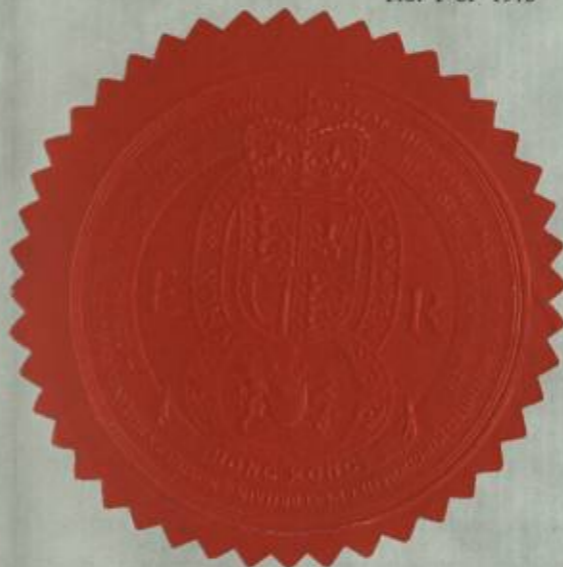




399428

**HONG KONG**

No. 1 of 1978



I assent.

Governor.

12th January, 1978.

An Ordinance to amend the Crimes Ordinance.

[13th January, 1978]

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

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

2. Section 47 of the principal Ordinance is amended—

Amendment of  
section 47.  
(Cap. 200.)

- (a) by deleting "male person" wherever it appears in subsections (1), (3) and (4) and substituting the following in each place—  
"man";
- (b) by deleting "female person" wherever it appears in subsections (1) and (2) and substituting the following in each place—  
"woman";
- (c) in subsection (1), by deleting "carnal knowledge of" and substituting the following—  
"sexual intercourse with";
- (d) in the proviso to subsection (1), by deleting "section 6 of the Protection of Women and Juveniles Ordinance" and substituting the following—  
"section 123";
- (e) in subsection (2), by deleting "carnal knowledge" and substituting the following—  
"sexual intercourse";



- (f) in subsection (3), by inserting after "aforesaid" the following—  
 "or who incites a girl under the age of sixteen years, who is to his knowledge his granddaughter, daughter or sister, to have sexual intercourse with him,"; and
- (g) in subsection (4)—  
 (i) by deleting "female" wherever it appears and substituting the following in each place—  
 "woman"; and  
 (ii) by inserting after "age," the following—  
 "or of inciting a woman under that age, who is to his knowledge his granddaughter, daughter or sister, to have sexual intercourse with him,".

Amendment of section 48.

3. Section 48 of the principal Ordinance is amended—

- (a) by deleting "female person" and substituting the following—  
 "woman"; and  
 (b) by deleting "carnal knowledge of" and substituting the following—  
 "sexual intercourse with".

Amendment of section 49.

4. Section 49 of the principal Ordinance is amended—

- (a) by being renumbered as subsection (1) thereof; and  
 (b) by inserting at the end thereof the following new subsection—  
 "(2) The use in any provision of this Part of the word "man" without the addition of the word "boy" shall not prevent the provision applying to any person to whom it would have applied if both words had been used, and similarly with the words "woman" and "girl"."

Amendment of section 50.

5. Section 50(2) of the principal Ordinance is amended—

- (a) by deleting "section 5, 6 or 10 of the Protection of Women and Juveniles Ordinance" and substituting the following—  
 "section 123, 124 or 125"; and  
 (b) by deleting "section 5, 6 or 10, as the case may be, of the Protection of Women and Juveniles Ordinance" and substituting the following—  
 "section 123, 124 or 125, as the case may be".

Addition of new Part XII.

6. The principal Ordinance is amended by adding after section 116 the following new Part—

"PART XII

SEXUAL AND RELATED OFFENCES

*Interpretation*

Interpretation. 117. (1) In this Part, unless the context otherwise requires—

"defective" means a person suffering from a state of arrested or incomplete development of mind which includes suonomality of intelligence and is of such a nature or degree that that person is incapable of living an independent life or guarding himself against serious exploitation, or will be so incapable when of an age to do so;

[cf. 1956 c. 69, s. 45.]

"owner" in relation to any premises means any person holding the premises direct from the Crown, whether under lease, licence or otherwise, any mortgagee in possession and any person receiving the rent of the premises, solely or with another and on his behalf or that of any person, or who would receive the same if such premises were let to a tenant, and, where such owner as above defined cannot be found or ascertained, or is absent from Hong Kong or is under disability, also includes the agent of such owner.

(2) The use in any provision of this Part of the word "man" without the addition of the word "boy", or vice versa, shall not prevent the provision applying to any person to whom it would have applied if both words had been used, and similarly with the words "woman" and "girl".

(3) Premises, vessel or any place shall not be treated as a vice establishment for the purposes of this Part unless—

- (a) the premises, vessel or place are or is used wholly or mainly by two or more women for the purposes of prostitution; or  
 (b) the premises, vessel or place are or is used wholly or mainly for or in connexion with the organizing or arranging of prostitution.

*Sexual offences*

Rape.  
 [cf. 1956 c. 69, s. 1.]

118. (1) A man who rapes a woman shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.

(2) A man who induces a married woman to have sexual intercourse with him by impersonating her husband commits rape.

Procurement of woman by threats.  
 [cf. 1956 c. 69, s. 2.]

119. (1) A person who procures a woman, by threats or intimidation to have unlawful sexual intercourse in Hong Kong or elsewhere shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Procurement of woman by false pretences.  
 [cf. 1956 c. 69, s. 3.]

120. (1) A person who procures a woman, by false pretences or false representations, to have unlawful sexual intercourse in Hong Kong or elsewhere shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

(2) For the purposes of subsection (1), "pretence" or "representation" includes a pretence or representation relating to the past, the present or the future and any pretence or representation as to the intention of the person using the pretence or representation or any other person.

(3) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Administering  
drugs to  
obtain or  
facilitate  
intercourse.  
[cf. 1956  
c. 69, s. 4.]

121. (1) A person who applies or administers to, or causes to be taken by, a woman any drug, matter or thing with intent to stupefy or overpower her so as thereby to enable any man to have unlawful sexual intercourse with her shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Indecent  
assault on  
a woman.  
[cf. 1956  
c. 69, s. 14.]

122. (1) Subject to subsection (3), a person who indecently assaults a woman shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

(2) A girl under the age of 16 cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

(Cap. 181.)

(3) Where a marriage is invalid under section 27(2) of the Marriage Ordinance by reason of the wife being under the age of 16, the invalidity shall not make the husband guilty of any offence under this section by reason of her incapacity to consent while under that age, if he believes her to be his wife and has reasonable cause for the belief.

(4) A woman who is a defective cannot in law give any consent which would prevent an act being an assault for the purposes of this section, but a person is only to be treated as guilty of indecently assaulting a defective by reason of that incapacity to consent, if that person knew or had reason to suspect her to be a defective.

Intercourse  
with girl  
under 13.  
[cf. 1956  
c. 69, s. 5.]

123. A man who has unlawful sexual intercourse with a girl under the age of 13 shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.

Intercourse  
with girl  
under 16.  
[cf. 1956  
c. 69, s. 6.]

124. (1) Subject to subsection (2), a man who has unlawful sexual intercourse with a girl under the age of 16 shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

(Cap. 181.)

(2) Where a marriage is invalid under section 27(2) of the Marriage Ordinance by reason of the wife being under the age of 16, the invalidity shall not make the husband guilty of an offence under this section because he has sexual intercourse with her, if he believes her to be his wife and has reasonable cause for the belief.

Intercourse  
with defective.  
[cf. 1956  
c. 69, s. 7.]

125. (1) Subject to subsection (2), a man who has unlawful sexual intercourse with a woman who is a defective shall be guilty of an offence and shall be liable on conviction to imprisonment for 5 years.

(2) A man is not guilty of an offence under this section because he has unlawful sexual intercourse with a woman if he does not know and has no reason to suspect her to be a defective.

Abduction of  
unmarried  
girl under 16.  
[cf. 1956  
c. 69, s. 20.]

126. (1) A person who, without lawful authority or excuse, takes an unmarried girl under the age of 16 out of the possession of her parent or guardian against the will of the parent or guardian shall be guilty of an offence

and shall be liable on conviction on indictment to imprisonment for 5 years.

(2) In subsection (1), "guardian" means any person having the lawful care or charge of the girl.

Abduction of  
unmarried  
girl under 18  
for sexual  
intercourse.  
[cf. 1956  
c. 69, s. 19.]

127. (1) A person who takes an unmarried girl under the age of 18 out of the possession of her parent or guardian against the will of the parent or guardian with the intention that she shall have unlawful sexual intercourse with men or with a particular man shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 7 years.

(2) In subsection (1), "guardian" means any person having the lawful care or charge of the girl.

Abduction of  
defective from  
parent or  
guardian for  
sexual inter-  
course.  
[cf. 1956  
c. 69, s. 21.]

128. (1) Subject to subsection (2), a person who takes a woman who is a defective out of the possession of her parent or guardian against the will of the parent or guardian with the intention that she shall have unlawful sexual intercourse with men or with a particular man shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 7 years.

(2) A person is not guilty of an offence under this section because he takes such a woman out of the possession of her parent or guardian as mentioned in subsection (1), if he does not know and has no reason to suspect her to be a defective.

(3) In this section, "guardian" means any person having the lawful care or charge of the woman

#### *Exploitation of women for sexual purposes*

Trafficking  
to or from  
Hong Kong  
in women.

129. (1) A person who takes part in bringing a woman into, or taking a woman out of, Hong Kong for the purpose of prostitution shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 7 years.

(2) It shall not be a defence to a charge under this section to prove that the woman consented to being brought into or taken out of Hong Kong whether or not she knew it was for the purpose of prostitution or that she received any advantage therefor.

Control over  
woman for  
purpose of  
unlawful sexual  
intercourse or  
prostitution.

130. (1) A person who—

- (a) harbours a woman or exercises control, direction or influence over a woman; or
- (b) assists another person in harbouring or in exercising control, direction or influence over a woman,

either—

- (i) with the intention that she shall have unlawful sexual intercourse with men; or
- (ii) for the purpose of or with a view to her prostitution,

shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the

witness is corroborated in some material particular by evidence implicating the accused.

Causing prostitution of woman, [cf. 1956 c. 69, s. 22.]

131. (1) A person who—
- (a) procures a woman to become, in Hong Kong or elsewhere, a prostitute; or
  - (b) procures a woman to leave Hong Kong, intending her to become, elsewhere, an inmate of or frequent any premises, vessel or place kept as a vice establishment; or
  - (c) procures a woman to leave her usual place of abode in Hong Kong, intending her to become an inmate of or frequent any premises, vessel or place kept as a vice establishment, in Hong Kong or elsewhere, for the purpose of prostitution,

shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 7 years.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Procurement of woman under 21, [cf. 1956 c. 69, s. 23.]

132. (1) A person who procures a girl under the age of 21 to have unlawful sexual intercourse in Hong Kong or elsewhere with a third person shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Procurement of defective, [cf. 1956 c. 69, s. 9.]

133. (1) Subject to subsection (2), a person who procures a woman who is a defective to have unlawful sexual intercourse in Hong Kong or elsewhere with a third person shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

(2) A person shall not be guilty of an offence under this section because he procures a defective to have unlawful sexual intercourse, if he does not know and has no reason to suspect her to be a defective.

(3) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Detention of woman for intercourse or in vice establishment, [cf. 1956 c. 69, s. 24.]

134. (1) A person who in any manner or by any means detains a woman against her will—

- (a) with the intention that she shall have unlawful sexual intercourse with men or with a particular man; or
- (b) on any premises or vessel, or in any place, kept as a vice establishment,

shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years.

(2) Where a woman is on any premises or vessel for the purpose of having unlawful sexual intercourse or is

on any premises or vessel, or in any place, kept as a vice establishment, a person shall be deemed for the purposes of subsection (1) to detain her there if, with the intention of compelling or inducing her to remain there, he either withholds from her her clothes or any other property belonging to her or threatens her with legal proceedings in the event of her taking away clothes provided for her by him or on his directions.

(3) A woman shall not be liable to any legal proceedings, whether civil or criminal, for taking away or being found in possession of any clothes she needed to enable her to leave premises or a vessel on which she was being detained for the purpose of having unlawful sexual intercourse or to leave any premises, vessel or place kept as a vice establishment.

Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under 16, [cf. 1956 c. 69, s. 28.]

135. (1) A person who causes or encourages the prostitution of or unlawful sexual intercourse with, or an indecent assault on, a girl under the age of 16 for whom he is responsible shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

(2) Where a girl is a prostitute, or has had unlawful sexual intercourse or has been indecently assaulted, a person shall be deemed for the purposes of this section to have caused or encouraged the same, if he knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

(3) Subject to subsection (4), the persons who for the purposes of this section are to be treated as responsible for a girl are—

- (a) any person who is her parent or legal guardian;
- (b) any person who has actual possession or control of her, or to whose charge she has been committed by her parent or legal guardian or by a person having the custody of her; and
- (c) any other person who has the custody, charge or care of her.

(4) In subsection (3), "parent" does not include, in relation to any girl, a person deprived of her custody by order of a court of competent jurisdiction but, subject to that, in the case of a girl who has been adopted under the Adoption Ordinance means her adopters and in the case of a girl who is illegitimate, and has not been so adopted, means her mother and any person who has been adjudged to be her putative father.

(Cap. 290.)

Causing or encouraging prostitution of defective, [cf. 1956 c. 69, s. 29.]

136. (1) Subject to subsection (2), a person who causes or encourages the prostitution in Hong Kong or elsewhere of a woman who is a defective shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 10 years.

(2) A person shall not be guilty of an offence under this section because he causes or encourages the prostitution of such a woman, if he does not know and has no reason to suspect her to be a defective.

Man living on earnings of prostitution.  
[cf. 1956 c. 69, s. 30.]

137. (1) A man who knowingly lives wholly or in part on the earnings of prostitution shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

(2) For the purposes of subsection (1), a man who lives with or is habitually in the company of a prostitute, or who exercises control, direction or influence over a woman's movements in a way which shows he is aiding, abetting or compelling her prostitution with others, shall be presumed to be knowingly living on the earnings of prostitution, unless he proves the contrary.

Woman exercising control over prostitute.  
[cf. 1956 c. 69, s. 31.]

138. A woman who, for the purposes of gain, exercises control, direction or influence over a woman's movements in a way which shows she is aiding, abetting or compelling her prostitution shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

Keeping a vice establishment.  
[cf. 1956 c. 69, s. 33.]

139. A person who on any occasion—

- (a) keeps any premises, vessel or place as a vice establishment; or
- (b) manages or assists in the management, or is otherwise in charge or control, of any premises, vessel or place kept as a vice establishment,

shall be guilty of an offence and shall be liable—

- (i) on summary conviction to a fine of \$20,000 and to imprisonment for 2 years; or
- (ii) on conviction on indictment to a fine of \$20,000 and to imprisonment for 7 years.

*Use of premises, etc. for illicit sexual purposes*

Permitting girl under 13 to resort to or be on premises or vessel for intercourse.  
[cf. 1956 c. 69, s. 25.]

140. An owner or occupier of any premises or vessel, and any person who manages or assists in the management or control of any premises or vessel, who induces or knowingly suffers a girl under the age of 13 to resort to or be on such premises or vessel for the purpose of having unlawful sexual intercourse with men or with a particular man or for the purpose of prostitution shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.

Permitting girl under 16 to resort to or be on premises or vessel for prostitution or intercourse.  
[cf. 1956 c. 69, s. 26.]

141. An owner or occupier of any premises or vessel, and any person who manages or assists in the management or control of any premises or vessel, who induces or knowingly suffers a girl under the age of 16 to resort to or be on such premises or vessel for the purpose of having unlawful sexual intercourse with men or with a particular man or for the purpose of prostitution shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 14 years.

Permitting defective to resort to or be on premises or vessel for prostitution or intercourse.  
[cf. 1956 c. 69, s. 27.]

142. (1) Subject to subsection (2), an owner or occupier of any premises or vessel, and any person who manages or assists in the management or control of any premises or vessel, who induces or knowingly suffers a woman who is a defective to resort to or be on such premises or vessel for the purpose of having unlawful sexual intercourse with men or with a particular man or for the purpose of pros-

titution shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 10 years.

(2) A person is not guilty of an offence under this section because he induces or knowingly suffers a woman who is a defective to resort to or be on a premises or vessel for any purpose mentioned in subsection (1) if he does not know and has no reason to suspect her to be a defective.

