

(8) Any objector aggrieved by the Board's decision may appeal by way of petition to the Governor within 1 month of being notified of the Board's decision.

(9) Upon consideration of a petition under subsection (8) the Governor may—

- (a) direct the Land Authority to withdraw or amend the notice served under section 16(2); or
- (b) direct that the petition be referred to the Governor in Council.

(10) The Governor in Council, upon considering a petition referred to him under subsection (9) may—

- (a) direct the Land Authority to withdraw or amend the notice served under section 16(2); or
- (b) dismiss the petition.

(11) The decision of the Governor or the Governor in Council shall be final.

#### PART V COMPENSATION

18. (1) No compensation shall be paid to the owner of, or to any person interested in, any land because it is situated within or is affected by a country park.

(2) No action, claim or proceedings shall lie or be brought against the Crown or any other person to recover damages, compensation or costs for—

- (a) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;
- (b) personal disturbance or inconvenience;
- (c) extinguishment, modification or restriction of rights; or
- (d) the costs of affecting or complying with any requirement,

which is authorized or imposed by or under this Ordinance or arises from any act or omission so authorized, except in pursuance of the rights to compensation provided for in section 19.

19. (1) Where—

- (a) the Authority refuses approval under section 10 for the carrying out of new development on any land; or
- (b) the occupier of land within a country park discontinues or modifies the use or ceases to proceed with or modifies the proposed use of that land in accordance with a notice given to him under section 16(2),

and such new development or use is permitted by or under the terms of any lease or agreement for a lease under which the land is held—

- (i) in the case of loss, damage or cost under paragraph (a), the owner of the land; and
- (ii) in the case of loss, damage or cost under paragraph (b), any person owning a compensatable interest in the land,

shall have the right to claim compensation from the Crown to the extent of the loss, damage or cost suffered or incurred by him as assessed under this Part.

No remedy  
except under  
this Ordinance.

Compensation.

(2) The basis on which compensation is to be assessed shall be—

(a) in the case of a claim for loss, damage or cost under subsection (1)(a), the amount by which the value of the land is reduced on account of the refusal to approve the carrying out of new development; and

(b) in the case of a claim for loss, damage or cost under subsection (1)(b)—

(i) the amount by which the value of the land is reduced; and

(ii) the amount which might fairly and reasonably be estimated as the loss of the claimant in respect of works necessary to effect the discontinuance, cessation or modification of the use or proposed use,

on account of the requirement to discontinue or modify or the prohibition.

(3) In the assessment of compensation no account shall be taken of any increase or decrease in the value of land to which the compensation relates which is attributable to—

(a) the land being within an area of a proposed country park shown on a draft map prepared under section 8; or

(b) the land being within a country park.

(4) For the purposes of this section the value of land shall be such value as would be assessed under the Crown Lands Resumption Ordinance (Cap. 124.) if the land were to be resumed under that Ordinance.

(5) In this section "compensatable interest" means the estate or interest of—

(a) a person having an unexpired term in land (including any further term which could be obtained as of right) of not less than one month or a tenancy or sub-tenancy terminable (where by virtue of an Ordinance or otherwise) by either party by not less than one month's notice;

(b) a mortgagee in possession;

(c) the holder of a valid or subsisting option to purchase an interest referred to in (a) or (d);

(d) a purchaser under an agreement for sale and purchase to whom the benefit of an interest referred to in (a) or (c) has already passed.

20. (1) Any person claiming compensation under section 19 shall submit a claim in writing to the Authority stating the nature of his estate or interest in the land and the amount which he seeks to recover.

Claims for  
compensation.

(2) A person claiming compensation under section 19 shall submit his claim to the Authority within 1 year of the refusal to approve new development or of the receipt of a requirement to discontinue or modify the use or proposed use, as the case may be, or within such further period as the Authority may allow.

(3) If any such person and the Authority do not agree, within 3 months from the submission of the claim under subsection (1), as to the amount of compensation (if any) to be paid, either party may submit the claim to the Lands Tribunal for determination of the amount of compensation (if any) to be paid.

(4) The Lands Tribunal shall determine the amount of compensation payable in respect of a claim submitted to it under subsection (3) in accordance with section 19.

Interest on compensation.

21. The Lands Tribunal may direct that interest be paid on compensation (but not on costs) from such date and for such period as it thinks fit, at the lowest rate paid from time to time by members of the Exchange Banks Association on time deposits or at such other rate as may be determined by resolution of the Legislative Council.

Compensation to be paid from funds provided by the Legislative Council.

22. All compensation, including interest thereon and costs, shall be paid from such money as may be provided from time to time by the Legislative Council.

Payment when claimant absent etc.

23. If a claimant to whom compensation is payable, either by agreement or following an award by the Lands Tribunal,—

- (a) is absent from Hong Kong;
- (b) cannot be found;
- (c) within 3 months of an agreement for or award of compensation makes no claim for payment; or
- (d) in the opinion of the Authority is unable to give an effectual discharge for the compensation,

the Authority may direct payment of the compensation to be made to such other person on behalf of the claimant as he shall think proper, subject to such conditions as he thinks fit, and the receipt of the person to whom payment is made shall be a valid and effectual discharge for the compensation in the same manner as if payment had been made to the claimant.

#### PART VI SPECIAL AREAS

Designation of special areas.

24. (1) The Governor may by order in the *Gazette* designate any area of Crown land outside a country park as a special area for the purpose of this Ordinance.

(2) The Authority may, on the advice of the Board, by order in the *Gazette*, designate any area of Crown land within a country park as a special area for the purposes of this Ordinance.

(3) In this section "Crown land" means any land which is not leased land.

#### PART VII EXCLUSIONS

Exclusions from country parks and special areas.

25. The Governor may by order in the *Gazette* exclude from any country park or special area—

- (a) village areas, traditional burial grounds, temples and other religious buildings;
- (b) any area in respect of which a lease is issued or to be issued by the Secretary for the New Territories, after consultation with the Authority, for the purposes of recreation or tourism; and
- (c) any place, building, site or structure that has been declared a monument under section 3 of the Antiquities and Monuments Ordinance.

(Cap. 53.)

#### PART VIII MISCELLANEOUS

26. (1) The Governor in Council may make regulations to provide Regulations.  
for—

- (a) the proper management and control, including closure or partial closure, of country parks and special areas;
- (b) prohibiting or restricting the entry into, or movement within, country parks and special areas of persons, vehicles, boats and animals;
- (c) the preservation of good order and prevention of abuses and nuisances within country parks and special areas;
- (d) the fees or charges payable in connexion with the use of any country park or special area or any part thereof or in connexion with the use of any amenities or facilities provided therein;
- (e) prohibiting or restricting the killing, hunting, trapping, molesting or disturbance of any form of wild life within a country park or special area, the taking of, destruction of or interference with vegetation within a country park or special area or the doing of anything therein which will interfere with the soil;
- (f) prohibiting or restricting the lighting of fires within a country park or special area and the prevention of fire hazards;
- (g) prohibiting or controlling the use of a country park or special area for—
  - (i) picnicking;
  - (ii) barbecuing;
  - (iii) camping;
  - (iv) swimming;
  - (v) hawking;
  - (vi) advertising;
  - (vii) fishing; and
  - (viii) any other similar activities;
- (h) the seizure and disposal of any vehicle, boat, animal or other article or thing in respect of which any regulation made under this section is contravened;
- (i) the issue by the Authority on such terms and subject to such conditions as the Authority may personally determine, of permits authorizing the entry into a country park or special area or the doing of anything therein which would otherwise be unlawful; and
- (j) generally the purposes of this Ordinance.

(2) Regulations made under this section shall not derogate from or adversely affect any rights attached to any land within a country park or special area.

(3) Regulations made under this section may provide that a contravention or breach thereof shall be an offence punishable by a fine not exceeding \$5,000 and imprisonment for a term not exceeding 1 year and where the offence is a continuing offence, punishable by a daily fine not exceeding \$100 in addition to the penalties imposed in relation to that offence.

Powers of  
arrest.

27. (1) Any public officer or class of public officers authorized in writing by the Authority in that behalf may without warrant arrest any person whom he reasonably suspects of having committed any offence under the regulations.

(Cap. 232.)

(2) Any public officer who arrests any person under subsection (1) shall take the person to a police station or, if further inquiries are necessary, first to an office of the Authority and then to a police station, there to be dealt with in accordance with the Police Force Ordinance:

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 public officer arresting him may use such force as is reasonably necessary to effect the arrest.

Powers of  
entry.

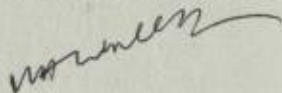
28. (1) For the purpose of—

- (a) surveying any land in connexion with the preparation of a draft map under section 8;
- (b) ascertaining whether any new development is being carried out on any land;
- (c) ascertaining whether the use or proposed use of any land within a country park would substantially reduce the enjoyment or amenities of the country park as such; or
- (d) surveying any land or estimating its value in connexion with any claim for compensation under section 19,

any public officer authorized in writing by the Authority in that behalf may enter upon that land at all reasonable times.

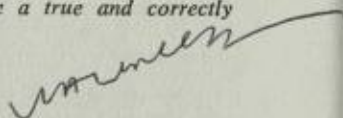
(2) Any person who wilfully obstructs any public officer lawfully exercising his powers under this section shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 1 year.

Passed by the Hong Kong Legislative Council this 10th day of March, 1976.



Clerk to the Legislative Council.

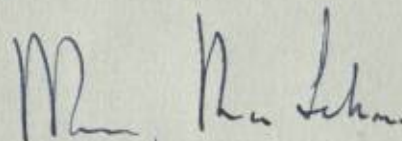
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



Clerk to the Legislative Council.



I assent.



Governor.

HONG KONG

No. 11 OF 1976

(Cap. 232.)

take the person to a police station or, if further inquiries are necessary, first to an office of the Authority and then to a police station, there to be dealt with in accordance with the Police Force Ordinance:

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 public officer arresting him may use such force as is reasonably necessary to effect the arrest.

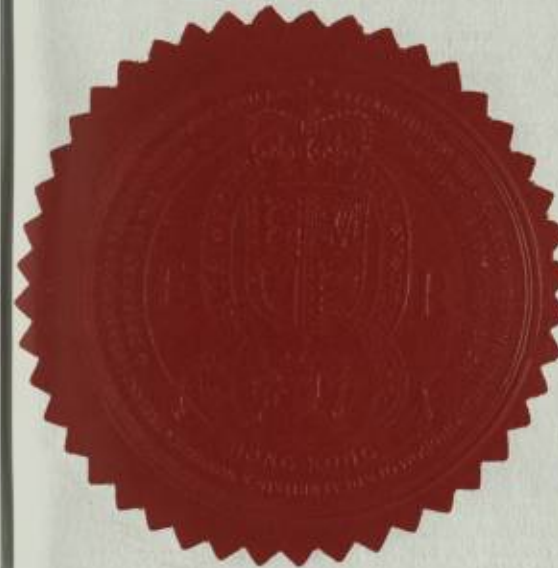
28. (1) For the purpose of—

- (a) surveying any land in connexion with the preparation of a draft map under section 8;
- (b) ascertaining whether any new development is being carried out on any land;
- (c) ascertaining whether the use or proposed use of any land within a country park would substantially reduce the enjoyment or amenities of the country park as such; or
- (d) surveying any land or estimating its value in connexion with any claim for compensation under section 19,

any public officer authorized in writing by the Authority in that behalf may enter upon that land at all reasonable times.

(2) Any person who wilfully obstructs any public officer lawfully exercising his powers under this section shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 1

Powers of entry.



I assent.

Governor.

25th March, 1976.

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

[26th March, 1976]

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 1976. Short title.

2. The Schedule to the principal Ordinance is amended by deleting items 1 to 3 and substituting the following— Amendment of Schedule. (Cap. 330.)

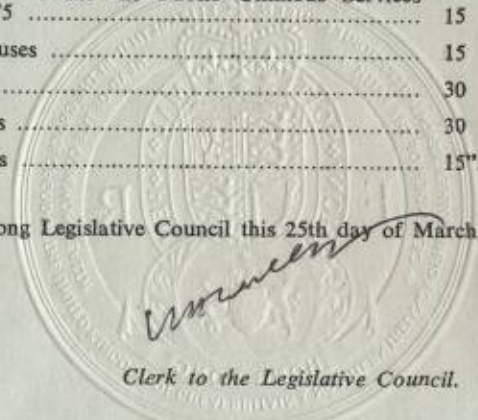
"1. Cars, except—

(a) cars which are to be licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations as taxis;

(b) public cars to be used solely in connexion with the maintaining of a service in accordance with the grant of the exclusive rights of maintaining such service under any enactment .....

- 2. Cars which are to be licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations as taxis and public cars to be used solely in connexion with the maintaining of a service in accordance with the grant of the exclusive rights of maintaining such service under any enactment ..... 15
- 3. Public light buses and private light buses ..... 15
- 4. Public omnibuses, except omnibuses which are to be used solely in connexion with operating a public omnibus service under the Public Omnibus Services Ordinance 1975 ..... 15
- 5. Private omnibuses ..... 15
- 6. Motor cycles ..... 30
- 7. Motor tricycles ..... 30
- 8. Goods vehicles ..... 15".

Passed by the Hong Kong Legislative Council this 25th day of March, 1976.



*[Signature]*  
Clerk to the Legislative Council.

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

*[Signature]*  
Clerk to the Legislative Council.



I assent.

*[Signature]*  
Governor.

25th March, 1976.

3. Public light buses and private light buses .....	15
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5. Private omnibuses .....	15
6. Motor cycles .....	30
7. Motor tricycles .....	30
8. Goods vehicles .....	15*

Passed by the Hong Kong Legislative Council this 25th day of March, 1976.



*Wong*  
Clerk to the Legislative Council.

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

**HONG KONG**

No. 12 OF 1976



I assent.

*M. S. Ho*  
Governor.

25th March, 1976.

An Ordinance to amend the Offences against the Person Ordinance.

[26th March, 1976]

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 Offences against the Person Short title. (Amendment) Ordinance 1976.

2. Section 47A of the principal Ordinance is amended—

Amendment of section 47A. (Cap. 212.)

- (a) in subsections (1) and (4) by inserting "registered" before "medical" wherever it occurs;
- (b) in paragraph (a) of subsection (5) by inserting "registered" before "medical"; and
- (c) by deleting subsection (9).

Passed by the Hong Kong Legislative Council this 25th day of March, 1976.

*Wong*  
Clerk to the Legislative Council.

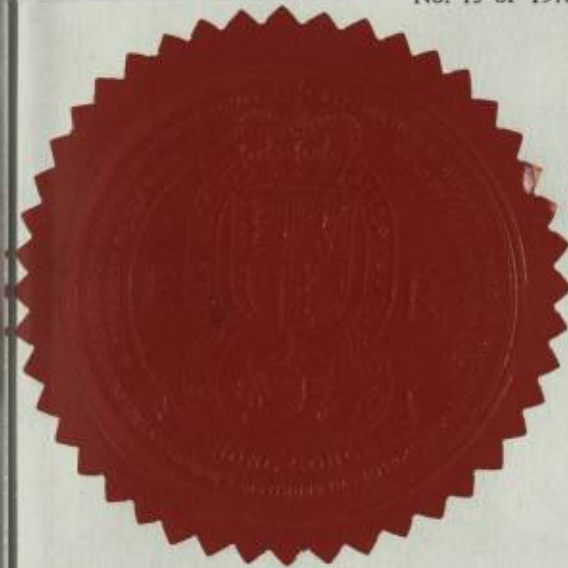
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*

*[Handwritten signature]*

*Clerk to the Legislative Council.*



NO. 15 OF 1976



I assent.

*[Handwritten signature]*

Governor.

8th April, 1976.

An Ordinance to amend the Marriage Ordinance.

[9th April, 1976]

Enacted by the Governor of Hong Kong with the advice and consent

printed copy of the same bill.

*W. W. W. W.*

Clerk to the Legislative Council.



**HONG KONG**

No. 13 OF 1976



I assent.

*M. N. S.*

Governor.

8th April, 1976.

An Ordinance to amend the Marriage Ordinance.

[9th April, 1976]

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 Marriage (Amendment) Ordinance 1976. Short title.

2. The principal Ordinance is amended by adding, after section 41, the following new section— Addition of new section 42. (Cap. 181.)

42. The Governor may by order published in the *Gazette* provide for— "Regulations and amendment of First Schedule."  
(a) the amendment of the First Schedule; and  
(b) the due carrying out of the Ordinance."

3. The First Schedule to the principal Ordinance is amended in Form 3 by deleting— Amendment of First Schedule.

"Given under my hand this                      day of                      , 19                      ."

(Signed.) Governor."

and substituting the following—

"Dated the                      day of                      19                      ."

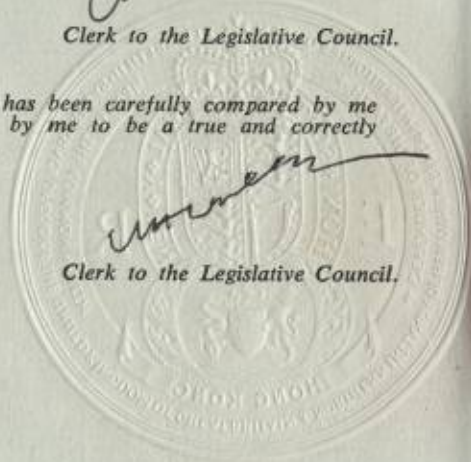
(Signed.)"

Passed by the Hong Kong Legislative Council this 7<sup>th</sup> day of April, 1976.

