

Power of arrest of authorized officers.

11. (1) 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 or under any order made or direction given under this Ordinance.

(2) Any authorized officer who arrests any person under subsection (1) shall take the person to a police station, or first to any office of the Director and then to a police station, there to be dealt with in accordance with the Police Force Ordinance:

(Cap. 232.)

Provided that in no case shall any person be detained for more than 48 hours without being charged and brought before a magistrate.

(3) If any person forcibly resists or attempts to evade arrest under this section, the authorized officer may use such force as is reasonably necessary to effect the arrest.

(4) If 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 authorized officer, allow him free entry thereto and afford all reasonable facilities to search for the suspected offender.

(5) If entry to such premises or place cannot be obtained under subsection (4) an authorized officer may enter the premises or place and therein search for the suspected offender and for the purpose of entry or search may break open any outer or inner door or window of the premises or place.

Ancillary powers of investigation.

12. Any authorized officer may—

- (a) use such force as is reasonably necessary to enter any place or premises which he is empowered by this Ordinance to enter and search;
- (b) use such force as is reasonably necessary to stop, board, detain and search any vehicle, vessel, aircraft, train or tram which he is empowered by this Ordinance to stop, board, detain 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 this Ordinance or any order made thereunder;
- (d) detain any person found in any premises or place which he is empowered by this Ordinance to search until such premises or place has been searched; and
- (e) prevent any person from approaching, boarding or leaving any vehicle, vessel, aircraft, train or tram which he is empowered by this Ordinance to stop, board and search until it has been searched.

Obstruction of authorized officers.

13. (1) Any person who—

- (a) obstructs an authorized officer in the exercise of any power or the performance of any duty conferred or imposed on authorized officers by this Ordinance; or
- (b) fails to comply with any requirement, direction or demand given or made by an authorized officer in the exercise or performance of any such power or duty,

commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

(2) Any person who knowingly makes a report which is false in a material particular, or furnishes any information which is false or misleading in a material particular, to the Director or to any authorized officer in the performance of his duties under this Ordinance commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

14. Any power of giving directions conferred by any provision of this Ordinance may be exercised by means of an order applicable to all persons to whom directions may be given under that provision, or to such of them as fall within any class or description specified in the order.

Provisions as to order and directions.

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

Director and authorized officers to be subject to Governor's directions.

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

16. For the purpose of conserving oil, the Legislative Council may by resolution determine that for the whole or part of a year or for any period, Hong Kong Time shall be such period in advance of Greenwich Mean Time as shall be specified in the resolution.


Power to change Hong Kong Time.

17. Section 67(2) of the Interpretation and General Clauses Ordinance is amended by inserting after "resolution" the following—

Consequential amendment. (Cap. 1.)

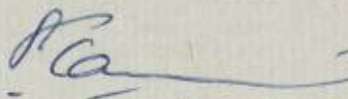
"under this subsection or under section 16 of the Oil (Conservation and Control) Ordinance 1979".

Passed by the Hong Kong Legislative Council this 9th day of May 1979.



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.



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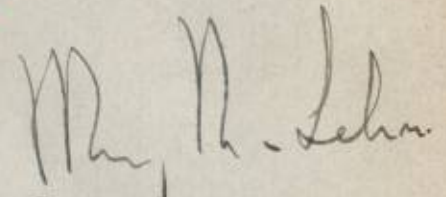
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HONG KONG

No. 28 OF 1979



I assent.


Governor.

10th May, 1979.

An Ordinance to amend the Estate Duty Ordinance.

[11th May, 1979]

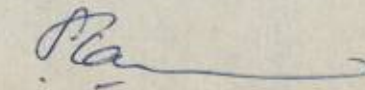
Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. (1) This Ordinance may be cited as the Estate Duty (Amendment) Ordinance 1979. Short title and application.

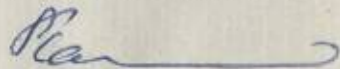
(2) The amendment to the principal Ordinance made by section 2 shall apply in relation to the estates of persons dying on or after 1 April 1979. (Cap. 111.)

2. Section 6(1)(c) of the principal Ordinance is amended, in the first proviso, by deleting "\$5,000" and substituting the following—
"\$50,000". Amendment of section 6.

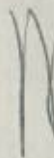
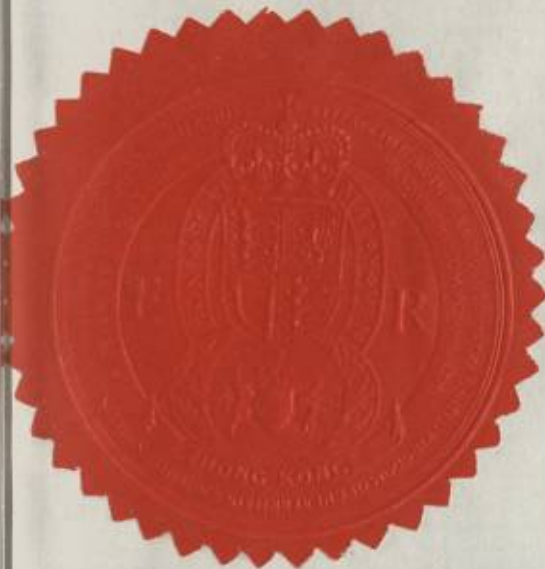
Passed by the Hong Kong Legislative Council this 9th day of May 1979.


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.



Plan
Clerk to the Legislative Council.



HONG KONG

No. 29 OF 1979



I assent.

M. P. Lehn
Governor.

10th May, 1979.

An Ordinance to amend the Inland Revenue Ordinance.

[1st April, 1978]

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

1. (1) This Ordinance may be cited as the Inland Revenue (Amendment) (No. 4) Ordinance 1979 and shall be deemed to have come into operation on 1 April 1978. Short title, commencement and application.
- (2) The amendments to the principal Ordinance made by sections 2 (Cap. 112.) and 3 shall apply in relation to—
- (a) all assessments made in respect of the year of assessment commencing on 1 April 1978, other than assessments to provisional salaries tax made under section 63C;
 - (b) all assessments made in respect of the year of assessment commencing on 1 April 1979 and all subsequent years of assessment.
2. Section 42B(1) of the principal Ordinance is amended— Amendment of section 42B.
- (a) in paragraph (aa), by deleting "15 per cent" and substituting the following—
"10 per cent"; and

- (b) in paragraph (bb), by deleting "15 per cent" and substituting the following—

"10 per cent".

3. The Second Schedule to the principal Ordinance is amended—

- (a) by deleting "For the year of assessment 1973/74 and each year thereafter" and substituting the following—


"For the years of assessment 1973/74 to 1977/78 inclusive"; and

- (b) by inserting at the end thereof the following—

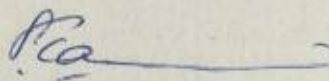
"For the year of assessment 1978/79 and each year thereafter

SECOND COLUMN	THIRD COLUMN
(a) Upon the first \$10,000	5 per cent.
(b) Upon the next \$10,000	10 per cent.
(c) — do —	15 per cent.
(d) — do —	20 per cent.
(e) Upon the remainder	25 per cent.

Passed by the Hong Kong Legislative Council this 9th day of May 1979.

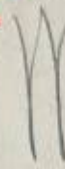

Clerk to the Legislative Council.

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.

Amendment
of Second
Schedule.



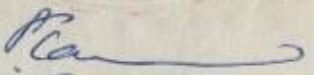

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Schedule to the principal Ordinance is amended—
 For the year of assessment 1973/74 and each year
 and substituting the following—
 years of assessment 1973/74 to 1977/78 inclusive”;

at the end thereof the following—
 year of assessment 1978/79 and each year thereafter

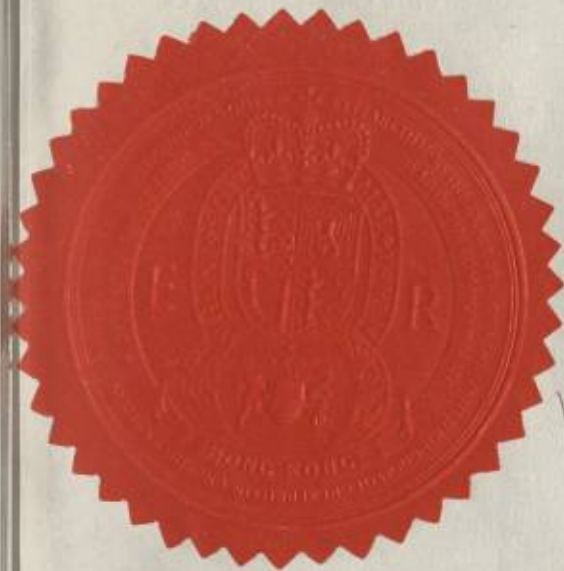
AMOUNT	THIRD COLUMN
not exceeding \$10,000	5 per cent.
more than \$10,000 and not exceeding \$20,000	10 per cent.
more than \$20,000 and not exceeding \$30,000	15 per cent.
more than \$30,000 and not exceeding \$40,000	20 per cent.
more than \$40,000	25 per cent.

Hong Kong Legislative Council this 9th day of

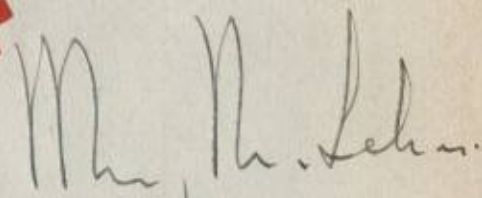

 Clerk to the Legislative Council.

HONG KONG

No. 30 OF 1979



I assent.


 Governor.

10th May, 1979.

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

[1st March, 1979]

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

1. This Ordinance may be cited as the Motor Vehicles (First Registration Tax) (Amendment) Ordinance 1979 and shall be deemed to have come into operation on 1 March 1979. Short title and commencement.

2. The Schedule to the principal Ordinance is amended— Amendment of Schedule. (Cap. 330.)

(a) by deleting item 1 and substituting the following—

- “1. Cars (except cars specified in item 2):
- (a) where the value of the car does not exceed \$20,000 35
 - (b) where the value of the car exceeds \$20,000 but does not exceed \$30,000 40
 - (c) where the value of the car exceeds \$30,000 ... 45”;

(b) in each of items 6 and 7 by deleting “30” and substituting the following—

“35”.

Passed by the Hong Kong Legislative Council this 9th day of May 1979.

[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.

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Clerk to the Legislative Council.



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[Signature]
Clerk to the Legislative Council.

Impression has been carefully compared by me
is found by me to be a true and correctly
said bill.

[Signature]
Clerk to the Legislative Council.



HONG KONG

No. 31 OF 1979



I assent.

[Signature]
Governor.

10th May, 1979.

An Ordinance to amend the Road Traffic (Registration and Licensing of Vehicles) Regulations.

[2nd March, 1979]

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

1. This Ordinance may be cited as the Road Traffic (Registration and Licensing of Vehicles) Regulations (Amendment) Ordinance 1979 and shall be deemed to have come into operation on 2 March 1979.

Short title and commencement.

2. The Third Schedule to the Road Traffic (Registration and Licensing of Vehicles) Regulations is amended—

Amendment of Road Traffic (Registration and Licensing of Vehicles) Regulations. (Cap. 220, sub. leg.)

(a) by deleting item 1 and substituting the following—

"1. Goods vehicle—

- | | |
|---|---------|
| (a) not exceeding 20 cwt., weight unladen; | 400 |
| (b) exceeding 20 cwt., and not exceeding 45 cwt., weight unladen; | 800 |
| (c) exceeding 45 cwt., and not exceeding 75 cwt., weight unladen; | 1,200 |
| (d) exceeding 75 cwt., weight unladen. | 1,600"; |

(b) by deleting items 5 and 5A and substituting the following—

"5. Taxi 900";

(c) by deleting item 6 and substituting the following—

"6. Private car of which the cylinder capacity of the engine—

- | | |
|--|---------|
| (a) does not exceed 1,000 cubic centimetres; | 400 |
| (b) exceeds 1,000 cubic centimetres but does not exceed 1,500 cubic centimetres; | 600 |
| (c) exceeds 1,500 cubic centimetres but does not exceed 2,500 cubic centimetres; | 900 |
| (d) exceeds 2,500 cubic centimetres but does not exceed 3,500 cubic centimetres; | 1,200 |
| (e) exceeds 3,500 cubic centimetres but does not exceed 4,500 cubic centimetres; | 1,500 |
| (f) exceeds 4,500 cubic centimetres. | 1,800"; |

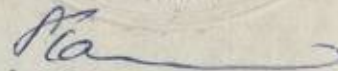
(d) in item 7, in the second column by deleting "175" and substituting the following—

"200"; and

(e) in item 15, in the second column by deleting "480" and substituting the following—


"900".

Passed by the Hong Kong Legislative Council this 9th day of May 1979.

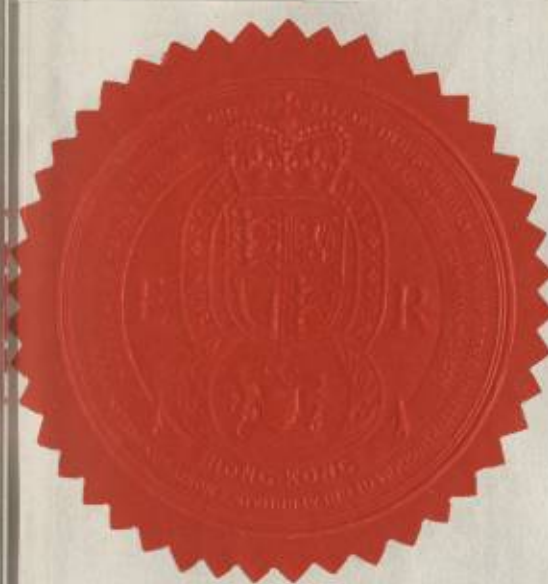


Clerk to the Legislative Council.

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.



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An Ordinance to amend the Crimes Ordinance


car of which the cylinder capacity of the

does not exceed 1,000 cubic centimetres;	400
exceeds 1,000 cubic centimetres but does not exceed 1,500 cubic centimetres;	600
exceeds 1,500 cubic centimetres but does not exceed 2,500 cubic centimetres;	900
exceeds 2,500 cubic centimetres but does not exceed 3,500 cubic centimetres;	1,200
exceeds 3,500 cubic centimetres but does not exceed 4,500 cubic centimetres;	1,500
exceeds 4,500 cubic centimetres.	1,800";

the second column by deleting "175" and substituting "200"; and

in the second column by deleting "480" and substituting "900".