Letting premises for use as a vice establishment.  
[cf. 1956 c. 69, s. 34.]

143. A person who, being the owner or tenant of any premises or his agent—

- (a) lets the whole or part of the premises with the knowledge that it is to be kept, in whole or in part, as a vice establishment; or
- (b) where the whole or part of the premises is used as a vice establishment, is wilfully a party to that use continuing,

shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 2 years.

Tenant etc. permitting premises or vessel to be kept as a vice establishment.  
[cf. 1956 c. 69, s. 35(1).]

144. A person who—

- (a) being the tenant or occupier, or person in charge, of any premises permits or suffers the whole or part of the premises to be kept as a vice establishment; or
- (b) being the owner, or the master or other person in charge, of any vessel permits or suffers the whole or part of the vessel to be kept as a vice establishment,

shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 2 years.

Tenant etc. permitting premises or vessel to be used for prostitution.  
[cf. 1956 c. 69, s. 36.]

145. A person who—

- (a) being the tenant or occupier, or person in charge, of any premises permits or suffers the whole or part of the premises to be used for the purposes of habitual prostitution; or
- (b) being the owner, or the master or other person in charge, of any vessel permits or suffers the whole or part of the vessel to be used for the purposes of habitual prostitution,

shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 2 years.

*Miscellaneous offences and provisions*

Indecent conduct towards child under 14.  
[cf. 1960 c. 33, s. 1(1).]

146. (1) A person who commits an act of gross indecency with or towards a child under the age of 14, or who incites a child under the age of 14 to commit such an act with or towards him or another, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 5 years.

(2) It shall not be a defence to a charge under this section to prove that the child consented to the act of gross indecency.

Soliciting for an immoral purpose.

147. A person who in a public place or in view of the public—

- (a) solicits for any immoral purpose; or

(b) loiters for the purpose of soliciting for any immoral purpose,

shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 and to imprisonment for 6 months.

Indecency in public.

148. (1) A person who, without lawful authority or excuse, in any public place or in view of the public indecently exposes any part of his body shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 and to imprisonment for 6 months.

(2) A person under the age of 12 shall not be guilty of an offence under subsection (1) by reason only of his bathing unclothed.

Conviction for offence other than that charged, Schedule.

149. (1) If on the trial of a charge for an offence specified in the second column of the Schedule the accused is acquitted, but it is proved that the accused is guilty of any offence specified opposite thereto in the third column of the Schedule or of being party to any such offence, he shall be convicted of such offence or of being a party to any such offence and shall be liable to be punished accordingly.

(2) Nothing in this section shall exclude the application to any offence of any other law authorizing a court to find a person guilty of an offence other than that with which he is charged.

Proof of exceptions. (cf. 1956 c. 69, s. 47.)

150. Where in any section in this Part the description of an offence is expressed to be subject to exceptions mentioned in the section, proof of the exception is to lie on the person relying on it.

Power of search in case of man living on earnings of prostitution. (cf. 1956 c. 69, s. 42.)

151. Where it is made to appear to a magistrate by information on oath that there is reasonable cause to suspect that any premises or vessel is used by a woman for the purpose of prostitution, and that a man residing in or frequenting the premises or vessel is living wholly or in part on her earnings, the magistrate may issue a warrant authorizing a police officer to enter and search such premises or vessel and to arrest the man.

General power of search and seizure.

152. (1) If a police officer of the rank of superintendent or above has reason to suspect that an offence under this Part has been or is being committed in or in respect of or in connexion with any premises or place or any vessel, he may in writing authorize any police officer for the purposes of this section.

(2) A police officer authorized under subsection (1) for the purposes of this section, and any other police officer assisting him may—

- (a) enter, by force if necessary, the premises or place or vessel specified in the authorization and search the same;
- (b) search any person found in such premises or place or vessel;
- (c) seize and detain anything found in such premises or place or vessel which appears to him to be or to contain evidence of an offence under this Part.

(3) No person shall be searched under subsection (2) except by a person of the same sex.

Seizure and forfeiture in respect of vice establishment.

153. (1) Without prejudice to section 152, if a police officer reasonably suspects that any premises, vessel or place is being kept as a vice establishment, he may seize and detain anything found in such premises, vessel or place, or on any person found in such premises, vessel or place, which appears to him to have been used in or for or in connexion with the commission of an offence under section 139.

(2) If, in any proceedings for an offence under section 139, 143 or 144 or otherwise on application by or on behalf of the Commissioner of Police, a court or magistrate is satisfied that anything in the possession of the court or magistrate or the police, not being immovable property, has been used in or for or in connexion with the commission of an offence under section 139, the court or magistrate may order that it be forfeited to the Crown, whether or not any person has been convicted of an offence under section 139."

7. The principal Ordinance is amended by adding at the end thereof the following new Schedule—

Addition of new Schedule.

"SCHEDULE [s. 149.]

OTHER OFFENCES OF WHICH ACCUSED MAY BE CONVICTED

Item	Offence charged	Other offences of which defendant may be convicted
1.	Rape (section 118)	Procurement of woman by threats (section 119) Procurement of woman by false pretences (section 120) Administering drugs to obtain or facilitate intercourse (section 121) Indecent assault on a woman (section 122)
2.	Intercourse with girl under 13 (section 123)	Intercourse with girl under 16 (section 124) Indecent assault on a woman (section 122)
3.	Intercourse with girl under 16 (section 124)	Indecent assault on a woman (section 122)
4.	Intercourse with defective (section 125)	Indecent assault on a woman (section 122)".

8. The enactments specified in the first column of the Schedule are amended to the extent and in the manner set out in the second column of the Schedule.

Consequential amendments. Schedule.

SCHEDULE [s. 8.]

CONSEQUENTIAL AMENDMENTS

Protection of Women and Juveniles Ordinance.

1. Section 2 is amended by deleting the definitions of "brothel", "keeper", "occupier" and "owner".
2. Sections 3 to 15 and sections 17 to 25 are repealed.

(Cap. 213.)

3. The Schedule is amended by deleting paragraph 4 and substituting the following—

"4. Section 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 140, 141 or 146 of the Crimes Ordinance."

(Cap. 221.) Criminal Procedure Ordinance.

1. The following new section is added after section 65D.

"Proof of sexual intercourse.

65E. Where in any criminal proceedings it is necessary to prove sexual intercourse, it shall not be necessary to prove the completion of the intercourse by the emission of seed, but intercourse shall be deemed complete upon proof of penetration only."

2. The Second Schedule is amended by—

(a) inserting opposite "The Crimes Ordinance" in the third column after "Part VI (Incest)" the following—

"and Part XII (Sexual and related offences)";

(b) deleting in the first, second and third columns "Cap. 213. The Protection of Women and Juveniles Ordinance. The whole Ordinance."

3. The Third Schedule is amended in item 6 by deleting "section 7 of the Protection of Women and Juveniles Ordinance" and substituting the following—

"section 122 of the Crimes Ordinance".

(Cap. 222.) Corporal Punishment Ordinance.

The Schedule is amended in Part I—

(a) in item 7, by deleting "section 5 or 6 of the Protection of Women and Juveniles Ordinance" and substituting the following—

"section 123 or 124 of the Crimes Ordinance";

(b) in item 8, by deleting "section 7 of the Protection of Women and Juveniles Ordinance" and substituting the following—

"section 122 of the Crimes Ordinance".

(Cap. 224.) Police Supervision Ordinance.

The First Schedule is amended by deleting item 9 and substituting the following—

"9. The Crimes Ordinance—sections 118, 119, 121, 122, 123, 124, 125, 126, 127, 129, 130, 131, 132, 134, 135, 137, 138, 139, 140, 141 and 147."

(Cap. 228.) Summary Offences Ordinance.

1. Section 4 is amended by deleting paragraph (24).

2. Section 12 is repealed.

Arms and Ammunition Ordinance.

The Fourth Schedule is amended by—

(Cap. 238.)

(a) inserting after "62" under "Crimes Ordinance" the following—  
", 118, 119";

(b) deleting "Protection of Women and Juveniles Ordinance. Sections 21(1), 22, 24, 25, 26."

Passed by the Hong Kong Legislative Council this 11th day of January, 1978.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

HONG KONG

No. 2 OF 1978



I assent.

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

Governor

17th January

**HONG KONG**

No. 2 OF 1978



I assent.

Governor.

12th January, 1978.

An Ordinance to amend the Criminal Procedure Ordinance.

[13th January, 1978]

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

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

2. The principal Ordinance is amended by adding after section 73 the following new section— Addition of new section 73A. (Cap. 221.)

"Power to award costs in case of acquittal. [cf. 1973 c. 14, ss. 3 & 4.]

73A. (1) Where after trial in the court a person is acquitted, the court may order the payment out of the public revenue of the costs of the defence, including the costs of any proceedings before a magistrate.

(2) The costs payable to any person under this section shall be such sums as appear to the court reasonably sufficient to compensate that person for any expenses properly incurred by him in or about the defence.

(3) The amount of costs ordered to be paid under this section shall, except where the amount is fixed by the court, be ascertained by the Registrar.

(4) In this section, "court" means the High Court and the District Court."

Addition of  
new section  
83XX.

3. The principal Ordinance is amended by adding after section 83X the following new section—

"Award of  
costs by  
Court of  
Appeal.  
1st, 1973  
c. 14, s. 7."

83XX. (1) This section applies to any appeal—

- (a) under section 82 against conviction;
- (b) under section 83J against a verdict of not guilty by reason of insanity;
- (c) under section 83M against a finding under section 75 that the appellant is under disability.

(2) Where an appeal to which this section applies is allowed, the Court of Appeal may, subject to subsection (3), order the payment out of the public revenue of the costs of the appellant.

(3) No order shall be made under this section where—

- (a) in the case of an appeal referred to in subsection (1)(a), the appellant is ordered under section 83E to be retried;
- (b) in the case of an appeal referred to in subsection (1)(b), the provisions of section 83K(4)(a) apply; or
- (c) in the case of an appeal referred to in subsection (1)(c), the provisions of section 83N(3) apply.

(4) The costs payable under this section shall be such sums as appear to the Court of Appeal reasonably sufficient to compensate the appellant for any expenses properly incurred by him in the appeal, including any proceedings preliminary or incidental thereto or in the court of trial or before a magistrate.

(5) The amount of costs ordered to be paid under this section shall, except where the amount is fixed by the Court of Appeal, be ascertained by the Registrar."

Amendment of  
section 83Y.

4. Section 83Y(2) of the principal Ordinance is amended—

- (a) in paragraph (h) by deleting the full stop and substituting a semicolon;
- (b) by adding after paragraph (h) the following new paragraph—  
“(i) to make orders under section 83XX for the payment of costs.”.

Passed by the Hong Kong Legislative Council this 11th day of January, 1978.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

No. 3 of 1978



I assent

Governor

17th January

Principal Ordinance is amended by adding after section 83X new section—

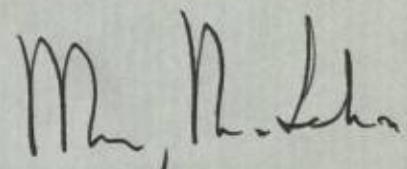
- 83XX.** (1) This section applies to any appeal—
- (a) under section 82 against conviction;
  - (b) under section 83J against a verdict of not guilty by reason of insanity;
  - (c) under section 83M against a finding under section 75 that the appellant is under disability.
- (2) Where an appeal to which this section applies is allowed, the Court of Appeal may, subject to subsection (3), order the payment out of the public revenue of the costs of the appellant.
- (3) No order shall be made under this section where—
- (a) in the case of an appeal referred to in subsection (1)(a), the appellant is ordered under section 83E to be retried;
  - (b) in the case of an appeal referred to in subsection (1)(b), the provisions of section 83K(4)(a) apply; or
  - (c) in the case of an appeal referred to in subsection (1)(c), the provisions of section 83N(3) apply.
- (4) The costs payable under this section shall be such sums as appear to the Court of Appeal reasonably sufficient to compensate the appellant for any expenses properly incurred by him in the appeal, including any proceedings preliminary or incidental thereto or in the court of trial or before a magistrate.
- (5) The amount of costs ordered to be paid under this section shall, except where the amount is fixed by the Court of Appeal, be ascertained by the Registrar."

**HONG KONG**

No. 3 OF 1978



I assent.

  
Governor.

12th January, 1978.

An Ordinance to amend the Public Health and Urban Services Ordinance.

[13th January, 1978]

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

**1.** This Ordinance may be cited as the Public Health and Urban Services (Amendment) Ordinance 1978. Citation.

**2.** The principal Ordinance is amended by adding, after section 123, the following new sections—

"Public funeral halls.

**123A.** The Authority may, by order published in the *Gazette*, designate any mortuary operated by the Authority as a public funeral hall.

Addition of new sections 123A, 123B and 123C. (Cap. 132.)

Management of public funeral halls.

**123B.** The management and control of every public funeral hall shall be vested in the Authority.

Regulations as to public funeral halls.

**123C.** The Authority may make regulations in relation to public funeral halls prescribing or providing for—

- (a) the reception, treatment and custody of human remains;
- (b) the management and operation of public funeral halls including the exclusion or removal of persons therefrom;


- (c) the payment of fees or charges for the use of any public funeral hall or for the use of any services provided therein or in connexion therewith and any waiver thereof;
- (d) the persons by whom and the conditions upon which the facilities of public funeral halls may be used;
- (e) the maintenance of good order in public funeral halls.”.

Amendment of  
Third Schedule.

3. The Third Schedule to the principal Ordinance is amended by inserting in the first, second and third columns, after the item relating to section 123(1), the following new items—

“123A	Urban Council	Director of Urban Services
123B	Urban Council	Director of Urban Services
123C	Urban Council	Governor in Council”.

Passed by the Hong Kong Legislative Council this 11th day of January, 1978.



*[Signature]*  
Clerk to the Legislative Council.

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

*[Signature]*  
Clerk to the Legislative Council.

HONG KONG

No. 4 OF 1978



I assent

*[Signature]*  
Governor


public funeral hall or for the use of any services provided therein or in connexion therewith and any waiver thereof;

- (d) the persons by whom and the conditions upon which the facilities of public funeral halls may be used;
- (e) the maintenance of good order in public funeral halls."

Third Schedule to the principal Ordinance is amended by first, second and third columns, after the item relating to the following new items—

Urban Council	Director of Urban Services
Urban Council	Director of Urban Services
Urban Council	Governor in Council".

the Hong Kong Legislative Council this 11th day of

  
Clerk to the Legislative Council.

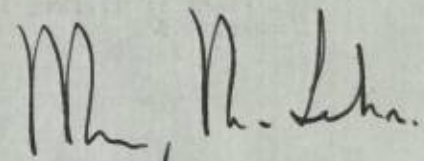
*Printed impression has been carefully compared by me with the original and is found by me to be a true and correct copy of the said bill.*

**HONG KONG**

No. 4 OF 1978



I assent.

  
Governor.

12th January, 1978.

An Ordinance to amend the Workmen's Compensation Ordinance.

[13th January, 1978]

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

1. This Ordinance may be cited as the Workmen's Compensation (Amendment) Ordinance 1978. Short title.

2. Section 2(1) of the principal Ordinance is amended in paragraph (a) of the proviso thereto by deleting "\$2,000" and substituting the following— Amendment of section 2. (Cap. 282.)  
"\$5,000".

3. Section 9(1) of the principal Ordinance is amended in paragraph (b)— Amendment of section 9.

(a) by deleting the full stop and substituting a colon;

(b) by adding the following proviso—

"Provided that—

(i) in the case of injury to any part of the body specified in the First Schedule not amounting to the loss of that part, the loss of earning capacity permanently caused by that injury, expressed as a percentage, shall not exceed the appropriate percentage specified in the First Schedule in respect of the loss of such part;

(ii) in the case of injury not specified in the First Schedule, the loss of earning capacity permanently caused by such injury shall, so far as possible, be assessed in conformity with the scale of percentages specified in that Schedule."

Amendment of section 14.

4. Section 14(1) of the principal Ordinance is amended by deleting "12" wherever it occurs and substituting the following—

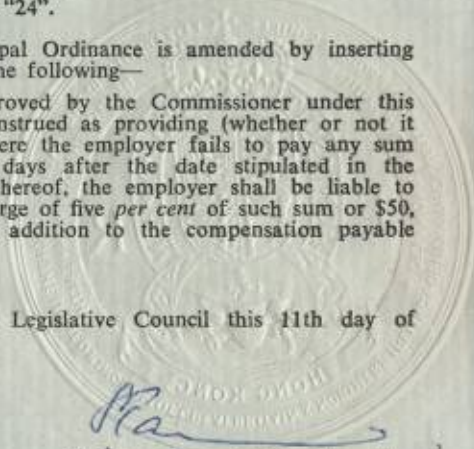
"24".