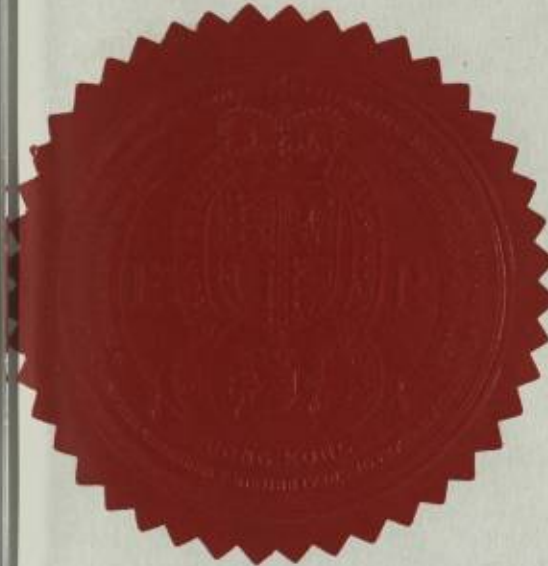
*W. M. Chan*

Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

*M. M. Lehn*

Governor.

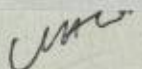
8th April, 1976.

An Ordinance to amend the Independent Commission Against Corruption Ordinance.

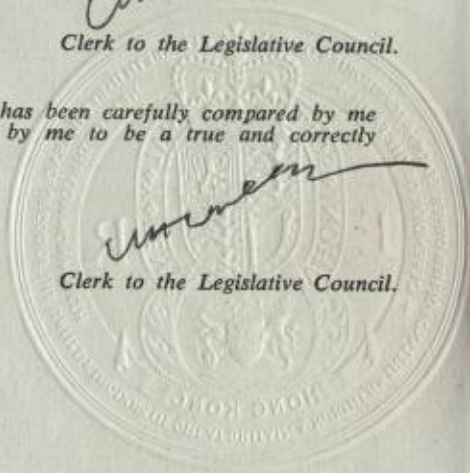
[9th April, 1976]

**HONG KONG**

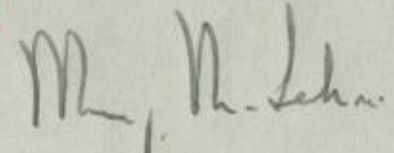
No. 14 OF 1976

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.

I assent.

  
Governor.

8th April, 1976.

An Ordinance to amend the Independent Commission Against Corruption Ordinance.

[9th April, 1976]

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

1. This Ordinance may be cited as the Independent Commission Against Corruption (Amendment) Ordinance 1976. Short title.

2. Section 10 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 10. (Cap. 204.)

"Power of arrest.

(Cap. 201.)  
(Cap. 288.)

10. (1) An officer authorized in that behalf by the Commissioner may without warrant arrest a person if he reasonably suspects that such person is guilty of an offence under this Ordinance or the Prevention of Bribery Ordinance or the Corrupt and Illegal Practices Ordinance.

(2) Where, during an investigation by the Commission of a suspected offence under the Prevention of Bribery Ordinance, another offence is disclosed, any such officer may without warrant arrest a person if he reasonably suspects that such person is guilty of that other offence and—

(a) he reasonably suspects that such other offence was connected with, or that either directly or indirectly its commission was facilitated by, the suspected offence under the Prevention of Bribery Ordinance; or

(b) the other offence is one which is specified for the purposes of this subsection in subsection (5).

(3) Any such officer—

(a) may use such force as is reasonable in the circumstances in effecting an arrest under subsection (1); and

(b) may, for the purpose of effecting such an arrest, enter and search any premises or place if he has reason to believe that there is in the premises or place a person who is to be so arrested.

(4) No premises or place shall be entered under subsection (3) unless the officer has first stated that he is an officer and the purpose for which he seeks entry and produced his warrant card to any person requesting its production, but subject as aforesaid any such officer may enter any such premises or place by force, if necessary.

(5) The following offences are specified for the purposes of subsection (2)—

(a) the offence of perverting or obstructing the course of justice;

(Cap. 210.)

(b) the offence of blackmail under section 23 of the Theft Ordinance;

(c) the offence of obtaining property by deception under section 17 of the Theft Ordinance;

(d) the offence of obtaining pecuniary advantage by deception under section 18 of the Theft Ordinance;

(Cap. 221.)

(e) the offence of assisting an offender under section 90 of the Criminal Procedure Ordinance;

(f) the offence of conspiracy to defraud and the offence of conspiracy to commit any of the offences referred to in paragraph (a), (b), (c), (d) or (e);

(g) an attempt to commit any offence referred to in paragraph (a), (b), (c), (d) or (e) or the offence of aiding, abetting, counselling or procuring any offence so referred to.

Procedure  
after arrest.

(Cap. 232.)

**10A.** (1) A person arrested under section 10—

(a) may be taken forthwith to a police station and there dealt with in accordance with the Police Force Ordinance; or

(b) may be taken to the offices of the Commission.

(2) A person arrested under section 10 who is taken to the offices of the Commission may be—

(a) detained there if an assistant director of the Commission considers it necessary for the purpose of further inquiries;

(b) released from custody—

(i) on his depositing such reasonable sum of money as an assistant director of the Commission may require; or

(ii) on his entering into such recognizance, with such sureties, if any, as an assistant director of the Commission may require; or

(iii) on his depositing such a sum of money and entering into such a recognizance.

(3) A person who has deposited a sum of money for the purposes of subsection (2) and has thereupon been released from custody shall—

(a) attend at the offices of the Commission at such time as an assistant director of the Commission has specified and at such other time thereafter as such an assistant director may specify; or

(b) appear before a magistrate at such time and place as an assistant director of the Commission has specified.

(4) A recognizance entered into for the purposes of subsection (2) shall be conditioned—

(a) for the attendance of the person at the offices of the Commission at such time as may be specified therein and at such other time thereafter as an assistant director of the Commission may specify; or

(b) for the appearance of the person before a magistrate at such time and place as may be specified therein.

(5) If any person fails to attend at the offices of the Commission or to appear before a magistrate in accordance with subsection (3) or a recognizance entered into for the purposes of subsection (2), such sum of money may be forfeited or such recognizance estreated by a magistrate on application by the Commissioner.

(6) A person who is detained at the offices of the Commission under subsection (2)(a) shall be brought before a magistrate as soon as practicable and in any event within 48 hours after his arrest unless he is sooner released, whether under subsection (2)(b) or otherwise.

(7) (a) A person who is detained at the offices of the Commission under subsection (2)(a) may be taken in the custody of an officer to and from any other place if an assistant director of the Commission considers it necessary or desirable to do so.

(b) Any person who is being taken to and from any such place in the custody of an officer under paragraph (a) shall be deemed to be in lawful custody.

(8) The Governor may by order make such provision as he considers necessary with respect to the treatment of persons detained at the offices of the Commission, whether under subsection (2)(a) or pursuant to the order of a magistrate under section 20(1) of the Magistrates Ordinance.

(Cap. 227.)

Search  
warrants.  
(Cap. 201.)

**10B.** Without prejudice to section 16 or section 17(1) of the Prevention of Bribery Ordinance, if a magistrate is satisfied by information on oath that there is reason to believe that there is in any premises or place anything which is or contains evidence of the commission of any of the offences referred to in section 10, he may by warrant directed to any officer authorize such officer, and any other officers assisting him, to enter and search such premises or place.

Power of search and seizure.

**10C.** (1) An officer authorized in that behalf by the Commissioner may—

- (a) search any person if he reasonably suspects that such person is guilty of any of the offences referred to in section 10;
- (b) search the premises or place in which any person was arrested under section 10, or the premises or place in which a person who evades arrest therein under section 10 was to be arrested, for evidence of any of the offences referred to in that section;
- (c) seize and detain anything which such officer has reason to believe to be or to contain evidence of any of the offences referred to in section 10.

(2) A person shall not be searched under subsection (1) except by a person of the same sex.

(3) The powers conferred by subsection (1) shall not derogate from the power conferred on any officer by section 17 of the Prevention of Bribery Ordinance or a warrant issued thereunder.

(Cap. 201.)

Power to take fingerprints and photographs of arrested persons.

**10D.** (1) An officer may take a photograph, and the fingerprints, weight and measurements, of a person arrested under section 10.

(2) If a person whose photograph, fingerprints, weight or measurements has been taken under subsection (1)—

- (a) is not thereafter charged with an offence; or
- (b) is for any reason discharged by a court,

the Commissioner shall cause all photographs (including any negative), fingerprint impressions or records of weight and measurements to be destroyed forthwith or delivered to that person."

Amendment of section 12.

**3.** Section 12 of the principal Ordinance is amended by inserting the following in paragraph (b) after "under"—

"this Ordinance,".

Addition of new sections 13A to 13D.

**4.** The principal Ordinance is amended by adding after section 13 the following new sections—

"Resisting or obstructing officers.

**13A.** Any person who resists or obstructs an officer in the execution of his duty shall be guilty of an offence and shall be liable on conviction to a fine of \$1,000 and to imprisonment for 6 months.

False reports to officers.

**13B.** Any person who knowingly—

- (a) makes or causes to be made to an officer a false report of the commission of any offence; or
- (b) misleads an officer by giving false information or by making false statements or accusations,

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

Falsely pretending to be an officer, etc. (Cap. 201.)

**13C.** Any person who falsely pretends—

- (a) that he is an officer or has any of the powers of an officer under this Ordinance or the Prevention of Bribery Ordinance or under any authorization or warrant under either of those Ordinances; or

- (b) that he is able to procure an officer to do or refrain from doing anything in connexion with the duty of such officer,

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

Disposal of property connected with offences. (Cap. 221.)

**13D.** Section 102 of the Criminal Procedure Ordinance shall apply with respect to property in the possession of the Commissioner or any officer as it applies with respect to property in the possession of a court or the police."

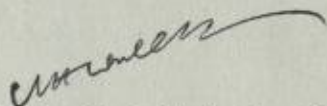
**5.** The principal Ordinance is amended by adding after section 17 the following new section—

Addition of new section 18.

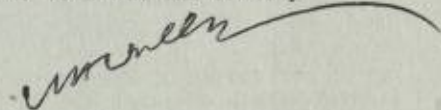
"Saving of certain common law privileges.

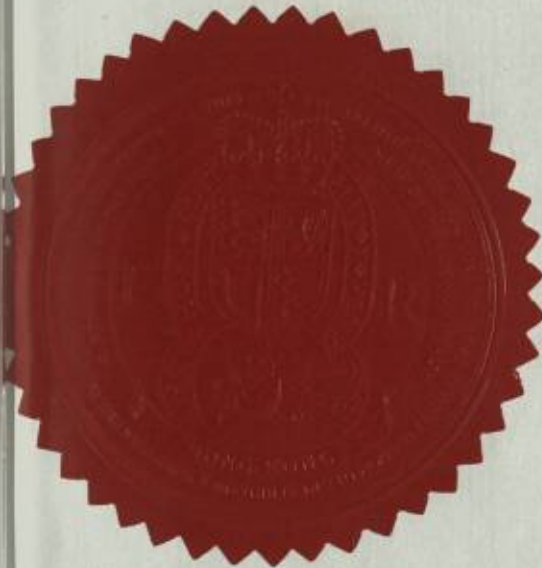
**18.** Nothing in this Ordinance shall prejudice any claim to privilege which any person may have at common law in relation to any communication, document or other thing made or given to a solicitor or counsel."

Passed by the Hong Kong Legislative Council this 7<sup>th</sup> day of April, 1976.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

*M. J. Lehman*  
Governor.

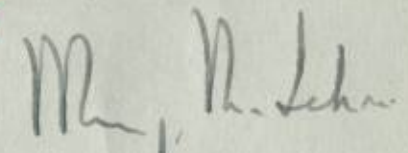
8th April, 1976.

**HONG KONG**

No. 15 OF 1976



I assent.

  
Governor.

8th April, 1976.

An Ordinance to amend the Prevention of Bribery Ordinance.

[9th April, 1976]

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 Bribery (Amendment) Ordinance 1976. Short title.

2. Section 14A of the principal Ordinance is amended by deleting subsection (2) and substituting the following— Amendment of section 14A. (Cap. 201.)

“(2) A notice under subsection (1)—

- (a) may be served by delivering it personally to the person to whom it is addressed or may, where the District Court is satisfied that such person cannot be found or is not in Hong Kong, be served in such other manner as the District Court may direct on application *ex parte* by or on behalf of the Commissioner;
- (b) shall have effect from the time of service and shall continue in force for a period of 12 months or until cancelled by the Commissioner whichever is the earlier.”.

Amendment of section 14C.

3. Section 14C of the principal Ordinance is amended in subsection (3) by inserting the following after "person"—

"and may be served by delivering it to him personally or may, where the District Court is satisfied that such person cannot be found or is not in Hong Kong, be served in such other manner as the court may direct on application *ex parte* by or on behalf of the Commissioner".

Amendment of section 17.

4. Section 17 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

"(1) If it appears to the Commissioner that there is reasonable cause to believe that in any premises or place, other than an office, registry or other room of or used by a public body, there may be anything which is or contains evidence of the commission of an offence under this Ordinance, he may by warrant directed to an investigating officer empower such officer to enter such premises or place, by force if necessary, and search the same."

Amendment of section 17A.

5. Section 17A of the principal Ordinance is amended by inserting the following after subsection (6)—

"(6A) All proceedings before a magistrate under this section shall be conducted in chambers."

Passed by the Hong Kong Legislative Council this 7<sup>th</sup> day of April, 1976.

*[Handwritten signature]*

Clerk to the Legislative Council.

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

*[Handwritten signature]*

Clerk to the Legislative Council.



I assent.

*[Handwritten signature]*

Governor.

APR 11 1976

may direct on application *ex parte* by or on behalf of the Commissioner".

Amendment of section 17.

4. Section 17 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

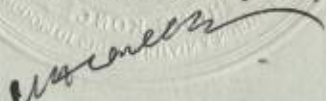
"(1) If it appears to the Commissioner that there is reasonable cause to believe that in any premises or place, other than an office, registry or other room of or used by a public body, there may be anything which is or contains evidence of the commission of an offence under this Ordinance, he may by warrant directed to an investigating officer empower such officer to enter such premises or place, by force if necessary, and search the same."

Amendment of section 17A.

5. Section 17A of the principal Ordinance is amended by inserting the following after subsection (6)—

"(6A) All proceedings before a magistrate under this section shall be conducted in chambers."

Passed by the Hong Kong Legislative Council this 7<sup>th</sup> day of April, 1976.

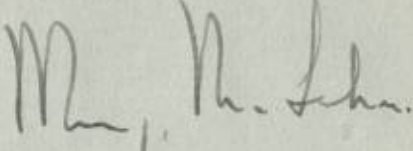
  
Clerk to the Legislative Council.

**HONG KONG**

No. 16 OF 1976



I assent.

  
Governor.

29th April, 1976.

An Ordinance to apply a sum not exceeding \$7,211,910,000 to the Public Service for the financial year ending the 31st March 1977.

[30th April, 1976]

WHEREAS the expenditure required for the service of Hong Kong for the financial year ending on the 31st March 1977 has been estimated at the sum of \$7,211,910,000: Preamble.

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

1. This Ordinance may be cited as the Appropriation Ordinance Short title.  
1976.

2. (1) A sum not exceeding \$6,552,412,000, being the total sum shown in the third column of the Schedule, shall be and the same is hereby charged upon the general revenues and other funds of Hong Kong for the service of the financial year commencing on the 1st April 1976, and ending on the 31st March 1977, and the said sum so charged may be expended in the manner expressed in the Schedule. Appropriation from the general revenue and other funds. Schedule.

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

(3) Where the Financial Secretary directs that any revenue, whether received by way of fee, penalty or proceeds of sale or by way of an extra or unusual receipt, shall be applied as an appropriation-in-aid of any vote referred to in the Schedule, such revenue shall be deemed to be a sum provided under this Ordinance and shall, without being paid into the general revenue, be applied, audited and dealt with accordingly, and so far as it is not so applied shall be paid into the general revenue; and where the revenue so directed to be applied as an appropriation-in-aid of any vote referred to in the Schedule, exceeds in a financial year—

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

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

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

### SCHEDULE

[s. 2.]