Hong Kong Legislative Council this 9th day of

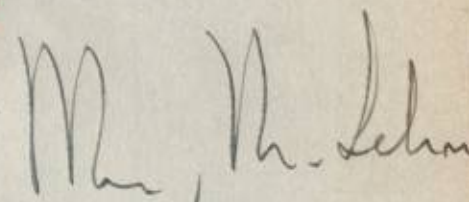

Clerk to the Legislative Council.

HONG KONG

No. 32 OF 1979



I assent.


Governor.
10th May, 1979.

An Ordinance to amend the Crimes Ordinance.

[11th May, 1979]

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

1. This Ordinance may be cited as the Crimes (Amendment) Ordinance 1979.

2. Section 154 of the principal Ordinance is amended—
- (a) in subsection (1) by inserting after "rape offence" the following—
- Amendment of section 154. (Cap. 200.)
- "or indecent assault"; and
- (b) in subsection (3) by inserting after "rape offence" and "that rape" the following—
- "or indecent assault".

3. Sections 155, 156 and 158 of the principal Ordinance are amended by inserting after "rape offence" wherever it appears the following—

Amendment of sections 155, 156 and 158.

"or indecent assault".

4. Section 159 of the principal Ordinance is amended by—
- (a) being renumbered as subsection (1) thereof; and
- Amendment of section 159.

(b) inserting the following subsection—

“(2) Sections 154 and 155 shall not have effect in relation to a trial or inquiry at which a person is charged with indecent assault which begins before the coming into operation of the Crimes (Amendment) Ordinance 1979.”.

Passed by the Hong Kong Legislative Council this 9th day of May 1979.

[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.

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Clerk to the Legislative Council.



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Hong Kong Legislative Council this 9th day of

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Clerk to the Legislative Council.

expression has been carefully compared by me
is found by me to be a true and correctly
said bill.

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Clerk to the Legislative Council.



HONG KONG

No. 33 OF 1979



I assent.

[Handwritten signature]

Governor.

10th May, 1979.

An Ordinance to amend certain Ordinances to make better provision for the determination by courts of the ages of children, juveniles and other persons.

[11th May, 1979]

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

1. This Ordinance may be cited as the Determination of Age Short title. (Miscellaneous Amendments) Ordinance 1979.

2. The Ordinances specified in the first column of the Schedule Amendments. are amended to the extent and in the manner set out in the second Schedule. column of that Schedule.

SCHEDULE

[s. 2.]

<i>Ordinance</i>	<i>Amendment</i>
Protection of Women and Juveniles Ordinance.	The following section is added after section 2A— (Cap. 213.) "Presumption and determination of age. [cf. 1948 c. 58, s. 80(3).] 3. Where the age of any person at any time is material for the purposes of any provision of this Ordinance empowering the District Court or a juvenile court to make an order with respect to

*Ordinance**Amendment*

such person, his age at the material time shall be deemed to be or to have been that which appears to such court, after considering any available evidence, to be or to have been his age at that time."

(Cap. 221.) Criminal Procedure Ordinance.

The following section is added after section 106—

"Presumption and determination of age

Presumption and determination of age.
[cf. 1948 c. 58, s. 80(3).]

106A. (1) Where the age of any person at any time is material for the purposes of any provision in this Ordinance or any other Ordinance regulating the powers of a court in relation to offenders, his age at the material time shall be deemed to be or to have been that which appears to the court, after considering any available evidence, to be or to have been his age at that time.

(2) In this section, "court" includes the District Court and a magistrate."

(Cap. 225.) Reformatory Schools Ordinance.

Section 37 is amended by inserting after "to the court", in each place where it occurs, the following—

" , after considering any available evidence as to his age,".

(Cap. 226.) Juvenile Offenders Ordinance.

Section 19 is amended by inserting after "to the court", in each place where it occurs, the following—

" , after considering any available evidence as to his age,".

Passed by the Hong Kong Legislative Council this 9th day of May 1979.

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.



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time shall be deemed to be or to have been that which appears to such court, after considering any available evidence, to be or to have been his age at that time."

The following section is added after section 106—

"Presumption and determination of age

Presumption
and
determination
of age.
[cf. 1948
c. 58,
s. 80(3).]

106A. (1) Where the age of any person at any time is material for the purposes of any provision in this Ordinance or any other Ordinance regulating the powers of a court in relation to offenders, his age at the material time shall be deemed to be or to have been that which appears to the court, after considering any available evidence, to be or to have been his age at that time.

(2) In this section, "court" includes the District Court and a magistrate."

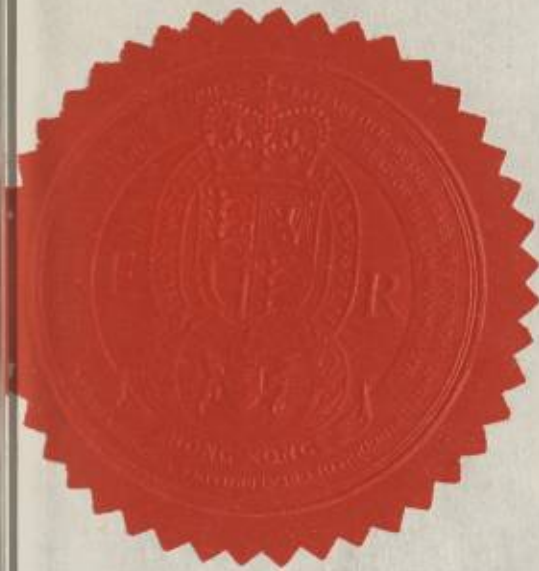
Section 37 is amended by inserting after "to the court", in each place where it occurs, the following—

" , after considering any available evidence as to his age,".

Section 10 is amended by inserting after "to the

HONG KONG

No. 34 OF 1979



I assent.

Governor.

10th May, 1979.

An Ordinance to amend the Education Ordinance.

[1st September, 1979]

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

1. This Ordinance may be cited as the Education (Amendment) Ordinance 1979 and shall come into operation on 1 September 1979. Short title and commencement.
2. Section 3 of the principal Ordinance is amended— Amendment of section 3. (Cap. 279.)
 - (a) by inserting after the definition of "primary education" the following definition—

"primary school" means a school which provides primary education;" and
 - (b) by inserting after the definition of "secondary education" the following definition—

"secondary school" means a school which provides secondary education;".
3. The heading to Part VII is amended by deleting "PRIMARY" and substituting the following— Amendment of Part VII.

"A PRIMARY OR SECONDARY".

Amendment of
section 73.

4. Section 73 of the principal Ordinance is amended—
- (a) by deleting the definition of "child"; and
- (b) in the definition of "parent", by inserting after "child" the following—
"to whom section 74 applies".

Amendment of
section 74.

5. Section 74 of the principal Ordinance is amended—
- (a) by inserting after "primary school" wherever it occurs the following—
"or secondary school"; and
- (b) by inserting after subsection (2) the following subsection—
"(3) This section shall—
- (a) with effect from 1 September 1979 until the expiration of 31 August 1980, apply to a child who has attained the age of six years but not the age of fourteen years;
- (b) with effect from 1 September 1980, apply to a child who has attained the age of six years but not the age of fifteen years; and
- (c) notwithstanding paragraphs (a) and (b), not apply to a child—

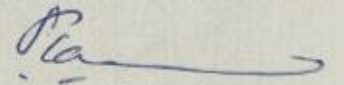
(Cap. 47.)

- (i) who has completed Form III of secondary education and whose parent can produce evidence to that effect to the satisfaction of the Director;
- (ii) who is a registered apprentice under the Apprenticeship Ordinance; or
- (iii) who is attending regularly, or is an inmate of, an institution (other than a school) which is regarded by the Director as suitable for the child."

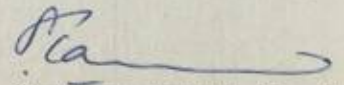
Consequential
amendment of
Education
Regulations.
(Cap. 279,
sub. leg.)

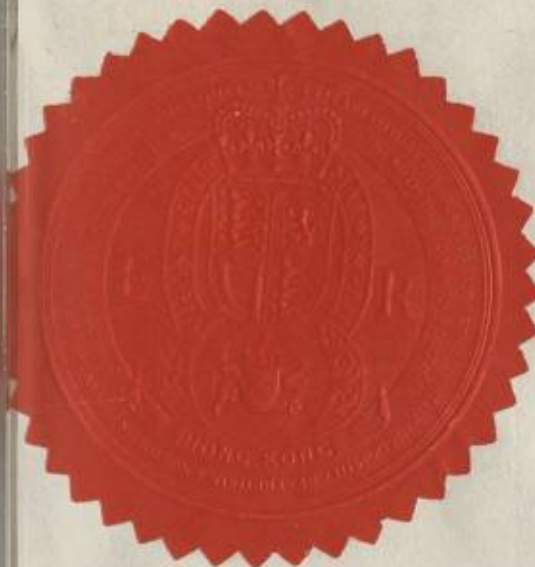
6. The Third Schedule to the Education Regulations is amended in Form 13—
- (a) by deleting "primary school" and substituting the following—
"primary school/secondary school"; and
- (b) by deleting "小學" and substituting the following—
"小學/中學".

Passed by the Hong Kong Legislative Council this 9th day of May 1979.


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.



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definition of "parent", by inserting after "child" the
"to whom section 74 applies".

of the principal Ordinance is amended—

g after "primary school" wherever it occurs the
"or secondary school"; and

after subsection (2) the following subsection—
section shall—

1 effect from 1 September 1979 until the expiration
31 August 1980, apply to a child who has attained
age of six years but not the age of fourteen years;
1 effect from 1 September 1980, apply to a child
has attained the age of six years but not the age
fteen years; and

withstanding paragraphs (a) and (b), not apply to
child—

) who has completed Form III of secondary
education and whose parent can produce evidence to
effect to the satisfaction of the Director;

) who is a registered apprentice under the Appren-
ticeship Ordinance; or

i) who is attending regularly, or is an inmate of,
institution (other than a school) which is regarded
the Director as suitable for the child."

Schedule to the Education Regulations is amended

HONG KONG

No. 35 OF 1979



I assent.

Governor.

24th May, 1979.

An Ordinance to amend the Audit Ordinance.

[25th May 1979]

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

1. This Ordinance may be cited as the Audit (Amendment) Short title.
Ordinance 1979.

2. The principal Ordinance is amended by adding after section 4 Addition of
the following section— new section 4A.
(Cap. 122.)

"Salary of
Director.

4A. (1) Upon the commencement of this section the
Governor shall, by order published in the *Gazette*, specify
the rate of the salary of the Director, and thereafter the
Governor may, from time to time, by order published in
the *Gazette*, increase the rate with effect from such date
as shall be specified in the order.

(2) The Director shall be entitled to a salary at the
rate from time to time specified under subsection (1).

(3) The salary payable to the Director by virtue of
this section shall be charged on and paid out of the general
revenue."

Passed by the Hong Kong Legislative Council this 23rd day of May 1979.

[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.

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Clerk to the Legislative Council.



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HONG KONG

No. 36 OF 1979



Clerk to the Legislative Council.

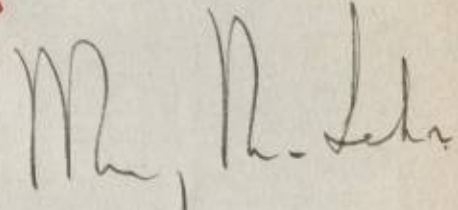
impression has been carefully compared by me
and is found by me to be a true and correctly
printed copy of the said bill.




Clerk to the Legislative Council.

I assent.




Governor.

24th May, 1979.

An Ordinance to amend the Inland Revenue Ordinance.

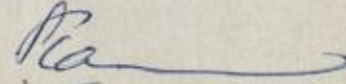
[20th April 1979]

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

1. This Ordinance may be cited as the Inland Revenue (Amendment) (No. 5) Ordinance 1979 and shall be deemed to have come into operation on 20 April 1979. Short title and commencement.

2. Section 28(1) of the principal Ordinance is amended in paragraph (a) of the proviso by deleting "7 $\frac{1}{2}$ " and substituting the following— "7 $\frac{1}{4}$ ". Amendment of section 28. (Cap. 112.)

Passed by the Hong Kong Legislative Council this 23rd day of May 1979.


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.



24th

An Ordinance to amend the Criminal Ordinance


Clerk to the Legislative Council.

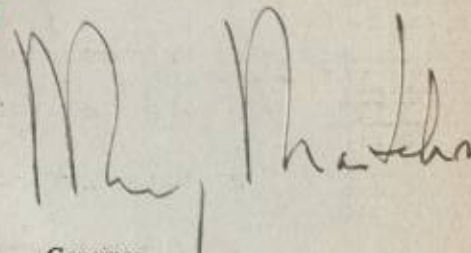


HONG KONG

No. 37 OF 1979



I assent.



Governor.

24th May, 1979.

An Ordinance to amend the Crimes Ordinance.

[25th May 1979]

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

1. This Ordinance may be cited as the Crimes (Amendment) (No. 2) Ordinance 1979. Short title.

2. The principal Ordinance is amended by adding after section 159 the following Part— Addition of new Part XIII. (Cap. 200.)

**"PART XIII
MISCELLANEOUS OFFENCES**

Loitering.

160. (1) Any person who loiters in a public place or in the common parts of any building shall, unless he gives a satisfactory account of himself and a satisfactory explanation for his presence there, be guilty of an offence and shall be liable on conviction to a fine of \$2,000 and to imprisonment for 6 months.

(2) Any person who loiters in a public place or in the common parts of any building and in any way wilfully obstructs any person using that place or the common parts of that building, shall be guilty of an offence and shall be liable on conviction to imprisonment for 6 months.

(3) If any person loiters in a public place or in the common parts of any building and his presence there, either alone or with others, causes any person reasonably to be concerned for his safety or well-being, he shall be guilty of an offence and shall be liable on conviction to imprisonment for 2 years.

(4) In this section "common parts", in relation to a building, means—


- (a) any entrance hall, lobby, passageway, corridor, staircase, landing, rooftop, lift or escalator;
- (b) any cellar, toilet, water closet, wash house, bath-house or kitchen which is in common use by the occupiers of the building;
- (c) any compound, garage, carpark, car port or lane."

3. Section 26 of the Summary Offences Ordinance is repealed.

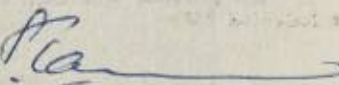
4. The Fourth Schedule to the Arms and Ammunition Ordinance is amended by—

- (a) inserting after "119" under "Crimes Ordinance" the following—
"160"; and
- (b) deleting "26" under "Summary Offences Ordinance".

Passed by the Hong Kong Legislative Council this 23rd day of May 1979.


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.



7th

Repeal of section 26, Summary Offences Ordinance. (Cap. 228.)

Consequential amendment of Arms and Ammunition Ordinance. (Cap. 238.)