Amendment of section 17.

5. Section 17 of the principal Ordinance is amended by inserting immediately after subsection (2) the following—

"(2A) An agreement approved by the Commissioner under this section shall be read and construed as providing (whether or not it so provides in fact) that, where the employer fails to pay any sum as compensation within 21 days after the date stipulated in the agreement for the payment thereof, the employer shall be liable to pay to the workman a surcharge of five *per cent* of such sum or \$50, whichever is the greater, in addition to the compensation payable under the agreement."

Passed by the Hong Kong Legislative Council this 11th day of January, 1978.



*[Signature]*

Clerk to the Legislative Council.

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

*[Signature]*

Clerk to the Legislative Council.



I assent.

*[Signature]*

Governor

in the case of injury not specified in the first Schedule, of earning capacity permanently caused by such injury so far as possible, be assessed in conformity with the scale of contingencies specified in that Schedule."

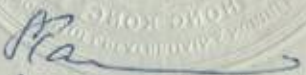
14(1) of the principal Ordinance is amended by deleting subsection (2) and substituting the following—

"24".

17 of the principal Ordinance is amended by inserting subsection (2) the following—

"In an agreement approved by the Commissioner under this Ordinance, it shall be read and construed as providing (whether or not it is in fact) that, where the employer fails to pay any sum due to a workman within 21 days after the date stipulated in the agreement for the payment thereof, the employer shall be liable to pay to the workman a surcharge of five per cent of such sum or \$50, whichever is the greater, in addition to the compensation payable under the agreement."

Enacted by the Hong Kong Legislative Council this 11th day of

  
Clerk to the Legislative Council.

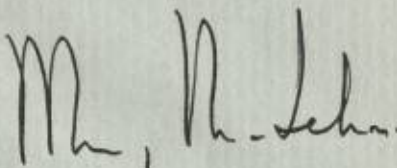
*Entire document has been carefully compared by me*

HONG KONG

No. 5 OF 1978



I assent.

  
Governor.

12th January, 1978.

An Ordinance to amend the Hong Kong Polytechnic Ordinance.

[13th January, 1978]

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

1. This Ordinance may be cited as the Hong Kong Polytechnic (Amendment) Ordinance 1978.

2. Section 2 of the principal Ordinance is repealed and replaced by the following—

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

"Academic Board" means the Academic Board of the Polytechnic established under section 8A;

"Chairman" and "Deputy Chairman" mean respectively the Chairman of the Council and the Deputy Chairman of the Council;

"Council" means the Council of the Polytechnic established under section 5;

"Director" and "Deputy Director" mean respectively the Director of the Polytechnic and the Deputy Director of the Polytechnic;

Repeal and replacement of section 2. (Cap. 1075.)

"eligible staff" means the full-time teaching and instructional staff of the Polytechnic, and includes members of the administrative staff of the Polytechnic of equivalent rank or grade;

"financial year" means the period fixed by the Council under section 13(2);

"member" means a member of the Council;

"Polytechnic" means the Hong Kong Polytechnic established under section 3."

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

"Officers of the Polytechnic.

3A. (1) The officers of the Polytechnic shall be the persons for the time being holding any of the following offices hereby constituted as offices of the Polytechnic—

- (a) the President of the Polytechnic;
- (b) the Chairman of the Council;
- (c) the Deputy Chairman of the Council;
- (d) the Treasurer of the Polytechnic;
- (e) the Director of the Polytechnic; and
- (f) the Deputy Director of the Polytechnic.

(2) The Governor shall be the President of the Polytechnic and may, as President, confer honorary awards and academic awards in the name of the Polytechnic.

(3) The Treasurer of the Polytechnic shall be appointed by the Governor from among the members of the Council appointed under section 10(1)(d).

(4) The appointment of the Director and of the Deputy Director (if any) shall be in accordance with section 8."

4. Section 6 of the principal Ordinance is amended—

- (a) by deleting "The Board may do" and substituting the following—  
"The Council shall be the governing and executive body of the Polytechnic with power to do";
- (b) by deleting the full stop in paragraph (j) and substituting a semicolon;
- (c) by adding after paragraph (j) the following—  
"(k) receive gifts on behalf of the Polytechnic."

5. Section 8 of the principal Ordinance is amended—

- (a) in subsection (1) by inserting after paragraph (a) the following—  
"(aa) may, subject to subsection (2), appoint a person to hold the office of Deputy Director if it appears to the Council that such appointment is necessary or desirable, and the person so appointed shall undertake such duties as the Director may direct;";
- (b) in subsection (2)—
  - (i) by inserting after "Director" the following—  
"and, if any person is proposed for appointment as Deputy Director, the Deputy Director";

Addition of new section 3A.

Amendment of section 6.

Amendment of section 8.

(ii) by deleting "nine" and substituting the following—  
"twelve";

(c) in subsection (4)—

(i) by inserting after "Director" the following—  
"and the Deputy Director";

(ii) by deleting "nine" and substituting the following—  
"twelve";

(d) by inserting after subsection (4) the following—

"(4A) In this section "members" means members of the Council appointed otherwise than under section 10(1)(cc)."

6. The principal Ordinance is amended by adding after section 8 the following—

Addition of new section 8A.

"Academic Board of the Polytechnic.

8A. (1) There shall be an Academic Board of the Polytechnic appointed by the Council for the following purposes—

- (a) reviewing and developing academic programmes;
- (b) directing and regulating the teaching and research conducted in the Polytechnic;
- (c) regulating the admission of persons to approved courses of study and their attendance at such courses; and
- (d) conducting the examinations leading to the academic awards of the Polytechnic.

(2) The membership and procedure of the Academic Board shall be in accordance with rules made by the Council under section 18."

7. Section 10 of the principal Ordinance is amended—

Amendment of section 10.

(a) in subsection (1)—

(i) by deleting paragraph (b) and substituting the following—  
"(b) the Director and, except when the office of Deputy Director is vacant, the Deputy Director;";

(ii) by inserting after paragraph (c) the following—  
"(cc) three members elected by the eligible staff from among their number in accordance with rules under section 18(g), and appointed by the Governor;";

(iii) in paragraph (d), by deleting "eight" and "four" and substituting "twelve" and "six" respectively;

(b) in subsection (3) by inserting after "Director" the following—  
"and the Deputy Director";

(c) in subsection (4) by inserting after "Director" the following—  
"and the Deputy Director";

(d) by inserting after subsection (5) the following—

"(5A) If for any period both the Chairman and the Deputy Chairman are unable by reason of absence from Hong Kong or incapacity to perform the functions of their respective offices, or if for any period both of those offices are vacant, the other members of the Council may appoint one of their number to act as Chairman during that period;";

(e) in subsection (6) by deleting "Seven" and substituting the following—

"Eleven";

- (f) in subsection (7) by deleting "as provided in subsections (2) and (4) of " and substituting the following—  
"as otherwise provided in";
- (g) by inserting after subsection (7) the following—  
"(8) A meeting of the Council may be adjourned by the Chairman or, where the Council so resolves, by the Council."
8. Section 18 of the principal Ordinance is amended—
- (a) in paragraph (a) by inserting after "proceedings of" the following—  
"the Academic Board and of";
- (b) in paragraph (b) by inserting after "of" the following—  
"the Academic Board and of";
- (c) in paragraph (c) by inserting after "of" the following—  
"the Academic Board and of";
- (d) in paragraph (f) by inserting after "of" the following—  
"honorary awards and";
- (e) by deleting the full stop in paragraph (f) and substituting a semicolon;
- (f) by inserting after paragraph (f) the following—  
"(g) the holding and the conduct of elections for the purpose of electing members of the eligible staff for appointment to the Council under section 10(1)(cc)."

Amendment of section 18.

Consequential amendments. Schedule.

Transitional.

9. The principal Ordinance is amended to the extent specified in the Schedule.

10. (1) The change of name of the Board effected by virtue of this Ordinance shall not affect any rights or obligations of the Board or render defective any legal proceedings by or against the Board, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

(2) In this section "the Board" means the body corporate established by section 5 of the principal Ordinance and known prior to the commencement of this Ordinance as the Board of Governors of the Hong Kong Polytechnic; and "former name" shall be construed accordingly.

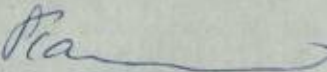
#### SCHEDULE

[s. 9.]

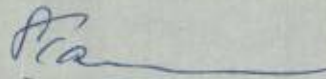
##### CONSEQUENTIAL AMENDMENTS

Section	Extent of amendment
Section 4.	Delete "Board" and substitute "Council".
Section 5.	In subsection (1), delete "Board, to be known as the Board of Governors of the Hong Kong Polytechnic" and substitute "Council, to be known as the Council of the Hong Kong Polytechnic". In subsections (2) and (3) delete "Board" wherever it occurs and substitute "Council".
Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 18.	Delete "Board" wherever it occurs and substitute "Council".

Passed by the Hong Kong Legislative Council this 11th day of January, 1978.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

HUNG BONG

No. 6 OF 1978



I asser

A handwritten signature in blue ink, consisting of stylized, cursive letters, located to the right of the red seal.

**HONG KONG**

No. 6 OF 1978



I assent.

*Governor.*

*26th January, 1978.*

An Ordinance to amend The Hongkong and Shanghai Banking Corporation Ordinance.

[ ]

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

1. This Ordinance may be cited as The Hongkong and Shanghai Banking Corporation (Amendment) Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. Section 11 of the principal Ordinance is amended— Amendment of section 11.

(a) in subsection (1), by deleting "thirty" and substituting the following— (Cap. 70.)

"sixty";

(b) in subsection (2), by deleting "thirty" and substituting the following—

"sixty"; and

(c) in subsection (3), by deleting "thirty" and substituting the following—

"sixty".

Passed by the Hong Kong Legislative Council this 25th day of January, 1978.



Clerk to the Legislative Council.

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

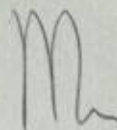


Clerk to the Legislative Council.

No. 7 OF 1978



I assent.



Governor

HONG KONG LEGISLATIVE COUNCIL THIS FOURTH DAY OF JANUARY,

*Alan*

Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

**HONG KONG**

No. 7 OF 1978



I assent.

*Mr. N. S. Chen*

Governor.

26th January, 1978.

An Ordinance to repeal the Mercantile Bank Note Issue Ordinance and to make consequential amendments.

[ ]

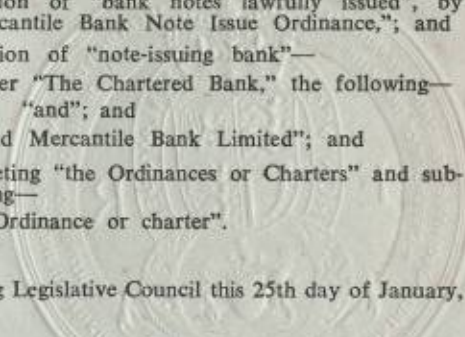
Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

- 1. This Ordinance may be cited as the Mercantile Bank Note Issue (Repeal) Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.
- 2. (1) The Mercantile Bank Note Issue Ordinance is repealed. Repeal and saving.  
(Cap. 71.)  
(2) Notwithstanding the repeal of the Mercantile Bank Note Issue Ordinance (hereinafter referred to as "the repealed Ordinance") any notes issued, re-issued and circulated in Hong Kong by the Mercantile Bank Limited under section 3 of the repealed Ordinance at the date on which this Ordinance comes into operation shall be deemed to have been issued, re-issued and circulated in Hong Kong by The Hongkong and Shanghai Banking Corporation under section 10 of The Hongkong and Shanghai Banking Corporation Ordinance. (Cap. 70.)
- 3. (1) The Bank Notes Issue Ordinance is amended in section 2— Consequential amendments.  
(Cap. 65.)  
(a) in the definition of "bank notes lawfully issued", by deleting "the Mercantile Bank Note Issue Ordinance."; and

- (b) in the definition of "note-issuing bank"—
- (i) by inserting after "The Chartered Bank," the following—  
"and"; and
  - (ii) by deleting ", and Mercantile Bank Limited".
- (2) The Exchange Fund Ordinance is amended—
- (a) in section 2—
    - (i) in the definition of "bank notes lawfully issued", by deleting ", the Mercantile Bank Note Issue Ordinance,"; and
    - (ii) in the definition of "note-issuing bank"—
      - (A) by inserting after "The Chartered Bank," the following—  
"and"; and
      - (B) by deleting "and Mercantile Bank Limited"; and
  - (b) in section 5 by deleting "the Ordinances or Charters" and substituting the following—  
"any Ordinance or charter".

(Cap. 66.)

Passed by the Hong Kong Legislative Council this 25th day of January, 1978.



*[Signature]*

Clerk to the Legislative Council.

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

*[Signature]*

Clerk to the Legislative Council.

HONG KONG

No. 8 OF 1978



I assent.

*[Signature]*


Governor

26th January.

An Ordinance to amend the Securities Ordinance.

by inserting after "The Chartered Bank," the following—  
"and"; and  
by deleting "and Mercantile Bank Limited".  
Exchange Fund Ordinance is amended—  
Section 2—  
in the definition of "bank notes lawfully issued", by  
adding "the Mercantile Bank Note Issue Ordinance"; and  
in the definition of "note-issuing bank"—  
by inserting after "The Chartered Bank," the following—  
"and"; and  
by deleting "and Mercantile Bank Limited"; and  
Section 5 by deleting "the Ordinances or Charters" and sub-  
stituting the following—  
"any Ordinance or charter".

Enacted by the Hong Kong Legislative Council this 25th day of January,

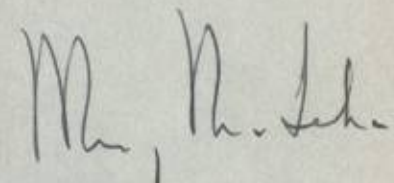
  
Clerk to the Legislative Council.

**HONG KONG**

No. 8 OF 1978



I assent.



Governor.

26th January, 1978.

An Ordinance to amend the Securities Ordinance.

[ ]

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

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

2. Section 5 of the principal Ordinance is amended—

(a) in subsection (1) by deleting "and 135" and substituting the following—  
"135 and 141E(3)";

Amendment of section 5. (Cap. 333.)

(b) in subsection (7)—

(i) in paragraph (a) by deleting "section 67" and substituting the following—  
"sections 67 and 141E(3)";

(ii) in paragraph (b) by deleting "and 79" and substituting the following—  
", 79 and 141E(3)";

(iii) in paragraph (c) by inserting after "section 135(4)" the following—  
"or 141E(3)";

(iv) in paragraph (d) by deleting "or section 135" and substituting the following—  
"section 135 or section 141E(3)".

Amendment of section 13.

3. Section 13 of the principal Ordinance is amended by inserting after paragraph (b) the following new paragraph—

"(ba) to report to the Financial Secretary the occurrence of any dealing in relation to securities which it believes or suspects to be an insider dealing within the meaning of section 141B;"

Amendment of section 19.

4. Section 19(2) of the principal Ordinance is amended by adding after "in that subsection" the following—

"or from producing any document or disclosing any matter or thing as aforesaid to the Tribunal established by section 141G".

Repeal and replacement of section 123.

5. Section 123 of the principal Ordinance is repealed and replaced by the following section—

"Power of Commissioner to investigate transactions.

123. (1) The Commissioner may require—

- (a) a registered dealer;
- (b) an exempt dealer;
- (c) a person whom the Commissioner reasonably believes to have acquired or disposed of securities through a nominee for him or a trustee on his behalf or to be or have been the real owner of securities held by a nominee or trustee;
- (d) a nominee or trustee referred to in paragraph (c) (including an authorized trustee company registered under Part VIII of the Trustee Ordinance);
- (e) an agent of a person referred to paragraphs (c) and (d),

(Cap. 29.)

to disclose to him in relation to any acquisition, disposition or holding of securities the name (including any aliases), address and occupation of the person from or to or through whom or on whose behalf the securities were acquired or disposed of or were or are held, the quantity of securities so acquired, disposed of or held, and the actual instructions given to or by that person in respect thereof.

- (2) A person who—
  - (a) without lawful excuse fails to disclose to the Commissioner under subsection (1) all information referred to therein which he has or can obtain; or
  - (b) knowingly furnishes to the Commissioner thereunder information that is false or misleading in a material particular,

commits an offence and is liable on conviction to a fine of \$5,000 and to imprisonment for 3 months."

Amendment of section 124.

6. Section 124 of the principal Ordinance is amended by inserting after "dealing in securities" the following—

"or that insider dealing within the meaning of section 141B has taken place".

Repeal of section 140.

