liable to any action or other legal proceeding by reason only of such compliance.

(5) Where, in pursuance of an order made under this section—

- (a) any money is paid to the Custodian;

- (b) any property, or the right to transfer any property, is vested in the Custodian; or
- (c) a direction is given to any person by the Custodian in relation to any property which appears to the Custodian to be property to which the order applies,

neither the payment, vesting or direction nor any proceedings in consequence thereof shall be invalidated or affected by reason only that at a material time—

- (i) some person who was or might have been interested in the money or property, and who was an enemy or an enemy subject, had died or had ceased to be an enemy or an enemy subject; or
- (ii) some person who was so interested, and who was believed by the Custodian to be an enemy or an enemy subject, was not an enemy or an enemy subject.

(6) If any person pays any debt, or deals with any property to which any order under this section applies, otherwise than in accordance with the provisions of the order or in accordance with the provisions of an order made under section 6, he shall be guilty of an offence and, on summary conviction, shall be liable to a fine of two thousand dollars and to imprisonment for six months, and the payment or dealing shall be void.

(7) If any person, without reasonable cause, fails to produce or furnish, in accordance with the requirements of an order under this section, any document or information which he is required under the order to produce or furnish, he shall be liable on summary conviction to a fine of two hundred dollars for every day on which the default continues.

(8) All fees received by the Custodian by virtue of an order under this section shall be paid into the general revenue of the Colony.

General and Supplementary Provisions.

11. (1) Any person who, for the purpose of obtaining any authority or sanction under this Ordinance, or in giving any information for the purposes of this Ordinance or of any order made thereunder, knowingly or recklessly makes a statement which

False
state-
ments and
obstruction.

is false in a material particular shall be guilty of an offence and on summary conviction shall be liable to a fine of two thousand dollars and to imprisonment for six months.

(2) Any person who wilfully obstructs any other person in the exercise of any powers conferred on him by or under this Ordinance shall be guilty of an offence and on summary conviction shall be liable to a fine of one thousand dollars.

Offences
by corpora-
tions.

12. (1) Where any offence under this Ordinance, committed by a body corporate, is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

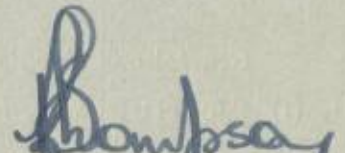
(2) For the purposes of this Ordinance, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called; and, for the purposes of the provisions of this Ordinance relating to offences by bodies corporate, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body act:

Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

Saving.

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

Passed the Legislative Council of Hong Kong, this 10th day of April, 1957.


Deputy Clerk of Councils.

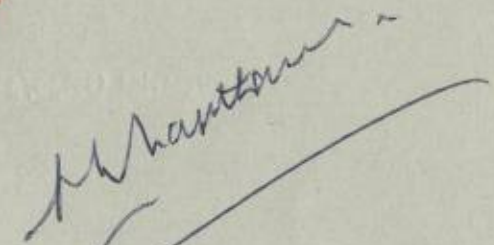
(Secretariat D/TE)

HONG KONG

No. 14 OF 1957.



I assent.


Governor.

25th April, 1957.

An Ordinance to amend the Landlord and Tenant Ordinance,
Chapter 255.

[9th April, 1957.]

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

1. This Ordinance may be cited as the Landlord and Tenant (Amendment) Ordinance, 1957, and shall be deemed to have had effect as from the 9th day of April, 1957.

Short title
and com-
mencement.

Repeal of sections 3A, 3B, 3C, 3D and 3E. (Cap. 255, 1953 Reprint).

2. Sections 3A, 3B, 3C, 3D and 3E of the Landlord and Tenant Ordinance (hereinafter referred to as the principal Ordinance) are hereby repealed.

Amendment of section 32(2).

3. Subsection (2) of section 32 of the principal Ordinance is amended by the deletion of the following matter—

“3B, 3C, 3E or”.

Amendment of Second Schedule.

4. The Second Schedule to the principal Ordinance is amended by the deletion of Form 1, Form 2 and Form 3.

Passed the Legislative Council of Hong Kong, this 24th day of April, 1957.



(Secretariat GR30/3231/55)

HONG KONG

No. 15 OF 1957.



I assent.

Handwritten signature of the Governor
Governor.

25th April, 1957.

An Ordinance to amend the Probate and Administration Ordinance, Chapter 10.

[26th April, 1957.]

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

1. This Ordinance may be cited as the Probate and Administration (Amendment) Ordinance, 1957.

2. The Probate and Administration Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition after section 59 of the following new section—

Addition of new section 59A. (Cap. 10).

“Power of Commissioner of Prisons over property

59A. (1) When, on the death of a prisoner in a prison, the Commissioner of Prisons is in possession of money, including any sum paid or due to be paid to the prisoner as payment for work done by the

of deceased prisoner. prisoner in the prison, and any other property to which at the date of his death the prisoner was entitled, of a total value not exceeding five thousand dollars, the Commissioner of Prisons may pay and transfer such money and other property to such person as he shall consider to be entitled thereto, without production of probate or letters of administration.

(2) In this section—

(17 of 1954).

(5 of 1953).

“prison” means a place set aside as a prison in accordance with the provisions of section 3 of the Prisons Ordinance, 1954, and a training centre established in accordance with the provisions of the Training Centres Ordinance, 1953;

“prisoner” means a person confined in a prison in accordance with the provisions of the Prisons Ordinance, 1954, or a person detained in a training centre in accordance with the provisions of the Training Centres Ordinance, 1953, as the case may be.”

Amendment of section 60.

3. Section 60 of the principal Ordinance is amended by the addition after the figures “59” of the following—

“or 59A”.

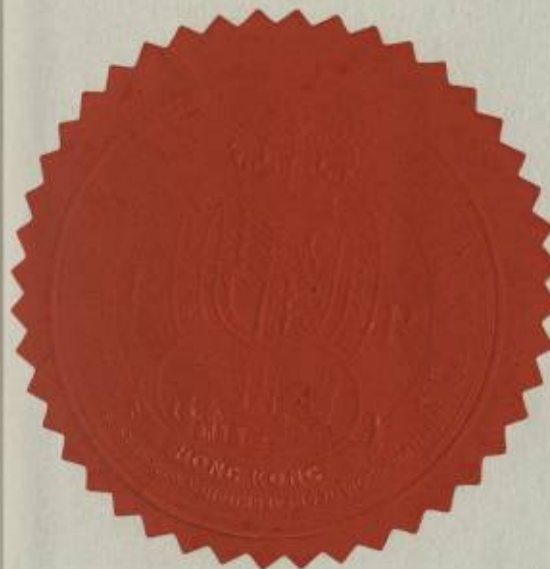
Passed the Legislative Council of Hong Kong, this 24th day of April, 1957.

Bonfroy
Deputy Clerk of Councils.

(Secretariat GR7/3231/55)

HONG KONG

No. 16 OF 1957.



I assent.

M. H. H. H.
Governor.

25th April, 1957.

An Ordinance to provide for the incorporation of the Trustees of the Kowloon City Baptist Church.

[26th April, 1957.]

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

1. This Ordinance may be cited as the Kowloon City Short title. Baptist Church Ordinance, 1957.

2. In this Ordinance :

Interpretation.

“the Church” means the Kowloon City Baptist Church.

3. The trustees for the time being of the Kowloon City Baptist Church shall be a body corporate (hereinafter called “the Corporation”) and shall have the name “The Trustees of the Kowloon City Baptist Church” and in that name shall have

Description and incorporation.

perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal and may break alter and make anew the said seal.

Powers of Corporation.

4. (1) The Corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and where-soever situated and also to invest moneys upon deposit in any bank in the Colony or upon mortgage of any lands, buildings, messuages or tenements or upon the mortgages, debentures, stocks, funds, shares or securities of any Government, municipality, corporation, company or person, and also to purchase, acquire and possess vessels and other goods and chattels of what nature and kind soever:

Provided that the Corporation shall not acquire any im-movable property in the Colony unless it shall have previously obtained the special consent of the Governor in Council in each case.

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

Restriction on sale of property.

5. The trustees shall not sell any land (with or without buildings thereon) vested in the trustees unless the approval of a general meeting of members of the Church to the sale has first been obtained provided that in favour of a *bona fide* purchaser for value the production of a copy of the resolution duly certified under the hands of all the trustees for the time being in the Colony shall be conclusive evidence of such approval.