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.

it for 2 years.

in this section "common parts", in relation to a means—

any entrance hall, lobby, passageway, corridor, staircase, landing, rooftop, lift or escalator;

any cellar, toilet, water closet, wash house, bathroom or kitchen which is in common use by the occupiers of the building;

any compound, garage, carpark, car port or lane."

the Summary Offences Ordinance is repealed.

schedule to the Arms and Ammunition Ordinance

"119" under "Crimes Ordinance" the following—
", 160"; and


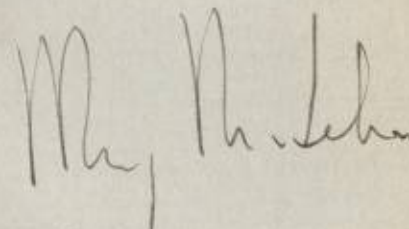
under "Summary Offences Ordinance".

Hong Kong Legislative Council this 23rd day of May

HONG KONG

No. 38 OF 1979

I assent.

Governor.

7th June, 1979.

An Ordinance to amend certain Ordinance relating to the registration of births and deaths and the adoption of children.

[]

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 Registration of Births, Deaths and Adoption (Miscellaneous Amendments) Ordinance 1979 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 3 of the Births and Deaths Registration Ordinance is repealed and replaced by the following—

Replacement of section 3. (Cap. 174.)

"Registrar, staff and general register office.

3. (1) The Governor may appoint—

- (a) a person to be the Registrar of Births and Deaths;
- (b) subject to subsection (2), such deputy registrars, district registrars, clerks and subordinate officers as may be necessary for the purposes of this Ordinance;
- (c) a general register office for keeping registers of all births and deaths occurring in Hong Kong.

(2) Unless and until otherwise directed by the Governor, the officer in charge of each police station mentioned in the second column of the First Schedule shall be a district registrar of deaths for the district specified in relation to that police station in the first column of that Schedule."

Amendments
of section 2 of
Cap. 175, 176
and 290.

3. Section 2 in—

- (a) the Births Registration (Special Registers) Ordinance;
- (b) the Deaths Registration (Special Registers) Ordinance; and
- (c) the Adoption Ordinance,

is amended in each case by deleting the definition of "general register office" and substituting the following—

"general register office" means the general register office appointed (Cap. 174) under section 3(1)(c) of the Births and Deaths Registration Ordinance."

Passed by the Hong Kong Legislative Council this 6th day of June 1979.



[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.



7th
An Ordinance to amend the Landlord and Tenant (Con

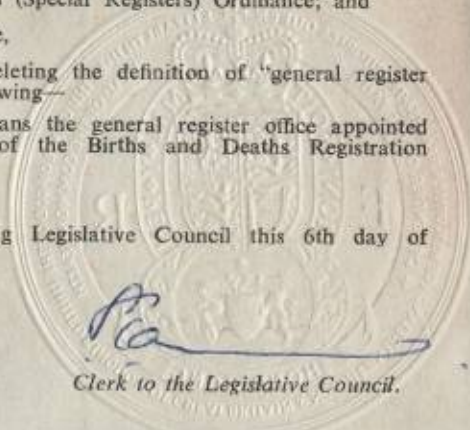
Enacted by the Governor of Hong Kong, with

Registration (Special Registers) Ordinance;
Registration (Special Registers) Ordinance; and
Ordinance,

and by deleting the definition of "general register office" the following—

"office" means the general register office appointed under section 3(1)(c) of the Births and Deaths Registration Ordinance.

Enacted by the Hong Kong Legislative Council this 6th day of June 1979.



Clerk to the Legislative Council.

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

HONG KONG

No. 39 OF 1979



I assent.

Governor.

7th June, 1979.

An Ordinance to amend the Landlord and Tenant (Consolidation) Ordinance.

[8th June, 1979]

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

1. (1) This Ordinance may be cited as the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1979.

Short title and commencement.

(2) Sections 20, 21(b)(i), (c), (d) and (e), 22, 23 and 24 shall come into operation on 1 July 1984.

(3) Sections 19 and 21(a) and (b)(ii) shall be deemed to have come into operation on 4 May 1979.

2. Section 2 of the principal Ordinance is amended by inserting after the definition of "domestic premises" the following—

Amendment of section 2. (Cap. 7.)

"fair market rent" means the rent, exclusive of rates, at which premises the subject matter of a tenancy to which this Part applies might reasonably be expected to be let, at the date of service of a notice under section 10(1A), on the terms of the tenancy (other than those relating to rent and duration of the tenancy) but disregarding the effect of this Part;

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

Amendment of section 3.

(a) in paragraph (g) by deleting "or" where it occurs after the semicolon;

(b) in paragraph (h) by deleting the full stop and substituting the following—

“; or”;

(c) by inserting after paragraph (h) the following—

“(f) any premises which are, or since the date of publication in the *Gazette* as a Bill of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1979 have been, business premises, other than premises the subject of a subletting by a principal tenant of domestic premises:

Provided that no premises shall be excluded by reason of this paragraph from the operation of this Part before 1 July 1984.”

Addition of section 7A.

4. The principal Ordinance is amended by adding after section 7 the following—

“Certificates of user.

7A. (1) Subject to subsection (3), the landlord or tenant of any premises to which this Part—

(a) applies; or

(b) would but for section 3(1)(i) apply,

may make an application in the specified form to the Commissioner for a certificate under subsection (2).

(2) Where an application under subsection (1) is made to the Commissioner, he shall inspect the premises and, having regard to the definitions of “domestic premises” and “business premises” in section 2—

(a) where he is satisfied that they are domestic premises, issue free of charge and serve on the landlord and tenant certificates in the specified form to that effect;

(b) where he is satisfied that they are business premises, issue free of charge and serve on the landlord and tenant certificates in the specified form to that effect;

(c) where he is not satisfied as to their user, issue free of charge and serve on the applicant a notice in the specified form declining to issue a certificate under this section.

(3) Where the Commissioner issues a certificate under subsection (2)(a) or (b), no further application may be made under subsection (1) before the expiration of 1 year from the date on which that certificate is issued.

(4) A certificate issued by the Commissioner under subsection (2)(a) or (b) shall in any proceedings be *prima facie* evidence that the premises to which it relates were domestic or business premises, as the case may be, on the date on which they were inspected.

(5) Nothing in this section shall prejudice any right which a landlord, tenant or sub-tenant may have to make an application under section 32 to a tenancy tribunal.

(6) In this section—

“premises” does not include premises the subject of a sub-tenancy; and

“tenant” does not include a sub-tenant.”

Addition of section 9A.

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

“Permitted rent not to exceed fair market rent.

9A. The permitted rent of any premises to which this Part applies shall not exceed their fair market rent or, where the rates in respect of the premises are payable by the landlord, the aggregate of the following amounts—

(a) the fair market rent of the premises; and

(b) the amount of the rates payable in respect of the premises.”

6. Section 10 of the principal Ordinance is amended—

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

“(1) There shall be payable and recoverable by way of rent—

(a) in the case of domestic premises an amount equivalent to 4 times the standard rent of the premises; and

(b) in the case of business premises an amount equivalent to 8 times the standard rent of the premises.”;

(b) in subsection (1C) by deleting that part of the subsection which occurs after “send” and substituting the following—

“a copy of the notice to the Commissioner.”;

(c) by deleting subsection (1D);

(d) by inserting after subsection (7) the following—

“(8) The Legislative Council may by resolution amend subsection (1) by substituting, for the figures specified therein, such figures as may be specified in the resolution.”.

7. The principal Ordinance is amended by renumbering section 10A as section 10AA.

Amendment of section 10

Renumbering of section 10A.

8. The principal Ordinance is amended by adding after section 10 the following—

“Certificates of fair market rent.

10A. (1) Where a landlord serves a tenant with a notice of increase of rent under section 10(1A) the tenant may, within 14 days of being so served, apply for a certificate under subsection (5) by sending an application in the specified form in duplicate to the Commissioner.

(2) On receipt of an application under subsection (1) the Commissioner shall serve a copy thereof on the landlord.

(3) Within 14 days of service on him under subsection (2) of a copy of the tenant’s application, the landlord may send his representations thereon to the Commissioner.

(4) Where the Commissioner receives representations from a landlord under subsection (3) which indicate that the landlord disputes any fact set out in the tenant’s application, he shall determine the facts in dispute and then deal with the application in accordance with subsection (5).

(5) Where a tenant makes an application under subsection (1), the Commissioner shall, if satisfied that the increased rent specified in the landlord’s notice under section 10(1A)—

(a) does not exceed the fair market rent of the premises aggregated, where the rates in respect of the premises are payable by the landlord, with the amount of the rates, issue free of charge and serve on the landlord and tenant certificates in the specified form to that effect;

(b) exceeds the fair market rent of the premises aggregated, where the rates in respect of the premises

Addition of section 10A.

are payable by the landlord, with the amount of the rates, issue free of charge and serve on the landlord and tenant certificates in the specified form stating—

- (i) the fair market rent of the premises; and
- (ii) where the rates in respect of the premises are payable by the landlord, the amount of the rates,

and may endorse on the certificates such matters as he thinks proper relating to such application, which, in the case of a dispute as to facts shall include the Commissioner's determination thereof under subsection (4).

(6) A certificate issued under subsection (5) shall in any proceedings be *prima facie* evidence of the facts set out therein.

(7) The Commissioner may extend the time fixed by subsection (1) for the making of an application to him.

(8) Nothing in this section shall prejudice any right which a landlord, tenant or sub-tenant may have to make an application under section 32 to a tenancy tribunal.

(9) In this section—
"landlord" does not include a principal tenant; and
"tenant" does not include a sub-tenant."

Amendment of section 10B.

9. Section 10B of the principal Ordinance is amended—
- (a) in subsection (1) by deleting "section 10A(1)" and substituting the following—
"section 10AA(1)";
 - (b) in subsection (3) by deleting "section 10A" and substituting the following—
"section 10AA".

Amendment of section 10C.

10. Section 10C(1)(c) of the principal Ordinance is amended by deleting "section 10A" and substituting the following—
"section 10AA".

Amendment of section 14.

11. Section 14 of the principal Ordinance is amended by deleting "the additional amount mentioned in section 10(1)" and substituting the following—
"that portion of the rent permitted under section 10(1) which exceeds the standard rent".

Repeal and replacement of section 28.

12. Section 28 of the principal Ordinance is repealed and replaced by the following—

"Commissioner may approve contracting out in certain circumstances.

28. (1) A landlord and a tenant or prospective tenant of any premises to which this Part applies may make a joint application to the Commissioner for his approval under subsection (3) of the terms of any tenancy agreement into which they propose to enter.

(2) An application under subsection (1) shall be in the specified form in triplicate and shall be accompanied by a copy of the proposed agreement.

(3) Notwithstanding anything contained in this Part, the Commissioner, on payment by the parties of such fee

as may be determined by the Financial Secretary, shall, if he is satisfied in relation to the proposed agreement—

- (a) that the tenant or prospective tenant understands its effect;
- (b) that the tenant or prospective tenant in assenting to enter into such an agreement has not been subject to any undue pressure or influence; and
- (c) that no sub-tenants are prejudiced thereby,

approve the proposed agreement and endorse the application submitted to him under subsection (1) with a statement to that effect and serve a copy thereof on the landlord and on the tenant or prospective tenant.

(4) The Commissioner may make such inquiries as he thinks fit for the purposes of subsection (3) but nothing in subsection (3) or this subsection shall be construed as imposing on the Commissioner or any public officer any duty to inquire into or be satisfied as to the reasonableness or otherwise of the consideration specified in the agreement.

(5) Where the Commissioner approves the terms of a proposed agreement under subsection (3) the parties may execute a tenancy agreement in the terms so approved, notwithstanding anything in this Part.

(6) Where an agreement is executed under subsection (5)—

- (a) the landlord shall lodge a copy thereof with the Commissioner within 14 days of its execution; and
- (b) the building or part thereof to which the agreement relates shall be excluded from the further application of this Part notwithstanding the termination or expiry of the agreement."

13. Section 44(3) of the principal Ordinance is amended—

- (a) by deleting "or application" and substituting the following—
", application or certificate";
- (b) by deleting "10A," and substituting the following—
"7A, 10A, 10AA,"; and
- (c) by inserting after "recorded delivery service," the following—
"or registered post,".

Amendment of section 44.

14. Section 53 of the principal Ordinance is amended—

- (a) in subsection (2)(d) by deleting "other" and substituting the following—
"the"; and
- (b) by inserting after subsection (2) the following—

"(2A) For the purpose of subsection (2)(d), a tenant or sub-tenant who persistently fails to pay rent as and when it falls due may be regarded as causing unnecessary inconvenience to the landlord or principal tenant, as the case may be."

Amendment of section 53.

Amendment of section 58. 15. Section 58(3) of the principal Ordinance is amended by deleting "3" and substituting the following—

"2".

Amendment of section 68. 16. Section 68(2) of the principal Ordinance is amended by inserting after "51(4)," the following—

"51(4A)".

Amendment of section 74. 17. Section 74(b) of the principal Ordinance is amended by inserting after "recorded delivery service," the following—

"or registered post".

Amendment of section 74B. 18. Section 74B of the principal Ordinance is amended by deleting "1979" and substituting the following—

"1982".

Addition of section 120A. 19. The principal Ordinance is amended in Part V by adding after the heading the following section—

"Interpretation. 120A. In this Part, unless the context otherwise requires—

"business premises" means premises which are not domestic premises;

"domestic premises" means premises the subject of a separate letting (including any bed-space, cubicle, room, floor or portion of a floor or building) which are used wholly or primarily for human habitation:

Provided that the following shall not be deemed to be domestic premises within the meaning of this definition—

(a) any building or portion of a building which is used for habitation only by caretakers or watchmen not exceeding two in number;

(b) any building or portion of a building which is used for habitation only by office attendants or their families;

(c) any particular portion of an hotel or boarding-house which is let by the keeper of such hotel or boarding-house to a guest of such hotel or boarding-house".

Amendment of section 120A. 20. The principal Ordinance is amended in section 120A—

(a) by inserting after the definition of "business premises" the following—

" "Commissioner" means the Commissioner of Rating and Valuation;

"current rent" means the rent, exclusive of rates, payable by a tenant at the date of an application under section 124B(1); and

(b) by inserting after the definition of "domestic premises" the following—

" "fair market rent" in relation to any premises means the rent, exclusive of rates, at which they might reasonably

be expected to be let, at the date of an application under section 124B(1), on the terms of the tenancy other than those relating to rent and duration of the tenancy but disregarding the effect of sections 124A to 124C;

"landlord" includes any person, other than the Crown, who is from time to time entitled to receive rent in respect of any premises and, in relation to a particular tenant, means a person entitled to receive rent from such a tenant;

"notice of termination" means a notice served under section 122(1);

"premises" means the subject matter of any tenancy;

"principal tenant" means a tenant of premises other than a Crown lessee, who has or shall sublet any part or parts thereof as a separate holding or holdings".