7. Section 140 of the principal Ordinance is repealed.

Insertion of new Part XIII.

8. The principal Ordinance is amended by inserting after Part XII the following new Part—

#### "PART XIII INSIDER DEALING

Application of this Part.

141A. (1) This Part applies to the securities of a corporation only if they are listed on a stock exchange or have

been so listed at any time within five years immediately preceding any dealing in relation to those securities within the meaning of section 141B(1).

(2) No transaction shall be void or voidable by reason only that it is an insider dealing within the meaning of this Part.

#### Definition of insider dealing

When insider dealing takes place.

141B. (1) Insider dealing in relation to the securities of a corporation takes place and, pursuant to section 141C, may be culpable for the purposes of this Part—

- (a) when a dealing in the securities is made, procured or occasioned by a person connected with that corporation who is in possession of relevant information concerning the securities;
- (b) when relevant information concerning the securities is disclosed by a person connected with that corporation, directly or indirectly, to another person and the first-mentioned person knows or has reasonable grounds for believing that the other person will make use of the information for the purpose of dealing, or procuring another to deal, in those securities.

(2) A dealing in the securities of a corporation is occasioned by a person connected with that corporation for the purposes of subsection (1)(a) when a person who has obtained relevant information in the circumstances described in subsection (1)(b) actually makes use of that information for the purpose of dealing, or procuring another to deal, in those securities.

Culpability of insider dealing.

141C. (1) A person who enters into a transaction which is an insider dealing within section 141B(1)(a) is not culpable for the purposes of this Part—

- (a) if his sole purpose in entering into the transaction is the acquisition of qualification shares required by him as a director or intending director of any corporation; or
- (b) if he enters into the transaction—
  - (i) in the *bona fide* performance of an underwriting agreement with respect to the securities to which the transaction relates; or
  - (ii) in the *bona fide* exercise of his functions as a personal representative, liquidator, receiver or trustee in bankruptcy.

(2) A corporation which enters into a transaction which is an insider dealing within section 141B(1)(a) is not culpable for the purposes of this Part if, although relevant information concerning the securities is in the possession of a director or employee of the corporation—

- (a) the decision to enter into the transaction was taken on its behalf by a person other than that director or employee; and
- (b) arrangements were then in existence for securing that the information was not communicated to that person and that no advice with respect to the transaction was given to him by a person in possession of the information; and

(c) the information was not in fact so communicated and advice was not in fact so given.

(3) A person who enters into a transaction which is an insider dealing within section 141B(1)(a) may be held not culpable for the purposes of this Part if his purpose is not, or is not primarily, the making of a profit or the avoiding of a loss (whether for himself or another) by the use of relevant information.

(4) A person who, as agent for another, enters into a transaction which is an insider dealing within section 141B(1)(a) may be held not culpable for the purposes of this Part if he did not select or advise on the selection of the securities to which the transaction relates.

(5) In arriving at its determination under section 141H(3) as to the culpability of a person in relation to an insider dealing within section 141B, the Tribunal shall have regard, as the case may be—

- (a) to the fact that such person of his own initiative disclosed the dealing to the Commissioner and, where the disclosure was made after the dealing took place, to the promptness with which the disclosure was made; or
- (b) to the fact that such person did not of his own initiative disclose the dealing to the Commissioner and to the reasonableness of any explanation offered by such person for the fact that the dealing was not so disclosed.

(6) Subject to this section, the culpability of any person in relation to an insider dealing within section 141B is a matter for the Tribunal to determine under section 141H(3).

**141D.** (1) For the purposes of this Part—

“related corporation” in relation to a corporation means a corporation which is deemed by section 4 to be related to it;

“relevant information” in relation to securities means information which is not generally available but, if it were, would be likely to bring about a material change in the price of those securities.

(2) Without limiting the meaning of the phrase “dealing in relation to securities” in section 141B(1) and notwithstanding sections 2 and 3, a person deals in securities for the purposes of this Part if (whether as principal or agent) he buys, sells, exchanges or subscribes for, or agrees to buy, sell, exchange or subscribe for, any securities or acquires or disposes of, or agrees to acquire or dispose of, the right to buy, sell, exchange or subscribe for, any securities.

**141E.** (1) A person is connected with a corporation for the purposes of section 141B if, being an individual—

- (a) he is a director or employee of that corporation or a related corporation; or
- (b) he is a substantial shareholder in the corporation or a related corporation; or
- (c) he occupies a position which may reasonably be expected to give him access to relevant informa-

Definitions applicable to this Part.

Definition of person connected with a corporation.

tion concerning the securities of the corporation by virtue of—

(i) any professional or business relationship existing between himself (or his employer or a corporation of which he is a director or a firm of which he is a partner) and that corporation, a related corporation or a substantial shareholder in either of such corporations; or

(ii) his being a director, employee or partner of a substantial shareholder in the corporation or a related corporation; or

- (d) he has access to relevant information concerning the securities of the corporation by virtue of his being connected (within the meaning in paragraph (a), (b) or (c)) with another corporation being information which relates to any transaction (actual or expected) involving both those corporations or involving one of them and the securities of the other; or
- (e) he was at any time within the 6 months preceding any dealing in relation to securities within the meaning of section 141B(1) a person connected with the corporation within the meaning in paragraph (a), (b), (c) or (d).

(2) A corporation is a person connected with a corporation for the purposes of section 141B so long as any of its directors or employees is a person connected with that other corporation within the meaning in subsection (1).

(3) In subsection (1) “substantial shareholder” in relation to a corporation means a person who has an interest in securities comprised in the equity share capital of that corporation being securities which—

- (a) have a nominal value equal to more than 10 per cent of that share capital; or
- (b) entitle the holder to exercise or control the exercise of more than 10 per cent of the voting power at any general meeting of that corporation.

**141F.** (1) A public officer who in his capacity as such obtains relevant information concerning the securities of a corporation shall be deemed to be a person connected with that corporation for the purposes of section 141B.

(2) In subsection (1) “public officer” means a member or employee, whether temporary or permanent or paid or unpaid, of any of the following—

- (a) the Government;
- (b) the Executive Council;
- (c) the Legislative Council;
- (d) the Urban Council;
- (e) any board, commission, committee or other body appointed by or on behalf of the Governor or the Governor in Council; and
- (f) any body corporate that is an organ or agency of the Crown.

Possession of relevant information by public officers.

*Insider Dealing Tribunal*

Insider Dealing  
Tribunal  
established.

**141G.** (1) There is hereby established a Tribunal to be known as the Insider Dealing Tribunal (in this Part referred to as "the Tribunal").

(2) The Tribunal shall consist of a chairman and 2 other members all of whom shall be appointed by the Governor.

(3) The chairman of the Tribunal shall be a judge of the Supreme Court and the other 2 members shall not be public officers (within the meaning of that term in section 3 of the Interpretation and General Clauses Ordinance).

(Cap. 1.)

(4) A member of the Tribunal other than the chairman may be paid, as a fee for his services, such amount as the Financial Secretary thinks fit, and that amount may be paid out of the general revenue of Hong Kong without further appropriation than this subsection.

Third Schedule.

(5) The provisions in the Third Schedule shall have effect in relation to the appointment of members and temporary members of the Tribunal, and the procedural and other matters concerning the Tribunal and its sittings for which provision is made therein.

*Inquiries by Tribunal*

Inquiries into  
insider dealings.

**141H.** (1) If it appears to the Financial Secretary, whether following representations by the Commission or otherwise, that insider dealing in relation to the securities of a corporation has taken place or may have taken place, he may in accordance with this section require the Tribunal to inquire into the matter (in this Part referred to as "an inquiry").

(2) An inquiry shall be instituted by notice in writing from the Financial Secretary to the chairman of the Tribunal containing such particulars as are sufficient to define the terms of reference of the inquiry.

(3) The object of an inquiry shall be to determine, within the Tribunal's terms of reference—

- (a) whether culpable insider dealing in relation to the securities of a corporation has taken place; and
- (b) the identity of the persons involved therein and the extent of their culpability.

(4) In making a determination under subsection (3)(b), the Tribunal shall not be limited to the identity and culpability of an immediate party to an insider dealing but may, subject to section 141C—

- (a) include any other person connected with the dealing;
- (b) in the case of a body corporate, include the individuals who exercised control in the management thereof.

Report of  
Tribunal  
following  
inquiry.

Third Schedule.

**141L** (1) Upon receipt of a notice under section 141H(2) the Tribunal shall conduct an inquiry in accordance with the provisions of this Part and the Third Schedule, and prepare a written report thereon.

(2) No person shall publish any material received by the Tribunal for the purposes of an inquiry and which comes to his knowledge by virtue of being so received.

(3) Any person who contravenes subsection (2) commits an offence and is liable on conviction on indictment to a fine of \$10,000 and to imprisonment for 1 year.

(4) The Tribunal shall issue its report in the following manner—

- (a) by first furnishing a copy to the Financial Secretary; and
- (b) thereafter, subject to subsection (5), by—
  - (i) Causing the report to be published in such manner that copies thereof are available to the public; and
  - (ii) furnishing a copy, so far as is reasonably practicable, to any person whose conduct was directly in question in the inquiry.

(5) Where the Tribunal intends to cause a report to be published which contains a finding that a person is not culpable in respect of a dealing which has been the subject of an inquiry, the following provisions shall apply—

- (a) if that person has supplied to the Tribunal an address for service for the purposes of this subsection, the Tribunal shall cause a copy of the proposed report, so far as it relates to the dealing in question, to be delivered to or left for him at that address;
- (b) if within 7 days after such delivery the Tribunal has received notice in writing that the person objects to being named in relation to the dealing in question, the Tribunal shall not name the person in the report in respect of that dealing;
- (c) if the Tribunal has not, within the said 7 days, received notice in accordance with paragraph (b), or if the person has not supplied an address for service under paragraph (a), the Tribunal shall name the person in the report in respect of the said dealing.

(6) No person shall be liable to any civil or criminal proceedings by reason of the publication by him of a true and accurate account or a fair and accurate summary of any report of the Tribunal which has been published under subsection (4)(b).

*Powers of Tribunal*

Application to  
Tribunal of  
Commissions  
of Inquiry  
Ordinance.  
(Cap. 86.)

**141J.** (1) Sections 4(1) (other than paragraphs (i), (j) and (m)), 5, 7, 8 (other than subsections (1)(ca), (2)(d), (2)(e) and (3)) and 9 to 14 of the Commissions of Inquiry Ordinance shall, subject to this Ordinance, apply for the purposes of an inquiry as if—

- (a) the inquiry were an inquiry to which that Ordinance applies;
- (b) references therein to a Commission, the Chairman and a Commissioner were respectively references to the Tribunal, the chairman and a member thereof;

- (c) paragraph (h) of the said section 4(1) authorized payment to a person appearing before the Tribunal of expenses as well as sums for loss of time;
- (d) the Tribunal were a Commission with full powers to deal with contempts under the said section 9;
- (e) all necessary changes were made to Form 2 in the Schedule of the said Ordinance.

(2) The Tribunal may order that any document or article which comes into its possession or the possession of the Commissioner for the purposes of an inquiry shall be dealt with in such manner as the justice of the case requires.

Further powers of Tribunal to obtain information.

**141K.** (1) Where it appears to the Tribunal that it would assist the conduct of an inquiry to do so, the Tribunal may in writing authorize the Commissioner to exercise all or any of the powers set out in subsection (2) and to report to the Tribunal the information so obtained which is relevant to the inquiry.

- (2) The powers referred to in subsection (1) are—
  - (a) to inspect the books and documents of any person where the Tribunal has reasonable grounds to believe or suspect that those books or documents may contain information relevant to the inquiry;
  - (b) to make copies of and take extracts from books and documents referred to in paragraph (a) and, subject to subsection (3), to take possession of the same for such period (not exceeding 2 days) as is necessary for the purpose of doing so;
  - (c) to require any person to give any explanation or particulars concerning books and documents referred to in paragraph (a);
  - (d) in writing to require from any person information as to whether or not there is at any premises any book or document which may contain information relevant to the inquiry, and particulars as to such premises, book or document;
  - (e) to require that any information or particulars furnished pursuant to this section be verified by statutory declaration and to take any such declaration.

(3) Where the Commissioner takes possession of any book or document under subsection (2)(b) he shall permit a person who would be entitled to inspect it if it were not in the possession of the Commissioner to inspect it, and to make copies and take extracts, at all reasonable times.

(4) A person shall produce all books and documents in his custody or under his control, the inspection whereof is sought by the Commissioner under the authority of this section.

(5) Any person who is required under this section to disclose any information or particulars or give any explanation shall comply with that requirement so far as lies within his power to do so and shall, if requested, verify the information, particulars or explanation by statutory declaration.

- (6) A person commits an offence who—
  - (a) contravenes subsection (4) or (5);
  - (b) in purported compliance with subsection (4) or (5), makes any statement which he knows to be false or misleading or recklessly makes any statement which is false or misleading in a material particular;
  - (c) obstructs the Commissioner in the exercise of his powers under this section;
  - (d) conceals, destroys, mutilates or alters any book or document which contains information which is relevant to an inquiry or sends any such book or document out of Hong Kong or causes the same to be so sent,

and is liable on conviction to a fine of \$5,000 and to imprisonment for 3 months.

(7) An offence specified in subsection (6) shall be deemed to be a contempt of the Tribunal and the Tribunal may deal with any such offence in accordance with the powers referred to in section 141J(1)(d) to deal with contempts committed otherwise than in the presence of the Tribunal and may impose the punishments provided for by the said subsection (6).

(8) It shall be a defence to a prosecution under subsection (6)(d) if the person charged proves that he did not act with intent to defeat the discovery of a dealing in relation to securities within section 141B(1) or to delay or obstruct the carrying out of an inquiry.

(9) In this section "books" includes banker's books.

No privilege allowed except to legal advisers.

**141L.** (1) Except as provided in subsection (2), a person shall not be excused on account of privilege from complying with any requirement under section 141K or, on appearing before the Tribunal, from answering any question or disclosing any information or particulars or producing any book or document.

(2) Nothing in this Part shall require the disclosure by a solicitor or counsel of any privileged communication, whether oral or written, made to or by him in that capacity, except as regards the name and address of his client.

(3) Nothing in subsection (1) shall be construed as affecting section 4 of the Inland Revenue Ordinance."

9. The principal Ordinance is amended by adding, after the Second Schedule, the following new Schedule—

Addition of Third Schedule.

"THIRD SCHEDULE [ss. 141G & 141L.]

INSIDER DEALING TRIBUNAL

- 1. In this Schedule, unless the context otherwise requires—
  - "chairman" means the chairman of the Tribunal;
  - "inquiry" means an inquiry under section 141H;
  - "member" means a member of the Tribunal;
  - "Tribunal" means the Tribunal established by section 141G.

*Appointment of members*

2. Subject to paragraphs 4 and 5, the chairman shall be appointed for a term of 3 years but may from time to time, so long as he remains qualified under section 141G(3), be reappointed.

3. The other 2 members shall be appointed to act in relation to any specified inquiry or inquiries and any such member may be so appointed more than once.

4. A member may at any time resign his office by notice in writing to the Governor.

5. The chairman shall vacate his office if at any time he ceases to hold office as a judge of the Supreme Court.

6. A member other than the chairman may be removed from office by the Governor for disability, bankruptcy, neglect of duty or misconduct proved to the satisfaction of the Governor.

7. If an inquiry has been commenced by the Tribunal but not completed before the expiry of the chairman's term of office or before the resignation from or vacation of office by a member takes effect, the Governor may authorize the chairman or member to continue as chairman or a member of the Tribunal for the purpose of completing that inquiry.

8. An inquiry may be continued, notwithstanding any change in the membership of the Tribunal, as if the change had not occurred; and in particular evidence taken by the Tribunal need not be taken again on account of the change.

*Temporary members*

9. The Governor may appoint a temporary member of the Tribunal to act in place of any member who is precluded by illness, absence from Hong Kong or any other cause from exercising his functions or who considers it improper or undesirable that he should exercise his functions in relation to any specified matter.

10. A temporary member who is appointed to act in place of the chairman shall be a person who holds office as a judge of the Supreme Court and a temporary member who is appointed to act for an ordinary member shall not be a person who would be disqualified under section 141G(3) from appointment as a member.

11. A temporary member who acts in place of the chairman or other member shall be deemed for all purposes to be the chairman or other member of the Tribunal as the case may be.

*Sittings and representation*

12. The chairman shall convene such sittings of the Tribunal as he thinks necessary for the efficient performance of its functions.

13. The chairman shall preside at all sittings of the Tribunal and no sitting shall be held unless the other 2 members are also present.