Transfer of property.

6. The legal estate in any property whatsoever transferred to or vested in the Corporation in any manner whatsoever shall in the event of the death of any of the trustees for the time being or in the event of any trustee ceasing to hold office as such trustee vest in the trustees for the time being duly appointed.

Number of trustees.

7. The number of the trustees shall be nine.

8. The office of any trustee shall be automatically vacated if such trustee shall die or shall resign his office or if a resolution be passed at a meeting of members of the Church requiring the resignation of such trustee or if his term of office shall come to an end.

Vacation of office by trustees.

9. (1) Trustees shall be elected by members of the Church.

New trustees; their appointment and tenure of office.

(2) The first trustees shall be elected at an Annual General Meeting of members of the Church held not less than one month and not more than six months after the date of this Ordinance and subsequent elections shall be held thereafter at regular intervals of twelve months. All members of the Church of full age and sound mind shall be eligible for election as trustees.

(3) At the first election of trustees a list of trustees shall be prepared with the names of the trustees elected in order according to the number of votes secured, the trustee obtaining most votes being placed first and the others in descending order. The three trustees who obtained the smallest number of votes shall retire at the end of one year, the three trustees who obtain the next smallest number of votes shall retire at the end of two years and the three trustees who obtain the greatest number of votes shall retire at the end of three years after the first election.

(4) At elections at an annual general meeting held after the first election of trustees, trustees shall be elected for a term of three years, but so that if a trustee shall vacate office before the expiration of his term the trustee appointed to succeed him shall hold office only for the then residue of the term of the trustee who vacated his office. Retiring trustees shall be eligible for re-election.

(5) If the office of a trustee is vacated for any reason other than the expiration of his term of office a new trustee shall be elected at one of the monthly meetings of members of the Church and such trustee shall hold office until the next annual general meeting of members of the Church.

10. (1) Any change in membership of the trustees shall within three weeks of such change be notified by the publication of a notice in the *Gazette*.

Notifica-tion of changes of trustees.

(2) No such change shall be deemed to have been made until a notification of such change has been published in the *Gazette*.

(3) The production of a copy of the *Gazette* containing any such notification shall be *prima facie* evidence of a change in membership of the trustees.

(4) The trustees shall when required by the Governor furnish to him satisfactory proof of the succession election or appointment of any new trustee.

Execution of deeds.

11. The trustees when elected shall appoint a chairman, a vice chairman, a secretary and a treasurer from among their number and all deeds documents and other instruments requiring the seal of the Corporation shall be sealed in the presence of such four persons or of two of such four persons and two other trustees and shall also be signed by such four persons and such signing shall be and be taken as sufficient evidence of the due sealing thereof.

Custody of documents.

12. All books deeds papers and other documents belonging to the Church shall be under the care and custody of the trustees.

Power of committee to make regulations.

13. All regulations relating to the affairs of the Church otherwise than those specifically provided for by this Ordinance shall be drawn up by a committee appointed by the members of the Church for such purpose and shall be submitted to the annual general meeting for approval.

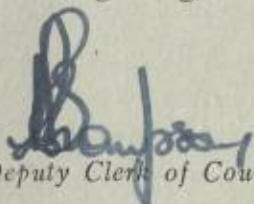
Regulations not binding until approved.

14. No regulations made by any committee under section 13 shall be binding on the members of the Church until such regulations have been passed by a majority of members present and voting at an annual general meeting of members.

Saving.

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

Passed the Legislative Council of Hong Kong, this 24th day of April, 1957.


Deputy Clerk of Councils.

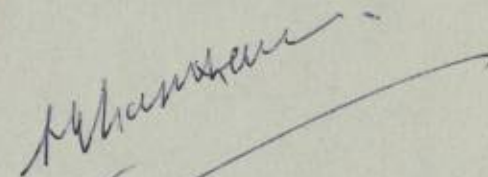
(Secretariat GR3232/57)

HONG KONG

No. 17 OF 1957.



I assent.


Governor.

9th May, 1957.

An Ordinance to amend the Merchant Shipping Ordinance, 1953.

[10th May, 1957.]

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

1. This Ordinance may be cited as the Merchant Shipping (Amendment) Ordinance, 1957. Short title.

2. Section 5 of the Merchant Shipping Ordinance, 1953 (hereinafter referred to as the principal Ordinance) is amended by the deletion from subsection (1) of the words "Governor in Council" and the substitution therefor of the following— Amendment of section 5. (14 of 1953).

"Governor".

Amendment
of section
115.

3. Section 115 of the principal Ordinance is amended by the deletion from subsection (1) of the words "Governor in Council" wherever they appear and the substitution therefor of the following—

"Governor".

Passed the Legislative Council of Hong Kong, this 8th day of May, 1957.



(Secretariat GR17/3231/53)

HONG KONG

No. 18 OF 1957.



I assent.

[Handwritten signature]
Governor.

9th May, 1957.

An Ordinance to amend the law relating to the civil liabilities and rights of the Crown and to civil proceedings by and against the Crown, to amend the law relating to the civil liabilities of persons other than the Crown in certain cases involving the affairs or property of the Crown, and for purposes connected with the matters aforesaid.

[]

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

PART I.

Preliminary.

1. This Ordinance may be cited as the Crown Proceedings Ordinance, 1957, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.

Interpre-
tation.

2. (1) Any reference in this Ordinance to the provisions of this Ordinance shall, unless the context otherwise requires, include a reference to rules of court made for the purposes of this Ordinance.

(2) In this Ordinance, except in so far as the context otherwise requires, or it is otherwise expressly provided, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“agent”, when used in relation to the Crown, includes an independent contractor employed by the Crown;

“civil proceedings” includes proceedings in the Supreme Court or the District Court for the recovery of fines or penalties, but does not include proceedings of a nature such as in England are taken on the Crown side of the Queen’s Bench Division of Her Majesty’s High Court of Justice;

“officer”, in relation to the Crown, includes any servant of the Crown;

“order” includes a judgment, decree, rule, award or declaration;

“prescribed” means prescribed by rules of court;

“proceedings against the Crown” includes a claim by way set-off or counterclaim raised in proceedings by the Crown;

“ship” includes every description of vessel used in navigation not propelled by oars;

“rules of court” means rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of the Supreme Court or the District Court, as the case may be;

“statutory duty” means any duty imposed by or under any Act of Parliament or Ordinance.

(3) Any reference in this Ordinance to Her Majesty in Her private capacity shall be construed as including a reference to Her Majesty in right of Her Duchy of Lancaster.

(4) Any reference in Parts IV or V of this Ordinance to civil proceedings by or against the Crown, or to civil proceedings to which the Crown is a party, shall be construed as including a reference to civil proceedings to which the Attorney General, or any Government department, or any officer of the Crown as such, is a party :

Provided that the Crown shall not for the purposes of Parts IV and V of this Ordinance be deemed to be a party to any proceedings by reason only that they are brought by the Attorney General upon the relation of some other person.

(5) References in this Ordinance to any enactment shall be construed as references to that enactment as amended by or under any enactment, including this Ordinance.

PART II.

Substantive Law.

3. Where any person has a claim against the Crown after the commencement of this Ordinance and, if this Ordinance had not been passed, the claim might have been enforced, subject to the consent of the Governor, under the rules of the Supreme Court, or might have been enforced by the proceedings provided by any statute ceasing to have effect in this Colony by virtue of this Ordinance, or by any enactment repealed by this Ordinance, then, subject to the provisions of this Ordinance, the claim may be enforced as of right, and without the consent of the Governor, by proceedings taken against the Crown for that purpose in accordance with the provisions of this Ordinance.

Right to
sue the
Crown.

4. (1) Subject to the provisions of this Ordinance, the Crown shall be subject to all those liabilities in tort to which, if it were a private person of full age and capacity, it would be subject—

Liability
of the
Crown in
tort.

- (a) in respect of torts committed by its servants or agents;
- (b) in respect of any breach of those duties which a person owes to his servants or agents at common law by reason of being their employer; and
- (c) in respect of any breach of the duties attaching at common law to the ownership, occupation, possession or control of property :

Provided that no proceedings shall lie against the Crown by virtue of paragraph (a) of this subsection in respect of any act or omission of a servant or agent of the Crown unless the act or omission would apart from the provisions of this Ordinance have given rise to a cause of action in tort against that servant or agent or his estate.