<i>Number of Vote</i>	<i>Head of Expenditure</i>	<i>Amount of Vote</i>	<i>Appropriation-in-Aid</i>	<i>Gross Expenditure</i>
		\$	\$	\$
21.	His Excellency the Governor's Establishment .....	1,675,000	—	1,675,000
22.	Agriculture and Fisheries Department ...	45,292,000	730,000	46,022,000
23.	Audit Department .....	4,623,000	—	4,623,000
24.	Census and Statistics Department .....	11,646,000	—	11,646,000
25.	Civil Aviation Department .....	—	38,530,000	38,530,000
26.	Colonial Secretariat .....	50,927,000	—	50,927,000
27.	Colonial Secretariat: London Office ...	6,468,000	—	6,468,000
28.	Commerce and Industry Department .....	44,609,000	7,969,000	52,578,000
29.	Defence: Auxiliary Medical Service .....	2,024,000	—	2,024,000
30.	Defence: Civil Aid Services .....	4,427,000	—	4,427,000
31.	Defence: Miscellaneous Measures .....	250,604,000	—	250,604,000
32.	Defence: Royal Hong Kong Auxiliary Air Force .....	4,795,000	—	4,795,000
33.	Defence: Royal Hong Kong Regiment (The Volunteers) .....	3,820,000	—	3,820,000
34.	Education Department .....	195,242,000	25,015,000	220,257,000
35.	Fire Services Department .....	96,264,000	1,520,000	97,784,000
36.	Government Supplies Department .....	14,501,000	4,800,000	19,301,000
37.	Home Affairs Department .....	16,505,000	641,000	17,146,000
38.	Housing Department .....	115,374,000	—	115,374,000
39.	Immigration Department .....	—	32,934,000	32,934,000
40.	Independent Commission Against Corruption .....	37,748,000	—	37,748,000
41.	Information Services Department .....	6,708,000	5,000,000	11,708,000
42.	Inland Revenue Department .....	41,277,000	—	41,277,000

<i>Number of Vote</i>	<i>Head of Expenditure</i>	<i>Amount of Vote</i>	<i>Appropriations-in-Aid</i>	<i>Gross Expenditure</i>
		\$	\$	\$
43.	Judiciary .....	19,800,000	7,558,000	27,358,000
44.	Kowloon-Canton Railway .....	—	39,933,000	39,933,000
45.	Labour Department .....	19,699,000	3,385,000	23,084,000
46.	Legal Department .....	8,862,000	134,000	8,996,000
47.	Legal Aid Department .....	6,819,000	1,380,000	8,199,000
48.	Marine Department .....	41,243,000	19,057,000	60,300,000
49.	Medical and Health Department .....	405,662,000	24,667,000	430,329,000
50.	Miscellaneous Services .....	341,577,000	—	341,577,000
51.	New Territories Administration .....	37,339,000	2,805,000	40,144,000
52.	Office of Unofficial Members of Executive and Legislative Councils .....	1,831,000	—	1,831,000
53.	Pensions .....	201,316,000	—	201,316,000
54.	Police: Royal Hong Kong Police Force	468,269,000	1,249,000	469,518,000
55.	Police: Royal Hong Kong Auxiliary Police Force .....	28,418,000	—	28,418,000
56.	Post Office .....	—	156,587,000	156,587,000
57.	Printing Department .....	22,153,000	720,000	22,873,000
58.	Prisons Department .....	90,120,000	—	90,120,000
59.	Public Debt .....	42,674,000	—	42,674,000
60.	Public Services Commission .....	489,000	—	489,000
61.	Public Works Department: Headquarters	9,671,000	—	9,671,000
62.	Public Works Department: Building Development .....	110,086,000	2,950,000	113,036,000
63.	Public Works Department: Engineering Development .....	220,936,000	47,960,000	268,896,000
64.	Public Works Department: Lands and Survey .....	35,661,000	1,050,000	36,711,000
65.	Public Works Department: New Territories Development .....	3,907,000	—	3,907,000
66.	Public Works Department: Water Supplies .....	—	211,801,000	211,801,000
67.	Public Works Non-recurrent: Headquarters .....	93,364,000	—	93,364,000
68.	Public Works Non-recurrent: Buildings	226,728,000	—	226,728,000
69.	Public Works Non-recurrent: Engineering .....	457,612,000	—	457,612,000
70.	Public Works Non-recurrent: New Towns and Public Housing (other than Housing Authority)	593,743,000	—	593,743,000
71.	Public Works Non-recurrent: Water-works .....	230,114,000	—	230,114,000
72.	Radio Hong Kong .....	13,100,000	—	13,100,000
73.	Rating and Valuation Department .....	13,647,000	—	13,647,000
74.	Registrar General's Department .....	—	12,693,000	12,693,000

<i>Number of Vote</i>	<i>Head of Expenditure</i>	<i>Amount of Vote</i>	<i>Appropriations-in-Aid</i>	<i>Gross Expenditure</i>
		\$	\$	\$
75.	Registration of Persons Department .....	4,032,000	1,160,000	5,192,000
76.	Registry of Trade Unions .....	656,000	—	656,000
77.	Royal Observatory .....	8,285,000	—	8,285,000
78.	Social Welfare Department .....	354,812,000	—	354,812,000
79.	Subventions: Education .....	821,165,000	—	821,165,000
80.	Subventions: Medical .....	180,708,000	—	180,708,000
81.	Subventions: Miscellaneous .....	66,871,000	—	66,871,000
82.	Subventions: Social Welfare .....	52,000,000	—	52,000,000
83.	Transport Department .....	10,270,000	5,355,000	15,625,000
84.	Treasury .....	12,426,000	—	12,426,000
85.	Universities and Polytechnic .....	292,333,000	—	292,333,000
86.	Urban Services Department .....	49,485,000	1,915,000	51,400,000
	<b>Total .....</b>	<b>6,552,412,000</b>	<b>659,498,000</b>	<b>7,211,910,000</b>

Passed by the Hong Kong Legislative Council this 28th day of April, 1976.

*W. M. C. Chan*  
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.*

*W. M. C. Chan*  
Clerk to the Legislative Council.



I assent.

*M. H. Li*

78. Social Welfare Department .....	354,812,000	—	354,812,000
79. Subventions: Education .....	821,165,000	—	821,165,000
80. Subventions: Medical .....	180,708,000	—	180,708,000
81. Subventions: Miscellaneous .....	66,871,000	—	66,871,000
82. Subventions: Social Welfare .....	52,000,000	—	52,000,000
83. Transport Department .....	10,270,000	5,355,000	15,625,000
84. Treasury .....	12,426,000	—	12,426,000
85. Universities and Polytechnic .....	292,333,000	—	292,333,000
86. Urban Services Department .....	49,485,000	1,915,000	51,400,000
<b>Total .....</b>	<b>6,552,412,000</b>	<b>659,498,000</b>	<b>7,211,910,000</b>

Passed by the Hong Kong Legislative Council this 28th day of April, 1976.

*Michael*  
 Clerk to the Legislative Council

## HONG KONG

No. 17 OF 1976



I assent.

*Michael*  
 Governor.

29th April, 1976.

An Ordinance to provide for the establishment of the Hong Kong Industrial Estates Provisional Authority and for connected matters.

[30th April, 1976]

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

1. This Ordinance may be cited as the Hong Kong Industrial Estates Provisional Authority Ordinance 1976. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
 "industrial estate" means an industrial estate designated under section 7;  
 "land" includes—

- (a) the foreshore and seabed;
- (b) any buildings and structures erected on land; and
- (c) any interest in land;

"Provisional Authority" means the Hong Kong Industrial Estates Provisional Authority established by section 3.

Establishment  
of Provisional  
Authority.

3. (1) There is hereby established the Hong Kong Industrial Estates Provisional Authority.

(2) The Provisional Authority shall consist of such members as the Governor may appoint. The Governor shall appoint a member to be the chairman, and a member to be the deputy chairman, of the Provisional Authority.

(3) A member of the Provisional Authority may at any time resign his office by notice in writing addressed to the Governor.

(4) The Provisional Authority shall have power to regulate its own procedure.

(5) The chairman or, in his absence, the deputy chairman of the Provisional Authority shall preside at meetings of the Provisional Authority and in their absence such member shall preside as the members present select.

Incorporation.

4. The Hong Kong Industrial Estates Provisional Authority shall be a body corporate with perpetual succession and a common seal and shall be capable of holding and disposing of all kinds of property, of suing and being sued and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

Purposes of the  
Provisional  
Authority.

5. The purposes of the Provisional Authority shall be—

- (a) to construct industrial estates; and
- (b) to manage and control industrial estates.

General powers  
of the  
Provisional  
Authority.

6. (1) Subject to section 11, the Provisional Authority shall have powers—

- (a) to do such things as are expedient for or conducive to the attainment of the purposes declared in section 5 or of any purpose reasonably incidental to or consequential upon any of those purposes;
- (b) to do any thing under paragraph (a) in association with other persons, including departments or authorities of the Government.

(2) Without restricting the generality of subsection (1), the Provisional Authority may, for the purposes referred to therein—

- (a) purchase, acquire, lease or surrender any land;
- (b) lay out industrial estates for lease, underletting or sale;
- (c) dispose of any land held by it on Crown lease for the purposes of industrial sites subject to the terms and conditions of the Crown lease but otherwise on such terms and conditions as it thinks fit;
- (d) let to any person, for any period, any land in an industrial estate subject to the payment of a premium and ground rent, or rent without a premium, and determine the terms, covenants and conditions on which such land may be let or occupied;
- (e) appoint on such terms and conditions as it thinks fit such staff as the Provisional Authority considers necessary for the establishment of industrial estates;
- (f) enter into arrangements with persons, firms or agencies for the supply of services or facilities;
- (g) make use of the personnel, facilities and services of any department of the Government to any extent not incompatible, in the

opinion of the Colonial Secretary, with the administration of such department;

(h) delegate to any member of the Provisional Authority, to the extent provided in the resolution of delegation, any of the powers conferred by this section.

7. (1) The Governor may, by order in the *Gazette*, designate and name an industrial estate comprising such land as is shown on a plan. Industrial estates.

(2) The Governor may, by order in the *Gazette*, add to or alter the area of an industrial estate by causing such addition or alteration to be shown on the plan prepared under subsection (1).

(3) A plan under subsection (1) shall be deposited in the appropriate New Territories Land Office within the meaning of section 10(2) of the New Territories Ordinance and in the Land Office in Victoria, and notice of such deposit (together with the addresses of the Land Offices in which the plan is deposited) shall be published in the *Gazette*. (Cap. 97.)

8. (1) There is hereby established a fund called the Hong Kong Industrial Estates Fund. Funds of the Provisional Authority.

(2) The funds of the Provisional Authority shall consist of such sums as may be made available by the Government in the Hong Kong Industrial Estates Fund.

9. All funds of the Provisional Authority that are not immediately required shall— Investment of surplus funds.

(a) be deposited on fixed deposit in any bank or savings bank nominated by the Financial Secretary, either generally or in any particular case, for that purpose;

(b) subject to the prior approval of the Financial Secretary, be invested in such investments as the Provisional Authority thinks fit; or

(c) if the Financial Secretary so directs, be deposited with the Hong Kong Treasury on such terms and conditions as the Financial Secretary may specify.

10. (1) The Provisional Authority shall keep, under the general direction of the Accountant General, proper accounts and other records and shall prepare in respect of each financial year a statement of accounts which after audit and report such auditor as the Governor may appoint, shall be furnished to the Governor. Accounts and statements.

(2) The Financial Secretary shall without delay lay a copy of every such statement and report on the table of the Legislative Council.

11. (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 Provisional Authority of any power or duty under this Ordinance. Power of the Governor to give directions.

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

12. The Provisional Authority is not the servant or agent of the Crown and does not enjoy any status, immunity or privilege of the Crown. Provisional Authority not servant or agent of the Crown.

Amendment of  
Prevention of  
Bribery  
Ordinance.  
(Cap. 201.)

13. The Prevention of Bribery Ordinance is amended, in the Schedule,  
by inserting after item 37 the following new item—

“38. The Hong Kong Industrial Estates Provisional Authority.”.

Passed by the Hong Kong Legislative Council this 28th day of April,  
1976.

*[Handwritten signature]*  
Clerk to the Legislative Council.

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

*[Handwritten signature]*  
Clerk to the Legislative Council.



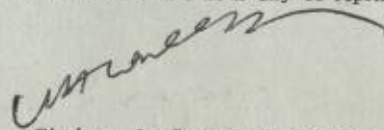
I assent.

*[Handwritten signature of the Governor]*

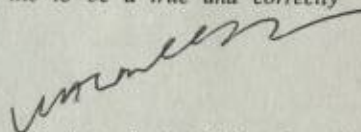
Governor.

29th April, 1976.

Passed by the Hong Kong Legislative Council this 28th day of April, 1976.

  
Clerk to the Legislative Council.

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

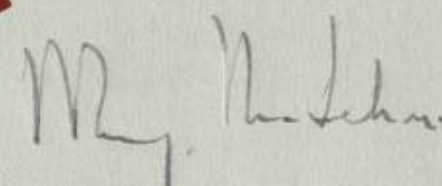
  
Clerk to the Legislative Council.

**HONG KONG**

No. 18 of 1976



I assent.

  
Governor.

29th April, 1976.

An Ordinance to amend the Independent Commission Against Corruption Ordinance.

[30th April, 1976]

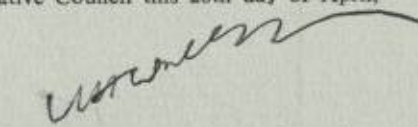
Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Independent Commission Short title. Against Corruption (Amendment) (No. 2) Ordinance 1976.

2. Section 10 of the principal Ordinance is amended in subsection (3)(a) by inserting after "subsection (1)" the following—  
"or (2)".

Amendment of section 10. (Cap. 204.)

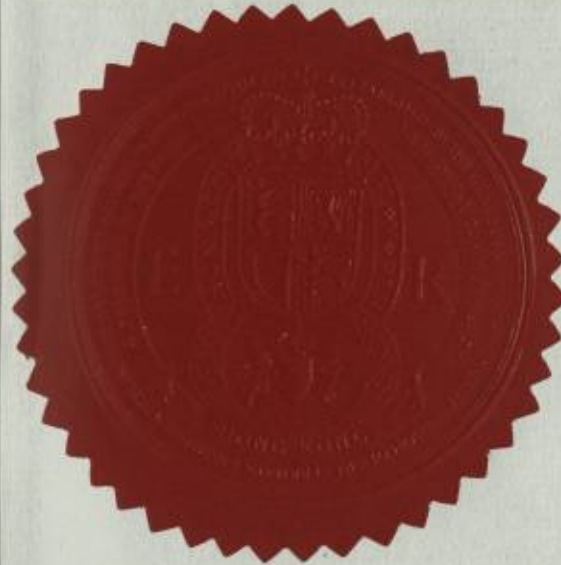
Passed by the Hong Kong Legislative Council this 28th day of April, 1976.

  
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.*

*W. S. ...*

*Clerk to the Legislative Council.*



I assent.

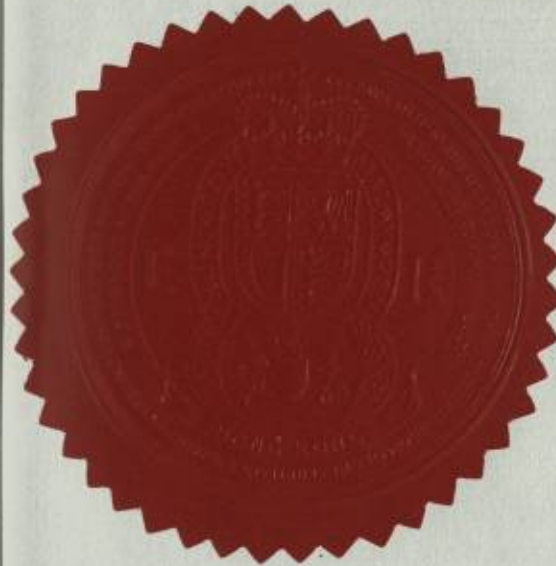
*W. S. ...*

*Governor.*

*29th April, 1976.*

**HONG KONG**

No. 19 OF 1976



I assent.

*W. S. Chow*  
*W. S. Chow*  
Governor.

29th April, 1976.

An Ordinance to provide for the design, manufacture and installation of aerial ropeways, the regulation of the operation and maintenance of aerial ropeways and for matters ancillary thereto or connected therewith.

[30th April, 1976]

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

**PART I**

**PRELIMINARY**

1. This Ordinance may be cited as the Aerial Ropeways (Safety) Ordinance 1976. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
"aerial ropeway" means any apparatus for the overhead transport of passengers or goods in carriers running along or drawn by overhead cables supported by towers, pylons or other similar structures, together with any machinery, equipment or plant connected therewith;

"Code" means the Code of Practice prescribed under section 5;

"Director" means the Director of Public Works;

"installation works" means all works relating to the installation of an aerial ropeway, other than building works relating to the construction of any buildings or structures connected therewith.

Application.

3. (1) Subject to subsection (2), this Ordinance, other than Part II, shall apply to any aerial ropeway in existence before the commencement of this Ordinance.

(2) Any regulations made under section 28 may be expressed to apply to any aerial ropeway in existence at the time of commencement of this Ordinance.

(3) This Ordinance shall not apply to any temporary aerial ropeway for use solely to carry materials for the construction of any building or structure.

Power of Governor to give directions to Director.

4. (1) The Governor may give to the Director such directions as he thinks fit with respect to the exercise or performance of his powers, functions and duties under this Ordinance, either generally or in any particular case.

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

## PART II

## INSTALLATION OF AERIAL ROPEWAYS

Application of Code of Practice.

5. The Director may, by notice in the *Gazette*, prescribe a Code of Practice, which shall, subject to this Ordinance, govern the design, manufacture, and installation of aerial ropeways.

Start of installation.

6. A person wishing to install an aerial ropeway shall not commence any installation works before a date determined by the Director.

Plans etc.

7. A person wishing to install an aerial ropeway shall submit to the Director—

- (a) a plan, in duplicate and on such scale as the Director may specify, showing the proposed route of the ropeway; and
- (b) the designs and specifications of the machinery, equipment and plant relating to the ropeway,

together with such other information, plans, specifications or calculations as may be required by the Director.

Information as to method of installation.

8. All plans, designs, specifications and calculations submitted to the Director under section 7 shall be accompanied by information as to the proposed method of installation of the aerial ropeway and the proposed programme of installation.

Installation not to commence until plans etc. approved.

9. (1) The person wishing to install an aerial ropeway shall not commence any part of the installation works until the plans, designs, specifications, calculations and the method and programme of installation have been approved by the Director.

(2) Any approval by the Director under subsection (1) may be limited to any stage in the installation of the aerial ropeway.

10. (1) The installation works shall be carried out in accordance with the plans, designs, specifications, calculations and method and programme of installation as approved under section 9, subject to such modifications as may be made thereto from time to time by the person installing the ropeway with the prior written approval of the Director.