14. Every question before the Tribunal shall be determined by the opinion of the majority of the members except a question of law which shall be determined by the chairman.

15. Every sitting of the Tribunal shall be held *in camera* and, subject to paragraph 16, the Tribunal shall determine which persons may be present.

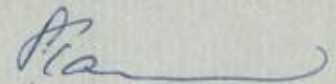
16. A person whose conduct is the subject of an inquiry or who is implicated or concerned in the subject matter of an inquiry shall be entitled to be present in person at any sitting of the Tribunal relating to that inquiry and to be represented by a barrister or solicitor.

17. For the purposes of paragraph 16 the Tribunal shall determine whether the conduct of any person is the subject of the inquiry or whether a person is in any way implicated or concerned in the subject matter of the inquiry.

18. The Tribunal may appoint a legal officer nominated by the Attorney General, a barrister or a solicitor to act as counsel for the Tribunal.

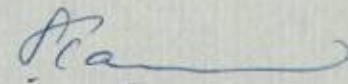
19. In paragraph 16 "sitting" does not include any meeting of the Tribunal which is held for the purpose of deliberating on any question before the Tribunal."

Passed by the Hong Kong Legislative Council this 25th day of January, 1978.



*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*

No. 9 OF 1978



I assent

A handwritten signature in black ink, consisting of stylized, cursive letters.

*Caroline*

**HONG KONG**

No. 9 OF 1978



I assent.

*Governor.*

*16th February, 1978.*

An Ordinance to amend the Independent Commission Against Corruption Ordinance.

[17th February, 1978]

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

1. This Ordinance may be cited as the Independent Commission Against Corruption (Amendment) Ordinance 1978. Short title.

2. The principal Ordinance is amended by adding after section 18 the following new section—

Addition of  
new section  
18A.  
(Cap. 204.)

<sup>a</sup>Investigation  
of pre-1977  
offences.

**18A.** (1) Notwithstanding section 12, the Commissioner shall not act as required by paragraphs (a), (b) and (c) of that section in respect of alleged or suspected offences committed before 1st January 1977 except in relation to—

- (a) persons not in Hong Kong or against whom a warrant of arrest was outstanding on 5th November 1977;
- (b) any person who before 5th November 1977 had been interviewed by an officer and to whom allegations had been put that he had committed an offence;
- (c) an offence which the Governor considers sufficiently heinous to warrant action.

(2) A certificate under the hand of the Chief Secretary stating the fact that the Governor considers an offence sufficiently heinous to warrant action shall be conclusive evidence of that fact."

Passed by the Hong Kong Legislative Council this 15th day of February, 1978.

*[Handwritten signature]*

Clerk to the Legislative Council.

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

*[Handwritten signature]*

Clerk to the Legislative Council.



No. 10 OF 1978



I assent

*[Handwritten signature]*

Governor

16th February

An Ordinance to amend the Hotel Accommodation Tax Or

stating the fact that the Governor considers an offence sufficiently heinous to warrant action shall be conclusive evidence of that fact."

the Hong Kong Legislative Council this 15th day of



Clerk to the Legislative Council.

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



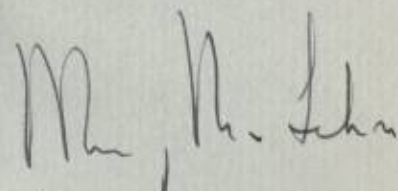
Clerk to the Legislative Council.

HONG KONG

No. 10 OF 1978



I assent.



Governor.

16th February, 1978.

An Ordinance to amend the Hotel Accommodation Tax Ordinance.

[17th February, 1978]

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

1. This Ordinance may be cited as the Hotel Accommodation Tax (Amendment) Ordinance 1978. Short title.

2. The principal Ordinance is amended by adding after section 9 the following new section— Addition of new section 10. (Cap. 348.)


"Limitation of time for criminal proceedings under section 5.

10. Criminal proceedings in respect of any offence under section 5 may be commenced at any time not later than—

(a) two years after the discovery thereof by the Collector; or

(b) six years after the commission of the offence, whichever period expires first."

Passed by the Hong Kong Legislative Council this 15th day of February, 1978.

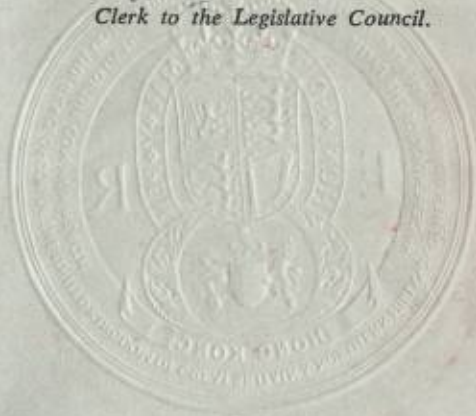


Clerk to the Legislative Council.

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



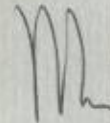
*Clerk to the Legislative Council.*



No. 11 OF 1978



I assent



Governor

16th February

An Ordinance to approve a supplementary appropriation to

... and is found by me to be a true and correct copy of the said bill.



Clerk to the Legislative Council.

HONG KONG

No. 11 OF 1978



I assent.

Governor.

16th February, 1978.

An Ordinance to approve a supplementary appropriation to the service of the financial year which ended on 31st March 1977.

[17th February, 1978]

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

1. This Ordinance may be cited as the Supplementary Appropriation (1976-77) Ordinance 1978. Short title.


2. The appropriation in the manner expressed in the Schedule of a sum of one hundred and ninety-nine million, six hundred and twenty-one thousand nine hundred and fifteen dollars from the general revenue and other funds of Hong Kong for the service of the financial year which ended on 31st March 1977, is approved. Approval of appropriation. Schedule.

SCHEDULE

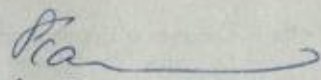
Number of Vote	Head of Expenditure	Amount
		\$
21	His Excellency the Governor's Establishment	75,592
23	Audit Department	672,571
24	Census and Statistics Department	729,545
26	Colonial Secretariat	2,575,762

<i>Number of Vote</i>	<i>Head of Expenditure</i>	<i>Amount</i>
		\$
28	Commerce and Industry Department	549,069
34	Education Department	6,126,259
37	Home Affairs Department	581,545
41	Information Services Department	466,008
42	Inland Revenue Department	1,908,009
43	Judiciary	2,139,975
44	Kowloon-Canton Railway	1,392,550
45	Labour Department	444,965
46	Legal Department	1,048,249
49	Medical and Health Department	28,446,776
51	New Territories Administration	5,217,113
52	Office of Unofficial Members of Executive and Legislative Councils	358,362
54	Police: Royal Hong Kong Police Force	26,899,282
61	Public Works Department: Headquarters	9,127
62	Public Works Department: Building Development	2,195,319
63	Public Works Department: Engineering Development	6,152,106
65	Public Works Department: New Territories Development	768,759
71	Public Works Non-Recurrent: Waterworks	38,314,125
72	Radio Hong Kong	11,193,006
73	Rating and Valuation Department	753,299
74	Registrar General's Department	1,725,821
75	Registration of Persons Department	347,488
76	Registry of Trade Unions	81,643
77	Royal Observatory	531,461
79	Subventions: Education	22,034,001
80	Subventions: Medical	6,485,401
81	Subventions: Miscellaneous	2,971,053
82	Subventions: Social Welfare	1,619,381
83	Transport Department	374,205
84	Treasury	1,256,404
85	Universities and Polytechnic	4,080,446
86	Urban Services Department	19,097,238
		<u>\$199,621,915</u>

Passed by the Hong Kong Legislative Council this 15th day of February, 1978.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

No. 12 of 1978



I assent.

A handwritten signature in black ink, appearing to be 'M'.

Governor

16th February

**HONG KONG**

No. 12 of 1978



I assent.

*Governor.*

*16th February, 1978.*

An Ordinance to make provision with respect of reserved commodities.

[ ]

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

1. This Ordinance may be cited as the Reserved Commodities Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation and application.  
"aircraft" means any machine which can derive support in the atmosphere from reactions of the air;

"article in transit" means an article which—

- (a) is brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and
- (b) remains at all times in or on the vessel, aircraft or vehicle in or on which it is brought into Hong Kong;

"authorized officer" means a public officer authorized by the Director under section 4;

"Director" means the Director of Trade, Industry and Customs and any officer in the Trade, Industry and Customs Department not below the rank of assistant director or assistant commissioner;

"domestic premises" means any premises or place used exclusively for residential purposes and constituting a separate household unit;

"export" means to take or cause to be taken out of Hong Kong any article other than an article in transit;

"import" means to bring or cause to be brought into Hong Kong any article other than an article in transit;

"licence" means a licence issued under regulations made under section 3;

(Cap. 342.)

"member of the Customs and Excise Service" means any person holding an office specified in the First Schedule to the Customs and Excise Service Ordinance;

"permit" means a permit issued under regulations made under section 3;

"registered" means registered under regulations made under section 3;

"reserved commodity" means any commodity specified as a reserved commodity under regulations made under section 3;

"sale" and "purchase" include a sale and purchase by barter;

"sale by retail" means every sale of an article other than a sale by wholesale;

"sale by wholesale" means any sale of an article in whatever quantity for resale in the same form or state or as part of a manufactured product;

"vehicle" means every means of conveyance or of transit or other mobile apparatus used or capable of being used on land whether on roads or rails and, in any way whatever, drawn or propelled or carried;

"vessel" includes every description of vessel used in navigation for the carriage of persons or articles, whether or not the vessel is mechanically propelled and whether or not the vessel is towed or pushed by another vessel.

(2) This Ordinance shall not apply to articles in transit.

Regulations.

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

- (a) specifying any article to be a reserved commodity for any purpose;
- (b) prohibiting or controlling the sale or purchase of any reserved commodity for the purpose of resale in or export from Hong Kong;
- (c) regulating or controlling the maximum price of any reserved commodity;
- (d) prohibiting, regulating or controlling the import or export of any reserved commodity;
- (e) prohibiting, regulating or controlling the movement or distribution of any reserved commodity;
- (f) prohibiting, regulating or controlling the storage of any reserved commodity;
- (g) restricting the sale by wholesale or retail of any reserved commodity to persons registered or holding licences or permits issued under the regulations;
- (h) restricting the sale of any reserved commodity either by an individual or generally by all persons dealing in such reserved commodity;

(i) prohibiting, regulating or controlling the manufacture, processing or production of any reserved commodity either generally or as regards form, shape, quantity, quality, constituents or otherwise;

(j) the issue of licences, permits and certificates and the registration of persons and premises for the purposes of this Ordinance;

(k) the examination of reserved commodities stored or kept in any premises or in or on any vessel, aircraft or vehicle by or on behalf of any person;

(l) information and particulars to be given in respect of reserved commodities;

(m) fees and charges;

(n) appeal to the Governor against any decision of the Director;

(o) generally for the better carrying out of the provisions and purposes of this Ordinance.

(2) Regulations under this section may provide that a contravention of any such regulation shall be an offence and shall be punishable on conviction by a fine not exceeding \$100,000 and imprisonment for a term not exceeding 2 years.

4. The Director may authorize in writing any public officer to exercise all of the powers conferred on an authorized officer by this Ordinance or such of those powers as the Director may specify.

Authorized officers.

5. (1) The Governor may give such directions as he thinks fit, either generally or in any particular case, with respect to the exercise by the Director or an authorized officer of any powers, functions or duties under this Ordinance.

Director and authorized officers subject to Governor's directions.

(2) The Director and every authorized officer shall, in the exercise or performance of any powers, functions or duties under this Ordinance, comply with any directions given by the Governor under subsection (1).

6. (1) In any proceedings for an offence under this Ordinance, a copy of any document issued under this Ordinance, certified by the Director to be a true copy of such document, shall be *prima facie* evidence of the contents of the original document.

Production of copy documents.

(2) Any such copy purporting to be certified by the Director shall be deemed, until the contrary is proved, to have been certified by him.

7. In any proceedings for an offence under this Ordinance and in any proceedings for the forfeiture of any article by virtue of section 9, the burden of proving that any reserved commodity is an article in transit shall be upon the defendant in such criminal proceedings and the claimant in such forfeiture proceedings.

Burden of proof that reserved commodity is in transit.

8. Notwithstanding anything in the Magistrates Ordinance, a complaint may be made or an information laid in respect of an offence under this Ordinance punishable only on summary conviction within 2 years from the time when the matter of such complaint or information respectively arose.

Time limitation for criminal proceedings. (Cap. 227.)

9. Any reserved commodity in respect of which an offence under this Ordinance has been committed shall, whether or not any person has been convicted of such offence, be liable to forfeiture under Part VI of the Import and Export Ordinance and sections 27, 28 and 30 of that Ordinance shall apply accordingly.

Forfeiture. (Cap. 60.)

Powers of entry, search and seizure and to examine documents.

10. (1) Subject to subsection (2), any member of the Customs and Excise Service and any authorized officer may, for the purposes of this Ordinance—

- (a) enter and search any premises (other than domestic premises), or stop, board and search any vessel, aircraft or vehicle, if he has reason to suspect that there is therein—
  - (i) any reserved commodity in respect of which an offence under this Ordinance is being or has been committed; or
  - (ii) any thing which is or contains evidence of an offence under this Ordinance;
- (b) stop and search any person if he has reason to suspect that such person is guilty of an offence under this Ordinance;
- (c) seize, remove and detain—
  - (i) any reserved commodity, if he has reason to suspect that an offence under this Ordinance is being or has been committed in respect thereof; and
  - (ii) any thing, if he has reason to suspect that it is or contains evidence of an offence under this Ordinance;
- (d) enter and inspect any registered premises or any premises in which a reserved commodity is stored or kept by a person who is registered or to whom a licence or permit has been issued and enter any premises for the purposes of paragraph (e);
- (e) require the production of and examine any document relating to a reserved commodity in the possession of any person who is registered, or to whom a licence or permit has been issued, in respect of such reserved commodity or to dealings by him in such reserved commodity.

(2) No domestic premises shall be entered or searched by a member of the Customs and Excise Service or any authorized officer unless—

- (a) a magistrate has issued a warrant under subsection (3); or
- (b) the Director or a member of the Customs and Excise Service of or above the rank of assistant superintendent has given an authorization under subsection (4).

(3) A magistrate may, if he is satisfied by information on oath that there is reasonable ground for suspecting that there is in any domestic premises any reserved commodity or other thing which may be seized under subsection (1)(c), issue a warrant authorizing any member of the Customs and Excise Service or an authorized officer to enter and search the premises.

(4) The Director or a member of the Customs and Excise Service of or above the rank of assistant superintendent may, if he reasonably suspects—

- (a) that there is in any domestic premises anything which may be seized under subsection (1)(c); and
- (b) that unless the premises are entered and searched immediately such thing is likely to be removed from the premises,

authorize in writing a member of the Customs and Excise Service or an authorized officer to enter and search the premises.

(5) A member of the Customs and Excise Service or an authorized officer authorized under subsection (3) or (4) to enter and search any domestic premises may call upon any member of the Customs and Excise Service or any authorized officer to assist him in entering and searching the premises.

(6) Any member of the Customs and Excise Service or any authorized officer may—

- (a) use such force as is reasonably necessary to enter any premises which he is empowered by or under this Ordinance to enter and search;
- (b) use such force as is reasonably necessary to stop, board and search any vessel, aircraft or vehicle which he is empowered by this Ordinance to stop, board and search;
- (c) use such force as is reasonably necessary to remove any person or thing obstructing him in the exercise of any power conferred on him by or under this Ordinance;
- (d) detain any person found in any premises which he is empowered by or under this Ordinance to search until such premises have been searched;
- (e) prevent any person from approaching, boarding or leaving any vessel, aircraft or vehicle which he is empowered by this Ordinance to stop, board and search until it has been searched.

(7) No person shall be searched under this section except by a person of the same sex or in a public place if he objects to being searched in such a place.

11. (1) Any member of the Customs and Excise Service and any authorized officer may, subject to subsection (2), arrest, or detain for further inquiries, without warrant any person whom he reasonably suspects of having committed any offence under this Ordinance.

(2) Any member of the Customs and Excise Service and any authorized officer who arrests any person under subsection (1) shall, after any necessary inquiries, take the person to a police station, there to be dealt with in accordance with the Police Force Ordinance.

(3) In no case shall any person be detained under subsection (1) or (2) for more than 48 hours without being charged and brought before a magistrate.

(4) If any person forcibly resists or attempts to evade arrest under this section, a member of the Customs and Excise Service or an authorized officer may use such force as is reasonably necessary to effect the arrest.