(2) Where the Crown is bound by a statutory duty which is binding also upon persons other than the Crown and its officers, then, subject to the provisions of this Ordinance, the Crown shall,

in respect of a failure to comply with that duty, be subject to all those liabilities in tort (if any) to which it would be subject if it were a private person of full age and capacity.

(3) Where any functions are conferred or imposed upon an officer of the Crown as such either by any rule of the common law or by enactment or statute, and that officer commits a tort while performing or purporting to perform those functions, the liabilities of the Crown in respect of the tort shall be such as they would have been if those functions had been conferred or imposed solely by virtue of instructions lawfully given by the Crown.

(4) Any enactment which negatives or limits the amount of the liability of any Government department or officer of the Crown in respect of any tort committed by that department or officer shall, in the case of proceedings against the Crown under this section in respect of a tort committed by that department or officer, apply in relation to the Crown as it would have applied in relation to that department or officer if the proceedings against the Crown had been proceedings against that department or officer.

(5) No proceedings shall lie against the Crown by virtue of this section in respect of anything done or omitted to be done by any person while discharging or purporting to discharge any responsibilities of a judicial nature vested in him, or any responsibilities which he has in connexion with the execution of judicial process.

(6) (a) Notwithstanding the provisions of this section, no liability shall be imposed thereby upon the Crown in respect of any ship, dock or harbour owned by the Crown.

(b) This subsection shall continue in force until a day to be appointed by the Governor by Proclamation in the *Gazette* and shall then expire.

Provisions as to industrial property.

(Cap. 44).

5. (1) Where after the commencement of this Ordinance any servant or agent of the Crown infringes a patent, or infringes a registered trade mark, or infringes any copyright, (including any copyright in a design subsisting under the Registered Designs Act, 1949, as applied to this Colony by the United Kingdom Designs (Protection) Ordinance), and the infringement is committed with the authority of the Crown, then, subject to the provisions of this Ordinance, civil proceedings in respect of this infringement shall lie against the Crown.

(2) Nothing in subsection (1) or in any other provision of this Ordinance shall affect the rights of the Crown under section 46 of the Patents Act, 1949, or section 12 and the First Schedule of the Registered Designs Act, 1949, as applied to this Colony by the Registration of United Kingdom Patents Ordinance, and the United Kingdom Designs (Protection) Ordinance respectively. (Cap. 42). (Cap. 44).

(3) Save where it is expressly provided by this section, no proceedings shall lie against the Crown by virtue of this Ordinance in respect of the infringement of a patent, in respect of the infringement of a registered trade mark, or in respect of the infringement of any such copyright as is mentioned in subsection (1) of this section.

6. (1) Where the Crown is subject to any liability by virtue of this part of this Ordinance, the law relating to indemnity and contribution shall be enforceable by or against the Crown in respect of liability to which it is so subject as if the Crown were a private person of full age and capacity. Application of law as to indemnity, contribution, joint and several tortfeasors, and contributory negligence. (Cap. 28).

(2) Without prejudice to the effect of subsection (1), the Tortfeasors Ordinance (which relates to proceedings against, and contribution between, joint and several tortfeasors) shall bind the Crown. (36 of 1951).

(3) Without prejudice to the general effect of section 4 of this Ordinance, section 4 of the Law Reform (Miscellaneous Provisions) Ordinance, 1951, (which amends the law relating to contributory negligence) shall bind the Crown.

7. (1) Subject as hereinafter provided, no proceedings in tort shall lie against the Crown for anything done or omitted to be done in relation to a postal packet by any person while employed as a servant or agent of the Crown; nor shall any officer of the Crown be subject, except at the suit of the Crown, to any civil liability for any of the matters aforesaid. Liability in connexion with postal packets. (Cap. 98).

(2) Notwithstanding the provisions of section 7 of the Post Office Ordinance, proceedings shall lie against the Crown under this subsection in respect of loss of or damage to a registered inland postal packet in so far as the loss or damage is due to any wrongful act done or any neglect or default committed by a person employed as a servant or agent of the Crown while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet :

Provided that—

- (a) no proceedings shall lie under this subsection in respect of any postal packet registered before the commencement of this Ordinance;
- (b) the amount recoverable in any proceedings under this subsection shall not exceed the market value of the packet in question (excluding the market value of any message or information which it bears) at the time when the cause of action arises;
- (c) the amount recoverable in any such proceedings shall not in any event exceed the maximum amount which, under the Post Office Regulations, is available for compensating the persons aggrieved having regard to the fee paid in respect of the registration of the packet; and
- (d) the Crown shall not be liable under this subsection in respect of any packet unless such conditions as are prescribed by the Post Office Regulations in relation to registered inland postal packets have been complied with in relation to that packet.

For the purposes of any proceedings under this subsection it shall be presumed, until the contrary is shown on behalf of the Crown, that the loss of or damage to the packet was due to some wrongful act done, or some neglect or default committed, by a person employed as a servant or agent of the Crown while performing or purporting to perform his functions as such in relation to the receipt, carriage, delivery or other dealing with the packet.

(3) No relief shall be available under subsection (2) except upon a claim by the sender or the addressee of the packet in question; and the sender or addressee of the packet shall be entitled to claim any relief available under the said subsection in respect of the packet, whether or not he is the person damaged by the injury complained of, and to give a good discharge in respect of all claims in respect of the packet under the said subsection :

Provided that where the court is satisfied, upon an application by any person who is not the sender or addressee of the packet, that the sender and the addressee are unable or unwilling to enforce their remedies in respect of the packet under the said subsection, the court may, upon such terms as to security for costs

and otherwise as the court thinks just, allow that other person to bring proceedings under the said subsection in the name of the sender or the addressee of the packet.

Any reference in this subsection to the sender or addressee of the packet includes a reference to his personal representative.

(4) Where by virtue of subsection (3) any person recovers any money or property which, apart from that subsection, would have been recoverable by some other person, the money or property so recovered shall be held on trust for that person.

(5) Post Office Regulations may be made for prescribing the conditions to be observed for the purposes of this section in relation to registered inland postal packets.

(6) In this section—

“postal packet” has, subject as hereinafter provided, the same meaning as in the Post Office Ordinance;

(Cap. 98).

“Post Office Regulations” has the same meaning as in the Post Office Ordinance;

“inland postal packet” means a postal packet which is posted in Hong Kong for delivery in Hong Kong to the person to whom it is addressed;

“sender”, in relation to a postal packet, has such meaning as may be assigned to it by Post Office Regulations.

(7) Any reference in this section to a postal packet shall be construed as including a reference to the contents of such a packet.

8. (1) Nothing done or omitted to be done by a member of the armed forces of the Crown while on duty as such shall subject either him or the Crown to liability in tort for causing the death of another person, or for causing personal injury to another person, in so far as the death or personal injury is due to anything suffered by that other person while he is a member of the armed forces of the Crown if—

Provisions relating to the armed forces.

- (a) at the time when that thing is suffered by that other person, he is either on duty as a member of the armed forces of the Crown or is, though not on duty as such, on any land, premises, ship, aircraft or vehicle for the time being used for the purposes of the armed forces of the Crown; and

(b) (i) where that other person is a member of the armed forces of the Crown in right of Her Majesty's Government in the United Kingdom, the Minister of Pensions certifies that his suffering that thing has been or will be treated as attributable to service for the purposes of entitlement to an award under the Royal Warrant, Order in Council or Order of Her Majesty relating to the disablement or death of members of the force of which he is a member;

(ii) where that other person is a member of the armed forces of the Crown in right of Her Majesty's Government in the Colony, the Governor in Council certifies that his suffering that thing has been or will be treated as attributable to service for the purposes of entitlement to a gratuity or pension under any enactment relating to the disablement or death of members of the force of which he is a member:

Provided that this subsection shall not exempt a member of the said forces from liability in tort in any case in which the court is satisfied that the act or omission was not connected with the execution of his duties as a member of those forces.