Aerial ropeway to be installed in accordance with plans, etc.

(2) If, in respect of any part of the installation works the Director is of the opinion that—

- (a) there is any departure from the requirements or subsection (1);
- (b) the method of installation is unsafe; or
- (c) the installation works have been or are being carried out in contravention of this Ordinance or the Code,

he may direct the person installing the aerial ropeway to discontinue any such part and the same shall not be continued until the Director is satisfied that any further installation works comply with such requirements or that the method of installation will be safe, as the case may be.

(3) If a direction under subsection (2) is not complied with, the Director may carry out such works as he thinks fit to ensure that the installation works comply with the requirements of subsection (1) or that the method of installation will be safe, as the case may be.

(4) The cost of works carried out under subsection (3) shall be recoverable as a debt to the Crown from the person installing the aerial ropeway.

11. Save with the written approval of the Director, no part of an aerial ropeway shall pass over any building.

Prohibition on passage over buildings.

12. (1) During the installation works the person installing the aerial ropeway shall ensure that such works do not cause undue obstruction of any road, shipping, channel or railway or cause any hazard to air navigation.

Obstruction.

(2) If the Director is of the opinion that any part of the installation works is obstructing any road, shipping, channel or railway or is causing a hazard to air navigation he may direct the person installing the aerial ropeway to discontinue such works, and such works shall not be continued except with the permission of the Director and subject to such conditions as he may impose.

13. (1) The Director or any public officer authorized by him in writing, may at any time enter the place at which an aerial ropeway is being installed—

Power to enter and inspect.

- (a) to ascertain whether the person installing the aerial ropeway is complying with the provisions of this Ordinance and the Code relating to the installation of the aerial ropeway;
- (b) to ascertain whether the installation works are dangerous or liable to become dangerous to persons using, or employed in connexion with, the aerial ropeway; and
- (c) to inspect and test any machinery, equipment or plant to be used in connexion with such aerial ropeway.

(2) The person installing an aerial ropeway shall afford the Director such facilities as he may reasonably require for the purposes of subsection (1).

14. Neither the approval of plans, specifications, calculations and the method and programme of installation under section 9 nor the approval of commencement of operation under section 16 shall—

Approval of plans etc. not to confer title to land, etc.

- (a) confer any title to land;
- (b) act as a waiver of any term in any lease or licence; or
- (c) grant any exemption from or permit any contravention of this Ordinance, the Code or of any other enactment.

**Offence.**

15. Any person who contravenes section 6 or section 9 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 in addition shall be liable to a fine of \$100 for each day on which the offence is continued.

**PART III****OPERATION, MAINTENANCE, REPAIR AND ALTERATION**

Approval required before aerial ropeway can operate.

16. The owner of an aerial ropeway shall not commence to operate the ropeway until the Director has approved in writing the commencement of operation.

Aerial ropeway to be maintained in state of repair.

17. (1) An aerial ropeway shall be maintained by the owner thereof in a safe state of repair.

(2) The Director may, by notice in writing, require the owner to effect such repairs or alterations to his aerial ropeway as he considers necessary for the proper maintenance thereof and for the obviation of fire and other hazards therein.

(3) If the owner of an aerial ropeway fails to comply with any such requirement within a reasonable time after the receipt of such notice the Director may effect the necessary repairs or alterations.

(4) If at any time there exist, in the opinion of the Director, any circumstances requiring the immediate putting into effect of such repairs or alterations he may require the owner to effect the same forthwith or, if he thinks fit, may forthwith effect the same with or without notice to the owner.

(5) The expense of repairs or alterations under this section shall be borne by the owner and where any such repairs or alterations are effected by the Director the expense thereof shall be recoverable from the owner as a debt due to the Crown.

Closure of aerial ropeway for repairs or alterations.

18. (1) The owner of an aerial ropeway may, or if so required by the Director shall, close or partially close the ropeway to the use of the public whenever necessary to enable any repairs or alterations to be effected to the ropeway.

(2) Save in the case of an emergency, the owner shall not effect any such closure without prior notification to the Director.

(3) Whenever a closure is effected under this section in pursuance of a requirement of the Director, the ropeway or such part thereof thereby affected shall not be re-opened to the use of the public without the prior consent of the Director.

Closure of aerial ropeway for safety reasons.

19. (1) The owner of an aerial ropeway may, and if so required by the Director shall, close or partially close the ropeway to the use of the public whenever such action appears reasonably necessary for the safety of persons using or employed in the operation of the ropeway.

(2) Save when required by the Director to close or partially close the aerial ropeway, the owner of an aerial ropeway shall notify the Director forthwith of any such closure.

20. (1) The owner of an aerial ropeway shall, to the satisfaction of the Director, provide personnel and facilities for the control and safety of persons using the ropeway.

Control and safety of aerial ropeway.

(2) The provision of such personnel and facilities shall be at the expense of the owner of the ropeway.

21. Save with the prior consent of the Director, the owner of an aerial ropeway shall not make any major alterations to the ropeway.

Prohibition on alterations to aerial ropeway without permission.

22. (1) Where any major alterations are made to an aerial ropeway, the Director shall, before the normal use and operation thereof is resumed, examine and test the ropeway so far as may be necessary to determine that those parts of the aerial ropeway affected by such major alterations are in safe working order.

Examination and testing of aerial ropeways to which major alterations have been made.

(2) If the Director is satisfied that such parts of the aerial ropeway are in safe working order he shall permit the use and operation of the ropeway to be resumed; and if he is not so satisfied, shall refuse to permit the use and operation of the ropeway to be resumed and shall provide reasons for his refusal.

23. (1) The Director, or any public officer authorized by him in writing, may at all reasonable times enter any land in order to inspect any aerial ropeway on that land or passing over that land; and may also enter and inspect any building or structure connected with any aerial ropeway.

Power to enter and inspect.

(2) The owner of any land, building or structure shall afford such facilities for the inspection referred to in subsection (1) as may be reasonably required by the Director.

**PART IV****APPEALS**

24. (1) If the person installing an aerial ropeway or the owner of an aerial ropeway is aggrieved by any requirement or direction made, or the withholding of any consent or approval, by the Director under this Ordinance the owner may appeal by petition to the Governor in Council.

Appeals.

(2) Save where the Governor in Council otherwise directs, when any such appeal has been made, no such requirement or direction, other than a requirement under section 18 or 19 to close or partially close the aerial ropeway, shall be enforced until the decision of the Governor in Council on the appeal is made.

(3) The decision of the Governor in Council on any such appeal shall be final.

**PART V****RECORDS AND INFORMATION**

25. (1) The owner of an aerial ropeway shall maintain such plans, records and documents relating to the ropeway and the use and operation

Records.

thereof as may be required by the Director or as may be prescribed by regulations.

(2) The owner of an aerial ropeway shall permit the Director to inspect and copy all such plans, records and documents kept by the owner in connexion therewith, and the owner shall afford facilities for such inspection or copying as may from time to time be reasonably required by the Director.

Information to be supplied by owner of aerial ropeway.

26. For the purpose of enabling the Director to ascertain any arrangements which are made or are about to be made by the owner of an aerial ropeway for the fulfilment of the owner's obligations under this Ordinance, the owner shall, on the request of the Director forthwith furnish him with such information as to the operation or maintenance of the aerial ropeway or any building, structure, machinery, equipment or plant connected therewith as he may require.

## PART VI

### OFFENCES AND PENALTIES

Offences and penalties.

27. (1) Any person who—

- (a) contravenes section 16;
- (b) contravenes section 17(1) or (2);
- (c) fails to comply with a requirement of the Director under section 18(1) or fails to comply with section 18(2) or (3);
- (d) fails to comply with a requirement of the Director under section 19(1) or fails to comply with section 19(2);
- (e) contravenes section 20(1) or 21;
- (f) resumes the use and operation of an aerial ropeway in contravention of the Director's refusal under section 22(2) to permit such resumption,

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 in the case of a continuing offence to an additional fine of \$100 for each day during which the offence is continued.

(2) Any person who contravenes section 25 or who wilfully refuses to supply information requested of him by the Director under section 26 shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000 and to imprisonment for 6 months.

(3) Any person who obstructs the Director or any public officer in the exercise of his powers under section 13 or section 23 shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000 and to imprisonment for 6 months.

## PART VII

### MISCELLANEOUS

Regulations.

28. The Governor in Council may by regulation provide for—

- (a) the manner of making application for and granting of approval of plans of installation works, specifications, calculations and the method and programme of installation, and the granting of approval to commence operation of an aerial ropeway;

(b) the design, manufacture and installation of aerial ropeways including—

- (i) the properties and design strength of materials to be used;
- (ii) track and section, gradients and deviations;
- (iii) the support of cables;
- (iv) the distance of carriers and cables from the ground, and lateral clearances;
- (v) profile of free space;
- (vi) passage above buildings;
- (vii) alignment of cables and crossing of other tracks;
- (viii) speed;
- (ix) rescue equipment;
- (x) cables;
- (xi) drives and brakes;
- (xii) safety devices;
- (xiii) signalling and communication;
- (xiv) anchorages and tensioning devices;
- (xv) pylon equipment;
- (xvi) carriers;
- (xvii) carriages, clamps and attachments;
- (xviii) stations and pylons;
- (xix) testing; and
- (xx) calculations;

(c) the operation, maintenance and examination of aerial ropeways including—

- (i) empowering the Director to approve persons who may be employed in the operation and maintenance of aerial ropeways;
- (ii) examinations and tests;
- (iii) records and logs; and
- (iv) reports of accidents and investigations thereof;

(d) the safety of persons using, or employed in the operation and maintenance of, aerial ropeways;

(e) the prevention and abatement of nuisances arising from the use and operation of an aerial ropeway;

(f) the abatement of fire hazards in relation to an aerial ropeway;

(g) the illumination or marking of an aerial ropeway, including any cables or pylons used in connexion therewith;

(h) the number of persons who may be carried on an aerial ropeway at any one time;

(i) what are major alterations to an aerial ropeway for the purposes of this Ordinance;

(j) fees;

(k) forms; and

(l) the better carrying into effect of this Ordinance.

29. The Director may exempt any aerial ropeway from all or any provision of this Ordinance or the Code subject to such conditions as he thinks fit. Exemptions.

Ordinance not to derogate from Buildings Ordinance. (Cap. 123.)

30. Nothing in this Ordinance shall derogate from the Buildings Ordinance.

Limitation of public liability.

31. No liability shall rest upon the Crown or upon any public officer by reason of the fact that any aerial ropeway is subject to examination or to testing by a public officer under this Ordinance or the carrying out of any other work by a public officer pursuant to this Ordinance.

Consequential amendments. (Cap. 59.)

32. (1) The Factories and Industrial Undertakings Ordinance is amended—

(a) in section 2(1) in the definition of "industrial undertaking" by deleting paragraph (h) and substituting the following—

"(h) the transport of passengers or goods by road, rail, cableway or aerial ropeway"; and

(b) in item 2 of the Third Schedule by inserting after "cableway" the following—

" , aerial ropeway".

(Cap. 123.)

(2) Section 2(1) of the Buildings Ordinance is amended in the definition of "building" by deleting "or workshop" and substituting the following—

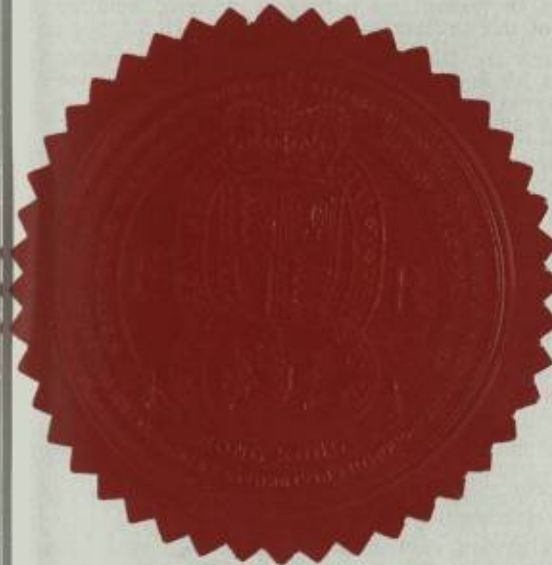
"workshop or tower, pylon or other similar structure supporting an aerial ropeway".

Passed by the Hong Kong Legislative Council this 28th day of April, 1976.

*W. H. M. Chan*  
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.*

*W. H. M. Chan*  
Clerk to the Legislative Council.



I assent.

*Murray MacLehose*  
Governor.

29th April, 1976.

An Ordinance to amend the Lifts and Escalators (Safety) Ordinance.

Liability of public liability.

31. NO LIABILITY shall rest upon the Crown or upon any public officer by reason of the fact that any aerial ropeway is subject to examination or to testing by a public officer under this Ordinance or the carrying out of any other work by a public officer pursuant to this Ordinance.

Consequential amendments. (Cap. 59.)

32. (1) The Factories and Industrial Undertakings Ordinance is amended—

(a) in section 2(1) in the definition of "industrial undertaking" by deleting paragraph (h) and substituting the following—

"(h) the transport of passengers or goods by road, rail, cableway or aerial ropeway"; and

(b) in item 2 of the Third Schedule by inserting after "cableway" the following—

" , aerial ropeway".

(Cap. 123.)

(2) Section 2(1) of the Buildings Ordinance is amended in the definition of "building" by deleting "or workshop" and substituting the following—

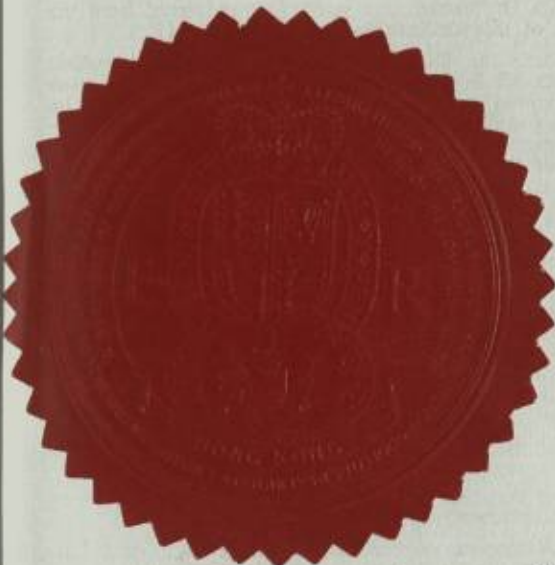
"workshop or tower, pylon or other similar structure supporting an aerial ropeway".

Passed by the Hong Kong Legislative Council this 28th day of April, 1976.

*[Handwritten signature]*

**HONG KONG**

No. 20 OF 1976



I assent.

*[Handwritten signature of the Governor]*  
Governor.

29th April, 1976.

An Ordinance to amend the Lifts and Escalators (Safety) Ordinance.

[30th April, 1976]

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 Lifts and Escalators (Safety) Short title. (Amendment) Ordinance 1976.

2. Section 44(1) of the principal Ordinance is amended by deleting Amendment of section 44. (Cap. 327.)  
" , 22, 23 or 24" and substituting the following—  
"or 23".

3. The principal Ordinance is amended by adding after section 44 Addition of new section 44A.  
the following new section—

"Power of Director to exempt goods lifts in an industrial undertaking from the provisions of the Ordinance. (Cap. 59.)

44A. (1) Where the Director considers that it is expedient that a goods lift to which this section applies should—

(a) comply with the provisions of the Factories and Industrial Undertakings Ordinance relating to goods lifts in industrial undertakings; and

(b) be exempt from the provisions of this Ordinance, he may serve on the owner of the lift a notice in writing exempting that lift from the provisions of this Ordinance.

(2) This Ordinance shall cease to apply to a goods lift upon the service on the owner of a notice under subsection (1).

(Cap. 59.) (3) Nothing in subsections (1) and (2) shall prejudice in any way the application of the Factories and Industrial Undertakings Ordinance to a goods lift exempted from the application of this Ordinance under subsection (1).

(4) Where the Director considers that it is expedient that a goods lift in respect of which a notice of exemption has been served under subsection (1) should cease to be exempt from the provisions of this Ordinance, he may serve on the owner of the lift a notice in writing revoking the exemption of that lift from the provisions of this Ordinance with effect from a date specified in the notice.

(5) The date specified in a notice under subsection (4) shall be a date not earlier than four weeks from the date of service of such notice on the owner of the goods lift.

(6) In any proceedings under any Ordinance a document purporting to be a copy of a notice served by the Director under subsection (1) or (4) and purporting to be certified by the Director as a true copy thereof shall be admitted in evidence on its production without further proof and until the contrary is proved, the Court before which such document is produced shall presume—

- (a) that the document is certified by the Director as a true copy; and
- (b) that the document is a true copy of a notice issued under subsection (1) or (4).

(7) This section applies to goods lifts used in an industrial undertaking other than construction work.

(8) In this section—

(Cap. 59.) "construction work" has the meaning assigned to it by section 2(1) of the Factories and Industrial Undertakings Ordinance;

"goods lift" means a lift used or intended to be used exclusively for the movement of goods or materials;

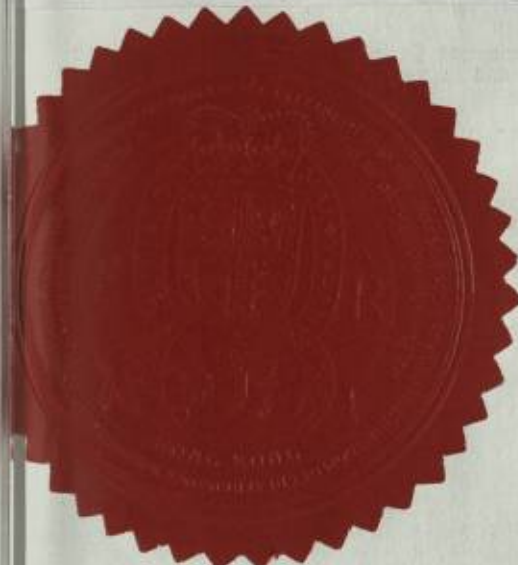
"industrial undertaking" has the meaning assigned to it by section 2(1) of the Factories and Industrial Undertakings Ordinance."