(5) If any member of the Customs and Excise Service or any authorized officer has reason to believe that a person whom he intends to arrest (hereinafter in this section referred to as the suspected offender) has entered into or is in any place or premises, any person residing in or in charge of such place or premises shall, on demand by the member or authorized officer, allow him free entry thereto and afford all reasonable facilities to search for the suspected offender therein and if the person residing in or in charge of such premises fails to allow such member of the Customs and Excise Service or such authorized officer free entry thereto and such reasonable facilities such member of the Customs and Excise Service and such authorized officer may enter such premises or place and search therein for the suspected offender and for the purposes of such entry and search break open any outer or inner door or window of the premises or place.

12. Any person who obstructs a member of the Customs and Excise Service or an authorized officer in the exercise of any power or the performance of any duty conferred or imposed on members of the Customs and Excise Service or authorized officers by this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 and to imprisonment for 6 months.

Power of arrest of members of the Customs and Excise Service and authorized officers.

(Cap. 232.)

Obstruction of members of Customs and Excise Service etc.

Appeal to the  
Governor.

13. Any person aggrieved by a decision of the Director under this Ordinance may, within 21 days from the date when he was informed of the decision or within such further period as the Governor may allow in any particular case, appeal by way of petition to the Governor.

Revocation of  
Import and  
Export  
(Reserved  
Commodities)  
Regulations.  
(Cap. 60,  
sub. leg.)

14. The Import and Export (Reserved Commodities) Regulations are revoked.

Passed by the Hong Kong Legislative Council this 15th day of February, 1978.

*Clerk to the Legislative Council.*

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

*Clerk to the Legislative Council.*

No. 13 of 1978



I assent

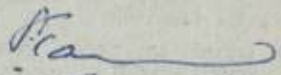
Governor

16th February

within 21 days from the date when he was informed of  
within such further period as the Governor may allow in  
case, appeal by way of petition to the Governor.

Import and Export (Reserved Commodities) Regulations are

the Hong Kong Legislative Council this 15th day of



Clerk to the Legislative Council.

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



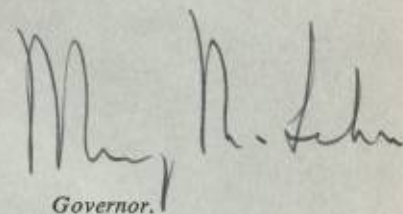
Clerk to the Legislative Council.

HONG KONG

No. 13 OF 1978



I assent.



Governor.

16th February, 1978.

An Ordinance to amend the Agricultural Products (Marketing) Ordinance.

[17th February, 1978]

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

1. This Ordinance may be cited as the Agricultural Products (Marketing) (Amendment) Ordinance 1978. Short title.

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

(a) by deleting the full stop at the end and substituting a semicolon; (Cap. 277.)  
and

(b) by inserting in their appropriate alphabetical positions the following—

“Committee” means the Agricultural Products Scholarship Fund Advisory Committee established by section 9F;”;

“fund” means the Agricultural Products Scholarship Fund established by section 9A;”;

“trustee” means the Director as trustee of the fund.”.

3. Section 4(3) of the principal Ordinance is amended by inserting Amendment of section 4  
after “in trust” the following—

“, subject to sections 9A and 9B.”.

Amendment of section 9.

4. Section 9(3) of the principal Ordinance is amended by deleting "30th day of September" and substituting the following—  
"31st day of October".

Addition of new sections 9A, 9B, 9C, 9D, 9E and 9F.

5. The principal Ordinance is amended by adding after section 9 the following new sections—

"Establishment and vesting of fund.

9A. (1) There is hereby established a trust fund, to be known as the Agricultural Products Scholarship Fund, which is vested in the Director as trustee.

(2) The trustee shall hold the fund upon the trusts and subject to the provisions contained in this section and sections 9B, 9C, 9D and 9E.

(3) The fund shall consist of—

- (a) the sum of \$1,000,000 which shall be appropriated for that purpose by the Director from moneys received by him under this Ordinance; and
- (b) such further moneys and assets as may be—  
(i) donated, subscribed or bequeathed to, and accepted by the trustee; or  
(ii) otherwise acquired by the trustee.

Objects of the fund.

9B. The trustee shall apply the fund for the following objects—

- (a) the provision of scholarships, grants and loans for the education and training of persons who are employed in agriculture and agricultural product marketing industries in Hong Kong and their families and dependants; and
- (b) the provision of scholarships, grants and loans for the education and training of persons who wish to enter the agriculture and agricultural product marketing industries in Hong Kong.

Cost of administering the fund.

9C. (1) The cost of the administration of the fund and costs incurred by the Committee in the discharge of its functions under this Part, other than any audit fee paid under section 9E which shall be a charge on the fund, shall be paid from moneys, other than the fund, received by the Director under this Ordinance.

(2) The Financial Secretary may direct that an annual supervision fee to be determined by him shall be charged against the income of the fund and paid into the general revenue of Hong Kong.

Investment.

9D. The trustee may invest any of the moneys of the fund in investments of any kind whether such investments are permitted for the investment of trust funds or not, subject, in the case of investments which are not so permitted, to the prior approval of the Financial Secretary.

Accounts.

9E. (1) The trustee shall cause proper accounts to be kept of all transactions and shall cause to be prepared for every period of twelve months ending the 31st day of March in each year a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet and shall be signed by the trustee.

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

(3) A copy of the signed and audited statement of accounts together with the auditor's report, if any, and a report by the trustee on the administration of the fund during the period covered by the audited accounts shall be laid upon the table of the Legislative Council not later than the 31st day of October next following the end of such period or so soon thereafter as the Governor may in his discretion allow.

Establishment of Advisory Committee.

9F. (1) There shall be established a committee to be known as the Agricultural Products Scholarship Fund Advisory Committee.

(2) The Committee shall advise the trustee on all matters whatsoever touching the administration of the fund and the attainment of the objects thereof.

(3) The Committee shall consist of—

- (a) the trustee;
- (b) three other members of the Marketing Advisory Board to be elected annually by the said Board;
- (c) two public officers and two members of the public to be appointed by the Governor.

(4) The trustee shall be *ex officio* the chairman of the Committee, but in the event of his absence from any meeting the members present shall appoint any other of its members as chairman.

(5) Four members of the Committee shall form a quorum.

(6) The trustee shall appoint a public officer to be the secretary to the Committee.

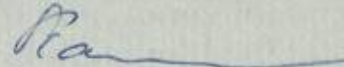
(7) The Committee may regulate its own procedure."

6. Section 10 (1) of the principal Ordinance is amended in paragraph (f) by deleting "social welfare and education of persons employed therein" and substituting the following—

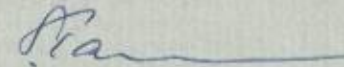
Amendment of section 10.

"education, health and welfare of persons employed in agriculture and agricultural product marketing and their families and dependants".

Passed by the Hong Kong Legislative Council this 15th day of February, 1978.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

3704 27

27 06 78

2704

No. 14 of 1978



I assent

Governor

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**HONG KONG**

No. 14 OF 1978



I assent.

*[Handwritten signature]*  
Governor.

16th February, 1978.

An Ordinance to amend the Marine Fish (Marketing) Ordinance.

[17th February, 1978]

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

1. This Ordinance may be cited as the Marine Fish (Marketing) Short title. (Amendment) Ordinance 1978.
2. The long title of the principal Ordinance is amended by inserting after "*co-operative markets*" the following—  
*" , for a scholarship fund for persons who may benefit or be connected with the marine fisheries and fish marketing industries"*.  
Amendment of long title. (Cap. 291.)
3. Section 7 of the principal Ordinance is amended in subsections (1) and (3) by inserting, after "any manager" in each place where it occurs, the following—  
"or public officer".  
Amendment of section 7.
4. Section 14(2) of the principal Ordinance is amended by deleting "30th day of September" and substituting the following—  
"31st day of October".  
Amendment of section 14.

Addition of  
new Part III.

5. The principal Ordinance is amended by adding after Part II the following—

"PART III

ESTABLISHMENT OF SCHOLARSHIP FUND

Interpretation.

18. In this Part, unless the context otherwise requires—  
"Committee" means the Marine Fish Scholarship Fund Advisory Committee established by section 25;  
"corporation" means the corporation sole incorporated by section 19;  
"fund" means the Marine Fish Scholarship Fund established by section 19;  
"trustee" means the Director as trustee of the fund.

Establishment  
and vesting  
of fund.

19. (1) There is hereby established a trust fund to be known as the Marine Fish Scholarship Fund.

(2) The trustee shall hold the fund upon the trusts and subject to the provisions contained in this Part.

(3) The fund shall consist of—

(a) the sum of \$1,000,000 which shall, on the date of commencement of this Part, be paid to the trustee by the Organization from moneys received by it under this Ordinance; and

(b) such further moneys and assets as may be—  
(i) donated, subscribed or bequeathed to, and accepted by, the trustee; or  
(ii) otherwise acquired by the trustee.

(4) For the purposes of this Part, the person for the time being performing the duties of the office of the Director shall be the trustee of the fund and shall be a corporation sole and shall have the name of "*The Trustee of the Marine Fish Scholarship Fund*" and in that name shall have perpetual succession and may sue and be sued in any court.

(5) The corporation shall have a common seal and the affixing of the seal shall be authenticated by the signature of the trustee.

(6) Any instrument purporting to be an instrument duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument so executed.

Objects of  
the fund.

20. The trustee shall apply the fund for the following objects—

(a) the provision of scholarships, grants and loans for the education and training of persons employed in the marine fisheries and fish marketing industries in Hong Kong and their families and dependants; and

(b) the provision of scholarships, grants and loans for the education and training of persons who wish to enter the marine fisheries and fish marketing industries in Hong Kong.

Cost of  
administering  
the fund.

21. (1) The cost of the administration of the fund and costs incurred by the Committee in the discharge of its functions under this Part, other than any audit fee paid

under section 23(2) which shall be a charge on the fund, shall be borne by the Organization.

(2) The Financial Secretary may direct that an annual supervision fee to be determined by him shall be charged against the income of the fund and paid into the general revenue of Hong Kong.

Investment.

22. The trustee may invest any of the moneys of the fund in investments of any kind whether such investments are permitted for the investment of trust funds or not, subject, in the case of investments which are not so permitted, to the prior approval of the Financial Secretary.

Accounts.

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

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

(3) A copy of the signed and audited statement of accounts together with the auditor's report, if any, and a report by the trustee on the administration of the fund during the period covered by the audited accounts shall be laid upon the table of the Legislative Council not later than the 31st day of October next following the end of such period or so soon thereafter as the Governor may in his discretion allow.

Establishment  
of Advisory  
Committee.

24. (1) There shall be established a committee to be known as the Marine Fish Scholarship Fund Advisory Committee.

(2) The Committee shall advise the trustee on all matters whatsoever touching the administration of the fund and the attainment of the objects thereof.

(3) The Committee shall consist of—

(a) the trustee;

(b) three other members of the Fish Marketing Advisory Board to be elected annually by the said Board;

(c) two public officers and two members of the public to be appointed by the Governor.

(4) The trustee shall be *ex officio* the chairman of the Committee, but in the event of his absence from any meeting the members present shall appoint any other of its members as chairman.

(5) Four members of the Committee shall form a quorum.

(6) The trustee shall appoint a public officer to be the secretary to the Committee.

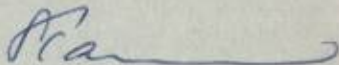
(7) The Committee may regulate its own procedure."

Passed by the Hong Kong Legislative Council this 15th day of February, 1978.



Clerk to the Legislative Council.

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

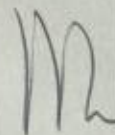


Clerk to the Legislative Council.

No. 15 of 1978

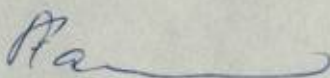


I assent

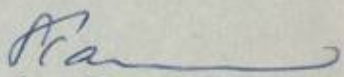


Governor

16th February 1978

  
Clerk to the Legislative Council.

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

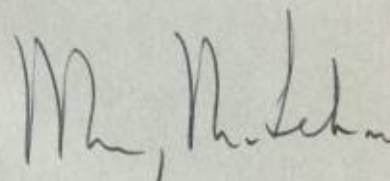
  
Clerk to the Legislative Council.

HONG KONG

No. 15 OF 1978



I assent.

  
Governor.

16th February, 1978.

An Ordinance to amend the Road Traffic Ordinance.

[17th February, 1978]

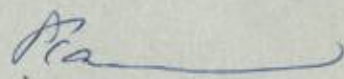
Enacted by the Governor of Hong Kong, with the advice and consent  
of the Legislative Council thereof.

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

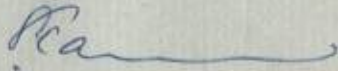
2. Section 4(1) of the principal Ordinance is amended by inserting, after paragraph (gc), the following new paragraph— Amendment of section 4. (Cap. 220.)

“(gd) empowering the Commissioner to allocate upon sale by auction or at a special fee not exceeding \$1,000, any unassigned registration mark, not being a special registration mark, which has been requested by any person and which the Commissioner considers is suitable for allocation in such a manner;”.

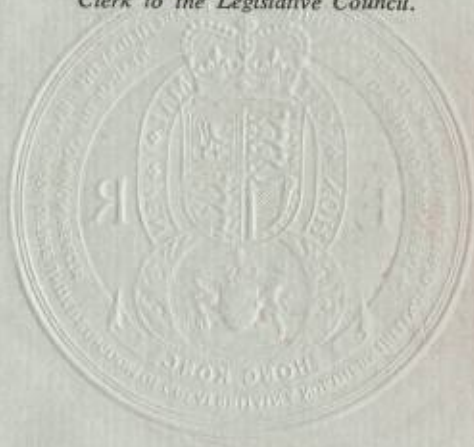
Passed by the Hong Kong Legislative Council this 15th day of February, 1978.

  
Clerk to the Legislative Council.

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



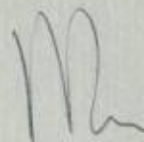
*Clerk to the Legislative Council.*



No. 16 OF 1978



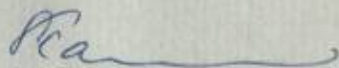
I assent.



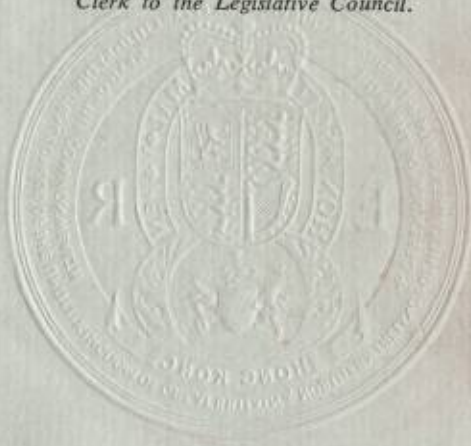
*Governor.*

*16th March, 1978*

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



Clerk to the Legislative Council.

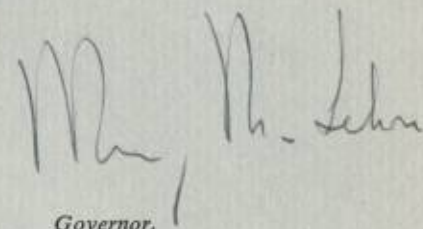


**HONG KONG**

No. 16 OF 1978



I assent.



Governor.

16th March, 1978.

An Ordinance to amend the Buildings Ordinance.

[1st May, 1978]

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

1. This Ordinance may be cited as the Buildings (Amendment) Ordinance 1978 and shall come into operation on the 1st May 1978. Short title and commencement.
2. Section 2(1) of the principal Ordinance is amended— Amendment of section 2. (Cap. 123.)
  - (a) in the definition of "building" by inserting after "office," the following—

"oil storage installation,";
  - (b) by inserting after the definition of "occupier" the following—

"oil storage installation" means any tank having a capacity of not less than 110,000 litres, or a group of tanks any one of which is a tank having a capacity of not less than 110,000 litres, constructed above ground level for the purpose of storing oil and petroleum products;"
3. Section 38 of the principal Ordinance is amended— Amendment of section 38.
  - (a) in subsection (1) by inserting after paragraph (i) the following new paragraph—

"(ia) the design, construction, licensing, inspection, testing and maintenance of oil storage installations and matters

connected therewith, including the imposition of restrictions and conditions relating to the use of such installations for the storage of oil and petroleum products; and for the establishment of a Standing Advisory Committee to advise the Building Authority on such matters relating to oil storage installations as may be specified in the regulations;"

(b) by deleting subsection (4) and substituting the following—

"(4) Regulations under this section may provide that a contravention of any specified provision thereof shall be an offence and—

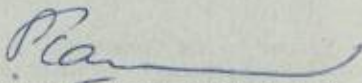
- (a) in the case of a contravention of a regulation under subsection (1)(a), may provide penalties not exceeding a fine of \$100,000 and imprisonment for 2 years;
- (b) in any other case, may provide penalties not exceeding a fine of \$2,000 and imprisonment for 6 months."