(2) No proceedings in tort shall lie against the Crown for death or personal injury due to anything suffered by a member of the armed forces of the Crown if—

(a) that thing is suffered by him in consequence of the nature or condition of any such land, premises, ship, aircraft or vehicle as aforesaid, or in consequence of the nature or condition of any equipment or supplies used for the purposes of those forces; and

(b) (i) in the case of a member of the armed forces of the Crown in right of Her Majesty's Government in the United Kingdom, the Minister of Pensions certifies as mentioned in subsection (1);

(ii) in the case of a member of the armed forces of the Crown in right of Her Majesty's Government in the Colony, the Governor in Council certifies as mentioned in subsection (1);

nor shall any act or omission of an officer of the Crown subject him to liability in tort for death or personal injury, in so far as the death or personal injury is due to anything suffered by a

member of the armed forces of the Crown being a thing as to which the conditions aforesaid are satisfied.

(3) The Colonial Secretary, if satisfied that it is the fact—

(a) that a person was or was not on any particular occasion on duty as a member of the armed forces of the Crown in right of Her Majesty's Government in the Colony; or

(b) that at any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was or was not, or were or were not, used for the purposes of the said forces,

may issue a certificate certifying that to be the fact; and any such certificate shall, for the purposes of this section, be conclusive as to the fact which it certifies.

(4) A certificate of the Admiralty or a Secretary of State—

(a) that a person was or was not on any particular occasion on duty as a member of the armed forces of the Crown in right of Her Majesty's Government in the United Kingdom; or

(b) that at any particular time any land, premises, ship, aircraft, vehicle, equipment or supplies was or was not, or were or were not, used for the purposes of the said forces;

shall, for the purposes of this section, be conclusive as to the fact which it certifies.

(5) For the purposes of this section "member of the armed forces of the Crown" unless the context otherwise requires, means a member of the armed forces of the Crown in right of Her Majesty's Government in the Colony or in right of Her Majesty's Government in the United Kingdom.

(6) Nothing in this section shall be deemed by implication or otherwise to confer any right of action against the Crown in right of Her Majesty's Government in the United Kingdom.

9. (1) Nothing in Part II of this Ordinance shall extinguish or abridge any powers or authorities which, if this Ordinance had not been passed, would have been exercisable by virtue of the prerogative of the Crown or any powers or authorities conferred on the Crown or the Governor by any statute or enactment, and, in particular, nothing in the said Part II shall extinguish or

Saving in respect of acts done under prerogative and statutory powers.

abridge any powers or authorities exercisable by the Crown, whether in time of peace or of war, for the purpose of the defence of the realm or of training, or maintaining the efficiency of, any of the armed forces of the Crown in right of Her Majesty's Government in the United Kingdom or in the Colony.

(2) Where in any proceedings under this Ordinance it is material to determine whether anything was properly done or omitted to be done in the exercise of the prerogative of the Crown, the Governor may, if satisfied that the act or omission was necessary for any such purpose as is mentioned in subsection (1), issue a certificate to the effect that the act or omission was necessary for that purpose; and the certificate shall, in those proceedings, be conclusive as to the matter so certified.

PART III.

Jurisdiction and Procedure.

10. Subject to the provisions of this Ordinance, all such civil proceedings by or against the Crown as are mentioned in the First Schedule to this Ordinance are hereby abolished, and all civil proceedings by or against the Crown in the Supreme Court shall be instituted and proceeded with in accordance with rules of court.

In this section the expression "rules of court" means, in relation to any claim against the Crown in the Supreme Court which falls within the jurisdiction of that court as a prize court, rules of court made under section 3 of the Prize Courts Act, 1894.

11. (1) Subject to the provisions of this Ordinance, and to any enactment limiting the jurisdiction of the District Court (whether by reference to the subject matter of the proceedings to be brought or the amount sought to be recovered in the proceedings or otherwise) any civil proceedings by or against the Crown may be instituted in the District Court.

(2) Any proceedings by or against the Crown in the District Court shall be instituted and proceeded with in accordance with rules of court.

(3) On and after the commencement of this Ordinance, the District Court shall cease to exercise the jurisdiction under section 10 of the Supreme Court (Summary Jurisdiction) Ordinance conferred upon the District Court by virtue of the provisions of section 14 of the District Court Ordinance, 1953:

Civil proceedings in the Supreme Court. First Schedule.

Civil proceedings in the District Court.

(Cap. 5).

(1 of 1953).

Provided that any action or other proceeding pending in the District Court which has not been disposed of prior to the commencement of this Ordinance shall be disposed of and dealt with in like manner as if this Ordinance had not been passed.

12. The Crown may obtain relief by way of interpleader proceedings, and may be made a party to such proceedings, in the same manner in which a subject may obtain relief by way of such proceedings or be made a party thereto; and all rules of court relating to interpleader proceedings shall, subject to the provisions of this Ordinance, have effect accordingly.

Interpleader.

13. (1) Civil proceedings by or against the Crown instituted under the provisions of this Ordinance shall be instituted by or against the Attorney General.

Parties to proceedings.

(2) No proceedings instituted in accordance with this Part of this Ordinance by or against the Attorney General shall abate or be affected by any change in the person holding the office of Attorney General.

14. All documents required to be served on the Crown for the purpose of or in connexion with any civil proceedings by or against the Crown shall be served on the Attorney General.

Service of documents.

15. (1) If in a case where proceedings are instituted against the Crown in the District Court an application in that behalf is made by the Crown to the Supreme Court, and there is produced to the court a certificate of the Attorney General to the effect that the proceedings may involve an important question of law, or may be decisive of other cases arising out of the same matter, or are for other reasons more fit to be tried in the Supreme Court, the proceedings shall be removed into the Supreme Court.

Removal and transfer of proceedings.

Where any proceedings have been removed into the Supreme Court on the production of such a certificate as aforesaid, and it appears to the court by whom the proceedings are tried that the removal has occasioned additional expense to the person by whom the proceedings are brought, the court may take account of the additional expense so occasioned in exercising its powers in regard to the award of costs.

(2) Without prejudice to the rights of the Crown under the preceding provisions of this section, all rules of law and enactments relating to the removal or transfer of proceedings from the District Court to the Supreme Court, or the transfer of proceedings from the Supreme Court to the District Court, shall apply in relation to proceedings against the Crown :

Provided that an order for the transfer to the District Court of any proceedings against the Crown in the Supreme Court shall not be made without the consent of the Crown.

Nature of relief.

16. (1) In any civil proceedings by or against the Crown the court shall, subject to the provisions of this Ordinance, have power to make all such orders as it has power to make in proceedings between subjects, and otherwise to give such appropriate relief as the case may require :

Provided that—

- (a) where in any proceedings against the Crown any such relief is sought as might in proceedings between subjects be granted by way of injunction or specific performance, the court shall not grant an injunction or make an order for specific performance, but may in lieu thereof make an order declaratory of the rights of the parties ; and
- (b) in any proceedings against the Crown for the recovery of land or other property the court shall not make an order for the recovery of the land or the delivery of the property, but may in lieu thereof make an order declaring that the plaintiff is entitled as against the Crown to the land or property or to the possession thereof.

(2) The court shall not in any civil proceedings grant any injunction or make any order against an officer of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown which could not have been obtained in proceedings against the Crown.

Costs in civil proceedings to which the Crown is a party.

17. In any civil proceedings or arbitration to which the Crown is a party, the costs of and incidental to the proceedings shall be awarded in the same manner and on the same principles as in cases between subjects, and the court or arbitrator shall have power to make an order for the payment of costs by or to the Crown accordingly :

Provided that—

- (a) in the case of proceedings to which by reason of any enactment or otherwise the Attorney General is authorized to be made a party, the court or arbitrator shall have regard to the nature of the proceedings and the character and circumstances in which the Attorney General appears, and may in the exercise of its or his discretion order any other party to the proceedings to pay the costs of the Attorney General whatever may be the result of the proceedings ; and
- (b) nothing in this section shall affect the power of the court or arbitrator to order, or any enactment providing for, the payment of costs out of any particular fund or property, or any enactment expressly relieving any department or officer of the Crown of the liability to pay costs.

18. Subject to the provisions of this Ordinance, all enactments and rules of court relating to appeals and stay of execution shall, with any necessary modifications, apply to civil proceedings by or against the Crown as they apply to proceedings between subjects.

Appeals and stay of execution.

19. (1) Subject to the provisions of this section, any reference in this Part of this Ordinance to civil proceedings by the Crown shall be construed as a reference to the following proceedings only—

Scope of Part III.