Passed by the Hong Kong Legislative Council this 28th day of April, 1976.

*W. S. Ho*  
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.

*W. S. Ho*  
Clerk to the Legislative Council.



I assent.

*M. R. Lehn*  
Governor

**HONG KONG**

No. 21 OF 1976

that a goods lift in respect of which a notice of exemption has been served under subsection (1) should cease to be exempt from the provisions of this Ordinance, he may serve on the owner of the lift a notice in writing revoking the exemption of that lift from the provisions of this Ordinance with effect from a date specified in the notice.

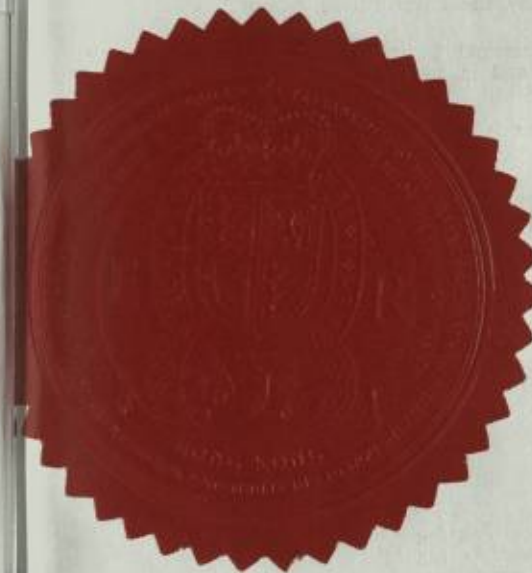
(5) The date specified in a notice under subsection (4) shall be a date not earlier than four weeks from the date of service of such notice on the owner of the goods lift.

(6) In any proceedings under any Ordinance a document purporting to be a copy of a notice served by the Director under subsection (1) or (4) and purporting to be certified by the Director as a true copy thereof shall be admitted in evidence on its production without further proof and until the contrary is proved, the Court before which such document is produced shall presume—

- (a) that the document is certified by the Director as a true copy; and
- (b) that the document is a true copy of a notice issued under subsection (1) or (4).

(7) This section applies to goods lifts used in an industrial undertaking other than construction work.

(8) In this section—



I assent.

*M. R. Lehn*  
Governor

13th May, 1976.

An Ordinance to amend the Co-operative Societies 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 Co-operative Societies (Amendment) Ordinance 1976 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

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

Amendment of section 5. (Cap. 33.)

“(3) The word “limited” shall be the last word in, or its Chinese character equivalent shall form part of, the name of every society with limited liability registered under this Ordinance.”

3. Section 10 of the principal Ordinance is amended in subsection (3) by inserting, after “by-law”, the following—

Amendment of section 10.

“within one month from the date of such refusal”.

Repeal and replacement of section 11.

4. Section 11 of the principal Ordinance is repealed and replaced by the following—

"Address of society.

11. Every registered society shall have an address to which all notices and communications may be sent and shall send to the Registrar notice of that address and of every change of that address within 30 days of the registration of the society or the change of address as the case may be; and the Registrar may effect registration thereof."

Amendment of section 49.

5. Section 49 of the principal Ordinance is amended in subsection (3) by deleting "such period and in such manner as may be prescribed" and substituting the following—

"one month after the award is given by lodging notice in writing with the Registrar".

Amendment of section 59.

6. Section 59 of the principal Ordinance is amended by deleting "rules" and substituting the following—

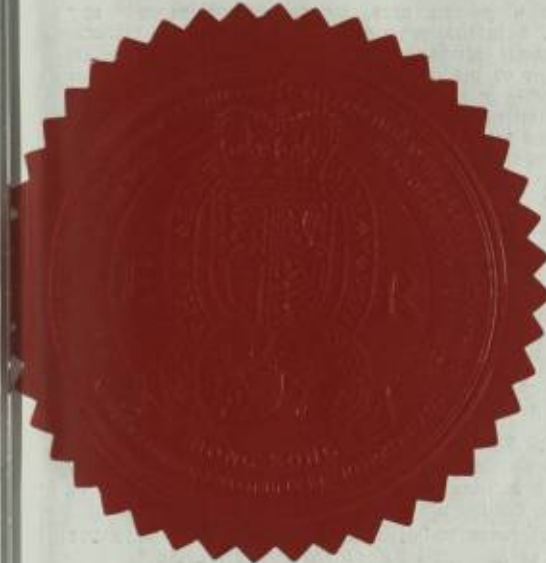
"by-laws".

Passed by the Hong Kong Legislative Council this 12th day of May, 1976.

*[Signature]*  
Clerk to the Legislative Council.

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

*[Signature]*  
Clerk to the Legislative Council.



I assent.

*[Signature]*  
Governor.

13th May, 1976.

which all notices and communications may be sent and shall send to the Registrar notice of that address and of every change of that address within 30 days of the registration of the society or the change of address as the case may be; and the Registrar may effect registration thereof."

Amendment of section 49.

5. Section 49 of the principal Ordinance is amended in subsection (3) by deleting "such period and in such manner as may be prescribed" and substituting the following—

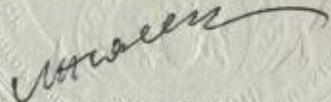
"one month after the award is given by lodging notice in writing with the Registrar".

Amendment of section 59.

6. Section 59 of the principal Ordinance is amended by deleting "rules" and substituting the following—

"by-laws".

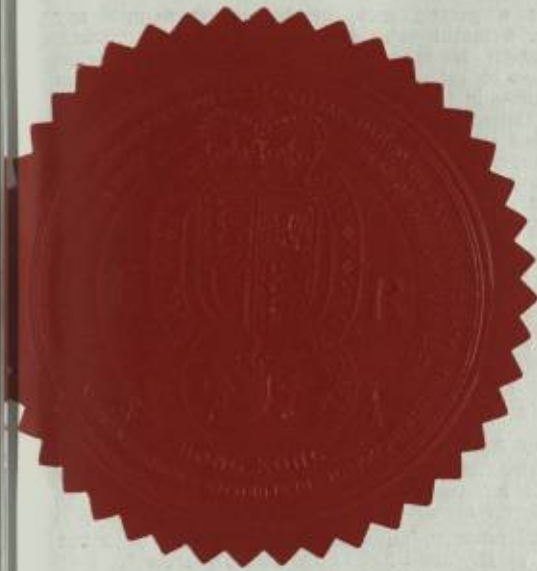
Passed by the Hong Kong Legislative Council this 12th day of May, 1976.

  
Clerk to the Legislative Council.

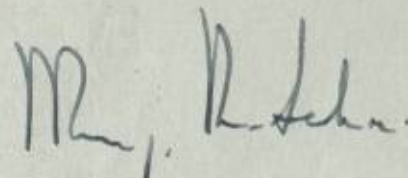
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly*

## HONG KONG

No. 22 OF 1976



I assent.

  
Governor.

13th May, 1976.

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

[14th May, 1976]

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 Motor Vehicles Insurance (Third Party Risks) (Amendment) Ordinance 1976.

Short title and commencement.

(2) Sections 3 and 4 shall come into operation on the 1st June 1977.

2. Section 4 of the principal Ordinance is amended by deleting subsection (2)(a) and substituting the following—

Amendment of section 4. (Cap. 272.)

"(2) (a) If a person acts in contravention of this section, he shall be liable to a fine of ten thousand dollars and to imprisonment for twelve months, and a person convicted of an offence under this section shall (unless the court for special reasons thinks fit to order otherwise) be disqualified from holding or obtaining a licence to drive a motor vehicle for such period as the court may determine being not less than twelve months nor more than three years from the date of conviction."

3. Section 6(1) of the principal Ordinance is amended by deleting sub-paragraph (ii) of the proviso to paragraph (b).

Amendment of section 6.

Amendment of  
section 12.

4. Section 12 of the principal Ordinance is amended—

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

“(2) Where a person uses, or causes or permits any person to use, a motor vehicle on a road in such circumstances that under section 4(1) there is required to be in force in relation to his use of it such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Ordinance, then, if any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—

(a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by section 6(1) to be covered by a policy of insurance; or

(b) to impose any conditions with respect to the enforcement of any such liability of the user,

and the fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

(3) For the purposes of subsection (2)—

(a) references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle; and

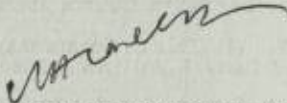
(b) the reference to an antecedent agreement is to one made at any time before the liability arose.”.

Amendment of  
section 20.

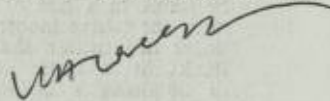
5. Section 20(1) of the principal Ordinance is amended in paragraph (b) by inserting after “licence” the following—

“or the registering of a new owner as owner of a motor vehicle”.

Passed by the Hong Kong Legislative Council this 12th day of May, 1976.

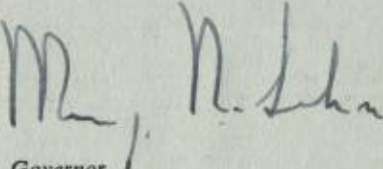
  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

  
Governor.

13th May, 1976.

(b) by inserting at the end thereof the following new subsections—

“(2) Where a person uses, or causes or permits any person to use, a motor vehicle on a road in such circumstances that under section 4(1) there is required to be in force in relation to his use of it such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Ordinance, then, if any other person is carried in or upon the vehicle while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—

(a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vehicle as is required by section 6(1) to be covered by a policy of insurance; or

(b) to impose any conditions with respect to the enforcement of any such liability of the user,

and the fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

(3) For the purposes of subsection (2)—

(a) references to a person being carried in or upon a vehicle include references to a person entering or getting on to, or alighting from, the vehicle; and

(b) the reference to an antecedent agreement is to one made at any time before the liability arose.”.

Amendment of  
section 20.

5. Section 20(1) of the principal Ordinance is amended in paragraph (b) by inserting after “licence” the following—

## HONG KONG

No. 23 OF 1976



I assent.

*M. N. S. Loh*  
Governor.

13th May, 1976.

An Ordinance to amend the Stamp Ordinance.

[14th May, 1976]

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

1. This Ordinance may be cited as the Stamp (Amendment) Ordinance 1976. Short title.

2. Section 40 of the principal Ordinance is amended—

Amendment of  
section 40.  
(Cap. 117.)

(a) in subsection (4)—

(i) by inserting after paragraph (c) the following new paragraph—

“(cc) all conveyances on sale to the Crown and, in respect of qualifying premises as defined in section 40A, to any exempted person within the meaning of that section shall be wholly exempt from duty;”;

(ii) by inserting after paragraph (e) the following new paragraph—

(Cap. 101.) “(ee) all instruments executed by the Urban Council for the purposes of the Urban Council Ordinance shall be wholly exempt from duty;”;

(iii) by deleting the full stop at the end of paragraph (h) and substituting a semicolon; and

(iv) by inserting after paragraph (h) the following new paragraph—

(Cap. 10.) “(i) all guarantees given under section 46 of the Probate and Administration Ordinance shall be wholly exempt from duty.”;

(b) by deleting subsection (5);

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

“(6) Every lease and every agreement for a lease, other than a Crown lease or an instrument executed by the Urban Council, executed between the Government, or any person acting on behalf of the Government, and any other person, not being a person to whom section 40A applies, shall be deemed to contain a provision whereby the party thereto, other than the Government, undertakes to pay in respect of such lease or agreement for a lease 50 per cent of the duty payable under head 32 in the Schedule and duty thereon shall be chargeable accordingly.”;

(d) by deleting subsection (7); and

(e) in subsection (8) by deleting the definition of “exempted person”.

3. The principal Ordinance is amended by adding, after section 40, the following new section—

“Exemption in respect of leases and conveyances of consular premises etc.

40A. (1) Where an exempted person, or a person acting on behalf of an exempted person, is a party to a lease, an agreement for a lease or a conveyance on sale made in respect of qualifying premises, no duty in respect of such lease, agreement or conveyance shall be payable by the exempted person.

(2) Every lease or agreement for a lease made in respect of qualifying premises between an exempted person, or a person acting on behalf of an exempted person, and any other person, other than the Government or the Urban Council or an exempted person shall be deemed to contain a provision whereby the party thereto, other than the exempted person, undertakes to pay in respect of such lease or agreement for a lease 50 per cent of the duty chargeable under head 32 in the Schedule and duty thereon shall be chargeable accordingly.

(3) Where premises are exempt from taxation because—

(a) they are premises described in Article 32(1) or 60 of the Vienna Convention on Consular Relations contained in the First Schedule to the Consular Relations Ordinance; or

(b) Article 32(1) has been extended to those premises by virtue of an order under section 4 or section 12 of the Consular Relations Ordinance,

the Colonial Secretary may certify—

(i) that those premises are qualifying premises for the purposes of this section; and

Addition of new section 40A.

(Cap. 259.)

(ii) that the representative of the State or country executing a lease, agreement for a lease or conveyance on sale in respect of qualifying premises or on whose behalf such a lease, agreement or conveyance is executed, is an exempted person for the purposes of this section.

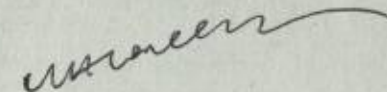
(4) In this section—

“exempted person” means any person in relation to whom the Colonial Secretary has issued a certificate under subsection (3);

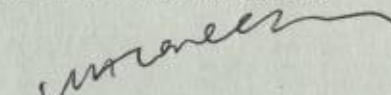
“Government” means the Government of Hong Kong and the Government of the United Kingdom;

“qualifying premises” means any premises in respect of which the Colonial Secretary has issued a certificate under subsection (3).”.

Passed by the Hong Kong Legislative Council this 12th day of May, 1976.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

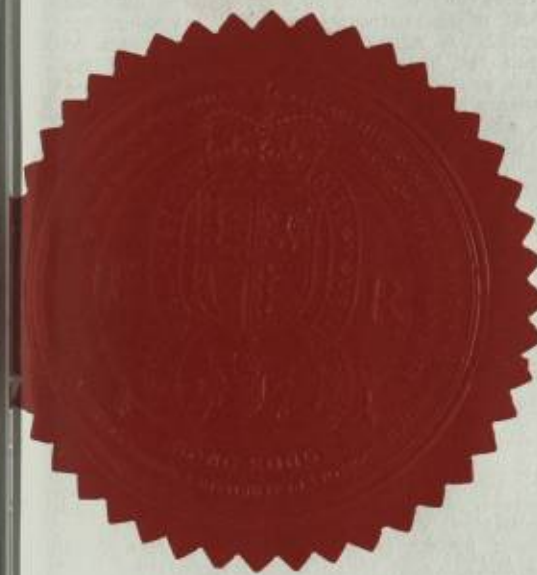
*M. R. L.*  
Governor.

13th May, 1976.

An Ordinance to amend the District Court Ordinance.

**HONG KONG**

No. 24 of 1976



I assent.

Governor.

13th May, 1976.

An Ordinance to amend the District Court Ordinance.

[14th May, 1976]

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 District Court (Amendment) Ordinance 1976. Short title.

2. Section 77 of the principal Ordinance is amended by deleting subsection (1) and substituting the following— Amendment of section 77. (Cap. 336.)

(Cap. 87.) “(1) Every charge sheet shall be signed by a legal officer as defined in the Legal Officers Ordinance, other than an assistant crown counsel, and shall bear date on the day on which it is so signed.”

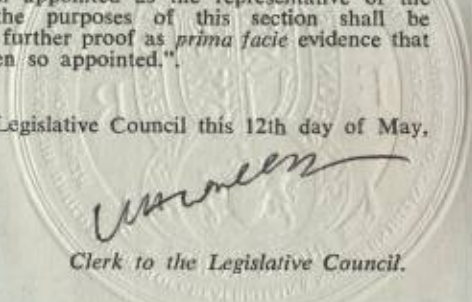
3. The principal Ordinance is amended by adding after section 79 the following new section— Addition of section 79A.

\*Plea by corporation.

79A. (1) Where an accused person is a corporation, a plea in writing may be entered by its representative, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter any plea, the Court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

(2) In this section, "representative" means a person duly appointed by a corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorized to do, but a person shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose. A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever named called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as *prima facie* evidence that the person has been so appointed."

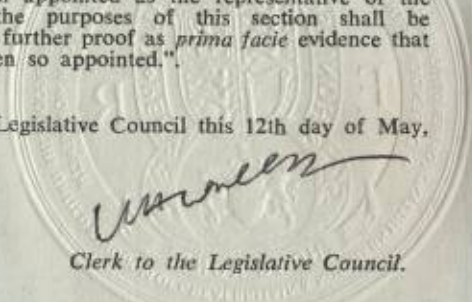
Passed by the Hong Kong Legislative Council this 12th day of May, 1976.



*[Signature]*

Clerk to the Legislative Council.

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



*[Signature]*

Clerk to the Legislative Council.



I assent.

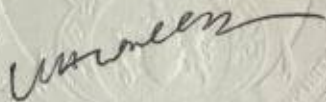
*[Signature]*

Governor

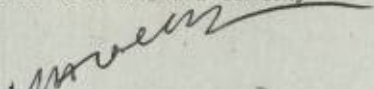
13th May, 1976.

any other purpose. A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever named called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as *prima facie* evidence that the person has been so appointed."