Passed by the Hong Kong Legislative Council this 15th day of March, 1978.



*Clerk to the Legislative Council.*

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



*Clerk to the Legislative Council.*

No. 17 OF 1978



I assent.



*Governor.*

16th March 1978

tions and conditions relating to the use of such installations for the storage of oil and petroleum products; and for the establishment of a Standing Advisory Committee to advise the Building Authority on such matters relating to oil storage installations as may be specified in the regulations;";

amending subsection (4) and substituting the following—

"(4) Regulations under this section may provide that a contravention of any specified provision thereof shall be an offence and—

- (a) in the case of a contravention of a regulation under subsection (1)(ia), may provide penalties not exceeding a fine of \$100,000 and imprisonment for 2 years;
- (b) in any other case, may provide penalties not exceeding a fine of \$2,000 and imprisonment for 6 months."

done at the Hong Kong Legislative Council this 15th day of March,

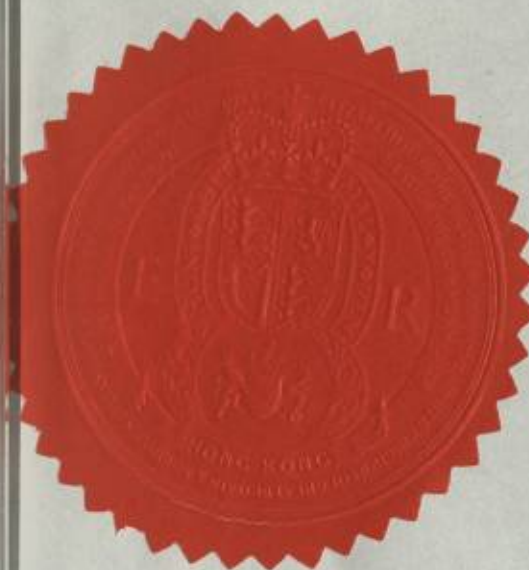


Clerk to the Legislative Council.

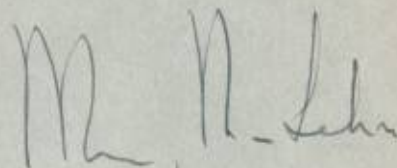
A printed impression has been carefully compared by me with the original and is found by me to be a true and correctly

## HONG KONG

No. 17 OF 1978



I assent.



Governor.

16th March, 1978.

An Ordinance to restrict and impose financial requirements upon the commencement of certain insurance businesses.

[1st February, 1978]

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

1. This Ordinance may be cited as the Insurance Companies (Capital Requirements) Ordinance 1978 and shall be deemed to have come into operation on the 1st February 1978. Short title and commencement.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.  
"company" means a company formed and registered under Part I of the Companies Ordinance, a company registered under Part IX of the Companies Ordinance or a company to which Part XI of the Companies Ordinance applies; (Cap. 32.)

"fire insurance business" means the issue of, or the undertaking of liability under, policies of insurance against loss by or incidental to fire but a policy shall not be deemed to be a policy of insurance against such loss by reason only that loss by fire is one of the various risks covered by the policy;

"life insurance business" includes the receipt, either directly or through an agent, of applications for policies of insurance on human life or

for annuities upon human life, and the receipt, either directly or through an agent, of premiums or other payments for or in respect of such policies or annuities, whether such policies or annuities are or are not issued or payable within Hong Kong and whether the insurer has or has not an office within Hong Kong;

"marine insurance business" means the issue of, or the undertaking of liability under, policies of insurance whereby the insurer undertakes to indemnify the insured, in manner and to the extent thereby agreed, against marine losses, that is to say, the losses incidental to marine adventure;

"maritime perils" means the perils consequent on, or incidental to, the navigation of the sea, that is to say, perils of the seas, fire, war perils, pirates, rovers, thieves, captures, seizures, restraints, and detention of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or which may be designated by the policy;

"motor vehicle insurance business" means the business of effecting contracts of insurance against loss of, or damage to or arising out of or in connexion with the use of, motor vehicles, including third party risks.

(2) For the purposes of this Ordinance—

(a) there is a maritime adventure where—

(i) any ship, goods or other movables are exposed to maritime peril. Such property is in this subsection referred to as insurable property;

(ii) the earning or acquisition of any freight, passage money, commission, profit, or other pecuniary benefit, or the security for any advances, loan or disbursements, is endangered by the exposure of insurable property to maritime perils;

(iii) any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property, by reason of maritime perils;

(b) a person or body of persons shall be deemed to carry on fire insurance business, life insurance business, marine insurance business or motor vehicle insurance business within Hong Kong in the following cases—

(i) if he or it opens or maintains an office or agency within Hong Kong for the purpose of any fire insurance business, life insurance business, marine insurance business or motor vehicle insurance business, or within Hong Kong holds out himself or itself as prepared to transact any of such businesses;

(ii) if, either directly or through an agent, he or it receives within Hong Kong any application for a fire, life, marine or motor vehicle insurance policy, or receives within Hong Kong any premium or other payment in respect of any fire, life, marine or motor vehicle insurance policy, whether such policy is or is not issued or payable within Hong Kong, and whether he or it has or has not an office within Hong Kong; or

(iii) if he or it undertakes or offers to undertake any fire, life, marine or motor vehicle risk within Hong Kong;

Provided that no person or body of persons shall be deemed to carry on marine insurance business within Hong Kong by reason only of the fact that such person or body of persons acts as an agent for the purpose of settling claims under contracts of marine insurance entered into wholly outside Hong Kong in respect of goods consigned to Hong Kong.

3. (1) Notwithstanding any other enactment and subject to section 5 no person other than a company shall commence to carry on fire, life, marine or motor vehicle insurance business.

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

4. (1) Notwithstanding any other enactment and subject to section 5 no company shall commence to carry on fire, life, marine or motor vehicle insurance business unless the Registrar of Companies has declared in writing that he is satisfied that the company has an issued share capital equivalent to not less than \$5,000,000 which share capital has been issued for cash only and is fully paid up.

(2) Any company which contravenes subsection (1) commits an offence and is liable to a fine of \$500,000 and, in the case of a continuing offence, to a further fine of \$50,000 for each day during which the offence continues and every director, manager, secretary or other officer or agent of the company who is knowingly a party to the contravention of subsection (1) commits an offence and is liable—

(a) on conviction on indictment, to a fine of \$50,000 and to imprisonment for 2 years; or

(b) on summary conviction, to a fine of \$10,000 and to imprisonment for 6 months.

5. (1) Any company which, prior to the commencement of this Ordinance, had complied with all the requirements of—

(a) the Companies Ordinance; and

(b) the Fire and Marine Insurance Companies Deposit Ordinance or the Life Insurance Companies Ordinance or the Motor Vehicles Insurance (Third Party Risks) Ordinance,

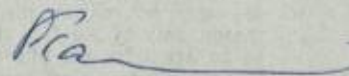
to enable it to carry on fire, life, marine or motor vehicle insurance business as the case may be, shall be exempt from section 4 notwithstanding that such company had not at the commencement of this Ordinance commenced to carry on fire, life, marine or motor vehicle insurance business.

(2) Subject to subsection (4), a company or a member of Lloyds which, after production to the Registrar of Companies of such evidence as he may require, obtains from him a declaration that he is satisfied that the company or member of Lloyds is authorized to carry on in Great Britain fire, life, marine or motor vehicle insurance business under the Insurance Companies Act 1974 shall be exempt from sections 3 and 4.

(3) A company or a member of Lloyds shall cease to be exempt under subsection (2) if it ceases to be authorized to carry on in Great Britain fire, life, marine or motor vehicle insurance business under the Insurance Companies Act 1974.

(4) Subsection (2) shall not apply to a company or a member of Lloyds that has been required by the Secretary of State to restrict its business or to limit its premium income pursuant to the Insurance Companies Act 1974.

Passed by the Hong Kong Legislative Council this 15th day of March, 1978.

  
Clerk to the Legislative Council.

Only companies to commence fire, life, marine or motor vehicle insurance business.

Requirement as to issued capital fully paid up in cash.

Exemption.

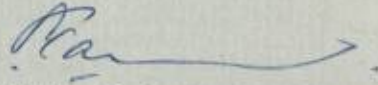
(Cap. 32.)

(Cap. 34.)

(Cap. 36.)

(Cap. 272.)

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

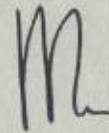


*Clerk to the Legislative Council.*

No. 18 OF 1978

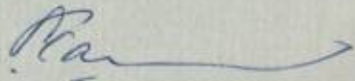


I assent.



Governor

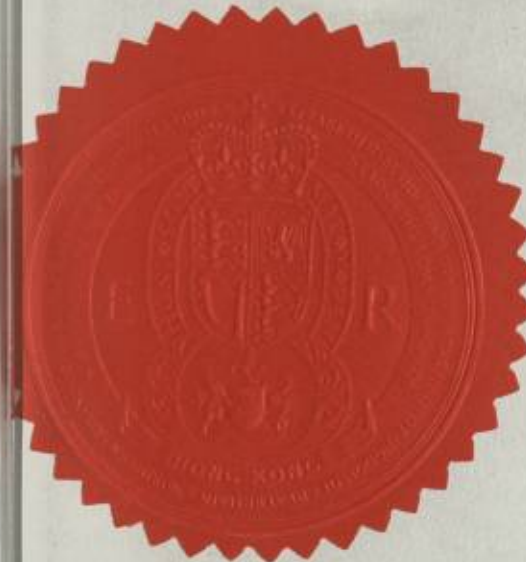
and is found by me to be a true and correctly  
of the said bill.



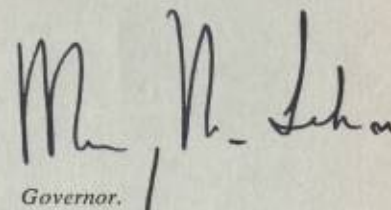
Clerk to the Legislative Council.

HONG KONG

No. 18 OF 1978



I assent.



Governor.

13th April, 1978.

An Ordinance to apply a sum not exceeding \$10,265,942,000 to the service  
of the financial year ending on 31st March 1979.

[14th April, 1978]

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

1. This Ordinance may be cited as the Appropriation Ordinance Short title.  
1978.

2. (1) The appropriation in the manner expressed in the Schedule  
of a sum not exceeding \$9,456,033,000 from the general revenue and other  
funds of Hong Kong, being the total sum shown in the third column of  
the Schedule, for the service of the financial year commencing on 1st  
April 1978, and ending on 31st March 1979, is authorized.

Authorization  
of appropria-  
tion.  
Schedule.

(2) The sums shown in the fourth column of the Schedule may be  
applied as appropriations-in-aid of the votes for the services and purposes  
specified in the second of the Schedule.

(3) Where the Financial Secretary directs that any revenue, whether  
received by way of fee, penalty or proceeds of sale or by way of an  
extra or unusual receipt, shall be applied as an appropriation-in-aid of  
any vote referred to in the Schedule, such revenue shall be deemed to be  
a sum provided under this Ordinance and shall, without being paid into

the general revenue, be applied, audited and dealt with accordingly, and so far as it is not so applied shall be paid into the general revenue; and where the revenue so directed to be applied as an appropriation-in-aid of any vote referred to in the Schedule, exceeds in a financial year—

(a) the sum specified in the fourth column of the Schedule as the amount to be applied to such purpose; or

(b) the sum of gross expenditure specified in the fifth column of the Schedule opposite the head of expenditure specified in the second column of the Schedule,

the excess so realized shall be paid into the general revenue.

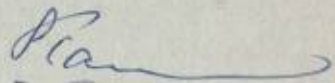
SCHEDULE [s. 2]

Number of Vote	Head of Expenditure	Amount of Vote	Appropriations-in-Aid	Gross Expenditure
		\$	\$	\$
21.	His Excellency the Governor's Establishment .....	2,289,000	—	2,289,000
22.	Agriculture and Fisheries Department ..	70,711,000	1,149,000	71,860,000
23.	Audit Department .....	7,181,000	—	7,181,000
24.	Census and Statistics Department ....	14,618,000	—	14,618,000
25.	Civil Aviation Department .....	—	45,621,000	45,621,000
26.	Defence: Auxiliary Medical Service ..	2,900,000	—	2,900,000
27.	Defence: Civil Aid Services .....	6,072,000	—	6,072,000
28.	Defence: Miscellaneous Measures ....	445,500,000	—	445,500,000
29.	Defence: Royal Hong Kong Auxiliary Air Force .....	5,854,000	110,000	5,964,000
30.	Defence: Royal Hong Kong Regiment (The Volunteers) .....	8,816,000	—	8,816,000
31.	Education Department .....	263,522,000	16,880,000	280,402,000
32.	Education Subventions .....	1,151,056,000	—	1,151,056,000
33.	Fire Services Department .....	137,747,000	1,600,000	139,347,000
34.	Government Laboratory .....	7,389,000	2,000	7,391,000
35.	Government Secretariat .....	69,551,000	10,000	69,561,000
36.	Government Supplies Department .....	25,049,000	5,200,000	30,249,000
37.	Home Affairs Department .....	27,078,000	542,000	27,620,000
38.	Housing Department .....	73,152,000	—	73,152,000
39.	Immigration Department .....	—	50,409,000	50,409,000
40.	Independent Commission Against Corruption .....	53,339,000	—	53,339,000
41.	Information Services Department ....	11,753,000	5,500,000	17,253,000
42.	Inland Revenue Department .....	59,057,000	—	59,057,000
43.	Judiciary .....	26,882,000	10,020,000	36,902,000
44.	Kowloon-Canton Railway .....	—	39,301,000	39,301,000
45.	Labour Department .....	33,541,000	4,003,000	37,544,000
46.	Legal Department .....	17,003,000	85,000	17,088,000

Number of Vote	Head of Expenditure	Amount of Vote	Appropriations-in-Aid	Gross Expenditure
		\$	\$	\$
47.	Legal Aid Department .....	10,590,000	3,700,000	14,290,000
48.	London Office .....	8,027,000	—	8,027,000
49.	Marine Department .....	46,584,000	24,504,000	71,088,000
50.	Medical and Health Department .....	533,988,000	26,494,000	560,482,000
51.	Medical Subventions .....	295,664,000	—	295,664,000
52.	Miscellaneous Services .....	1,363,150,000	—	1,363,150,000
53.	New Territories Administration .....	70,086,000	2,605,000	72,691,000
54.	Office of Unofficial Members of Executive and Legislative Councils ..	3,397,000	—	3,397,000
55.	Pensions .....	256,580,000	—	256,580,000
56.	Police: Royal Hong Kong Police Force	634,885,000	842,000	635,727,000
57.	Police: Royal Hong Kong Auxiliary Police Force .....	35,028,000	—	35,028,000
58.	Post Office .....	—	189,258,000	189,258,000
59.	Printing Department .....	26,184,000	1,748,000	27,932,000
60.	Prisons Department .....	124,885,000	—	124,885,000
61.	Public Debt .....	42,110,000	—	42,110,000
62.	Public Services Commission .....	589,000	—	589,000
63.	Public Works Department: Headquarters .....	15,101,000	—	15,101,000
64.	Public Works Department: Building Development .....	168,923,000	4,420,000	173,343,000
65.	Public Works Department: Engineering Development .....	315,249,000	70,370,000	385,619,000
66.	Public Works Department: Lands and Survey .....	48,615,000	1,450,000	50,065,000
67.	Public Works Department: New Territories Development .....	12,931,000	112,000	13,043,000
68.	Public Works Department: Water Supplies .....	78,826,000	233,000,000	311,826,000
69.	Public Works Non-recurrent: Headquarters .....	99,851,000	—	99,851,000
70.	Public Works Non-recurrent: Buildings .....	178,891,000	—	178,891,000
71.	Public Works Non-recurrent: Engineering .....	440,757,000	—	440,757,000
72.	Public Works Non-recurrent: New Towns and Public Housing (other than Housing Authority) ....	750,235,000	—	750,235,000
73.	Public Works Non-recurrent: Waterworks .....	138,265,000	—	138,265,000
74.	Radio Television Hong Kong .....	29,107,000	—	29,107,000
75.	Rating and Valuation Department ....	18,927,000	—	18,927,000
76.	Registrar General's Department .....	—	19,634,000	19,634,000
77.	Registry of Trade Unions .....	781,000	—	781,000
78.	Royal Observatory .....	14,304,000	—	14,304,000

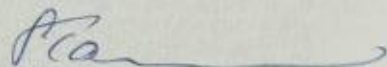
Number of Vote	Head of Expenditure	Amount of Vote	Appropriations-in-Aid	Gross Expenditure
		\$	\$	\$
79.	Social Welfare Department .....	415,021,000	—	415,021,000
80.	Social Welfare Subventions .....	100,000,000	—	100,000,000
81.	Subventions: Miscellaneous .....	91,482,000	—	91,482,000
82.	Trade Industry and Customs Department .....	44,669,000	37,728,000	82,397,000
83.	Transport Department .....	13,163,000	9,540,000	22,703,000
84.	Treasury .....	19,982,000	130,000	20,112,000
85.	Universities and Polytechnic .....	404,759,000	—	404,759,000
86.	Urban Services Department .....	84,387,000	3,942,000	88,329,000
	<b>Total .....</b>	<b>9,456,033,000</b>	<b>809,909,000</b>	<b>10,265,942,000</b>

Passed by the Hong Kong Legislative Council this 13th day of April, 1978.