- (a) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Ordinance had not been passed, might have been enforced or vindicated or obtained by any such proceedings as are mentioned in paragraph 1 of the First Schedule to this Ordinance ;
- (b) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Ordinance had not been passed, might have been enforced or vindicated or obtained by an action at the suit of any Government department or any officer of the Crown as such ;
- (c) all such proceedings as the Crown is entitled to bring by virtue of this Ordinance ;

and the expression "civil proceedings by or against the Crown" shall be construed accordingly.

(2) Subject to the provisions of this section, any reference in this Part of this Ordinance to civil proceedings against the Crown shall be construed as a reference to the following proceedings only—

- (a) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Ordinance had not been passed, might have been enforced or vindicated or obtained by any such proceedings as are mentioned in paragraph 2 of the First Schedule to this Ordinance;
- (b) proceedings for the enforcement or vindication of any right or the obtaining of any relief which, if this Ordinance had not been passed, might have been enforced or vindicated or obtained by any action against the Attorney General, any Government department or any officer of the Crown as such; and
- (c) all such proceedings as any person is entitled to bring against the Crown by virtue of this Ordinance;

and the expression "civil proceedings by or against the Crown" shall be construed accordingly.

(3) Notwithstanding anything in the preceding provisions of this section, the provisions of this Part of this Ordinance shall not have effect with respect to any of the following proceedings, that is to say—

- (a) proceedings brought by the Attorney General on the relation of some other person;
- (b) proceedings by or against the Official Trustee;
- (c) proceedings by the Attorney General or other person under Order XXX, rules 15 and 16 of the Code of Civil Procedure.

(Vol. VII,
p. 44).

PART IV.

Judgments and Execution.

Interest
on debts,
damages
and costs.

20. (1) The provisions of any law relating to the payment of interest on judgment debts in proceedings between subjects shall apply to judgment debts due from or to the Crown.

(2) Where any costs are awarded to or against the Crown in the Supreme Court, interest shall be payable upon those costs unless the court otherwise orders, and any interest so payable shall be at the same rate as that at which interest is payable upon judgment debts due from or to the Crown.

(3) The provisions of any law empowering a Court of Record to award interest on debts and damages shall apply to judgments given in the proceedings by and against the Crown.

(4) This section shall apply both in relation to proceedings pending at the commencement of this Ordinance and in relation to proceedings instituted thereafter.

21. (1) Where in any civil proceedings by or against the Crown, or in any proceedings such as in England are taken on the Crown side of the Queen's Bench Division of Her Majesty's High Court of Justice, or in connexion with any arbitration to which the Crown is a party, any order (including an order for costs) is made by any court in favour of any person against the Crown or against a Government department or against an officer of the Crown as such, the proper officer of the court shall, on an application in that behalf made by or on behalf of that person at any time after the expiration of twenty-one days from the date of the order or, in case the order provides for the payment of costs and the costs require to be taxed, at any time after the costs have been taxed, whichever is the later, issue to that person a certificate in the prescribed form containing particulars of the order:

Satisfac-
tion of
orders
against
the Crown.

Provided that, if the court so directs, a separate certificate shall be issued with respect to the costs (if any) ordered to be paid to the applicant.

(2) A copy of any certificate issued under this section may be served by the person in whose favour the order is made upon the Attorney General.

(3) If the order provides for the payment of any money by way of damages or otherwise, or of any costs, the certificate shall state the amount so payable, and the Accountant General shall, subject as hereinafter provided, pay to the person entitled or to his solicitor the amount appearing by the certificate to be due to him together with the interest, if any, lawfully due thereon:

Provided that the court by which any such order as aforesaid is made or any court to which an appeal against the order lies may direct that, pending an appeal or otherwise, payment of the whole of any amount so payable or any part thereof, shall be suspended, and if the certificate has not been issued may order any such directions to be inserted therein.

(4) Save as aforesaid no execution or attachment or process in the nature thereof shall be issued out of any court for enforcing payment by the Crown of any such money or costs as aforesaid, and no person shall be individually liable under any order for the payment by the Crown, or any Government department, or any officer of the Crown as such, of any such money or costs.

(5) This section shall apply both in relation to proceedings pending at the commencement of this Ordinance and in relation to proceedings instituted thereafter.

Execution
by the
Crown.

22. (1) Subject to the provisions of this Ordinance, any order made in favour of the Crown against any person in any civil proceedings to which the Crown is a party may be enforced in the same manner as an order made in an action between subjects and not otherwise.

(2) Nothing in this section shall affect any procedure which immediately before the commencement of this Ordinance was available for enforcing an order made in favour of the Crown in proceedings brought by the Crown for the recovery of any fine or penalty, or the forfeiture or condemnation of any goods, or the forfeiture of any ship or any share in a ship.

Attach-
ment of
moneys
payable by
the Crown.

23. (1) Where any money is payable by the Crown to some person who, under any order of any court, is liable to pay any money to any other person, and that other person would, if the money so payable by the Crown were money payable by a subject, be entitled under rules of court to obtain an order for the attachment thereof as a debt due or accruing due, or an order for the appointment of a sequestrator or receiver to receive the money on his behalf, the Supreme Court may, subject to the provisions of this Ordinance and in accordance with rules of court, make an order restraining the first-mentioned person from receiving that money and directing payment thereof to that other person, or to the sequestrator or receiver :

Provided that no such order shall be made in respect of—

- (a) any wages or salary payable to any officer of the Crown as such ;
- (b) any money which is subject to the provisions of any enactment prohibiting or restricting assignment or charging or taking in execution.

(2) The provisions of subsection (1) shall, so far as they relate to forms of relief falling within the jurisdiction of the District Court, have effect in relation to the District Court as they have effect in relation to the Supreme Court.

PART V.

Miscellaneous and Supplemental.

24. (1) Subject to and in accordance with rules of court— Discovery.

- (a) in any civil proceedings in the Supreme Court or the District Court to which the Crown is a party, the Crown may be required by the court to make discovery of documents and produce documents for inspection ; and
- (b) in any such proceedings as aforesaid, the Crown may be required by the court to answer interrogatories :

Provided that this section shall be without prejudice to any rule of law which authorizes or requires the withholding of any document or the refusal to answer any question on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest.

Any order of the court made under the powers conferred by paragraph (b) of this subsection shall direct by what officer of the Crown the interrogatories are to be answered.

(2) Without prejudice to the proviso to subsection (1), any rules made for the purposes of this section shall be such as to secure that the existence of a document will not be disclosed if, in the opinion of the Governor, it would be injurious to the public interest to disclose the existence thereof.

Exclusion of proceedings in rem against the Crown.

25. (1) Nothing in this Ordinance shall authorize proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any ships or aircraft belonging to Her Majesty or the Government, or of any cargo or other property belonging to the Crown, or give to any person any lien on any such ship, aircraft, cargo or other property.

(2) Where proceedings in rem have been instituted in the Supreme Court or the District Court against any such ship, aircraft, cargo or other property, the court may, if satisfied, either on an application by the plaintiff for an order under this subsection or an application by the Crown to set aside the proceedings, that the proceedings were so instituted by the plaintiff in the reasonable belief that the ship, aircraft, cargo or other property did not belong to the Crown, order that the proceedings shall be treated as if they were in personam duly instituted against the Crown in accordance with the provisions of this Ordinance, or duly instituted against any other person whom the court regards as the proper person to be sued in the circumstances, and that the proceedings shall continue accordingly.

Any such order may be made upon such terms, if any, as the court thinks just; and where the court makes any such order it may make such consequential orders as the court thinks expedient.

Limitation of actions.

26. Nothing in this Ordinance shall prejudice the right of the Crown to rely upon the law relating to the limitation of time for bringing proceedings against public authorities.

Application to the Crown of certain statutory provisions.

27. (1) This Ordinance shall not prejudice the right of the Crown to take advantage of the provisions of a Statute or enactment although not named therein; and it is hereby declared that in any civil proceedings against the Crown the provisions of any Statute or enactment which could, if the proceedings were between subjects, be relied upon by the defendant as a defence to the proceedings, whether in whole or in part, or otherwise, may, subject to any express provision to the contrary, be so relied upon by the Crown.

(Vol. VII, p. 44).

(2) Rule 1 of Order XXVI of the Code of Civil Procedure (which empowers the court in certain circumstances to order the defendant about to leave the jurisdiction of the court to furnish security) shall, with any necessary modifications, apply to civil proceedings in the Supreme Court by the Crown.