21. Section 122 of the principal Ordinance is amended—

Amendment of section 122.

(a) in subsection (1)—

(i) by deleting the second sentence thereof and substituting the following—

"No such notice shall be valid unless—

(a) in the case of a tenancy of business premises, the notice is served not less than 6 months on the part of the landlord, or 1 month on the part of the tenant, before the date on which it is to take effect;

(b) in the case of a tenancy of domestic premises, the notice is served not less than 12 months on the part of the landlord, or 1 month on the part of the tenant, before the date on which it is to take effect";

(ii) by inserting in the third sentence thereof, after "may be served", the following—

"12 months";

(b) in subsection (2)—

(i) by deleting ", or" and substituting the following—

"or, subject to sections 124A to 124C,";

(ii) by deleting "6 months" and substituting the following—

"12 months or 6 months, as the case may be,";

(c) in subsection (3) by inserting, after "such notice of termination shall", the following—

", subject to sections 124A to 124C,";

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

"(4) When but for subsection (1) a tenancy would have terminated, the tenancy shall continue—

(a) at the same rent until a notice of termination expires or but for an order under section 124B(2) would have expired; and

- (b) thereafter, where an order is made under section 124B(2), at a rent payable in accordance with section 124C(1),

upon such of the covenants, conditions and other terms of the original tenancy as are appropriate to a month to month tenancy, together with, in the absence of any express covenant for the payment of rent and condition of forfeiture, the covenant and condition implied in every tenancy by section 126; and

- (e) in subsection (5) by deleting the full stop and substituting the following—

“but shall not be valid if served in respect of any premises before they become subject to this Part.”.

Amendment of section 123.

22. Section 123(2) of the principal Ordinance is amended by inserting after “of this Part” the following—

“or of any provisions contained in this Part”.

Addition of new sections 124A, 124B and 124C.

23. The principal Ordinance is amended by adding after section 124 the following sections—

“Application of sections 124A, 124B and 124C.

124A. (1) Subject to subsection (2), this section applies to business premises which—

- (a) are premises to which Part I, by virtue of section 3(1)(i), ceases to apply on or after 1 July 1984; and
(b) are used partly for human habitation.

(2) This section does not apply to business premises which have, at any time since the publication of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1979 as a Bill in the *Gazette*, been used wholly for purposes other than human habitation.

(3) For the purpose of determining whether premises are or have been used for human habitation within the meaning of subsection (1)(b) or (2) the following types of habitation shall be disregarded—

- (a) habitation by caretakers or watchmen;
(b) habitation by office attendants or their families;
(c) habitation by a guest of an hotel or boarding house of a particular portion of the hotel or boarding house which is let to him by the keeper of the hotel or boarding house.

Tenant may apply for notice of termination not to take effect.

124B. (1) Where a tenant of premises to which section 124A applies is served with a notice of termination, he may apply to the Lands Tribunal not later than 3 months before the notice of termination is to take effect for an order under subsection (2).

(2) Subject to subsection (3), upon the application of a tenant under subsection (1), the Lands Tribunal shall make an order that the notice of termination which has been served upon him shall not take effect and that no further notice of termination shall be served upon him in respect of the same premises until a period of 1 year, or such lesser period as the Tribunal may specify, has elapsed since the first mentioned notice was served upon him.

(3) The Lands Tribunal shall refuse to make an order under subsection (2) if the landlord satisfies it that—

- (a) the tenant has committed a breach of covenant or condition of the tenancy which is, or would but for the service of a notice of termination have been, a cause for forfeiture;
(b) the premises are required by the landlord for occupation as a residence for—
(i) himself;
(ii) his father or mother; or
(iii) any son or daughter of his over 18 years of age;

Provided that the Tribunal shall, notwithstanding that the circumstances of the case fall within this paragraph, make an order under subsection (2) if it is satisfied that, having regard to all the circumstances of the case, including whether other accommodation is available for the persons for whose occupation the premises are required, greater hardship would be caused by refusing to make such an order than by making it; or

- (c) the tenant has caused—

- (i) to the landlord by non-payment of rent or otherwise; or
(ii) to any occupant of the premises, unnecessary annoyance, inconvenience or disturbance which has continued after a warning in writing has been served by the landlord on the tenant.

Rent where notice of termination is ordered not to take effect.

124C. (1) Where the Lands Tribunal makes an order under section 124B(2) in respect of any premises there shall be payable, by way of rent for those premises from the date upon which the tenancy would but for the order have ceased, an amount equivalent to—

- (a) the aggregate of the following—
(i) the fair market rent of the premises; and
(ii) where the rates in respect of the premises are payable by the landlord, the amount of the rates; or
(b) the aggregate of the following—
(i) the current rent of the premises;
(ii) one third of the current rent of the premises, disregarding any cents included in the quotient; and
(iii) where the rates in respect of the premises are payable by the landlord, the amount of the rates,

whichever is the lesser.

(2) Where the Lands Tribunal makes an order under section 124B(2) in respect of any premises it shall proceed to determine the new rent for the premises calculated in accordance with subsection (1).”.

Addition of sections 127A and 127B.

24. The principal Ordinance is amended by adding after section 127 the following—

*Lands Tribunal may determine disputes.

127A. The Lands Tribunal on the application of a landlord, tenant or sub-tenant may—

- (a) entertain and determine any dispute or difference which may arise under section 124A, 124B or 124C between a landlord and a tenant, or a tenant and a sub-tenant, or any of them, including any dispute as to the rent that is payable for, or the right to possession of, any premises;
- (b) apportion any rent which becomes payable under section 124C(1);
- (c) entertain and determine concurrently with any other application, any application for the payment of rent or mesne profits of any premises to which this Part applies,

and make such order thereon, subject to section 127B, as the Tribunal shall think fit.

Sub-tenants not to have greater security than tenants.

127B. Nothing in this Part shall afford to any sub-tenant any security of tenure greater than that enjoyed by his principal tenant.”.

Savings and transitional.

25. (1) Where before the commencement of this Ordinance—

- (a) an application is made to a tenancy tribunal under the repealed section 28(1) of the principal Ordinance; or
- (b) a tenancy agreement is executed under the repealed section 28(5) of the principal Ordinance,

the repealed section 28 shall, in relation to any such application or agreement, have effect as if it had not been repealed by this Ordinance.

(2) Where an application under section 57 of the principal Ordinance is received by the Commissioner before the commencement of this Ordinance, any increase in rent certified under section 58 of that Ordinance shall be calculated as if section 26 of this Ordinance had not been enacted.

(3) Nothing in this Ordinance shall affect the validity of any notice of termination served under section 122 of the principal Ordinance before 4 May 1979.

Consequential amendments. Schedule.

26. (1) 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.

(Cap. 112.)

(2) The amendments to the Inland Revenue Ordinance specified in the Schedule shall come into operation on 1 July 1984.

SCHEDULE

[s. 37.]

CONSEQUENTIAL AMENDMENTS

(Cap. 112.)

Inland Revenue Ordinance.

Section 5A is amended—

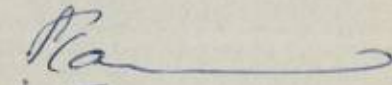
- (a) in subsection (1) by inserting after “Part II” the following—
“or section 124C”; and

- (b) in subsection (4)(b) by deleting “or Part II” and substituting the following—
“, Part II or section 124A”.


Hong Kong Airport (Control of Obstructions) Ordinance.

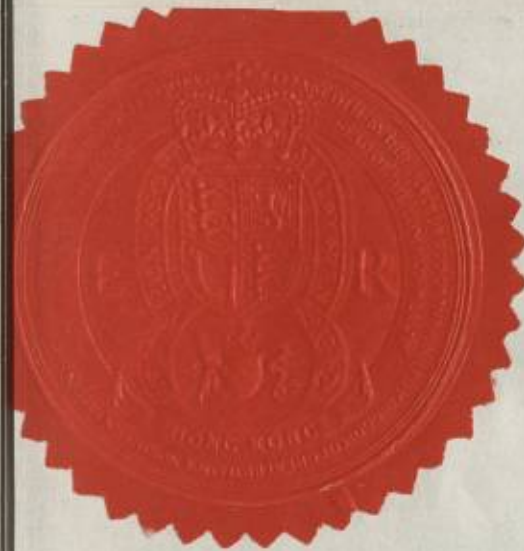
Section 24(e) is amended by inserting after (Cap. 301.) “Part I” the following—
“, Part II or Part V”.

Passed by the Hong Kong Legislative Council this 6th day of June 1979.


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.



[Handwritten signature]

Acting

21st

An Ordinance to amend the Constitution of the State of New York

HONG KONG

No. 40 OF 1979



I assent.

Jack Oates

Acting Governor.

21st June, 1979.

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

[22nd June, 1979]

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

1. This Ordinance may be cited as the Law Amendment and Reform (Consolidation) (Amendment) Ordinance 1979. Short title.

2. The principal Ordinance is amended by adding, after section 27, the following— Addition of new section 28. (Cap. 23.)

"Effect of agreement with two or more jointly. [cf. 1925 c. 20, s. 81.]

28. (1) An agreement in writing, whether under seal or not, made with two or more jointly, to pay money or to make a conveyance, or to do any other act, to them or for their benefit, shall be deemed to include, and shall, by virtue of this section, imply, an obligation to do the act to, or for the benefit of, the survivor or survivors of them, and to, or for the benefit of, any other person to whom the right to sue on the agreement devolves, and shall be construed as being also made with each of them.

(2) This section applies only if and so far as a contrary intention is not expressed in the agreement, and has effect subject to the agreement and to the provisions therein contained.

(3) This section applies only to an agreement made or implied after the commencement of this section."

Passed by the Hong Kong Legislative Council this 20th day of June, 1979.



Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I a


f
Acting


21st Ji

An Ordinance to amend the Labour Tribunal Ordinance

Hong Kong Legislative Council this 20th day of

expression has been carefully compared by me
is found by me to be a true and correctly
said bill.


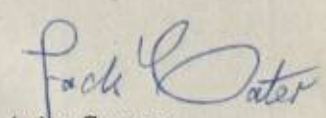

Clerk to the Legislative Council.


Clerk to the Legislative Council.

HONG KONG

No. 41 OF 1979

I assent.



Acting Governor.

21st June, 1979.

An Ordinance to amend the Labour Tribunal Ordinance.

[22nd June, 1979]

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

1. This Ordinance may be cited as the Labour Tribunal (Amendment) Ordinance 1979. Short title.

2. Section 9 of the principal Ordinance is amended by deleting the figure "6" in each place where it occurs in subsections (1) and (2) and substituting the following— "12". Amendment of section 9. (Cap. 25.)

3. (1) If the cause of action in a claim or part of a claim arose more than 6 months before the commencement of this Ordinance, then notwithstanding section 2 the tribunal shall not have jurisdiction under section 9(1) of the principal Ordinance as amended by this Ordinance, to inquire into, hear or determine such claim or part of a claim unless the parties to the claim agree or have agreed, in either case, in the manner provided in section 9(1) of the principal Ordinance that the tribunal shall have jurisdiction. Transitional.

(2) Where the tribunal by reason of subsection (1) has no jurisdiction over part of a claim, it may, with the consent of the parties, sever that part of the claim over which it has no jurisdiction and hear and determine the part over which it has jurisdiction.

Passed by the Hong Kong Legislative Council this 20th day of June, 1979.

[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.



[Handwritten signature]

Acting

21st J

An Ordinance to amend the Immigration Ordinance

HONG KONG

No. 42 OF 1979

Clerk to the Legislative Council.

*Impression has been carefully compared by me
and is found by me to be a true and correctly
the said bill.*



Clerk to the Legislative Council.



I assent.

Jack Oates

Acting Governor.

21st June, 1979.

An Ordinance to amend the Immigration Ordinance.

[22nd June, 1979]

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

1. This Ordinance may be cited as the Immigration (Amendment) Short title.
(No. 2) Ordinance 1979.

2. Section 2(1) of the principal Ordinance is amended in the defini- Amendment of
tion of "immigration assistant" by inserting after "rank of" the following— section 2.
"senior immigration assistant or". (Cap. 115.)

3. Section 32 of the principal Ordinance is amended by adding Amendment of
after subsection (3) the following subsections— section 32.

"(4) Notwithstanding subsections (1), (2) and (3), a person who is to be removed from Hong Kong under section 18 or in respect of whom a removal order or a deportation order is in force may be detained—

- (a) under the authority of the Chief Secretary for not more than 28 days; and
- (b) by order of a court on the application of the Attorney General for further periods, not exceeding 21 days upon any one application.

for the purpose of giving evidence at the trial of any offence or of facilitating inquiries into any offence or suspected offence.

(5) In subsection (4), "court" includes the District Court and a magistrate."

Amendment of section 47.

4. Section 47(1) of the principal Ordinance is amended by deleting "not exceeding 250 gross tons".

Amendment of section 48.

5. Section 48 of the principal Ordinance is amended by deleting subsection (6) and substituting the following—

"(6) On the hearing of an application under this section a certified true copy of the record of the proceedings, including the decision of the court, in any proceedings in respect of the offence under section 38(1) or (4) or section 39 of this Ordinance or section 90(1) of the Criminal Procedure Ordinance shall be admissible in evidence."

(Cap. 221.)

Addition of new section 57C.

6. The principal Ordinance is amended by adding after section 57B the following—

57C. In sections 57A and 57B "member of Her Majesty's forces" includes any officer or member of the Royal Hong Kong Regiment as constituted under the Royal Hong Kong Regiment Ordinance or of the Royal Hong Kong Auxiliary Air Force as constituted under the Royal Hong Kong Auxiliary Air Force Ordinance."

(Cap. 199.)

(Cap. 198.)

Amendment of section 58.

7. Section 58 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by inserting after "ships of war" the following—
"or auxiliary ships"; and

(ii) by deleting "not exceeding 500 gross tons and"; and

(b) in subsection (2)—

(i) by inserting after "ships of war" the following—
"or auxiliary ships"; and

(ii) by deleting "not exceeding 500 gross tons".

Passed by the Hong Kong Legislative Council this 20th day of June, 1979.

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.



Act

of the principal Ordinance is amended by deleting "gross tons".

of the principal Ordinance is amended by deleting and substituting the following—

On the hearing of an application under this section a true copy of the record of the proceedings, including the decision of the court, in any proceedings in respect of the offence under section 38(1) or (4) or section 39 of this Ordinance or section 90(1) of the Criminal Procedure Ordinance shall be admissible in evidence."