Passed by the Hong Kong Legislative Council this 12th day of May, 1976.

  
Clerk to the Legislative Council.

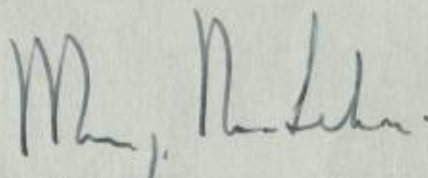
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



**HONG KONG**

No. 25 OF 1976

I assent.

  
Governor

13th May, 1976.

An Ordinance to amend the Labour Tribunal Ordinance.

[14th May, 1976]

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 1976. Short title.

2. Section 22 of the principal Ordinance is amended by deleting subsection (4) and substituting the following— Amendment of section 22. (Cap. 25.)

"(4) Every written award or order shall be served by the registrar on the parties, and it shall not be necessary for the party in whose favour an award or order has been made to prove that it reached the party to be served.

(5) Service of a written award or order under subsection (4) shall be effected—

- (a) by delivering it personally to the party to be served;
- (b) by leaving it with some person for him at his last known place of residence or at his place of business; or
- (c) in such other manner as the registrar thinks fit."

Amendment of section 32.

3. Section 32(1) of the principal Ordinance is amended by deleting "of the award, order or determination" and substituting the following—  
"on which the award, order or determination was served on him".

Repeal of section 33.

4. Section 33 of the principal Ordinance is repealed.

Repeal and replacement of section 35.

5. Section 35 of the principal Ordinance is repealed and replaced by the following—

"Powers of District Court or Court of Appeal on appeal.

35. (1) On an appeal under section 32, the District Court or the Court of Appeal may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) remit the matter to the tribunal with such directions as it thinks fit, which may include a direction to the tribunal for a new hearing.

(2) On an appeal under section 32 the District Court or Court of Appeal may—

- (a) draw any inference of fact; and
- (b) make such order as to costs and expenses as it thinks fit,

but may not—

- (i) reverse or vary any determination made by the tribunal on questions of fact; or
- (ii) receive further evidence.

(3) The decision of the District Court shall be final."

Amendment of section 37.

6. Section 37 of the principal Ordinance is amended by deleting "or 33".

Amendment of section 45.

7. Section 45 of the principal Ordinance is amended—

- (a) in paragraph (a)(ii) by deleting "or 33"; and
- (b) by deleting paragraph (f).

Passed by the Hong Kong Legislative Council this 12th day of May, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

13th May, 1976.

An Ordinance to amend the Probation of Offenders Ordinance.

Repeal of section 33.

4. Section 33 of the principal Ordinance is repealed.

Repeal and replacement of section 35.

5. Section 35 of the principal Ordinance is repealed and replaced by the following—

"Powers of District Court or Court of Appeal on appeal.

35. (1) On an appeal under section 32, the District Court or the Court of Appeal may—

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) remit the matter to the tribunal with such directions as it thinks fit, which may include a direction to the tribunal for a new hearing.

(2) On an appeal under section 32 the District Court or Court of Appeal may—

- (a) draw any inference of fact; and
- (b) make such order as to costs and expenses as it thinks fit,

but may not—

- (i) reverse or vary any determination made by the tribunal on questions of fact; or
- (ii) receive further evidence.

(3) The decision of the District Court shall be final."

Amendment of section 37.

6. Section 37 of the principal Ordinance is amended by deleting "or 33".

7. Section 45 of the principal Ordinance is amended—

**HONG KONG**

No. 26 OF 1976



I assent.

Governor.

13th May, 1976.

An Ordinance to amend the Probation of Offenders Ordinance.

[14th May, 1976]

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 Probation of Offenders (Amendment) Ordinance 1976. Short title.

2. Section 2 of the principal Ordinance is amended by deleting the definition of "probation committee". Amendment of section 2. (Cap. 298.)

3. Section 10 of the principal Ordinance is repealed. Repeal of section 10.

4. Section 12 of the principal Ordinance is amended by deleting paragraph (c). Amendment of section 12.

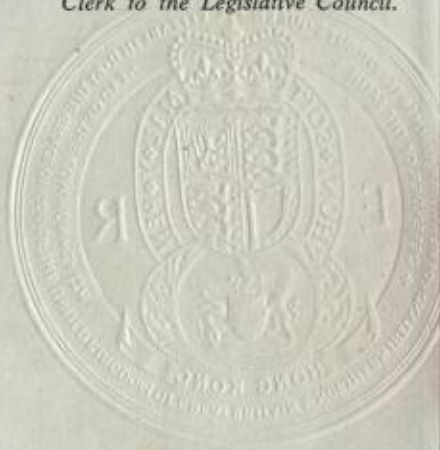
Passed by the Hong Kong Legislative Council this 12th day of May, 1976.

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.*

*Monell*

Clerk to the Legislative Council.



I assent.

*M. P. Ho*

**HONG KONG**

No. 27 of 1976

*Clerk to the Legislative Council.*



I assent.

*Governor.*

27th May, 1976.

An Ordinance to amend the Business Registration Ordinance.

[28th May, 1976]

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 Business Registration (Amendment) Ordinance 1976. Short title.

2. Section 2 of the principal Ordinance is amended—

Amendment of  
section 2.

(a) in subsection (1) by inserting after the definition of "Commissioner" the following new definition—

(Cap. 310.)

""place of business" includes in relation to—

(a) a company incorporated in Hong Kong under the Companies Ordinance, its registered office; and

(Cap. 32.)

(b) a company to which Part XI of the Companies Ordinance applies, the address of any person whose name has been delivered to the Registrar of Companies for registration under that Part;"; and

(b) by adding after subsection (1) the following new subsection—

“(1A) For the purposes of this Ordinance a company which is—

(a) incorporated in Hong Kong under the Companies Ordinance or to which Part XI of the Companies Ordinance applies; and

(b) not otherwise liable to be registered under this Ordinance,

shall be deemed to be a person carrying on business and shall be liable to be registered under this Ordinance.”

Amendment of section 9.

3. Section 9 of the principal Ordinance is amended by adding after subsection (5) the following new subsection—

“(6) This section shall not apply to any company which is incorporated in Hong Kong under the Companies Ordinance or to which Part XI of the Companies Ordinance applies.”

Amendment of section 16.

4. Section 16 of the principal Ordinance is amended in paragraph (c)—

(a) by deleting the semicolon at the end thereof and substituting a colon; and

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

“Provided that this paragraph shall not apply to any company which is incorporated in Hong Kong under the Companies Ordinance or to which Part XI of the Companies Ordinance applies.”

Amendment of Business Registration Regulations. (Cap. 310, sub. leg.)

5. Regulation 9 of the Business Registration Regulations is amended by deleting Form 1(b) and substituting the following—

“Serial No. ....

FORM 1(b) [reg. 3.]

BUSINESS REGISTRATION REGULATIONS

Application by a body corporate for registration

A company which is incorporated in Hong Kong or to which Part XI of the Companies Ordinance applies is deemed to be a person carrying on business and is liable to be registered under the Business Registration Ordinance, unless exempted under section 16.

SECTION A

Pursuant to the Business Registration Ordinance, I certify that the particulars set out below are true and that they include a complete record

of all businesses carried on in Hong Kong by the .....  
of which I am .....  
and of all places in Hong Kong at which such businesses are carried on.

1. Address of registered office (if body corporate incorporated in Hong Kong) : .....
  2. Name and address of person or persons resident in Hong Kong whose particulars have been delivered to Registrar of Companies (if body corporate is one to which Part XI of the Companies Ordinance applies) : .....
  3. Date of incorporation in Hong Kong or date on which section 333 of the Companies Ordinance was complied with : .....
  4. Business(es) carried on (if any) : .....
  - 4: 1(a) Name under which carried on : .....
  - (b) Address of principal place of business : .....
  - (c) Addresses of all other places in Hong Kong at which the business is carried on : .....
  - (d) Description and nature of business : .....
  - (e) Date commenced : .....
  - 4: 2(a) Name under which carried on : .....
  - (b) Address of principal place of business : .....
  - (c) Addresses of all other places in Hong Kong at which the business is carried on : .....
  - (d) Description and nature of business : .....
  - (e) Date commenced : .....
  - 4: 3(a) Name under which carried on : .....
  - (b) Address of principal place of business : .....
  - (c) Addresses of all other places in Hong Kong at which the business is carried on : .....
  - (d) Description and nature of business : .....
  - (e) Date commenced : .....
- (Continue on separate sheet if necessary)

Date: .....  
Full name and residential address of person certifying this form: .....

Signed: .....

Designation: .....  
(i.e. managing director, director, secretary etc.)

SECTION B

For official use only."

Passed by the Hong Kong Legislative Council this 26th day of May, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

27th May, 1976.

An Ordinance to amend the Midwives Registration Ordinance

.....  
(i.e. managing director, director, secretary etc.)

SECTION B  
For official use only."

Passed by the Hong Kong Legislative Council this 26th day of May, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.

HONG KONG

No. 28 OF 1976



I assent.

Governor.

27th May, 1976.


An Ordinance to amend the Midwives Registration Ordinance.

[28th May, 1976]

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

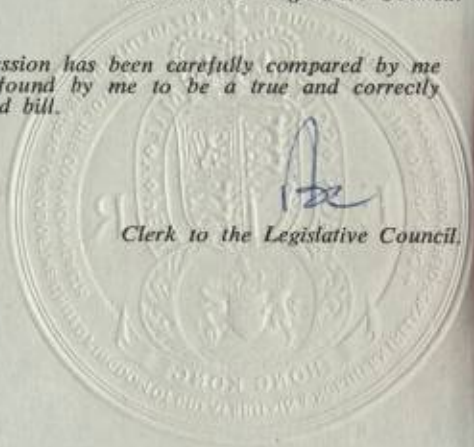
1. This Ordinance may be cited as the Midwives Registration (Amendment) Ordinance 1976. Short title.
2. Section 3(2) of the principal Ordinance is amended— Amendment of section 3. (Cap. 162.)
  - (a) in paragraph (b), by deleting "Matron" and substituting the following—  
"Nursing Officer"; and
  - (b) by deleting paragraph (e) and substituting the following—  
"(e) one registered midwife to be nominated by each hospital or group of hospitals (other than a Government hospital or group of hospitals) declared by the Board under regulations made under this Ordinance to be a training school for midwives, and appointed by the Governor;"
3. Section 7(2) of the principal Ordinance is amended by inserting after "Board", in the second place where it appears, the following— Amendment of section 7.  
", and, if required, to undergo such further training as the Board may specify".

Passed by the Hong Kong Legislative Council this 26th day of May, 1976.

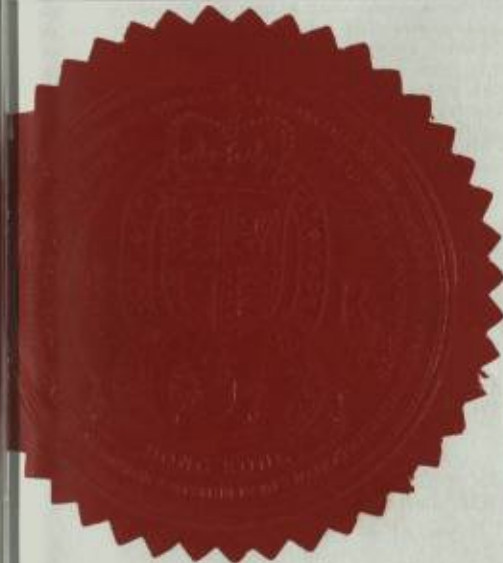


*Clerk to the Legislative Council.*

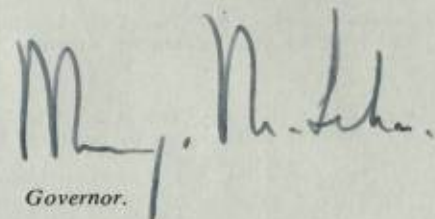
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



*Clerk to the Legislative Council.*



I assent.



*Governor.*

27th May, 1976.

**HONG KONG**

No. 29 OF 1976

*12*  
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.*

*12*  
Clerk to the Legislative Council.

I assent.

*M. N. S. Chan*  
Governor.

27th May, 1976.

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

[28th May, 1976]

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) (No. 2) Ordinance 1976. Short title.
2. Section 2 of the principal Ordinance is amended by deleting the definition of "drink" and substituting the following— Amendment of section 2. (Cap. 132.)

" "drink" does not include water other than water from natural springs, either in its natural state or with added mineral substances, distilled water and aerated water;".
3. Section 59 of the principal Ordinance is amended by deleting subsection (1) and substituting the following new subsections— Amendment of section 59.

"(1) Any public officer authorized in writing in that behalf by the Authority may—

  - (a) examine any food which is, or which appears to him to be, intended for human consumption, or any drug which is, or which appears to him to be, intended for use by man; and
  - (b) seize and remove such food or drug or any package in which the same was contained if it appears to him that such food

or drug is unfit for human consumption or for use by man, as the case may be, or that any of the provisions of any regulation made under section 55 or 56 have been contravened in respect thereof; and

- (c) where he is of the opinion that a special procedure is necessary for the examination of any such food which has been imported, or where at the request of the importer he has recourse to such special procedure, direct the importer or any other person in possession of the food to provide all such facilities as may be required for the examination of the food.

(1A) Any person who fails to provide facilities for the examination of imported food in accordance with subsection (1)(c), after having been duly directed to do so by a public officer authorized in writing in that behalf by the Authority, shall be guilty of an offence."

Amendment of section 69.

4. Section 69 of the principal Ordinance is amended in subsection (1) by deleting paragraph (a) and substituting the following—

"(a) during any period, not exceeding six days (exclusive of Saturdays, Sundays and public holidays), which may be reasonably required for the examination of such food or drugs; and".

Amendment of Sixth Schedule.

5. The Sixth Schedule to the principal Ordinance is amended in the first column by deleting "59(3)" and substituting the following—

"59(1A) or (3)".

Amendment of Ninth Schedule.

6. The Ninth Schedule to the principal Ordinance is amended in the first column by deleting "59(3)" and substituting the following—

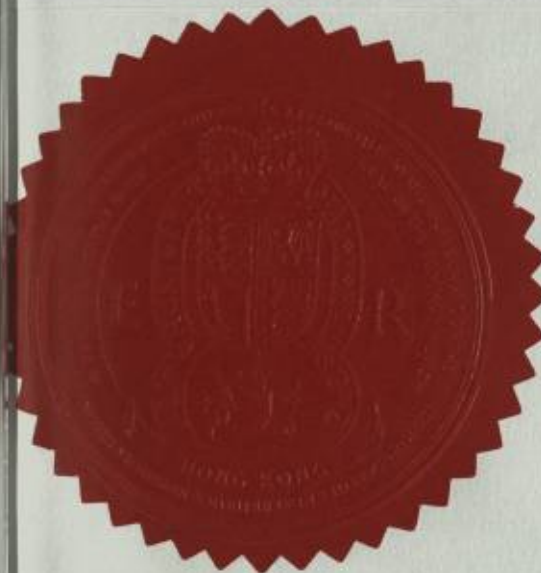
"59(1A) or (3)".

Passed by the Hong Kong Legislative Council this 26th day of May, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

27th May, 1976.

**HONG KONG**

No. 30 OF 1976

(c) where he is of the opinion that a special procedure is necessary for the examination of any such food which has been imported, or where at the request of the importer he has recourse to such special procedure, direct the importer or any other person in possession of the food to provide all such facilities as may be required for the examination of the food.

(1A) Any person who fails to provide facilities for the examination of imported food in accordance with subsection (1)(c), after having been duly directed to do so by a public officer authorized in writing in that behalf by the Authority, shall be guilty of an offence."

Amendment of section 69.

4. Section 69 of the principal Ordinance is amended in subsection (1) by deleting paragraph (a) and substituting the following—

"(a) during any period, not exceeding six days (exclusive of Saturdays, Sundays and public holidays), which may be reasonably required for the examination of such food or drugs; and"

Amendment of Sixth Schedule.

5. The Sixth Schedule to the principal Ordinance is amended in the first column by deleting "59(3)" and substituting the following—

"59(1A) or (3)".

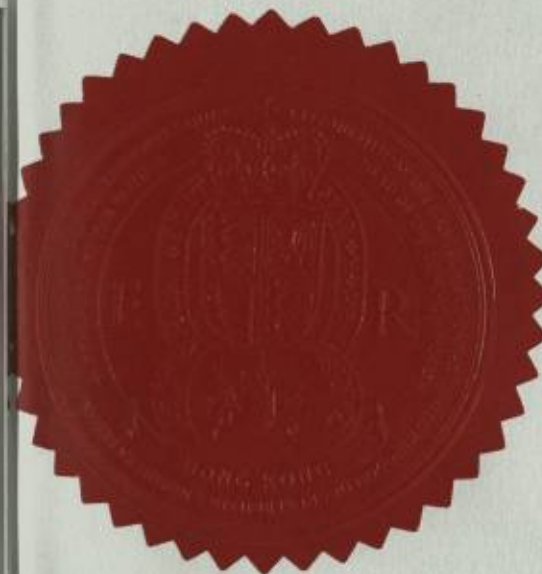
Amendment of Ninth Schedule.

6. The Ninth Schedule to the principal Ordinance is amended in the first column by deleting "59(3)" and substituting the following—

"59(1A) or (3)".

Passed by the Hong Kong Legislative Council this 26th day of May,

I assent.



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

27th May, 1976.

An Ordinance to amend the Corrupt and Illegal Practices Ordinance.

[28th May, 1976]

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 Corrupt and Illegal Practices (Amendment) Ordinance 1976. Short title.