28. No claim by or against the Crown, and no proceedings for the enforcement of any such claim, shall abate or be affected by the demise of the Crown.

No abatement on demise of Crown.

29. No writ of extent or of diem clausit extremum shall issue after the commencement of this Ordinance.

Abolition of certain writs.

30. (1) Any power to make rules of court shall include power to make rules for the purpose of giving effect to the provisions of this Ordinance, and any such rules may contain provisions to have effect in relation to any proceedings by or against the Crown in substitution for or by way of addition to any of the provisions of the rules applying to proceedings between subjects.

Rules of court.

(2) Provision shall be made by rules of court with respect to the following matters—

- (a) for providing for service of process, or notice thereof, in the case of proceedings by the Crown against persons, whether British subjects or not, who are not resident in Hong Kong;
- (b) for securing that where any civil proceedings are brought against the Crown in accordance with the provisions of this Ordinance the plaintiff shall, before the Crown is required to take any step in the proceedings, provide the Crown with such information as the Crown may reasonably require as to the circumstances in which it is alleged that the liability of the Crown has arisen and as to the departments and officers of the Government concerned;
- (c) for providing that in the case of proceedings against the Crown the plaintiff shall not enter judgment against the Crown in default of appearance or pleading without the leave of the court to be obtained on an application of which notice has been given to the Crown;
- (d) for excepting proceedings brought against the Crown from the operation of any rule of court providing for summary judgment without trial, and for enabling any such proceedings to be put in proper cases into any special list which may be kept for the trial of short causes in which leave to defend is given under any such rule of court as aforesaid;

(e) for authorizing the Crown to deliver interrogatories without the leave of a court in any proceedings for the enforcement of any right for the enforcement of which proceedings by way of English information might have been taken if this Ordinance had not been passed, so, however, that the Crown shall not be entitled to deliver any third or subsequent interrogatories without the leave of the court;

(f) for enabling evidence to be taken on commission in proceedings by or against the Crown;

(g) for providing—

(i) that a person shall not be entitled to avail himself of any set-off or counterclaim in any proceedings by the Crown for the recovery of taxes, duties or penalties, or to avail himself in proceedings of any other nature by the Crown of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, or penalties;

(ii) that the Crown, when sued in the name of the Attorney General, shall not be entitled to avail itself of any set-off or counterclaim without the leave of the court.

(3) Provision may be made by rules of court for regulating any appeals to the Supreme Court, whether by way of case stated or otherwise, under enactments relating to the revenue, and any rules made under this subsection may revoke any enactments or rules in force immediately before the commencement of this Ordinance so far as they regulate any such appeals, and may make provision for any matters for which provision was made by any enactments or rules so in force.

Pending proceedings.

31. Save as otherwise expressly provided, the provisions of this Ordinance shall not affect proceedings by or against the Crown which have been instituted before the commencement of this Ordinance; and for the purpose of this section proceedings against the Crown shall be deemed to have been so instituted if a statement of claim with respect to the matter in question has been filed and a sealed copy thereof has been served upon the Attorney General before the commencement of this Ordinance.

32. (1) Any expenditure incurred by or on behalf of the Crown in right of Her Majesty's Government in the Colony by reason of the passing of this Ordinance shall be defrayed out of moneys provided by the Legislative Council. Financial provisions.

(2) Any sums payable to the Crown by reason of the passing of this Ordinance shall be paid into the Treasury.

33. (1) The statutes set out in the Second Schedule to this Ordinance shall no longer have effect in the Colony to the extent specified in the third column of that Schedule. Statutes no longer effective and amendments. Second Schedule. Third Schedule.

(2) The enactments set out in the Third Schedule to this Ordinance are amended in the manner specified in the third column of that Schedule.

34. (1) Nothing in this Ordinance shall apply to proceedings by or against, or authorize proceedings in tort to be brought against, Her Majesty in Her private capacity. Savings.

(2) Except as therein otherwise expressly provided, nothing in this Ordinance shall—

(a) affect the law relating to prize salvage, or apply to proceedings in causes or matters within the jurisdiction of any court as a prize court or to any criminal proceedings; or

(b) authorize proceedings to be taken against the Crown under or in accordance with the provisions of this Ordinance in respect of any alleged liability of the Crown arising otherwise than in respect of Her Majesty's Government in the Colony, or affect proceedings against the Crown in respect of any such alleged liability as aforesaid; or

(c) authorize proceedings to be taken against the Crown under or in accordance with the provisions of this Ordinance in respect of any act, neglect, or default of any officer or agent of the Crown, unless—

(i) such officer has been directly or indirectly appointed by the Crown and was at the material time paid in respect of his duties as an officer of the Crown wholly out

of the revenues of the Colony or any other fund certified by the Governor for the purposes of this paragraph or was at the material time holding an office in respect of which the Governor certifies that the holder thereof would normally be so paid,

- (ii) such agent was at the material time acting for and on behalf of the Government; or
- (d) affect any proceedings by the Crown otherwise than in right of Her Majesty's Government in the Colony; or
- (e) subject the Crown to any greater liabilities in respect of the acts or omissions of any independent contractor employed by the Crown than those to which the Crown would be subject in respect of such acts or omissions if it were a private person; or
- (f) affect any rules of evidence or any presumption relating to the extent to which the Crown is bound by any Statute or enactment; or
- (g) affect any right of the Crown to demand a trial at bar or to control or otherwise intervene in proceedings affecting its rights, property or profits; or
- (h) affect any right of the Attorney General, any Government department or any officer of the Crown as such to institute proceedings under or in accordance with the provisions of any other enactment;

and, without prejudice to the general effect of the foregoing provisions, Part IV of this Ordinance shall not apply to the Crown except in right of Her Majesty's Government in the Colony.

- (3) A certificate of the Colonial Secretary—
 - (a) to the effect that any alleged liability of the Crown arises otherwise than in respect of Her Majesty's Government in the Colony;
 - (b) to the effect that any proceedings by the Crown are proceedings otherwise than in right of Her Majesty's Government in the Colony;

shall, for the purposes of this Ordinance, be conclusive as to the matter so certified.

(4) Where any property vests in the Crown by virtue of any rule of law which operates independently of the acts or the intentions of the Crown, the Crown shall not by virtue of this Ordinance be subject to any liabilities in tort by reason only of the property being so vested; but the provisions of this subsection shall be without prejudice to the liabilities of the Crown under this Ordinance in respect of any period after the Crown or any person acting for the Crown has in fact taken possession or control of any such property, or entered into occupation thereof.

(5) This Ordinance shall not operate to limit the discretion of the court to grant relief by way of mandamus in cases in which such relief might have been granted before the commencement of this Ordinance, notwithstanding that by reason of the provisions of this Ordinance some other and further remedy is available.

FIRST SCHEDULE. [s. 10.]

Proceedings abolished by this Ordinance.

- 1. (1) Latin informations and English informations.
- (2) Writs of *capias ad respondendum*, writs of *subpoena ad respondendum*, and writs of *appraisement*.
- (3) Writs of *scire facias*.
- (4) Proceedings for the determination of any issue upon a writ of *extent* or of *diem clausit extremum*.
- 2. (1) Proceedings by or against the Attorney General under Order XIX of the Code of Civil Procedure.
- (2) Proceedings by way of petition of right under section 52 of the Naval Prize Act, 1864.
- (3) Proceedings against Her Majesty by way of *monstrans de droit*.

SECOND SCHEDULE. [s. 33.]

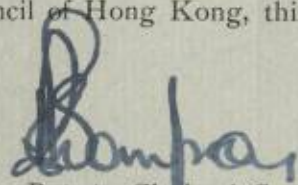
Statutes no longer having effect in the Colony.

Session and Chapter	Title or Short title	Extent of Repeal
25 Edw. I. c. 18.	The King's Tenant his Debtor.	The whole Act.
25 Geo. 3. c. 35.	The Crown Debtors Act, 1785.	The whole Act.
57 Geo. 3. c. 117.	The Extents in Aid Act, 1817.	The whole Act.
5 & 6 Vict. c. 86.	The Exchequer Court Act, 1842.	Section 9.

THIRD SCHEDULE. [s. 33.]
Enactments amended.