1 Ordinance is amended by adding after section 57B

2. In sections 57A and 57B "member of Her Majesty's forces" includes any officer or member of the Hong Kong Regiment as constituted under the Royal Hong Kong Regiment Ordinance or of the Royal Hong Kong Auxiliary Air Force as constituted under the Royal Hong Kong Auxiliary Air Force Ordinance."

of the principal Ordinance is amended—

(1)—

adding after "ships of war" the following—
"or auxiliary ships"; and


adding "not exceeding 500 gross tons and"; and

(2)—

HONG KONG

No. 43 OF 1979

I assent.



Jack Y. Oster

Acting Governor.

21st June, 1979.

An Ordinance to provide for the restriction for a limited period of building works in the Mid-levels area of Hong Kong.

[22nd May, 1979]

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

1. This Ordinance may be cited as the Temporary Restriction of Building Development (Mid-levels) Ordinance 1979 and shall be deemed to have come into operation at 12 noon on 22 May 1979. Short title and commencement.

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

"Building Authority" means the Director of Public Works;

"building plans" means plans of building works for or involving site formation, excavations, foundations, street works or any works relating thereto.

(2) The duty imposed on the Building Authority under this Ordinance may be carried out by any officer of the Public Works Department authorized by the Director of Public Works either generally or particularly and subject to his instructions.

Building Authority to refuse approval of certain building plans. (Cap. 123.)

3. (1) Without prejudice to section 14 or 16 of the Buildings Ordinance, the Building Authority shall, unless the Governor otherwise directs in any particular case, refuse to give—

- (a) his approval of any building plans submitted to him for his approval whether submitted before or after 12 noon on 22 May 1979; or
- (b) his consent for the commencement of any building works for or involving site formation, excavations, foundations, street works or any works relating thereto, whether his consent was applied for before or after 12 noon on 22 May 1979,

if the building works are to be carried out wholly or partly in the area specified in the Schedule.

Schedule.

(2) Where the Governor gives directions to the Building Authority to approve building plans or to consent to the commencement of building works for the purposes of section 14 of the Buildings Ordinance, he may require the Building Authority to make the approval or consent subject to such conditions as the Governor considers necessary in the public interest.

(3) A failure to comply with any condition imposed under subsection (2) shall be deemed to be, and shall be treated as, a contravention of the Buildings Ordinance; and any person who fails to comply with such condition shall, for the purposes of section 40(2B) of the Buildings Ordinance, be deemed to be carrying out or to have carried out building works, or authorizing or permitting or to have authorized or permitted such works to be carried out, in such manner as is likely to cause a risk of injury to any person or damage to any property.

Section 15 of the Buildings Ordinance not to apply to building plans for the scheduled area. (Cap. 123.) Schedule.

4. (1) Section 15 of the Buildings Ordinance shall not apply to any building plans or in respect of any application for consent to the commencement of building works for or involving site formation, excavations, foundations, street works or any works relating thereto if the building works are to be carried out wholly or partly in the area specified in the Schedule.

(2) Where, after 12 noon on 22 May 1979 and before the enactment of this Ordinance, consent for the commencement of any building works for or involving site formation, excavations, foundations, street works or any works relating thereto is deemed to have been given by virtue of section 15 of the Buildings Ordinance and such building works are to be carried out wholly or partly in the area specified in the Schedule, such consent shall be invalid and have no effect.

Schedule.

Power to amend Schedule.

5. The Governor in Council may, by order, amend the Schedule by substituting for the plan referred to therein a plan showing a smaller area of the Mid-levels area.

Expiry of Ordinance.

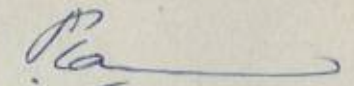
6. This Ordinance shall expire on 31 December 1981, unless continued in force by a resolution of the Legislative Council.

SCHEDULE


[ss. 3, 4 & 5.]

The area delineated and shown edged black on a plan numbered MH 933b, signed by the Director of Public Works and deposited in the Land Office.

Passed by the Hong Kong Legislative Council this 20th day of June, 1979.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.



I as

A handwritten signature in blue ink, appearing to be the initials "M" or "M." with a long, sweeping underline.

Gov

5th Ju

HONG KONG

No. 44 OF 1979



I assent.

A handwritten signature in blue ink, appearing to read "M. S. Leh.".

Governor.

5th July, 1979.

An Ordinance to amend the Estate Duty Ordinance.

[6th July, 1979]

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

1. This Ordinance may be cited as the Estate Duty (Amendment) Short title. (No. 2) Ordinance 1979.

2. Section 40(5) of the principal Ordinance is amended by inserting after "holder of an office," the following—

"nor being, in the case of a person dying on or after the commencement of the Estate Duty (Amendment) (No. 2) Ordinance 1979, an exemption conferred by section 10(b)."

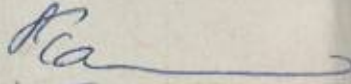
Amendment of section 40. (Cap. 111.)

Passed by the Hong Kong Legislative Council this 4th day of July, 1979.

A handwritten signature in blue ink, appearing to read "K. A. ...".

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.

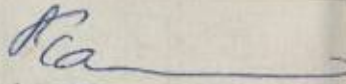


5th

An Ordinance to amend the Rating Ordinance.

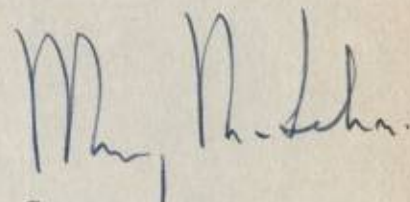
HONG KONG

No. 45 OF 1979


Clerk to the Legislative Council.



I assent.



Governor.

5th July, 1979.

An Ordinance to amend the Rating Ordinance.

[6th July, 1979]

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

1. This Ordinance may be cited as the Rating (Amendment) Ordinance 1979.

2. Part II of the principal Ordinance is amended by adding, after section 6, the following—

Addition of
new section
6A.
(Cap. 116.)

¹¹Use of
returned
requisition
as evidence.
[cf. 1967,
c. 9, s. 83(2).]

6A. (1) A returned requisition shall in any proceedings before the Lands Tribunal or the Court of Appeal be admissible as evidence of the facts stated in the returned requisition; and any document purporting to be a returned requisition shall, in any such proceedings, be presumed, unless the contrary is shown—

- (a) to be such a returned requisition;
- (b) to have been made by the persons by whom it purports to have been made; and
- (c) if it purports to have been made by a person as owner or occupier of a tenement, or in any other capacity specified in the returned requisition, to have been made by him as such owner, occupier, or in that other capacity, as the case may be.

(2) In subsection (1), "returned requisition" means a requisition served under section 5(a) on the owner or occupier of a tenement and returned by him to the Commissioner containing, or purporting to contain, all or any of the particulars required to be furnished by him to the Commissioner."

Amendment of section 27.

3. Section 27 of the principal Ordinance is amended by deleting "that in which the tenement became subject to deletion" and substituting the following—

"that in which notice of that deletion could have first been served under section 26(1) had the Commissioner proposed so to do".

Amendment of section 28.

4. Section 28 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by deleting "subsection (2)" and substituting the following—
"subsections (2) and (2A)"; and

(ii) by deleting "that in which the tenement became subject to an interim valuation, or on such later" and substituting the following—

"that in which notice of that interim valuation could have first been served under section 26(1) had the Commissioner proposed so to do, or on such other";

(b) in subsection (2), by inserting, after "building", the following—

(Cap. 322, sub. leg.) " , other than one to which regulation 3 of the Buildings Ordinance (Application to the New Territories) Regulations, or any regulations replaced thereby, applies";

(c) by adding, immediately after subsection (2), the following—

(Cap. 322, sub. leg.)

"(2A) When an interim valuation is made in respect of a tenement which forms the whole or part of a newly constructed building to which regulation 3 of the Buildings Ordinance (Application to the New Territories) Regulations, or any regulations replaced thereby, applies, the interim valuation shall not take effect until—

(a) (i) in relation to a tenement to be used wholly or primarily for domestic purposes, the first day of the month following the expiration of 3 months from the date of the issue of an appropriate certificate in respect of the tenement; or

(ii) in relation to any other tenement, the first day of the month following the expiration of 6 months from the date of issue of an appropriate certificate in respect of the tenement; or

(b) the first day of the month following the date upon which the tenement was first occupied,

whichever is the earlier.

(2B) In subsection (2A), "appropriate certificate" means a letter, signed by the Secretary for the New Territories, or by any person authorized by him, certifying that—

(a) the conditions contained in the Building Licence or the Conditions of Grant, whichever is appropriate,

relating to the erection of a building have been complied with; or

(b) a building is suitable for occupation."

5. Section 30 of the principal Ordinance is amended—

Amendment of section 30.

(a) in subsection (1)—

(i) by deleting "subsection (1A)" and substituting the following—
"subsections (1A) and (2A)"; and

(ii) by deleting "of the whole" and substituting the following—
"for the whole";

(b) in subsection (2), by deleting "or (1A)" and substituting the following—

" , (1A) or (2A)"; and

(c) by adding, immediately after subsection (2), the following—

"(2A) This section shall not apply to a tenement, or a number of tenements valued together under section 10 as a single tenement, which is unoccupied where—

(a) the use to which the tenement was last put before becoming unoccupied was wholly or primarily for the parking of motor vehicles; or

(b) the tenement is intended to be used wholly or primarily for the parking of motor vehicles."

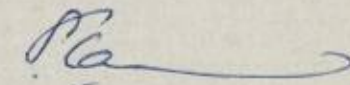
6. Section 50 of the principal Ordinance is amended by deleting paragraphs (b) and (c) and substituting the following—

Amendment of section 50.

"(b) on the owner of a tenement, by leaving the requisition, notice or other document at the tenement or at the owner's last known address or by sending it through the post to the tenement or to the owner's last known address; or

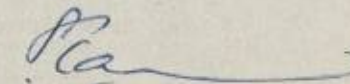
(c) on the occupier of a tenement, by leaving the requisition, notice or other document at the tenement or at the occupier's last known address or by sending it through the post to the tenement or to the occupier's last known address."

Passed by the Hong Kong Legislative Council this 4th day of July, 1979.



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.



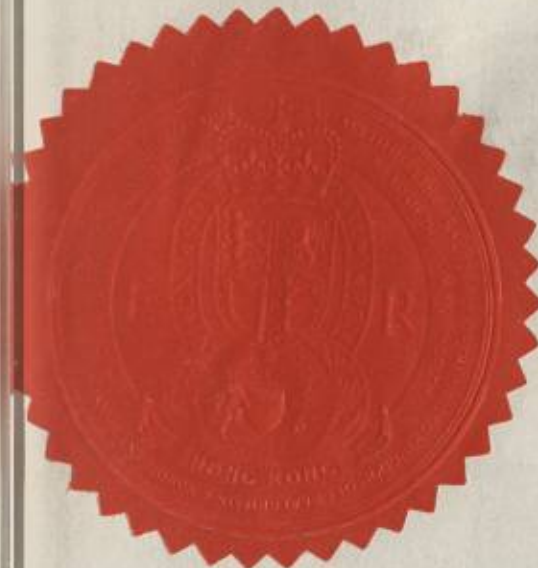
Clerk to the Legislative Council.



5

HONG KONG

No. 46 OF 1979



I assent.

Governor.

5th July, 1979.

An Ordinance to amend the Registration of Persons Ordinance.

[6th July, 1979]

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

1. This Ordinance may be cited as the Registration of Persons (Amendment) Ordinance 1979. Short title.

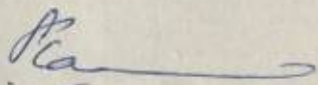
2. The long title of the principal Ordinance is amended by inserting after "issue" the following— Amendment of long title.
(Cap. 177.)
" , carrying and production".

3. Section 7(2) of the principal Ordinance is amended by inserting after paragraph (i) the following— Amendment of section 7.

"(ia) the making of an order by the Governor in Council requiring every person, or every person of such class or such description as may be specified in the order, to carry his identity card when in such area or place, on such occasion, for such purpose or in such circumstance as may be specified in the order;

(ib) the production, by a person required to carry his identity card, of such card to a police officer, or member of the Immigration Service and any other person authorized by or under the regulations;"

Passed by the Hong Kong Legislative Council this 4th day of July, 1979.



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.



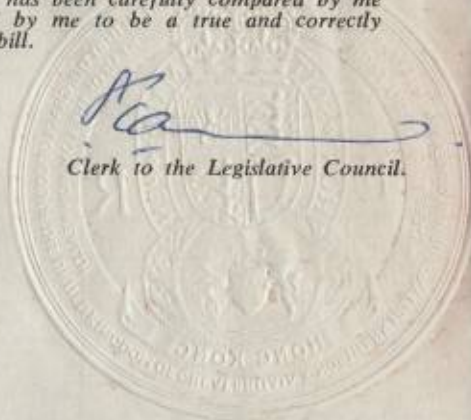
A handwritten mark or signature in blue ink, consisting of a vertical line with a curved top and bottom, located to the right of the red wax seal.

HONG KONG

No. 47 OF 1979

[Signature]
Clerk to the Legislative Council.

Expression has been carefully compared by me
found by me to be a true and correctly
said bill.



[Signature]
Clerk to the Legislative Council.



I assent.

[Signature]

Governor.

5th July, 1979.

An Ordinance to amend the Merchant Shipping 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 Merchant Shipping (Amendment) (No. 2) Ordinance 1979 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 2 of the principal Ordinance is amended in the definition of "Merchant Shipping Acts" by deleting "1960" and substituting the following— Amendment of section 2. (Cap. 281.)
"1979".

3. Section 27 of the principal Ordinance is amended by deleting subsections (3), (5) and (6). Amendment of section 27.

4. Section 38(3) of the principal Ordinance is amended by deleting ", and the International Convention for the Safety of Life at Sea, 1948,". Amendment of section 38.

Addition of new sections 38A, 38B and 38C.

5. The principal Ordinance is amended by adding after section 38 the following sections—

"Power to make regulations to give effect to International Convention for the Safety of Life at Sea 1974.

38A. (1) The Governor in Council may make such regulations as he considers appropriate to implement the provisions of the International Convention for the Safety of Life at Sea 1974, so far as those provisions are not implemented by or under any provision of the Merchant Shipping Acts as extended to the Colony or by or under this Ordinance.

(2) Without prejudice to subsection (1) the Governor in Council may make regulations with respect to ships provided with nuclear power plants for the purpose of enabling effect to be given to the provisions of Chapter VIII of the Annex to the International Convention for the Safety of Life at Sea 1974.

(3) For the purposes of subsections (1) and (2) and without prejudice to the generality of the powers contained therein the rules (including the nuclear ship rules) made from time to time under the Merchant Shipping Acts implementing the International Convention for the Safety of Life at Sea 1974 shall, unless varied by or repugnant to the regulations made under this section, be deemed to be regulations made under this section.