2. The principal Ordinance is amended by adding after section 9, the following new section— Addition of new section 9A. (Cap. 288.)

"Witness who is also party to offence not to be regarded as accomplice.

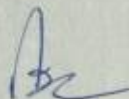
9A. Notwithstanding any rule of law or practice to the contrary, no witness shall, in any proceedings for an offence under this Part, be regarded as an accomplice by reason only of his being a party to the corrupt practice giving rise to the proceedings."

3. The principal Ordinance is amended by adding after section 24, the following new section— Addition of new section 24A.

"Witness who is also party to offence not to be regarded as accomplice.

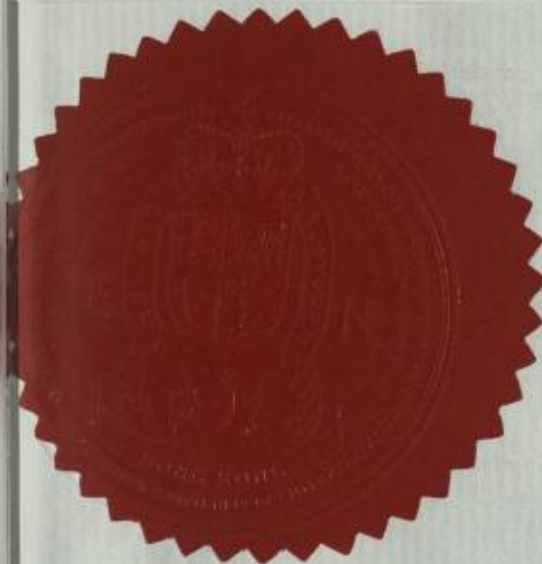
24A. Notwithstanding any rule of law or practice to the contrary, no witness shall, in any proceedings for an offence under this Part, be regarded as an accomplice by reason only of his being a party to the illegal practice giving rise to the proceedings."

Passed by the Hong Kong Legislative Council this 26th day of May, 1976.

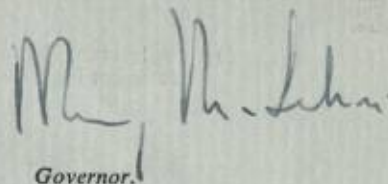


*Clerk to the Legislative Council.*

*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.*



I assent.



*Governor.*

10th June, 1976.

**HONG KONG**

No. 31 OF 1976

Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

*Mary M. Leung*  
Governor.

10th June, 1976.

An Ordinance to amend the Estate Duty Ordinance.

[11th June, 1976]

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) Ordinance 1976. Short title.

2. Section 3(1) of the principal Ordinance is amended in the definition of "applicable Schedule" by deleting "means the Eleventh Schedule" and substituting the following— Amendment of section 3. (Cap. 111.)

"but before the commencement of the Estate Duty (Amendment) Ordinance 1976 means the Eleventh Schedule, and in the case of persons dying on or after the commencement of the Estate Duty (Amendment) Ordinance 1976 means the Twelfth Schedule".

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

(a) in subsection (2) by deleting "*prima facie* evidence of the facts stated therein" and substituting the following—

"sufficient evidence of the amount so claimed and sufficient authority for the District Court to give judgment for such amount"; and

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

“(2A) In proceedings under this section for the recovery of any duty, interest or penalties the court shall not entertain any plea that the amount claimed is excessive, incorrect or under appeal.”.

Amendment of section 35.

4. Section 35(4) of the principal Ordinance is amended by deleting “Twelfth” and substituting the following—

“Thirteenth”.

Amendment of Eleventh Schedule.

5. The Eleventh Schedule to the principal Ordinance is amended by deleting “until this Schedule is superseded” and substituting the following—

“before the commencement of the Estate Duty (Amendment) Ordinance 1976”.

Renumbering of Twelfth Schedule and insertion of new Twelfth Schedule.

6. The principal Ordinance is amended—

(a) by renumbering the Twelfth Schedule as the Thirteenth Schedule; and

(b) by inserting before the Thirteenth Schedule (as so renumbered) the following new Schedule—

“TWELFTH SCHEDULE [ss. 3, 5, 14, 16, 17, 23, 24 & 27.]

(Persons dying on or after the commencement of the Estate Duty (Amendment) Ordinance 1976 and until this Schedule is superseded)

Where the principal value of the estate			Estate Duty shall be payable at the rate <i>per cent</i> of
	\$	\$	
Exceeds	300,000 and does not exceed	400,000	6
“	400,000 “ “ “ “	500,000	7
“	500,000 “ “ “ “	550,000	8
“	550,000 “ “ “ “	600,000	9
“	600,000 “ “ “ “	650,000	10
“	650,000 “ “ “ “	700,000	11
“	700,000 “ “ “ “	800,000	12
“	800,000 “ “ “ “	900,000	13
“	900,000 “ “ “ “	1,000,000	14
“	1,000,000 “ “ “ “	1,500,000	15
“	1,500,000 “ “ “ “	2,000,000	16
“	2,000,000 “ “ “ “	3,000,000	17
“	3,000,000 .....		18

Passed by the Hong Kong Legislative Council this 9th day of June, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

*M. R. Nelson*

Governor.

10th June, 1976.

**HONG KONG**

No. 32 OF 1976



I assent.

*M. N. Nathan*

Governor.

10th June, 1976.

An Ordinance to amend the Inland Revenue Ordinance.

[1st April, 1976]

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) Ordinance 1976 and shall be deemed to have come into operation on the 1st April 1976.

Short title, commencement and application.

(2) The amendments to the principal Ordinance made by this Ordinance shall apply in respect of all assessments made in respect of the year of assessment commencing on the 1st April 1976 and all subsequent years of assessment.

2. Section 14 of the principal Ordinance is amended—

Amendment of section 14. (Cap. 112.)

(a) by deleting the full stop at the end of the proviso and substituting a semicolon; and

(b) by inserting after the proviso the following—

“Provided further that for the year of assessment commencing on the 1st April 1976 and all subsequent years of assessment—

(a) in the case of a corporation, profits tax shall be charged at the rate of seventeen *per cent*; and

- (b) in the case of a corporation to which a share of the assessable profits of a partnership is apportioned under section 22A and is charged in the partnership name under section 22, profits tax shall be charged on such share of the assessable profits at the rate of seventeen *per cent.*"

Amendment of  
section 63H.

3. Section 63H(1) of the principal Ordinance is amended in the proviso by inserting after "*per cent*" the following—

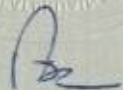
"and for the year of assessment commencing on the 1st April 1976 and all subsequent years of assessment provisional profits tax shall be payable at the rate of seventeen *per cent*".

Passed by the Hong Kong Legislative Council this 9th day of June, 1976.

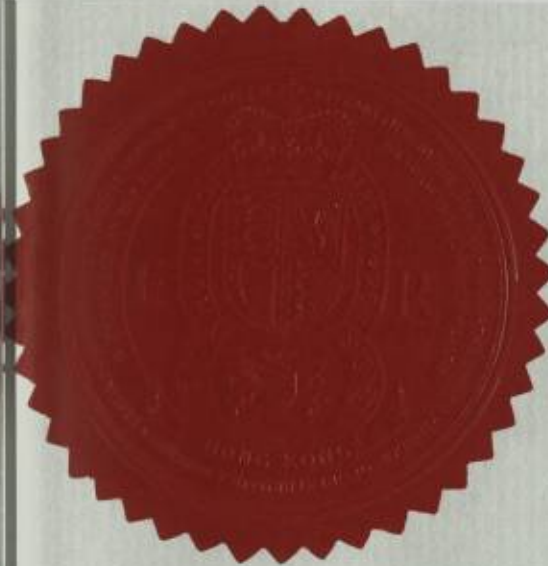


Clerk to the Legislative Council.

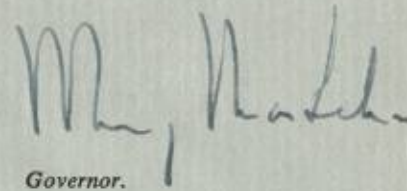
*This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.*



Clerk to the Legislative Council.



I assent.



Governor.

10th June, 1976.

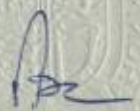
Amendment of  
section 63H.

on such share of the assessable profits at the rate  
of seventeen *per cent.*”.

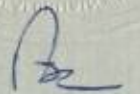
3. Section 63H(1) of the principal Ordinance is amended in the  
proviso by inserting after “*per cent.*” the following—

“and for the year of assessment commencing on the 1st April 1976  
and all subsequent years of assessment provisional profits tax shall  
be payable at the rate of seventeen *per cent.*”.

Passed by the Hong Kong Legislative Council this 9th day of  
June, 1976.

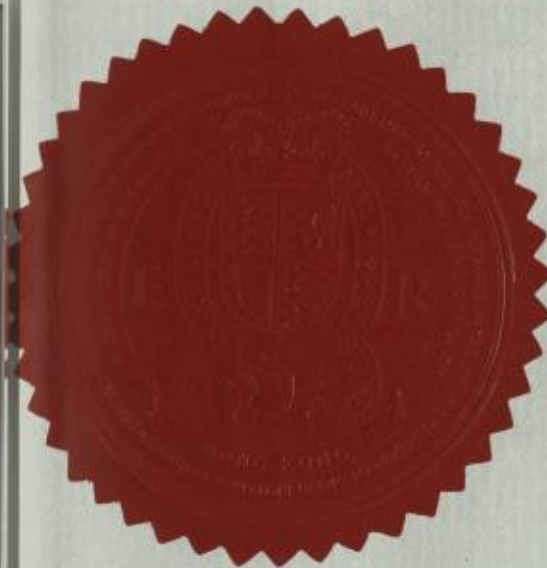
  
Clerk to the Legislative Council.

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

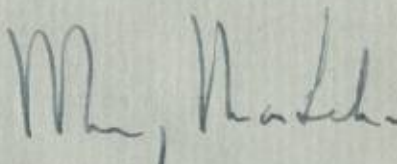
  
Clerk to the Legislative Council.

**HONG KONG**

No. 33 OF 1976



I assent.

  
Governor.

10th June, 1976.

An Ordinance to amend the Stamp Ordinance.

[11th June, 1976]

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

1. This Ordinance may be cited as the Stamp (Amendment) (No. 2) Short title.  
Ordinance 1976.

2. The amendments to the principal Ordinance made by section 4 Application.  
shall apply to documents executed on or after the 1st April 1976.

3. Section 5 of the principal Ordinance is amended—

Amendment of  
section 5.  
(Cap. 117.)

(a) by deleting subsection (5); and

(b) in subsection (6) by deleting “either civilly or criminally” and  
substituting the following—

“civilly”.

4. The Schedule to the principal Ordinance is amended—

Amendment of  
Schedule.

(a) in paragraph (a) in the second column of head 5 by deleting  
“\$2.25” and substituting the following—

“\$2.75”;

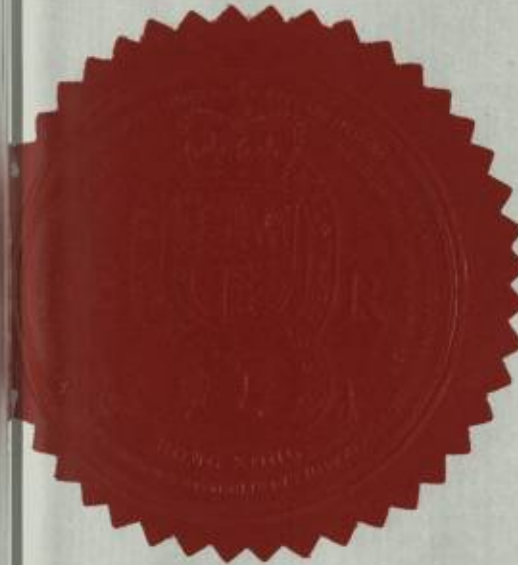
- (b) in paragraph (a) in the second column of head 6 by deleting "\$2.25" and substituting the following—  
"\$2.75";
- (c) in head 19(1)(d)—  
(i) by deleting "\$151,920" in both places where it occurs and substituting in each place the following—  
"\$152,702"; and  
(ii) in paragraph (a) in the second column by deleting "\$1.920" and substituting the following—  
"\$2,702";
- (d) in paragraph (a) in the second column of head 19(2) by deleting "\$2.25" and substituting the following—  
"\$2.75";
- (e) in paragraph (a) in the second column of head 32(1) by deleting "\$2.25" and substituting the following—  
"\$2.75";
- (f) in paragraph (a) in the second column of head 32(7) by deleting "\$2.25" and substituting the following—  
"\$2.75"; and
- (g) in paragraph (a) in the second column of head 53(2) by deleting "\$2.25" and substituting the following—  
"\$2.75".

Passed by the Hong Kong Legislative Council this 9th day of June, 1976.

Clerk to the Legislative Council.

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

Clerk to the Legislative Council.



I assent.

Governor.

10th June, 1976.

(i) by deleting "\$151,920" in both places where it occurs and substituting in each place the following—

"\$152,702"; and

(ii) in paragraph (a) in the second column by deleting "\$1,920" and substituting the following—

"\$2,702";

(d) in paragraph (a) in the second column of head 19(2) by deleting "\$2.25" and substituting the following—

"\$2.75";

(e) in paragraph (a) in the second column of head 32(1) by deleting "\$2.25" and substituting the following—

"\$2.75";

(f) in paragraph (a) in the second column of head 32(7) by deleting "\$2.25" and substituting the following—

"\$2.75"; and

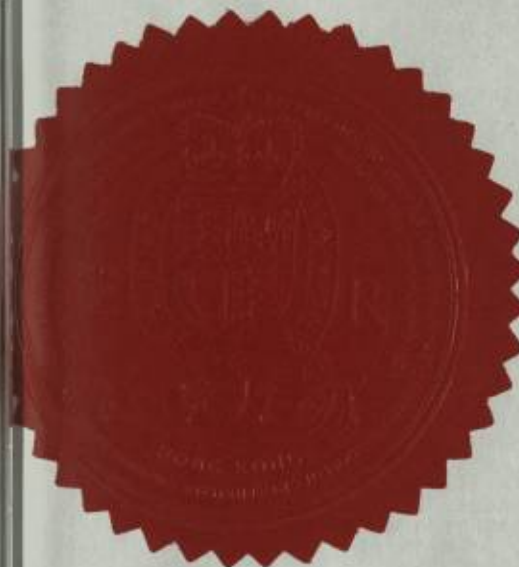
(g) in paragraph (a) in the second column of head 53(2) by deleting "\$2.25" and substituting the following—

"\$2.75".

Passed by the Hong Kong Legislative Council this 9th day of June, 1976.

**HONG KONG**

No. 34 OF 1976



I assent.

Governor.

10th June, 1976.

An Ordinance to amend the Dutiable Commodities Ordinance.

[11th June, 1976]

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

1. This Ordinance may be cited as the Dutiable Commodities (Amendment) Ordinance 1976. Short title.

2. The long title to the principal Ordinance is amended by inserting after "hydrocarbon oils" the following— Amendment of long title. (Cap. 109.)  
", methyl alcohol".

3. Section 3(1) of the principal Ordinance is amended by deleting "and hydrocarbon oils" and substituting the following— Amendment of section 3.  
", hydrocarbon oils and methyl alcohol".

4. Section 39 of the principal Ordinance is amended— Amendment of section 39.

(a) by deleting "or" at the end of paragraph (e);

(b) in paragraph (f) by deleting the comma and substituting the following—

"; or"; and

(c) by adding after paragraph (f) the following new paragraph—  
“(g) any quantity of methyl alcohol.”

Amendment of  
section 46.

5. Section 46(1) of the principal Ordinance is amended by deleting “64A and 68” and substituting the following—  
“68, 71 and 73”.

Amendment of  
section 46A.

6. Section 46A(2)(a) of the principal Ordinance is amended by deleting “or 64A” and substituting the following—  
“, 71, 72 or 73”.

Amendment of  
section 61.

7. Section 61 of the principal Ordinance is amended—

(a) in subsection (1)—

- (i) by inserting after “sells” the following—  
“, exposes for sale or has in his possession for sale”; and  
(ii) by deleting “12 months” and substituting the following—  
“2 years”; and

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

“(1A) Where a person is convicted under this section and it is proved to the satisfaction of a magistrate that an adulterant in any adulterated liquor in respect of which that person has been convicted is a denaturant which is present in such quantities as not to render the liquor being a denatured spirit within the meaning of this Ordinance, that person shall, in addition to any other penalty to which he is liable under this Ordinance, be liable to imprisonment for 2 years.

(1B) For the purposes of subsection (1), any adulterated liquor found in licensed premises shall be presumed, until the contrary is proved, to be in the possession of the licensee for the purpose of sale.”

Repeal of  
section 64A.

8. Section 64A of the principal Ordinance is repealed.

Addition of  
new Part VI.

9. The principal Ordinance is amended by adding after Part V the following new Part—

“PART VI  
METHYL ALCOHOL

Interpretation.

70. In the application of this Ordinance to methyl alcohol—  
“methyl alcohol” means the substance also known as methanol.

Marking of  
containers.

71. No person shall place or cause to be placed or keep or cause to be kept in any container any methyl alcohol unless such container is conspicuously marked in English and Chinese with the word “poison”.

Colouring,  
flavouring  
or other  
substance.

72. The Director may direct an importer, dealer or retailer to add such colouring, flavouring or other substances, and in such quantities, as the Director may from time to time specify, to any methyl alcohol in his possession.

Storage.

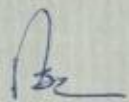
73. A distiller, importer, dealer or retailer of intoxicating liquor shall not bring onto or have in any premises used for holding intoxicating liquor any methyl alcohol.