Chapter No.	Short title	Extent of amendment
50.	Importation and Exportation Ordinance.	In section 7(1) all the words following the words "a debt due to the Crown" are deleted.
97.	New Territories Ordinance.	Section 47 is repealed.
102.	Waterworks Ordinance.	In section 17 the words "at the suit of the Accountant General in the District Court" are deleted and at the end of the said section the words "as a debt due to the Crown" are inserted.
109.	Dutiable Commodities Ordinance.	In section 29 all the words following the words "a debt due to the Crown" are deleted.
110.	Entertainments Tax Ordinance.	In section 4(2) all the words following the words "the proprietor" are deleted and replaced by the words "as a debt due to the Crown".
116.	Rating Ordinance.	In section 31, subsection (3) is repealed and replaced as follows— “(3) Any rates in default and any sum added thereto by virtue of subsection (2) shall be recoverable as a debt due to the Crown.”
278.	Colonial Treasurer Incorporation Ordinance.	In section 2 the words "to sue and be sued," are deleted.
310.	Secretary for Chinese Affairs Incorporation Ordinance.	In section 2 the words "and by that name shall and may sue and be sued in all courts in this Colony" are deleted.
No. 11 of 1952.	Agricultural Products (Marketing) Ordinance, 1952.	In section 4(1) the words "may sue and be sued" are deleted and replaced by the words "shall be known".

Passed the Legislative Council of Hong Kong, this 8th day of May, 1957.


Deputy Clerk of Councils.

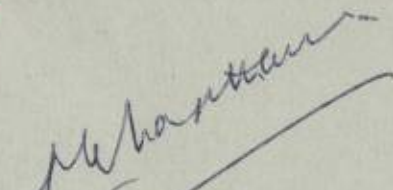
(Secretariat CR9/3231/48)

HONG KONG

No. 19 OF 1957.



I assent.


Governor.

9th May, 1957.

An Ordinance to vest in the Crown certain unclaimed property held under the custody, supervision or control of the Custodian of Property.

[10th May, 1957.]

WHEREAS by virtue of Article 3 of the Custodian Proclamation, 1945, as amended by the Custodian (Amendment) Proclamation and as amended and perpetuated by the Law Amendment (Transitional Provisions) Ordinance, an officer was appointed to be Custodian of Property in the Colony of Hong Kong; Preamble. (Cap. 257).

AND WHEREAS by virtue of Article 4 of the said Custodian Proclamation, amended as aforesaid, the Custodian of Property was empowered to take into his custody, supervision or control certain property, being—

- (a) the property of any State, other than an Enemy State, not otherwise properly safeguarded;

- (b) the property of any British, Allied or Neutral National who is neither in the Colony nor satisfactorily represented there or who, being in the Colony, is unable effectively to administer such property;
- (c) any property the owners of which, whatever their nationality, are unknown or whose present whereabouts are unknown;
- (d) any property which he may deem necessary to take into his custody for preserving the same from loss or damage;

AND WHEREAS the Custodian of Property has taken into his custody, supervision or control certain property as aforesaid;

AND WHEREAS all of such property as aforesaid taken into the custody, supervision or control of the Custodian of Property in respect of which the rightful owner has been traced has been released to such owner;

AND WHEREAS there now remains in the custody, supervision or control of the Custodian of Property a residue of such property as aforesaid in respect of which no rightful owner has been traced;

AND WHEREAS it is expedient and desirable that all of such residue as aforesaid be vested in the Crown for the purpose of terminating the functions of the Custodian of Property:

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

Short title. **1.** This Ordinance may be cited as the Custodian of Property (Termination of Functions) Ordinance, 1957.

Inter-pretation. **2.** In this Ordinance, unless the context otherwise requires—
 “Custodian of Property” means the officer for the time being appointed under Article 3 of the Custodian Proclamation to be Custodian of Property;

(B.M.A. Gazette, p. 14).
 (B.M.A. Gazette, p. 48).
 (Cap. 257).
 “Custodian Proclamation” means the Custodian Proclamation, 1945, as amended by the Custodian (Amendment) Proclamation and as amended and perpetuated by the Law Amendment (Transitional Provisions) Ordinance;

“land” means Crown land of whatever description (whether held under Crown lease or other title recognized by the Crown), or any part or section thereof, in Hong Kong and the New Territories, and includes buildings erected thereon.

3. (1) On the coming into operation of this Ordinance, and notwithstanding the rights of any person, all and every property, estate, and effects and funds and moneys, and all rights pertaining thereto whatsoever, held by or in the custody, supervision or control of the Custodian of Property or by or in the name of any person in trust or otherwise for the Custodian of Property by virtue of or arising out of the provisions of the Custodian Proclamation shall be and the same are hereby vested in the Crown absolutely and free from all claims, charges, encumbrances or liabilities whatsoever. Vesting.

Provided that, in relation to any land, the benefit and the burden of any covenant or agreement entered into between a Crown lessee and any other person or between the Custodian of Property and such other person shall subsist as between the Crown and such other person for all purposes as if such covenant or agreement had been entered into between the Crown and such other person.

(2) For the purposes of this section and notwithstanding anything contained in paragraph (f) of subsection (1) of section 3 of the Landlord and Tenant Ordinance, property to which the Landlord and Tenant Ordinance applied at the coming into operation of the Law Amendment (Transitional Provisions) Ordinance shall continue to be subject to the provisions of the Landlord and Tenant Ordinance notwithstanding that by virtue of the provisions of this Ordinance the same be held directly from the Crown. (Cap. 255, 1953 Reprint).

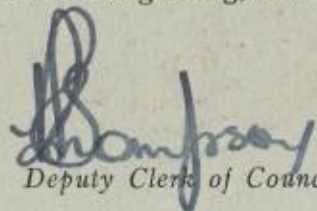
4. (1) The Governor in Council may entertain any moral claim which may be submitted to him by petition in writing within five years after the coming into operation of this Ordinance, by any person praying for compensation in respect of any property, estate, effects, funds or moneys, or any right pertaining thereto, which may have become vested in the Crown by virtue of the provisions of this Ordinance, and upon such petition the Governor in Council may order such compensation to be paid or such restitution to be made as may appear to him just. Moral claims.

(2) The general revenue of the Colony shall be applicable to any payment of money ordered to be made under this section.

Indemnity. 5. No matter or thing done by the Custodian of Property, or any person acting for or on his behalf, *bona fide* and for the purpose of carrying into effect the provisions of the Custodian Proclamation shall subject the Custodian of Property or any such person personally to any action, liability, claim or demand whatsoever.

Cancellation and amendment. (Cap. 257). 6. (1) The Custodian Proclamation is cancelled.
(2) The Law Amendment (Transitional Provisions) Ordinance is amended in the First and Second Schedules by deletion of all reference to the Custodian Proclamation.

Passed the Legislative Council of Hong Kong, this 8th day of May, 1957.


Deputy Clerk of Councils.

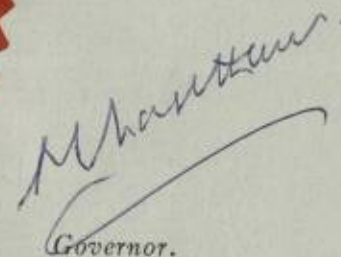
(Secretariat GRL/M 6856/56)

HONG KONG

No. 20 OF 1957.



I assent.


Governor.

9th May, 1957.

An Ordinance to make amended provision for increased trade between the Colony and other parts of the Commonwealth.

[10th May, 1957.]

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

1. This Ordinance may be cited as the Commonwealth Short title. Preference (Motor Vehicles) Ordinance, 1957.

2. (1) In this Ordinance—

“Bank” has the meaning assigned to it by the Banking Ordinance; Inter-pretation. (Cap. 155).

“Commissioner” means the Commissioner of Police and any person authorized in writing by him;

“Commonwealth product”, in relation to a motor vehicle, means a motor vehicle which is substantially manufactured within the Commonwealth;

(Cap. 220). “first registration” means first registration in accordance with the provisions of regulations made under the Vehicle and Road Traffic Ordinance;

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

(Cap. 47). “tax” means Commonwealth Preference Tax payable under section 3 and includes any tax which was paid or was payable in accordance with the provisions of the Commonwealth Preference Ordinance.

(2) No motor vehicle shall be deemed to be substantially manufactured within the Commonwealth unless, in the opinion of the Commissioner, at least one-half of the value thereof, calculated in accordance with the provisions of section 4 is the result of labour within the Commonwealth;

Provided that the Governor in Council by order may vary such proportion.