Radio regulations.

38B. (1) The Governor in Council may make regulations (in this section called "radio regulations") requiring ships to which this section applies to be provided with radio equipment of such a nature (but not including a radio navigational aid) as may be prescribed by the regulations and to maintain such a radio service and to carry such number of radio officers or operators of such grades and possessing such qualifications, as may be so prescribed; and the regulations may contain provisions for preventing, so far as practicable, electrical interference by other apparatus on board with the equipment provided under the regulations.

(2) This section applies to—

- (a) sea-going ships registered in Hong Kong; and
- (b) other sea-going ships while they are within the waters of the Colony.

(3) The radio regulations shall include such requirements as appear to the Governor in Council to implement such provisions of the International Convention for the Safety of Life at Sea 1974 as relate to radio telegraphy and radio telephony.

(4) Without prejudice to the generality of this section, the radio regulations may—

- (a) prescribe the duties of radio officers and operators, including the duty of keeping a radio log-book;
- (b) apply to any radio log-book required to be kept under the regulations any of the provisions of any regulations with respect to official log-books made under section 68 of the Merchant Shipping Act 1970;
- (c) prescribe requirements for such portable radio apparatus as boats or life rafts may be required to carry by the rules for life-saving appliances.

(5) If any radio officer or operator contravenes any regulation made in pursuance of subsection (4)(a), he shall be guilty of an offence and shall be liable on conviction to a fine of \$1 000, and if the radio regulations are contravened in any other respect in relation to any ship, the owner or master of the ship shall be guilty of an offence and shall be liable on conviction to a fine of \$5 000.

(6) If a ship to which this section applies is not provided with radio equipment or with any portable radio apparatus required to be carried by the boats or life rafts on the ship or with radio officers or operators in conformity with the radio regulations the ship, if in the Colony, may be detained.

(7) For the purposes of this section and without prejudice to the generality of the powers contained herein, the radio rules made from time to time under the Merchant Shipping Acts shall, unless varied by or repugnant to the radio regulations, be deemed to be the radio regulations made under this section.

Radio navigational aids.

38C. (1) The Governor in Council may make regulations—

- (a) requiring ships to which this section applies to be provided with such radio navigational aids, other than direction finders, as may be specified in the regulations and prescribing requirements which such navigational aids are to comply with;
- (b) prescribing requirements which radio navigational aids, other than direction finders and other than such as are provided in pursuance of regulations made under paragraph (a), are to comply with when carried in ships to which this section applies;
- (c) prescribing requirements which apparatus designed for the purpose of transmitting or reflecting signals to or from radio navigational aids is to comply with if it is apparatus in the Colony or apparatus off the shores of the Colony but maintained from the Colony,

and the requirements prescribed under paragraph (a) or (b) may include requirements relating to the position and method of fitting of the radio navigational aids.

(2) This section applies to—

- (a) sea-going ships registered in Hong Kong; and
- (b) other sea-going ships while they are in any port in the Colony.

(3) If a ship to which this section applies proceeds, or attempts to proceed, to sea without carrying such navigational aids as it is required to carry by regulations made under subsection (1) or carrying radio navigational aids not complying with such regulations, the owner or master of the ship shall be guilty of an offence and shall be liable on conviction to a fine of \$2 000.

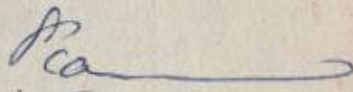
(4) If any person establishes or operates any such apparatus as is mentioned in subsection (1)(c) and the apparatus does not comply with regulations made thereunder,

he shall be guilty of an offence and shall be liable on conviction to a fine of \$2 000.

(5) For the purposes of this section and without prejudice to the generality of the powers contained in this section, the rules relating to radio navigational aids made from time to time under the Merchant Shipping Acts shall, unless varied by or repugnant to the regulations made under this section, be deemed to be regulations made under this section.

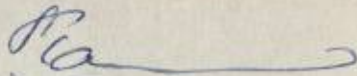
(6) In this section, "radio navigational aid" means radio apparatus on board a ship being apparatus designed for the purposes of determining the position or direction of ships or other objects."

Passed by the Hong Kong Legislative Council this 4th day of July, 1979.

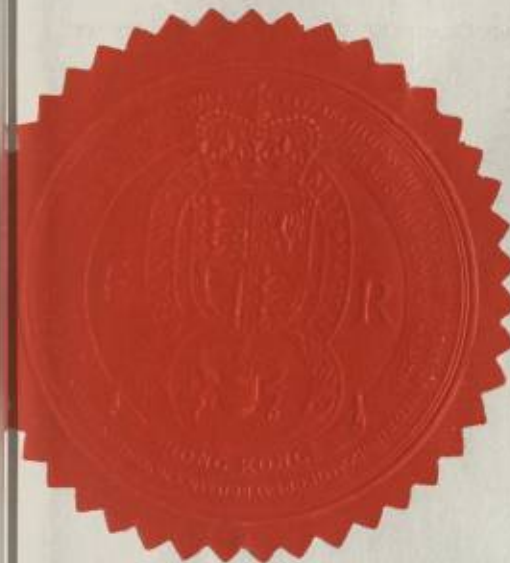


Clerk to the Legislative Council.

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.

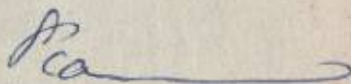


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the generality of the powers contained in this section, the rules relating to radio navigational aids made to time under the Merchant Shipping Acts shall, if not repugnant to the regulations made under this section, be deemed to be regulations made under this section.

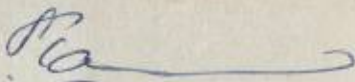
In this section, "radio navigational aid" means radio apparatus on board a ship being apparatus designed for the purpose of determining the position or direction of ships or other objects."

Hong Kong Legislative Council this 4th day of



Clerk to the Legislative Council.

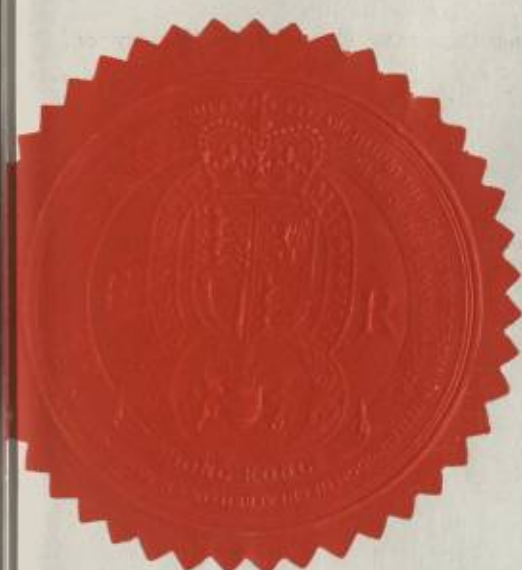
A true and correct copy of the said bill has been compared by me and found to be a true and correct copy of the said bill.



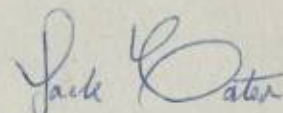
Clerk to the Legislative Council.

HONG KONG

No. 48 of 1979



I assent.



Acting Governor.

19th July, 1979.

An Ordinance to amend the Inland Revenue Ordinance.

[20th July, 1979]

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

1. (1) This Ordinance may be cited as the Inland Revenue (Amendment) (No. 6) Ordinance 1979.

Short title and application.

(2) The amendments to the principal Ordinance made by section 2 shall apply in relation to—

- (a) all assessments, other than assessments to provisional salaries tax made under section 63C, made in respect of the year of assessment commencing on 1 April 1978;
- (b) all assessments in respect of the year of assessment commencing on 1 April 1979 and all subsequent years of assessment.

2. Section 9(6) of the principal Ordinance is amended—

Amendment of section 9. (Cap. 112.)

- (a) by deleting the full stop at the end and substituting a semicolon; and
- (b) by inserting after the definition of "control" the following—
"“place of residence” includes a residence provided by an employer or an associated corporation notwithstanding

that the employee is required to occupy that place of residence by or under his terms of employment and whether or not by doing so he can better perform his duties."

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.

[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.




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[Signature]
 Acting C
 19th Ju

An Ordinance to amend the Small Claims Tribunal (

Hong Kong Legislative Council this 18th day of


Clerk to the Legislative Council.

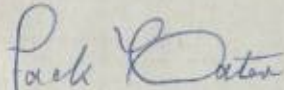
expression has been carefully compared by me
is found by me to be a true and correctly
said bill.


Clerk to the Legislative Council.

HONG KONG

No. 49 OF 1979

I assent.


Acting Governor.

19th July, 1979.

An Ordinance to amend the Small Claims Tribunal Ordinance.

[20th July, 1979]

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

1. This Ordinance may be cited as the Small Claims Tribunal Short title.
(Amendment) Ordinance 1979.

2. Section 14(2)(b) of the principal Ordinance is amended by deleting sub-paragraph (ii) and substituting the following—

“(ii) by leaving them with some person for him at his last
known place of residence or business;

(iia) by posting them by registered post addressed to him at
his last known place of residence or business; or”.

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

“Judgment in
default of
appearance.

17. (1) If a defendant fails to appear at the hearing,
by himself or a person authorized by the tribunal to appear
on his behalf, the claimant may apply for judgment.

(2) An application for entry of judgment under sub-
section (1) may be supported by an affidavit verifying facts
relied on.

Amendment of
section 14.
(Cap. 338.)

Repeal and
replacement of
section 17.

(3) Upon application made under subsection (1), the tribunal shall, if it is satisfied that the claimant is entitled to judgment, order judgment to be entered.

(4) Judgment shall not be entered against a defendant under this section unless the tribunal is satisfied that a copy of the written claim and the notice of hearing have been served on the defendant under section 14(2)."

Amendment of section 32A.

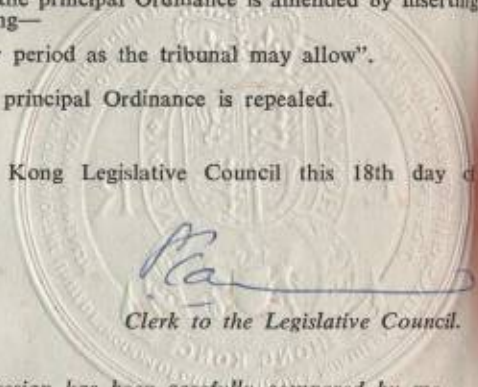
4. Section 32A(2) of the principal Ordinance is amended by inserting after "hearing" the following—

"or such further period as the tribunal may allow".

Repeal of section 39.

5. Section 39 of the principal Ordinance is repealed.

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.



[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.



Act
1979

An Ordinance to amend the Public Health and Ur


*) Judgment shall not be entered against a defendant in this section unless the tribunal is satisfied that a copy of the written claim and the notice of hearing have been served on the defendant under section 14(2)."

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

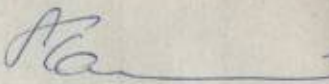
"a further period as the tribunal may allow".

Section 14(2) of the principal Ordinance is repealed.

Enacted by the Hong Kong Legislative Council this 18th day of July 1979.


Clerk to the Legislative Council.

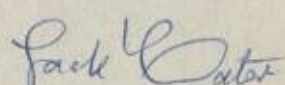
A true and correct impression has been carefully compared by me and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 50 OF 1979

I assent.


Acting Governor.

19th July, 1979.

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

[20th July, 1979]

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

1. This Ordinance may be cited as the Public Health and Urban Services (Amendment) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended—

(a) by deleting the definition of "book" and substituting the following— Amendment of section 2. (Cap. 132.)

"book" includes a document, periodical, magazine, newspaper, pamphlet, music-score, picture, print, engraving, etching, deed, photograph, map, chart, plan or manuscript, and any other article or thing of a like nature provided for the use of the public in any library;"

(b) in the definition of "librarian", by deleting "Senior" and substituting the following—
"Chief";

(c) by inserting after the definition of "library" the following—

"library material" means any book, film, gramophone record, tape, and any other thing on or in which any in-

formation or image is written, recorded, stored or reproduced;" and

- (d) in the definition of "mobile library", by deleting "books" and substituting the following—

"library material".

Amendment of section 105K.

3. Section 105K of the principal Ordinance is amended by inserting after subsection (3) the following subsection—

"(4) The Authority may set aside and use any part of a library for the purposes of study or research, the holding of classes or exhibitions, the viewing or hearing of library material, or for other like purposes of an educational or cultural nature, and in connexion therewith may provide the requisite equipment and facilities."

Repeal and replacement of section 105L.

4. Section 105L of the principal Ordinance is repealed and replaced by the following—

"Regulations relating to libraries.

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

- (a) prescribing the powers, duties and functions of the librarian;
- (b) fixing the hours during which any library shall be open to the public;
- (c) regulating admission to any library or any part thereof or the use of any library or any part thereof or any of the equipment, facilities or library material provided in any library;
- (d) regulating the lending and borrowing of library material in any library;
- (e) requiring a guarantee or security to be given by any person borrowing library material from a library;
- (f) regulating the conduct of persons in any library;
- (g) protecting any library and the fittings, furniture, equipment and library material therein, and any other contents thereof, from damage;
- (h) providing for the assessment and recovery of—
 - (i) the amount to be paid by way of compensation for the loss or damage sustained by the Government or the Urban Council by reason of the fact that any fitting, furniture, equipment or library material has been lost, damaged or destroyed; and
 - (ii) a surcharge not exceeding 20 per cent of such amount;
- (i) enabling any person to be refused the use of any library or any of the equipment, facilities or library material in any library and the removal from a library of any person;
- (j) stipulating the terms on which articles may be deposited in a library for safe-keeping whilst any person is in the library;
- (k) providing for the fees, charges and penalties to be paid by any person in respect of the borrowing of library material from any library, the use or

reservation of library material in any library, the deposit of articles in a library for safe-keeping and the use of rooms, equipment or facilities provided in any part of any library;

- (l) providing for the general regulation and management of any library.

(2) Regulations under subsection (1)(k) may authorize the Urban Council or the Director of Urban Services to determine from time to time by notice in the *Gazette* all or any of the fees, charges and penalties mentioned in that subsection.

(3) Nothing in this section shall be taken to authorize the infringement of copyright in any library material.


(4) For the purposes of this section and any regulations made hereunder, unless the context otherwise requires, the expression "library" includes a mobile library."

5. The Third Schedule to the principal Ordinance is amended in the item relating to section 105K(2) and (3) by deleting "105K(2) and (3)" in the first column and substituting the following—


Amendment of Third Schedule.