Clerk to the Legislative Council.

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

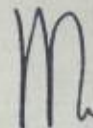


Clerk to the Legislative Council.

No. 19 of 1978



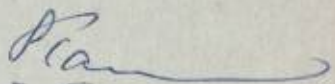
I assent



Governor

Kind of Expenditure	Amount of Vote	Appropriations-in-Aid	Gross Expenditure
	\$	\$	\$
Police Department .....	415,021,000	—	415,021,000
Police Subventions .....	100,000,000	—	100,000,000
Miscellaneous .....	91,482,000	—	91,482,000
Revenue and Customs .....	44,669,000	37,728,000	82,397,000
Department .....	13,163,000	9,540,000	22,703,000
.....	19,982,000	130,000	20,112,000
and Polytechnic .....	404,759,000	—	404,759,000
Health Department .....	84,387,000	3,942,000	88,329,000
Total .....	<u>9,456,033,000</u>	<u>809,909,000</u>	<u>10,265,942,000</u>

The Hong Kong Legislative Council this 13th day of April,

  
Clerk to the Legislative Council.

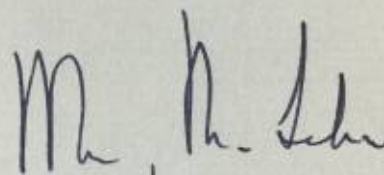
A printed impression has been carefully compared by me  
and is found by me to be a true and correctly

## HONG KONG

No. 19 OF 1978



I assent.

  
Governor.

13th April, 1978.

An Ordinance to amend the Housing Ordinance.

[14th April, 1978]

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

1. This Ordinance may be cited as the Housing (Amendment) Ordinance 1978.

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

(a) inserting after the definition of "authorized officer" the following definition—

" "car park" means any land in an estate set aside and designated by signs by the Authority for use as a car park;";

(b) inserting after the definition of "lease" the following definitions—

" "parking place" means a place on a restricted road designated by signs or road markings by the Authority as a place where vehicles may be parked;

"restricted road" means a road, or any length of a road, designated as a restricted road under section 25A;

(Cap. 220.) "road" means a road (as defined in section 2 of the Road Traffic Ordinance) within an estate;";

Amendment of section 2. (Cap. 283.)

- (c) deleting the full stop at the end and substituting a semicolon; and
- (d) inserting after the definition of "tenant" the following definition—  
 "vehicle" means any vehicle whether mechanically propelled or otherwise intended or adapted for use on roads but does not include a perambulator."

Amendment of section 4.

3. Section 4(2) of the principal Ordinance is amended by inserting after paragraph (e) the following paragraphs—

- "(ea) to construct new buildings, and any premises or structures ancillary thereto, or to acquire, alter, enlarge or improve any existing buildings, for use as car parks;
- (eb) to set aside for use as car parks any land, other than a carriage-way, vested in it;
- (ec) to designate parking places;
- (ed) to control the user of car parks and parking places, to allocate any place in a car park or parking place for the use of vehicles of any description or any particular type or class or for the use of any person or persons of any particular class;
- (ee) to fix such fees for the use of car parks and parking places, and to collect the fees in such manner, as it thinks fit."

Addition of sections 25A, 25B and 25C.

4. The principal Ordinance is amended by the addition after section 25 of the following sections—

"Restricted roads.

25A. (1) The Authority may, with the approval of the Commissioner for Transport and the Director of Public Works, designate in the prescribed manner any road or length of a road to be a restricted road.

(2) The Authority may restrict the entry to, or the parking of vehicles on, a restricted road to vehicles owned or used by—

- (a) the Authority or the Government;
- (b) the tenants of premises abutting on the restricted road;
- (c) *bona fide* visitors of such tenants; and
- (d) other persons permitted by the Authority.

(3) Entry to a restricted road may be refused by the Authority to a vehicle owned or used by any person specified in paragraph (b), (c) or (d) of subsection (2) if no parking place is available on the restricted road for the parking of the vehicle or temporarily for any other reason.

Removal, etc., of vehicles.

25B. (1) For the purposes of this section and section 25C "vehicle" includes any load carried by a vehicle.

(2) The Authority or an authorized officer may impound or remove any vehicle which is—

- (a) on a restricted road in contravention of a restriction imposed under section 25A(2) or a refusal of entry imposed under section 25A(3);
- (b) parked, or permitted to remain at rest, for whatever reason in any place on a restricted road other than in a parking place;

- (c) parked, or permitted to remain at rest, for whatever reason on a pavement, road verge or hard shoulder of a restricted road or on a centre reservation or traffic island on a restricted road;
- (d) parked in a parking place for a period exceeding 2 days unless such parking is authorized by the Authority or an authorized officer; or
- (e) parked in a car park for a period exceeding 7 days unless such parking is authorized by the Authority or an authorized officer.

(3) The power of impounding or removing a vehicle under subsection (2) shall be exercised only when—

- (a) the vehicle is unattended and the driver cannot be located; or
- (b) the driver is unable to remove the vehicle, or refuses or fails to remove the vehicle, on being requested to do so by the Authority or an authorized officer.

(4) Subject to section 25C, any vehicle impounded or removed under this section may be detained by the Authority until there is paid to the Authority such impounding or removal charge and storage charge as may be prescribed and any parking fee incurred in respect of the vehicle prior to its impounding or removal.

Sale of detained vehicles.

(Cap. 220, sub. leg.)

25C. (1) When a vehicle which is detained under section 25B is not claimed within 3 days after its detention, the Authority or an authorized officer shall serve on the registered owner (as defined in the Road Traffic (Registration and Licensing of Vehicles) Regulations) of the vehicle a notice informing him—

- (a) of the detention of the vehicle and the place of detention; and
- (b) that unless the vehicle is removed from the place of detention, on payment of any charges and parking fee payable under section 25B(4), within 14 days after the service of the notice on him, the vehicle shall become the property of the Authority free from the rights of any person and may be disposed of by the Authority by sale or otherwise.

(2) If a vehicle is not removed in accordance with the notice served under subsection (1), the vehicle shall become the property of the Authority free from the rights of any person and may be disposed of by the Authority by sale or otherwise as it thinks fit.

(3) If, within 6 months after the day on which a vehicle is sold pursuant to subsection (2), any person satisfies the Authority that at the time the vehicle became the property of the Authority by virtue of that subsection, he was the owner of the vehicle, the Authority shall pay to such person the balance of the proceeds of sale after deducting—

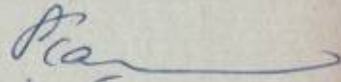
- (a) any charges and parking fee payable under section 25B(4); and
- (b) any reasonable charges incurred by the Authority in respect of the sale of the vehicle."

Amendment of  
section 30.

5. Section 30(1) of the principal Ordinance is amended by inserting after paragraph (g) the following paragraphs—

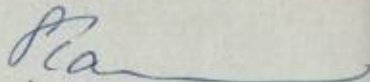
- “(ga) the control of access by vehicles to, and the regulation of parking of vehicles on, restricted roads;
- “(gb) the control of the user of car parks and parking places and other matters relating thereto;
- “(gc) the erection, with the approval of the Commissioner for Transport and the Director of Public Works, of road barriers and signs on restricted roads;
- “(gd) the impounding and removal of vehicles, the storage of such vehicles, and prescribing charges therefor;”.

Passed by the Hong Kong Legislative Council this 13th day of April, 1978.



*Clerk to the Legislative Council.*

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

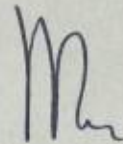


*Clerk to the Legislative Council.*

No. 20 OF 1978



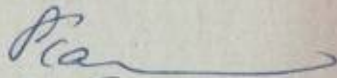
I assent.



*Governor*

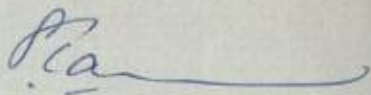
(g) the following paragraphs—  
control of access by vehicles to, and the regulation of parking  
places on, restricted roads;  
control of the user of car parks and parking places and other  
matters relating thereto;  
control, with the approval of the Commissioner for Transport  
and the Director of Public Works, of road barriers and signs  
on restricted roads;  
control of the plying for hire, the towing, the impounding and removal of vehicles, the storage of such  
vehicles, and prescribing charges therefor;”.

At the Hong Kong Legislative Council this 13th day of April,



Clerk to the Legislative Council.

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

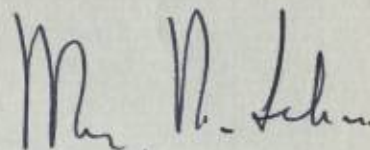


**HONG KONG**

No. 20 OF 1978



I assent.



Governor.

13th April, 1978.

An Ordinance to amend the Law Amendment and Reform (Consolidation)  
Ordinance.

[14th April, 1978]

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

1. This Ordinance may be cited as the Law Amendment and Reform Short title.  
(Consolidation) (Amendment) Ordinance 1978.

2. The principal Ordinance is amended by adding after Part IV the Addition of  
following new Part— (Cap. 23.)

**“PART IVA**

**CONGENITAL DISABILITIES—CIVIL LIABILITY**

Interpretation  
and other  
supplementary  
provisions,  
1976 c. 28,  
s. 4(5).

22A. (1) Without prejudice to subsection (2), this Part  
applies in respect of births after (but not before) the com-  
mencement of this Part, and in respect of any such birth it  
replaces any law in force before such commencement where-  
by a person could be liable to a child in respect of disabilities  
with which it might be born; but in section 22B(3) the  
expression “liable in tort” does not include any reference to  
liability by virtue of this Part, or to liability by virtue of  
any such law.

(1965 c. 57.)  
(S.I. 1972/126.)

(2) Section 22B does not affect the operation of the Nuclear Installations Act 1965 as extended to Hong Kong by the Nuclear Installations (Hong Kong) Order 1972, as to liability for, and compensation in respect of, injury or damage caused by occurrences involving nuclear matter or the emission of ionising radiations.

(3) In this Part, "born" means born alive (the moment of a child's birth being when it first has a life separate from its mother), and "birth" has a corresponding meaning.

(4) References in this Part to a child being born disabled or with disabilities are to its being born with any deformity, disease or abnormality, including predisposition (whether or not susceptible of immediate prognosis) to physical or mental defect in the future.

**22B.** (1) If a child is born disabled as the result of such an occurrence before its birth as is mentioned in subsection (2) and a person (other than the child's own mother) is under this section answerable to the child in respect of the occurrence, the child's disabilities are to be regarded as damage resulting from the wrongful act of that person and actionable accordingly at the suit of the child.

(2) An occurrence to which this section applies is one which—

- (a) affected either parent of the child in his or her ability to have a normal, healthy child; or
- (b) affected the mother during her pregnancy, or affected her or the child in the course of its birth, so that the child is born with disabilities which would not otherwise have been present.

(3) Subject to subsections (4) to (7), a person (here referred to as "the defendant") is answerable to the child if he was liable in tort to the parent or would, if sued in due time, have been so; and it is no answer that there could not have been such liability because the parent suffered no actionable injury, if there was a breach of legal duty which, accompanied by injury, would have given rise to liability.

(4) In the case of an occurrence preceding the time of conception, the defendant is not answerable to the child if at that time either or both of the parents knew the risk of their child being born disabled (that is to say, the particular risk created by the occurrence); but should it be the child's father who is the defendant, this subsection does not apply if he knew of the risk and the mother did not.

(5) The defendant is not answerable to the child, for anything he did or omitted to do when responsible in a professional capacity for treating or advising the parent, if he took reasonable care having due regard to then received professional opinion applicable to the particular class of case; but this does not mean that he is answerable only because he departed from received opinion.

(6) Liability to the child under this section may be treated as having been excluded or limited by contract made with the parent affected, to the same extent and subject to the same restrictions as liability in the parent's own case; and a contract term which could have been set up by the defendant in an action by the parent, so as to exclude or limit

Civil liability  
to child born  
disabled.  
1976 c. 28, s. 1.

his liability to him or her, operates in the defendant's favour to the same, but no greater, extent in an action under this section by the child.

(7) If in the child's action under this section it is shown that the parent affected shared the responsibility for the child being born disabled, the damages are to be reduced to such extent as the court thinks just and equitable having regard to the extent of the parent's responsibility.

Liability to be  
regarded as  
liability for  
personal injuries  
sustained  
by child  
immediately  
after its birth.  
1976 c. 28,  
s. 4(3).

**22C.** Liability to a child under section 22B is to be regarded—

- (a) as respects all its incidents and any matters arising or to arise out of it; and
- (b) subject to any contrary context or intention, for the purpose of construing references in enactments and documents to personal or bodily injuries and cognate matters,

as liability for personal injuries sustained by the child immediately after its birth.


No damages  
for loss of  
expectation of  
life unless child  
lives for at  
least 48 hours.  
1976 c. 28,  
s. 4(4).

**22D.** No damages shall be recoverable under section 22B in respect of any loss of expectation of life unless the child lives for at least 48 hours.

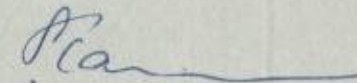
Application  
to Crown.

**22E.** This Part binds the Crown."

Passed by the Hong Kong Legislative Council this 13th day of April, 1978.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

No. 21 OF 1978



I assent

*Douy*

Acting Gove

27th April,

An Ordinance to amend the

**HONG KONG**

No. 21 OF 1978



I assent.

*David Roberts*

*Acting Governor.*

*27th April, 1978.*

An Ordinance to amend the Bank Notes Issue Ordinance to remove the time limit upon the issue of notes, and to make a consequential amendment.

[28th April, 1978]

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

1. This Ordinance may be cited as the Bank Notes Issue (Amendment) Ordinance 1978. Short title.

2. Section 5 of the principal Ordinance is repealed.

Repeal of  
section 5.  
(Cap. 65.)

3. Section 10(1) of The Hongkong and Shanghai Banking Corporation Ordinance is amended by deleting "for such period as may, from time to time, be prescribed by resolution of the Legislative Council under section 5 of the Bank Notes Issue Ordinance,".

Consequential  
amendment.  
(Cap. 70.)

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

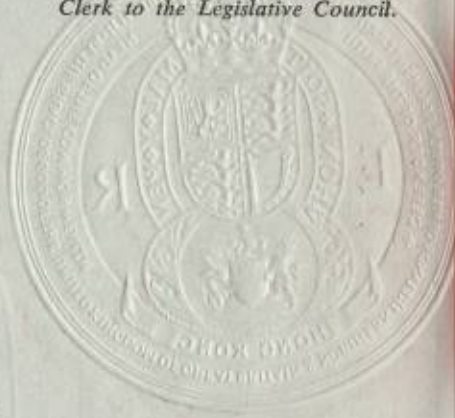
*Pa...*

*Clerk to the Legislative Council.*

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

*Pa...*

*Clerk to the Legislative Council.*



No. 22 of 1978



I assent

*Blou...*  
Acting Governor



... and is found by me to be a true and correct copy of the said bill.

*Plan*

Clerk to the Legislative Council.



HONG KONG

No. 22 OF 1978



I assent.

*Henry Roberts*

Acting Governor.

27th April, 1978.

An Ordinance to amend the Stamp Ordinance.

[1st March, 1978]

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

1. This Ordinance may be cited as the Stamp (Amendment) Ordinance 1978 and shall be deemed to have come into operation on the 1st March 1978.

Short title and commencement.

2. The Schedule to the principal Ordinance is amended by deleting head 10.

Amendment of Schedule. (Cap. 117.)

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

*Plan*

Clerk to the Legislative Council.

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

*[Handwritten signature]*

*Clerk to the Legislative Council.*



No. 23 OF 1978



I assent

*[Handwritten signature]*  
Acting Governor