(3) In this Ordinance, any reference to “Commonwealth” shall be deemed to include a reference to the Union of Burma and the Republic of Ireland.

Payment of tax.

3. On the first registration of every motor vehicle which, in the opinion of the Commissioner, is not a Commonwealth product, there shall be charged and paid, in addition to any tax or other charge imposed by any other enactment, Commonwealth Preference Tax equal to 15% of the value of such vehicle calculated in accordance with the provisions of section 4:

Provided that if tax was not paid in respect of a motor vehicle on first registration by reason of the fact that the owner of the motor vehicle was then, for any reason whatsoever, exempt from payment of such tax or that the vehicle was not then liable for such tax notwithstanding that it was not a Commonwealth product, tax shall be chargeable and paid on such motor vehicle on the first transfer thereof into the name of a person who is not exempt from payment of tax, or when the vehicle becomes liable for tax.

4. (1) Subject to the provisions of this Ordinance, the value of a motor vehicle, for the purposes of sections 2 and 3, shall be— Calculation of value.

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

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

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

(d) in the case of a motor vehicle in respect of which tax is payable in accordance with the proviso to section 3 the value as calculated in accordance with the provisions of paragraph (a) or of paragraph (c), as the case may be, less depreciation as in paragraph (c) for the period from the date of importation into the Colony until the date of transfer, or the market value in the Colony at such later date whichever is the greater;

(Cap. 112, 1956 Reprint).

in each case subject to the deduction of the value of all tyres, any spare wheel and any spare parts.

(2) In this section “new motor vehicle” means a vehicle which has not been used on any road outside the Colony other than by the manufacturer thereof or by his agent or by a retailer.

Bonds.

5. (1) If the owner of a private motor vehicle has brought or intends to bring such motor vehicle into the Colony and intends to keep such motor vehicle in the Colony for a period not exceeding three months on the occasion of or in connexion with his temporary stay in the Colony, he may apply to the Commissioner for exemption from payment of tax and the Commissioner may grant such exemption on the completion by such person and by a bank or insurance company previously approved of in writing by the Commissioner of a bond in such form as shall be prescribed by the Commissioner in a sum equal to double the tax which would otherwise have been payable in respect of the motor vehicle, to guarantee the exportation from the Colony of the motor vehicle within such period of three months or on the deposit by such person with the Commissioner of a sum equal to double the tax which would otherwise have been payable in respect of the motor vehicle.

(2) If in such case, on the expiry of such period of three months, the motor vehicle has not been exported from the Colony, the tax which would otherwise have been payable in respect of the said motor vehicle shall forthwith become due and payable and, in the case of a bond by a bank or insurance company, the tax shall be due and payable by the bank or insurance company and the Commissioner may recover such tax by civil proceedings against such bank or insurance company and in the case of a deposit the Commissioner may deduct the tax from the amount of the deposit, and as soon as is convenient thereafter shall return any balance thereof to the person who made the deposit.

(3) In any such proceedings a certificate under the hand of the Commissioner shall be sufficient evidence that the amount mentioned in such proceedings is due and payable.

(4) In the case of such deposit as referred to in subsection (1), if the motor vehicle has been exported from the Colony within such period of three months, the Commissioner shall return the amount of the deposit to the person who made the deposit as soon as is convenient after the exportation of the said motor vehicle has been proved to his satisfaction.

Flag Officers.

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

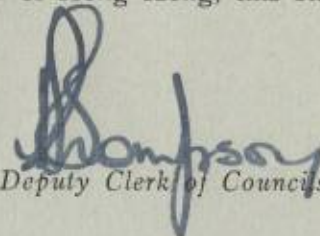
7. Where it appears to the Governor in Council that tax has been paid in respect of a private motor vehicle brought into and kept in the Colony for a period not exceeding three months on the occasion or in connexion with a temporary stay in the Colony of the owner of the motor vehicle, the Governor in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

8. Any person who is aggrieved by any decision of the Commissioner in accordance with the provisions of this Ordinance may appeal to the Governor in Council, by petition, against such decision and on any such appeal the Governor in Council may amend or revoke the decision of the Commissioner. Appeal.

9. The Governor in Council may make regulations for the better carrying into force of the provisions of this Ordinance. Regulations.

10. The Commonwealth Preference Ordinance is repealed. Repeal. (Cap. 47).

Passed the Legislative Council of Hong Kong, this 8th day of May, 1957.


Deputy Clerk of Councils.

(Secretariat GR1/5232/46)

HONG KONG

No. 21 OF 1957.



I assent.

[Handwritten signature]
Governor.

23rd May, 1957.

An Ordinance to amend the Housing Ordinance, 1954.

[24th May, 1957.]

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

1. This Ordinance may be cited as the Housing (Amendment) Ordinance, 1957. Short title.

2. Subsection (2) of section 3 of the Housing Ordinance, 1954 (hereinafter referred to as the principal Ordinance) is amended— Amendment
of section
3.
(18 of
1954).

(a) by the deletion, at the end of paragraph (a), of the word “and”;

(b) by the deletion, at the end of paragraph (b), of the full stop and the substitution therefor of the following—

“; and”; and

(c) by the addition at the end thereof of the following new paragraph—

“(c) the Commissioner for Housing.”.

Amendment
of section
14.

3. Section 14 of the principal Ordinance is amended by the addition at the end thereof of the following new subsection—

“(3) The Chairman may delegate any of his powers and functions as principal executive officer of the Authority to the Commissioner for Housing.”.

Passed the Legislative Council of Hong Kong, this 22nd day of May, 1957.



Rampson
Deputy Clerk of Councils.

(Secretariat CR16/4802/55)

HONG KONG

No. 22 OF 1957.



I assent.

M. H. M. M. M.
Governor.

23rd May, 1957.

An Ordinance to amend the Telecommunication Ordinance, Chapter 106.

[24th May, 1957.]

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

1. This Ordinance may be cited as the Telecommunication Short title. (Amendment) Ordinance, 1957.

2. Subsection (2) of section 38 of the Telecommunication Ordinance is amended by the insertion after the word “Ordinance” of the following—

Amend-
ment of
section 38.
(Cap. 106).

“punishable with a fine and imprisonment”.

Passed the Legislative Council of Hong Kong, this 22nd day of May, 1957.

Rampson
Deputy Clerk of Councils.

(Secretariat GR32/2961/46)



HONG KONG

No. 23 OF 1957.



I assent.

Albanus
Governor.

23rd May, 1957.

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

[24th May, 1957.]

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

1. This Ordinance may be cited as the Masonic Benevolence Fund Incorporation (Amendment) Ordinance, 1957. Short title.

2. Subsection (4) of section 2 of the Masonic Benevolence Fund Incorporation Ordinance is amended by the deletion of paragraph (a) and the substitution therefor of the following— Amendment of section 2. (Cap. 297).

“(a) securities of the Government of any part of the Commonwealth;”.

Passed the Legislative Council of Hong Kong, this 22nd day of May, 1957.

Dampson
Deputy Clerk of Councils.

(Secretariat GR35/3231/55)



HONG KONG

No. 24 OF 1957.



I assent.

Governor.

23rd May, 1957.

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

[24th May, 1957.]

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

1. This Ordinance may be cited as the Zetland Hall Short title. Trustees Incorporation (Amendment) Ordinance, 1957.

2. Subsection (5) of section 2 of the Zetland Hall Trustees Incorporation Ordinance is amended by the deletion of paragraph (a) and the substitution therefor of the following—

Amend-
ment of
section 2.
(Cap. 321).

“(a) securities of the Government of any part of the Commonwealth;”.

Passed the Legislative Council of Hong Kong, this 22nd day of May, 1957.

Deputy Clerk of Councils.

(Secretariat GR34/3231/55)



HONG KONG

No. 25 OF 1957.



I assent.

[Handwritten signature]
Governor.

23rd May, 1957.

An Ordinance to repeal, and to re-enact with amendment, the Medical Registration Ordinance, Chapter 161.

[1st June, 1957.]

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

PART I.

Citation, Commencement and Interpretation.

1. This Ordinance may be cited as the Medical Registration Ordinance, 1957, and shall come into operation on the 1st day of June, 1957, save and except section 27 which shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.