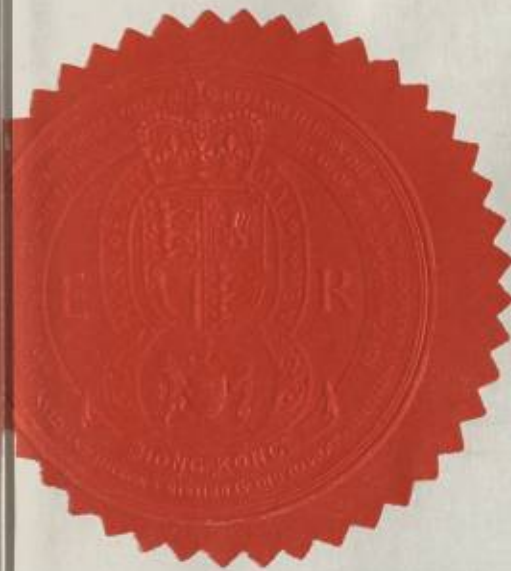
"105K(2), (3) and (4)".

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.


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.

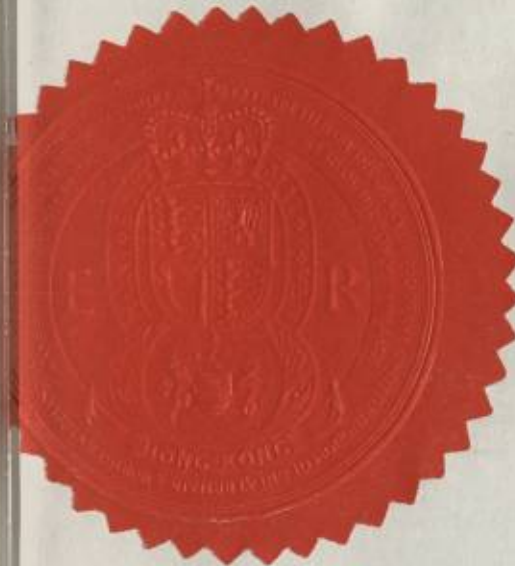


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A. G. ...

HONG KONG

No. 51 OF 1979



I assent.

Pack Carter
Acting Governor.

19th July, 1979.

An Ordinance to amend the Registration of Persons Ordinance.

[20th July, 1979]

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

1. This Ordinance may be cited as the Registration of Persons (Amendment) (No. 2) Ordinance 1979. Short title.

2. The principal Ordinance is amended by adding, after section 1, the following section— Addition of section 1A. (Cap. 177.)

"Interpretation. 1A. In this Ordinance, unless the context otherwise requires—

"family" means persons living in Hong Kong of 11 years of age and over and under 18 years who are related to or dependent on the head of a family;

"head of a family" means—

(a) a person who is *in loco parentis* to any other person living in Hong Kong of 11 years or over and under 18 years; and

(b) any person having lawful custody or control of, or over, any such other person;

"identity card" means an identity card issued under this Ordinance."

Amendment of section 3.

3. Section 3 of the principal Ordinance is amended—

- (a) in subsection (1) by deleting "who enters Hong Kong and"; and
 (b) by inserting after subsection (1) the following subsection—

"(1A) Notwithstanding subsection (1) and subject to any exemption which may be granted under this Ordinance, the head of a family shall apply for the registration under this Ordinance of every member of his family who is not the holder of an identity card."

Repeal and replacement of section 4.

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

"Admissibility of copies of records.

4. A document purporting to be a copy of the records or part of the records kept by the Commissioner of Registration and purporting to be certified as a true copy thereof by the officer having custody of the records shall be admissible in evidence in criminal or civil proceedings before any court on its production without further proof and—

- (a) until the contrary is proved, the court before which such document is produced shall presume—
 (i) that the document is certified by such officer; and
 (ii) that the document is a true copy of the records or part of the records to which it refers; and
 (b) such document shall be *prima facie* evidence of all matters contained therein."

Amendment of section 5.

5. Section 5 of the principal Ordinance is amended—

- (a) in paragraph (a) by deleting "by which he elected to be registered;" and substituting the following—
 "entered on the identity card issued to such person"; and
 (b) in paragraph (c)(i) by deleting "by which such other person elected to be registered" and substituting the following—
 "entered on the identity card issued to such other person".

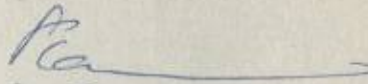
Amendment of section 7.

6. Section 7 of the principal Ordinance is amended—

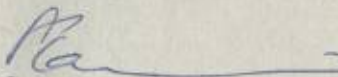
- (a) in subsection (3) by deleting "one thousand dollars and imprisonment for six months" and substituting the following—
 "\$5 000 and imprisonment for 2 years"; and
 (b) by inserting after subsection (3) the following—

(Cap. 227.) "(4) Any regulation made under this Ordinance may provide that, notwithstanding section 26 of the Magistrates Ordinance, criminal proceedings in respect of any such offence under the regulations as may be specified therein may be instituted within such period, not exceeding 3 years, of the commission of the offence as may be so specified."

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.


 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.



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J. C.

Acting C

19th Jul

An Ordinance to amend the Births and Deaths Regis

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HONG KONG

No. 52 OF 1979



I assent.

Jack Water

Acting Governor.

19th July, 1979.

An Ordinance to amend the Births and Deaths Registration Ordinance.

[20th July, 1979]

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

1. This Ordinance may be cited as the Births and Deaths Registration (Amendment) Ordinance 1979. Short title.

2. Section 13 of the principal Ordinance is amended—

Amendment of
section 13.
(Cap. 174.)

(a) in subsection (1) by deleting "In" and substituting the following—
"Subject to subsection (3A), in"; and

(b) by inserting after subsection (3) the following subsection—

"(3A) No alteration or addition to the name or names of a child, in any register book of births, shall be made under this section after the child has attained the age of 11 years."

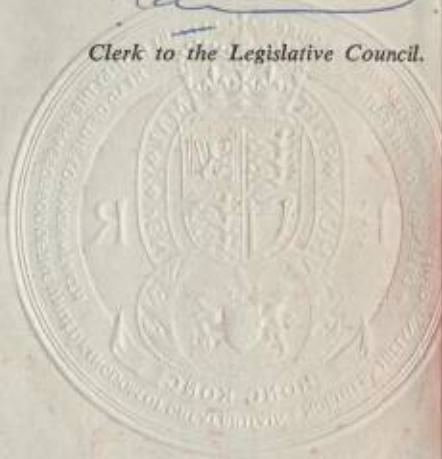
Passed by the Hong Kong Legislative Council this 18th day of July, 1979.

[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.



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Act
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HONG KONG

No. 53 OF 1979

Man
Clerk to the Legislative Council.



I assent.

Josh Carter

Acting Governor.

19th July, 1979.

An Ordinance to amend the Prevention of Cruelty to Animals Ordinance.

[20th July, 1979]

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

1. This Ordinance may be cited as the Prevention of Cruelty to Animals (Amendment) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended—

Amendment of
section 2.
(Cap. 169.)

(a) by deleting the definition of "animal" and substituting the following—

"animal" includes any mammal, bird, reptile, amphibian, fish or any other vertebrate or invertebrate whether wild or tame;"; and

(b) by deleting the definition of "senior veterinary officer" and substituting the following—

"senior veterinary officer" includes any veterinary officer authorized by the Director of Agriculture and Fisheries to perform the duties of a senior veterinary officer under this Ordinance;".

Amendment of
section 3.

3. Section 3(1) of the principal Ordinance is amended by deleting "one thousand dollars" and substituting the following—
"\$5 000".

Amendment of
section 4.

4. Section 4 of the principal Ordinance is amended—

- (a) in subsection (1) by inserting after "Any senior veterinary officer," the following—

"any other officer of the Agriculture and Fisheries Department of the grade of Field Officer II and above and authorized in writing by the Director of Agriculture and Fisheries,";

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

"(1A) (a) Any person (hereinafter referred to as an arrested person) who is arrested under this section by a person other than a police officer, shall forthwith be taken to the nearest police station or given into the custody of a police officer.

(b) Whenever an arrested person is brought to a police station the provisions of section 52 of the Police Force Ordinance shall apply.

(c) Whenever an arrested person is given into the custody of a police officer the provisions of sections 51 and 52 of the Police Force Ordinance shall apply."; and

- (c) in subsection (4)—

(i) by deleting "Any such officer or inspector" and substituting the following—

"Any senior veterinary officer, health officer, health inspector or police officer"; and

(ii) by inserting after "building" the following—
", vehicle, train, tram, aircraft".

Amendment of
section 5.

5. Section 5 of the principal Ordinance is amended—

- (a) by inserting after subsection (2) the following—

"1911 c. 27. (2A) (a) If the owner of any animal is convicted of an offence under section 3 the magistrate may, in addition to any other penalty or order he may impose or make, make an order depriving such owner of the ownership of the animal and may make such order as to the disposal of the animal as he may think fit.

(b) No order shall be made under paragraph (a) unless it is shown by evidence as to a previous conviction or as to the character of the owner that the animal, if left with the owner, is likely to be exposed to further cruelty."; and

- (b) in subsection (4) by deleting "one thousand dollars" and substituting the following—

"\$5 000".

Amendment of
section 6.

6. Section 6 of the principal Ordinance is amended—

- (a) in paragraph (b) by deleting the comma at the end and substituting the following—

"; or"; and

- (b) by inserting after paragraph (b) the following—

"(c) that an animal, whether injured or otherwise, is trapped in such a position as to render it impracticable to effect a rescue and it is contrary to public health or safety to keep it alive or where an animal is trapped in such a position that there is no possibility of removing it without cruelty and it is cruel to keep it alive,".

7. Section 8(1) of the principal Ordinance is amended—

- (a) by inserting after "vessel" the following—

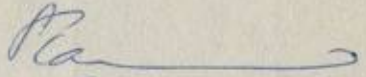
", train, tram, aircraft";

- (b) by deleting "five hundred dollars" and substituting the following—
"\$2 000"; and

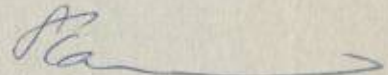
- (c) by deleting "fifty dollars" and substituting the following—
"\$200".

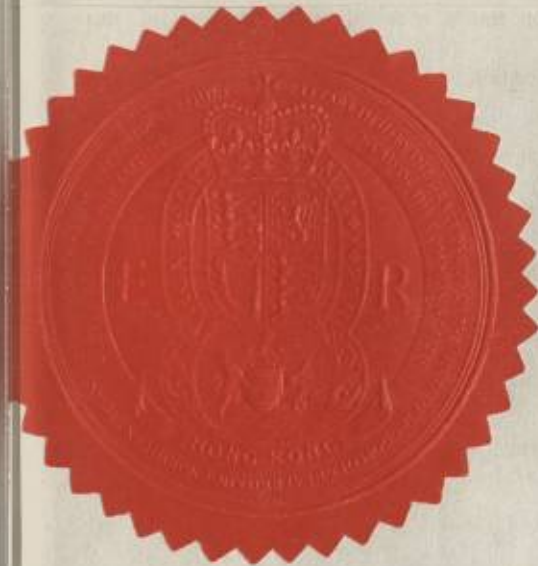
Amendment of
section 8.

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.


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.

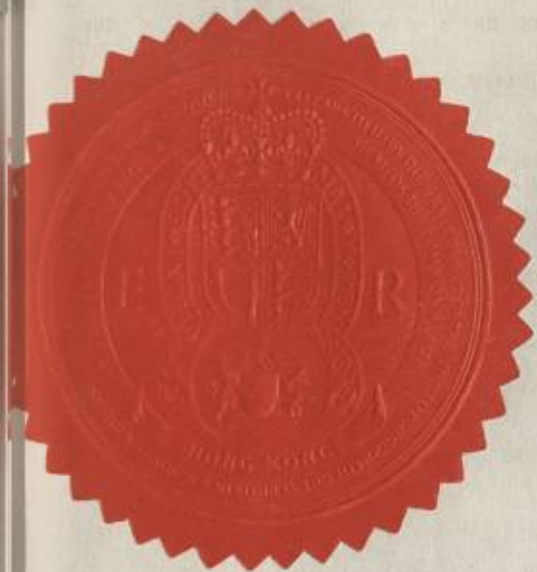


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An Ordinance to amend the Clean Air Ordinance

HONG KONG

No. 54 OF 1979



I assent.

Acting Governor.

19th July, 1979.

An Ordinance to amend the Clean Air Ordinance.

[20th July, 1979]

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

1. This Ordinance may be cited as the Clean Air (Amendment) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended by inserting, immediately before the definition of "approved device", the following— Amendment of section 2. (Cap. 311.)

"Air Pollution Control Officer" means the Air Pollution Control Officer appointed by the Governor in accordance with section 10;

3. Section 4(1) of the principal Ordinance is amended by inserting after "competent authority", in both places where those words occur, the following— Amendment of section 4.

"or the Air Pollution Control Officer".

4. The principal Ordinance is amended by adding, after section 9 the following section— Addition of new section 9A.

"Limit of time for laying information. (Cap. 311, sub. leg.)"

9A. A complaint or information in respect of an offence under section 8(a) or under regulation 12(1) of the Clean Air (Furnaces, Ovens and Chimneys) (Installation and Alteration) Regulations shall be made or laid, as the case may be, within 1 year from the time when the matter of such complaint or information respectively arose."

Amendment of section 10.

- 5. Section 10(1) of the principal Ordinance is amended—
 - (a) in paragraph (a) by deleting “; and” and substituting the following—
“generally or for the purpose of any provision of this Ordinance;”;
 - (b) in paragraph (b) by deleting the full stop at the end and substituting the following—
“; and”;
 - (c) by inserting after paragraph (b) the following—
“(c) the Governor may appoint a public officer by name or office to be the Air Pollution Control Officer.”.

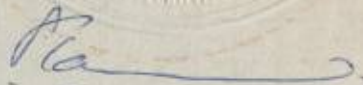
Saving.

(Cap. 311, sub. leg.)

(Cap. 227.)

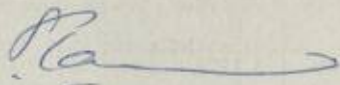
6. Where an occupier has, before the commencement of this Ordinance, committed an offence under section 8(a) of the principal Ordinance or regulation 12(1) of the Clean Air (Furnaces, Ovens and Chimneys) (Installation and Alteration) Regulations and, but for this Ordinance, would not be liable to be prosecuted for that offence by reason of section 26 of the Magistrates Ordinance, he shall, notwithstanding this Ordinance, not be liable to be prosecuted for that offence.

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.



Clerk to the Legislative Council.

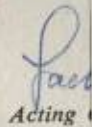
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.



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Acting

19th Ju

An Ordinance to amend the Employment Ordinance

or for the purpose of any provision of this

by deleting the full stop at the end and substitut-

“; and”;

r paragraph (b) the following—

governor may appoint a public officer by name or
to be the Air Pollution Control Officer.”.

Magistrate has, before the commencement of this
an offence under section 8(a) of the principal
12(1) of the Clean Air (Furnaces, Ovens and
and Alteration) Regulations and, but for this
he liable to be prosecuted for that offence by
the Magistrates Ordinance, he shall, notwith-
not be liable to be prosecuted for that offence.

Hong Kong Legislative Council this 18th day of

Clerk to the Legislative Council.

This Ordinance has been carefully compared by me

HONG KONG

No. 55 OF 1979



I assent.

Acting Governor.

19th July, 1979.

An Ordinance to amend the Employment Ordinance to provide therein
for powers of entry into places of employment and to enable
regulations to be made thereunder in relation to employment; and
to amend that Ordinance and certain other Ordinances in relation
to the employment of young persons and children; and for matters
connected therewith.

[1st September, 1979]

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

1. This Ordinance may be cited as the Employment (Miscellaneous
Provisions) Ordinance 1979 and shall come into operation on 1 September
1979.

Short title and
commencement.

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

Amendment
of specified
Ordinances,
Schedule.

SCHEDULE

[s. 2.]

<i>Ordinance</i>	<i>Amendment</i>	
Employment Ordinance.	1. In section 2— (a) after the definition of “annual leave pay” insert the following—	(Cap. 57.)

Ordinance

Amendment

"child" means—

- (a) until the expiration of 31 August 1980, a person under the age of 14 years; and
 - (b) with effect from 1 September 1980, a person under the age of 15 years;"; and
- (b) delete the definition of "young person" and substitute the following—

"young person" means—

- (a) until the expiration of 31 August 1980, a person who has attained the age of 14 years but not the age of 18 years; and
- (b) with effect from 1 September 1980, a person who has attained the age of 15 years but not the age of 18 years."

2. In section 63, after subsection (5), insert the following—

"(5A) Any person who—

- (a) fails to comply with a requirement made by any officer under section 72;
- (b) wilfully or recklessly gives information which is false in a material particular or withholds information as to any of the matters in respect of which information is required to be given under section 72;
- (c) obstructs or delays any officer in the exercise of any of the powers conferred on him under section 72; or
- (d) fails to comply with any condition imposed on the granting of any exemption under section 73(2),

shall be guilty of an offence."

3. After section 71, add the following—

"Powers of officers.

72. (1) The Commissioner, or any public officer authorized by the Commissioner in writing for the purpose and on production of that authority, may—

- (a) subject to subsection (2), enter, inspect and examine at all reasonable times, by day and night, any premises or place, in which he knows or has reasonable cause to believe that persons are employed;
- (b) require the production of any register, record, form or other document required to be kept under this Ordinance and inspect, examine and copy the same;

Ordinance

Amendment

- (c) make such examination and inquiry as may be necessary to ascertain whether the requirements of this Ordinance are complied with, and seize anything which may appear to be evidence of an offence against this Ordinance.

(2) No premises or part of a premises which is used for dwelling purposes shall be entered under subsection (1) except by virtue of a warrant issued by a magistrate, where such magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Ordinance has been, is being or is about to be committed in such premises or part or that there is in such premises or part anything likely to be or contain evidence of such offence.

Regulations.

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

- (a) prohibiting or controlling the employment of persons or any class of persons in any industry, occupation or trade;
- (b) requiring records to be kept and forms to be maintained in respect of employees or any class of employees employed in any industry, occupation or trade;
- (c) imposing obligations for securing compliance with the provisions of this Ordinance upon employers, their agents or servants, and upon employees;
- (d) imposing duties and liabilities on employers and employees;
- (e) defining the functions, duties and powers of public officers appointed or authorized for the purposes of this Ordinance;
- (f) exempting any industry, occupation or trade, or any class or part of any industry, occupation or trade, from the operation of this Ordinance or any provision thereof;
- (g) providing that this Ordinance or any provision thereof shall not apply, or may be modified, in relation to any class of persons;
- (h) providing that the Governor may, by order, amend the Schedule to any regulations made under this Ordinance;

Ordinance

Amendment

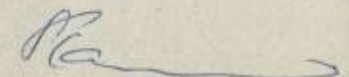
(i) generally, carrying into effect the provisions of this Ordinance.

(2) The Commissioner may in writing, in such cases as he thinks fit and for such period and subject to such conditions as he may specify, exempt any person or class of persons from any regulations made under this section.


(3) Regulations under this section may provide that a contravention of any specified provision of any such regulation shall be an offence and may provide penalties therefor not exceeding a fine of \$10 000."

- | | | |
|----------------------|--|--|
| (Cap. 58.) | Employment of Young Persons and Children at Sea Ordinance. | <p>1. In section 2 delete "fourteen" and substitute "15".</p> <p>2. Delete section 5 and substitute the following—</p> <p style="padding-left: 20px;">"Offences and penalties. 5. (1) Any person who contravenes any of the provisions of section 2 commits an offence and is liable to a fine of \$10 000.</p> <p style="padding-left: 20px;">(2) Any person who contravenes any of the provisions of section 3 commits an offence and is liable to a fine of \$2 000."</p> |
| (Cap. 59.) | Factories and Industrial Undertakings Ordinance. | <p>In section 2(1)—</p> <p>(a) delete the definition of "child" and substitute the following—</p> <p style="padding-left: 20px;">(Cap. 57.) "child" has the meaning assigned to it in the Employment Ordinance;" and</p> <p>(b) delete the definition of "young person" and substitute the following—</p> <p style="padding-left: 20px;">(Cap. 57.) "young person" has the meaning assigned to it in the Employment Ordinance."</p> |
| (Cap. 59, sub. leg.) | Factories and Industrial Undertakings Regulations. | <p>1. Delete regulation 4.</p> <p>2. Delete paragraph (1) of regulation 43.</p> |
| (Cap. 213.) | Protection of Women and Juveniles Ordinance. | Delete section 26A. |

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.


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.

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Act.
191

HONG KONG

No. 56 of 1979



I assent.

Paul Cotes
Acting Governor.

19th July, 1979.

An Ordinance to amend the Crown Land Ordinance.

[20th July, 1979]

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

1. This Ordinance may be cited as the Crown Land (Amendment) Ordinance 1979. Short title.

2. Section 2 of the principal Ordinance is amended in the definition of "authorized person" by deleting "section 6(2)" and substituting the following— Amendment of section 2. (Cap. 28.)

"section 6(2), (2A) or (4A)".

3. Section 6 of the principal Ordinance is amended— Amendment of section 6.

(a) in subsection (1) by deleting "If" and substituting the following—
"Subject to subsection (2A), if";

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

"(2A) Notwithstanding subsection (1), where—

(a) a structure is being erected on or over unleased land, otherwise than under a licence or a deed or memorandum of appropriation; or

(b) a structure has been erected on unleased land, otherwise than under a licence or a deed or memorandum of appropriation, and the Authority is reasonably satisfied that the structure is not being habitually and *bona fide* used,

any public officer, or other person, acting on the direction of the Authority may, with the assistance of such other public officers or other persons as may be necessary, and without giving any notice—

- (i) remove from the structure any person or property therein;
- (ii) demolish the structure; and
- (iii) take possession of such property and of any property resulting from the demolition of the structure.”;

(c) in subsection (3) by inserting after “subsection (2)(b)” the following—

“or subsection (2A)(iii)”;

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

“(4A) Any person who—

- (a) is engaged in any way in the erection of a structure on unleased land; or
- (b) arranges or directs the erection of a structure on unleased land,

being a structure being erected otherwise than under a licence or a deed or memorandum of appropriation, shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000 and to imprisonment for 6 months.”; and

(e) in subsection (5)—

(i) by inserting after “(4)” the following—

“or (4A)”;

(ii) by deleting “subsection (3)” and substituting the following—
“subsection (2A) or (3)”.

Replacement
of heading.

4. The heading to Part IV of the principal Ordinance is deleted and is replaced by the following—

“SUMMARY REMEDY FOR BREACHES OF CROWN LEASES AND LICENCES”.

Amendment of
section 12.

5. Section 12 of the principal Ordinance is amended—

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

“(1) If—

- (a) a structure is being or has been erected or placed on leased land, or on land occupied under a licence, or on any building on such land, in breach of a Crown lease or licence; or
- (b) a structure on leased land or land occupied under a licence, being a structure which by virtue of a covenant, condition or stipulation in a Crown lease or licence can be used only for agricultural purposes—

(i) is being used for any other purpose in breach of that covenant, condition or stipulation; and

(ii) the use for that other purpose is not authorized by any permission granted, or does not appear in any survey or record made, by the Authority before the date on which the Crown Land (Amendment) Ordinance 1979 came into operation,

the Authority may, by notice in writing served on the lessee or licensee, require him—

- (i) in a case to which paragraph (a) applies, to demolish the structure;
- (ii) in a case to which paragraph (b) applies, to discontinue such use and, if the Authority thinks it appropriate, to restore the structure so that it may be used for agricultural purposes,

before such date as may be specified in the notice.”;

(b) in subsection (2) by deleting “and demolish the structure.” and substituting the following—

“and—

- (a) in a case to which subsection (1)(a) applies, demolish the structure;
- (b) in a case to which subsection (1)(b) applies, demolish the structure or, if the Authority thinks fit, carry out such works as may be necessary to restore the structure so that it may be used for agricultural purposes.”; and

(c) by adding after subsection (7) the following subsection—

“(8) The powers conferred by this section are in addition to and not in derogation from the powers conferred on the Crown by the Crown Rights (Re-entry and Vesting Remedies) Ordinance.”.

(Cap. 126.)

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

Repeal and
replacement
of section 13.

13. For the purpose of—

- (a) ascertaining whether there has been a breach of a Crown lease or licence for the purposes of section 12(1); or
- (b) carrying out any work or interviewing any person prior to the clearance of any land or the demolition of any structure on leased land or land occupied under a licence in accordance with the powers conferred by this Ordinance,

any public officer authorized in writing by the Authority may, on production of his authority, enter and inspect the land and any structure thereon at any reasonable time and may also carry out—

- (i) any interview or investigation;
- (ii) any screening, or affixing of numbers on structures, for the purpose of establishing eligibility of persons for public housing; and
- (iii) any computation of compensation and allowances for any industrial, commercial or agricultural undertaking.”.

“Power of
entry and
inspection.

Addition of
section 16A.

7. The principal Ordinance is amended by adding after section 16 the following section—

"False
statements.

16A. Any person who makes a statement—

- (a) in reply to any question put to him under or for the purposes of this Ordinance; or
(b) in any document required by, under or for the purposes of this Ordinance,

which he knows to be false or misleading in a material particular shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000 and to imprisonment for 6 months."

Amendment of
Schedule.

8. The Schedule to the principal Ordinance is amended—

- (a) in the first column by deleting the references to section 6 and substituting the following—

"6(1)
6(2)
6(2A)
6(3)
6(4A) and
6(5)";

- (b) in the second and third columns opposite the reference to section 11(1) by deleting the areas and authorities specified and substituting the following—

"Urban area.	The Director of Housing.
New Territories except New Kowloon.	Secretary for the New Territories or the Director of Housing."; and

- (c) in the second columns and third columns opposite the references to sections 12 and 13 by deleting the areas and authorities specified and substituting the following—

"Urban area.	Director of Public Works or the Director of Housing.
New Territories except New Kowloon.	Secretary for the New Territories or the Director of Housing.".

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.

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.



Ac

19

An Ordinance to amend the Widows and Children

in reply to any question put to him under or for the purposes of this Ordinance; or
in any document required by, under or for the purposes of this Ordinance,

knows to be false or misleading in a material particular shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000 and to imprisonment for 12 months.

The principal Ordinance is amended—

in column 1 by deleting the references to section 6 and in column 2 by deleting the following—

- “6(1)
- 6(2)
- 6(2A)
- 6(3)
- 6(4A) and
- 6(5)”;

and in column 3 and third columns opposite the reference to section 6 by deleting the areas and authorities specified and substituting the following—

- a. The Director of Housing.
- b. The Secretary for the New Territories or the Director of Housing; and

and in column 4 and third columns opposite the reference to section 6 by deleting the following—

HONG KONG

No. 57 OF 1979



I assent.

Jack Cater

Acting Governor.

19th July, 1979.

An Ordinance to amend the Widows' and Children's Pensions Ordinance.

[20th July, 1979]

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

1. This Ordinance may be cited as the Widows' and Children's Pensions (Amendment) Ordinance 1979. Short title.

2. Section 2(5) of the principal Ordinance is amended by deleting paragraph (b) and substituting the following— Amendment of section 2. (Cap. 79.)

“(b) As respects any circumstances in which the conditions specified in paragraph (a)(i)(B) or (a)(ii)(B) are not satisfied, the Directors may, if they think fit and are satisfied that full-time education ought not to be regarded as completed, direct either—

(i) that any period or periods shall be ignored for the purposes of that paragraph; or

(ii) that any period or periods shall be treated as full-time education for all or any of the purposes of this Ordinance.”

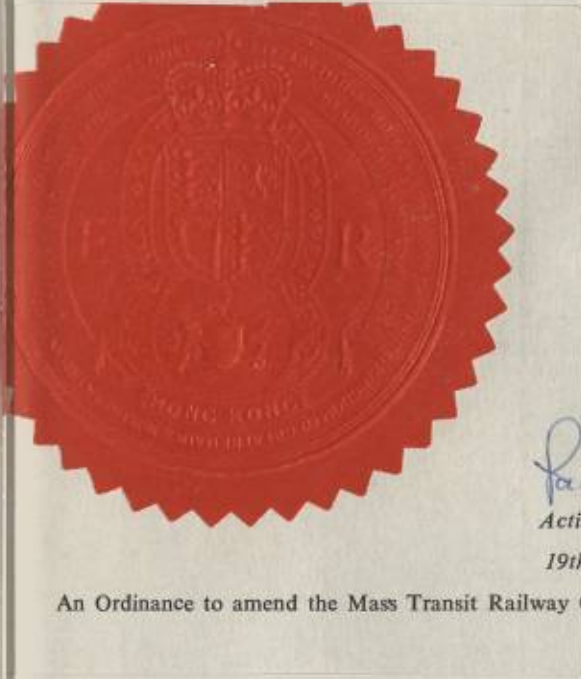
3. Section 14(6)(b) of the principal Ordinance is amended by deleting “total period in respect of which those contributions were made:” and substituting the following— Amendment of section 14.

"period commencing on the date of payment of the first of such contributions and ending on the date on which the contributions are returned:".

Passed by the Hong Kong Legislative Council this 18th day of July, 1979.



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.



An Ordinance to amend the Mass Transit Railway