No duty  
payable in  
respect of  
methyl alcohol  
used for testing  
aircraft engines  
and certain  
other purposes.

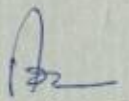
74. (1) Notwithstanding this Ordinance, no duty shall be payable on any methyl alcohol which is shown to the satisfaction of the Director to be intended for use and which is in fact used solely in the testing of aircraft engines.

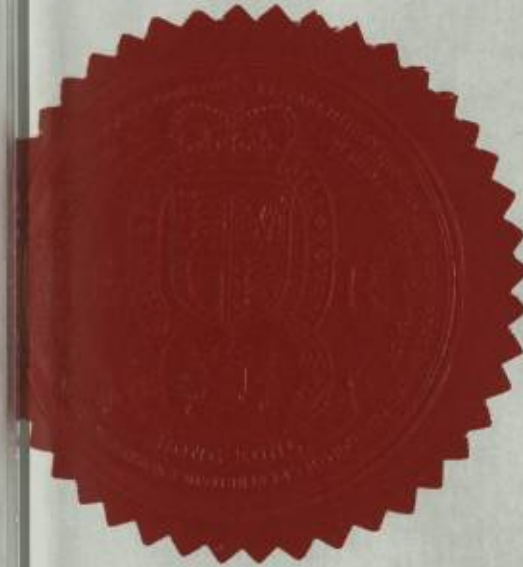
(2) Notwithstanding this Ordinance, no duty shall be payable on any methyl alcohol if the Government Chemist certifies in writing that it is mixed with some other substance in such a manner that it cannot practicably be separated therefrom in a potable form.”

Passed by the Hong Kong Legislative Council this 9th day of June, 1976.

  
Clerk to the Legislative Council.

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

  
Clerk to the Legislative Council.



I assent.

*M. N. Srinivasan*

*Governor.*

*10th June, 1976.*

An Ordinance to amend the Criminal Procedure Ordinance.

**HONG KONG**

No. 35 OF 1976



I assent.

*Governor.*

10th June, 1976.

An Ordinance to amend the Criminal Procedure Ordinance.

[11th June, 1976]

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

1. This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance 1976. Short title.

2. Section 13A(3) of the principal Ordinance is amended by deleting "a District Court" and substituting the following—  
"the District Court". Amendment of section 13A(3).  
(Cap. 221.)

3. The principal Ordinance is amended by adding after section 13A the following new section—  
Addition of new section 13AA.

"Cash bail.

**13AA.** (1) A court may on admitting, or directing the admission of, an accused person to bail order that such sum of money as the court may specify be deposited with the court, as a condition of the admission to bail, by the accused person or a surety or by both the accused person and a surety.

(2) If a person admitted to bail does not appear at the time and place required by the court, a court may order any sum deposited pursuant to an order under subsection (1) to be forfeited and may issue a warrant for the arrest of that person.

(3) An order of a court under subsection (1) may be in addition to any recognizance, with or without sureties, required by or under this or any other Ordinance.

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

Amendment of section 13B.

4. Section 13B of the principal Ordinance is amended—

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

"(a) if the police officer has reasonable grounds for believing that any condition on or subject to which such person was admitted to bail has been or is likely to be broken;"

(b) in subsection (1)(b), by inserting the following after "that person" in the first place where those words occur—

"(including a surety who has deposited a sum of money pursuant to an order under subsection (1) of section 13AA)";

(c) by deleting subsection (3) and substituting the following—

"(3) If it appears to the court before which a person is brought under subsection (2) that any condition on or subject to which such person was admitted to bail has been or is likely to be broken, the court may—

(a) remand that person in custody; or

(b) admit that person to bail on the same conditions or on such other conditions as it thinks fit.

but if it does not so appear to that court the court shall admit that person to bail on the same conditions.";

(d) in subsection (4) by deleting "a District Court" and substituting the following—

"the District Court".

5. Section 16 of the principal Ordinance is repealed.

6. Section 17 of the principal Ordinance is amended by deleting subsection (2).

7. Section 24 of the principal Ordinance is repealed.

8. Section 25 of the principal Ordinance is amended in subsection (1) by deleting "16, 18, 23 and 24 or the rules made under section 16" and substituting the following—

"18 and 23 or the rules made under section 9".

9. Section 65A(2) of the principal Ordinance is amended by deleting "a District Court" and substituting the following—

"the District Court".

10. Section 67A(3) of the principal Ordinance is amended by deleting "District Court or" and substituting the following—

"District Court and".

11. Section 109A(2) of the principal Ordinance is amended by deleting "District Court or" and substituting the following—

"District Court and".

Repeal of section 16.

Amendment of section 17.

Repeal of section 24.

Amendment of section 25.

Amendment of section 65A(2).

Amendment of section 67A(3).

Amendment of section 109A(2).

12. Section 109G of the principal Ordinance is amended by deleting "a District Court" and substituting the following—

"the District Court".

13. Section 114 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by deleting the colon at the end of paragraph (d) and substituting a full stop; and

(ii) by deleting the proviso; and

(b) in subsection (7), by inserting "the" after "includes".

14. Section 122(7) of the principal Ordinance is amended by deleting "any District Court and any magistrate's court" and substituting the following—

"the District Court and a magistrate".

15. Section 123 of the principal Ordinance is amended—

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

"(2) In any case where a court may make an order under subsection (1), the court may, whether or not it makes an order under that subsection, order that no question shall be put to any specified witness in the proceedings before it if the answer thereto would lead, or tend to lead, to disclosure of the name or address of any witness in the proceedings; but the court may require any such witness to record the name and address of a witness in the proceedings in writing and to deliver it into the custody of the court.";

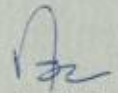
(b) by deleting "any District Court and any magistrate's court" in subsection (3) and substituting the following—

"the District Court and a magistrate".

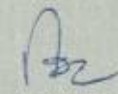
16. The First Schedule to the principal Ordinance is amended by deleting Form 3.

17. The Indictment Rules shall be deemed to have been made under section 9 of the principal Ordinance and shall continue in force until revoked by rules made under the said section 9.

Passed by the Hong Kong Legislative Council this 9th day of June, 1976.

  
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 section 109G.

Amendment of section 114.

Amendment of section 122(7).

Amendment of section 123.

Amendment of First Schedule.

Saving of Indictment Rules.  
(Cap. 221, sub. leg.)



I assent.

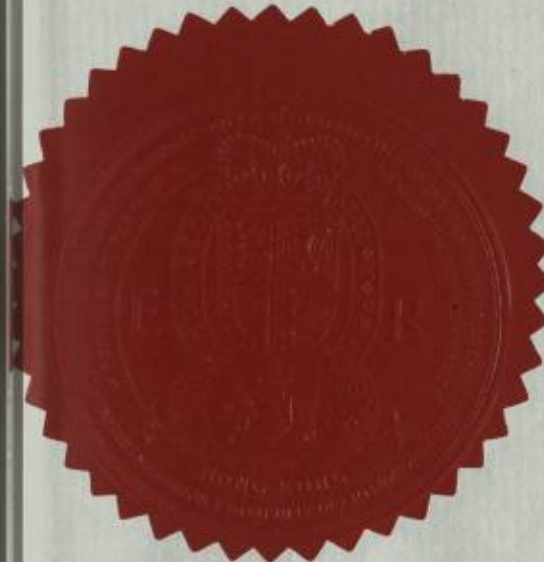
*Mary M. Lehan*

Governor.

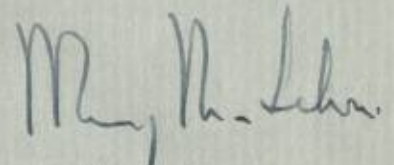
10th June, 1976.

**HONG KONG**

No. 36 of 1976



I assent.

  
Governor.

10th June, 1976.

An Ordinance to amend the Magistrates Ordinance.

[11th June, 1976]

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 Magistrates (Amendment) Ordinance 1976. Short title.

2. Section 8 of the principal Ordinance is amended—

Amendment of  
section 8.  
(Cap. 227.)

(a) in subsection (2), by inserting after "such summons shall" the following—

" , save as provided in subsection (3);" ; and

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

"(3) A statutory declaration by a police officer or other officer stating that he delivered a summons to the person to whom it is directed personally shall on its production be admissible in evidence without further proof, and until the contrary is proved the magistrate before whom it is produced shall presume—

(a) that the facts stated therein are true; and

(b) that the summons was duly served in accordance with subsection (2)(a)(i).

(4) Notwithstanding subsection (3) a magistrate may require the police officer or other officer who served a summons to attend before him and give evidence on oath as to its service.”.

Repeal and replacement of section 9.

3. Section 9 of the principal Ordinance is repealed and replaced by the following—

“Issue of warrant in first instance or subsequently,  
Form 4.

9. (1) Where a complaint or information laid before a magistrate is substantiated by oath before him, the magistrate may, in the first instance or notwithstanding that a summons has been previously issued, issue a warrant to arrest the defendant and bring him before a magistrate to answer to the complaint or information.

(2) Where a defendant is arrested under a warrant issued under subsection (1), he shall be brought before a magistrate, who may adjourn the hearing and deal with the defendant in accordance with section 20.”.

Amendment of section 10.

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

(Cap. 221,  
sub. leg.)

“(4) Every such complaint or information shall comply with the Indictment Rules in so far as those rules are applicable *mutatis mutandis* to any such complaint or information.”.

Repeal and replacement of section 18.

5. Section 18 of the principal Ordinance is repealed and replaced by the following new sections—

“Appearance by counsel.

18. At the hearing of a complaint or information, a party may be represented by counsel; and an absent party so represented shall be deemed not to be absent:

Provided that appearance of a party by counsel shall not satisfy any provision in any enactment or any condition of a recognizance expressly requiring the appearance of the party.

Non-appearance of defendant.

18A. Subject to sections 18E and 19A(5), in any case where a summons has been served on the defendant a reasonable time before the hearing and at the time and place appointed for the hearing only the complainant or informant appears, the magistrate—

Form 2.

(a) may issue a warrant to arrest the defendant and bring him before a magistrate and adjourn the hearing for such time as he may think fit;

(b) may adjourn the hearing under section 20 and if the defendant does not appear at the time and place to which the hearing is adjourned may issue a warrant to arrest the defendant and bring him before a magistrate.

Non-appearance of informant or complainant.

18B. (1) Where at the hearing the defendant appears, but the complainant or informant does not appear, the magistrate—

(a) shall, if the defendant is brought before him by virtue of a warrant and the complainant or informant has not had adequate notice of the hearing, adjourn the hearing under section 20; and

(b) may, in any other case, dismiss the complaint or information or adjourn the hearing under section 20.

(2) Where a complaint or information is dismissed under subsection (1), the magistrate may order that the complainant or informant shall pay to the defendant such costs, not exceeding \$2,000, as the magistrate may think fit.

Non-appearance of either party.

18C. (1) Where at the hearing neither the complainant or informant nor the defendant appears, the magistrate may—

- (a) dismiss the information or complaint; or
- (b) adjourn the hearing under section 20.

(2) Where a complaint or information is dismissed under subsection (1), such dismissal shall not operate as a bar to any subsequent proceedings against the defendant in the same matter.

Appearance of both parties.

18D. Where at the hearing both the complainant or informant and the defendant appear, the magistrate shall proceed to hear and determine the case.

Plea of guilty by letter.  
Third Schedule.

18E. (1) Subject to subsection (3), the defendant may, in the case of an offence specified in the Third Schedule, plead guilty by letter addressed to the magistrate, and thereupon the magistrate may—

- (a) proceed to hear and determine the case in the absence of the defendant in like manner as if the defendant had appeared before him and pleaded guilty;

Provided that the magistrate shall not impose any fine exceeding \$500 or any term of imprisonment; or

- (b) adjourn the hearing for the purpose of dealing with the complaint or information as if such letter had not been received.

(2) In every case where the defendant may plead guilty by letter, the summons shall contain a footnote or endorsement drawing attention to that fact.

(Cap. 220.)

(3) Where a complaint or information is in respect of an offence under section 15(1) of the Road Traffic Ordinance and by virtue of subsection (2) of that section the magistrate will, if the defendant is convicted of the offence, be required to disqualify the defendant from holding or obtaining a driving licence, a summons in respect of that offence shall be endorsed to the effect that the defendant may not plead guilty by letter, and in such a case the provisions of this section shall thereupon cease to apply.

(4) The Legislative Council may by resolution amend the Third Schedule.”.

6. Section 19A of the principal Ordinance is amended—

(a) in subsection (4)—

(i) by deleting “subsection (5) of section 18” and substituting the following—

“section 18E”; and

(ii) by deleting “subsection” and substituting the following—  
“section”; and

Amendment of section 19A.

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

“(5) Subject to subsection (4), if at the time and place appointed for the hearing of a complaint or information against a corporation only the complainant or informant appears, the magistrate may, if he is satisfied that a summons was served on the corporation a reasonable time before the hearing, order a plea of not guilty to be entered and may thereupon proceed to hear and determine the case as though the corporation had duly entered a plea of not guilty.”

Repeal and replacement of section 20.

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

“Adjournment of hearing and procedure thereon.

20. (1) Before or during the hearing of any complaint or information, a magistrate may adjourn the hearing to such time and place and on such conditions as he thinks fit.

(2) Where the hearing is adjourned—

(a) by reason of the non-appearance of the complainant or informant, either personally or by counsel, and the magistrate is satisfied that the complainant or informant has had adequate notice of the hearing, he may order that the complainant or informant shall pay to the defendant such costs, not exceeding \$2,000, as the magistrate may think fit; or

(b) on the application of the complainant or informant, either personally or by counsel, and the magistrate is satisfied that the application is occasioned by some default, neglect or omission on the part of the complainant, informant or his counsel, as the case may be, he may order that the complainant or informant shall pay to the defendant such costs, not exceeding \$2,000, as the magistrate may think fit.

(3) When adjourning the hearing of a complaint or information, the magistrate may admit the defendant to bail, with or without sureties, or commit him to prison or some other place of security or to such other custody as the magistrate may think fit.

(4) Where a defendant who has been admitted to bail does not appear at the time and place appointed for the adjourned hearing, a magistrate may declare any recognizance to be forfeited in manner hereinafter provided and may issue a warrant for the arrest of the defendant.

(5) A magistrate may, on being satisfied that a defendant who is accused of an offence triable summarily is by reason of illness or accident unable to appear personally before a magistrate—

(a) visit the defendant and in his presence exercise any of the powers conferred by subsection (1) or (3); or

(b) exercise such powers in the absence of the defendant if, in the opinion of the magistrate, it is not practicable for him to visit the defendant.

(6) If, at the time and place to which the hearing or further hearing is so adjourned—

(a) the complainant or informant does not appear, either personally or by counsel, a magistrate may

dismiss the complaint or information on such terms as he may think fit, including a term that the complainant or informant shall pay to the defendant such costs, not exceeding \$2,000, as the magistrate may think fit; or

(b) the defendant does not appear, either personally or by counsel, the magistrate may—

(i) issue a warrant for the arrest of the defendant;

(ii) declare any recognizance to be forfeited; and

(iii) adjourn the hearing for such time as he may think fit.”

8. Section 23 of the principal Ordinance is amended—

Amendment of section 23.

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

“(2) If any such variance, or any variance in any other respect between the information and the evidence adduced in support thereof, appears to the magistrate to be such that the defendant has been thereby deceived or misled the magistrate may—

(a) adjourn the hearing of the case and if he is satisfied that the variance is due to default or neglect on the part of the complainant, informant or his counsel, as the case may be, he may order that the complainant or informant shall pay to the defendant such costs, not exceeding \$2,000, as the magistrate may think fit; and

(b) commit the defendant to prison or some place of security or to such other custody as the magistrate may think fit, or admit him to bail, with or without surety or sureties.”; and

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

“(3) Where a defendant admitted to bail under subsection (2)(b) does not appear at the time and place appointed for the adjourned hearing, a magistrate may declare any recognizance to be forfeited and issue a warrant for the arrest of the defendant.”

9. Section 33 of the principal Ordinance is amended by deleting paragraph (a) and substituting the following—

Amendment of section 33.

“(Cap. 221, sub. leg.)

(a) the provisions of the Indictment Rules which relate to the description of an offence in an indictment;”

10. Section 68 of the principal Ordinance is amended by deleting “, \$1,000 ..... 6 .,” and substituting the following—

Amendment of section 68.

“, \$1,000 .. ” .. \$5,000 ..... 6 ..”  
“, \$5,000 ..... 12 ..”

11. Section 69(1) of the principal Ordinance is amended by deleting “as to him may seem just and reasonable in that behalf, but not in any case exceeding five hundred dollars; and in any case where the magistrate, instead of convicting or making an order as aforesaid, dismisses the complaint or information, it shall be lawful for him, in and by his order of dismissal, to award and order that the complainant or informant respect

Amendment of section 69.

tively shall pay to the defendant such costs as to him may seem just and reasonable, but not in any case exceeding five hundred dollars" and substituting the following—

" , not exceeding \$2,000, as he may think fit; and where a magistrate dismisses the complaint or information he may, if he is satisfied that the proceedings ought not to have been instituted or pursued against the defendant, order that the complainant or informant shall pay to the defendant such costs, not exceeding \$2,000, as he may think fit".

Repeal and replacement of section 74.

12. Section 74 of the principal Ordinance is repealed and replaced by the following—

"Warrant to apprehend where indictment is filed by Attorney General pursuant to direction or with consent of a judge. (Cap. 221.)

Form 4.

74. (1) Where the Attorney General files an indictment against any person pursuant to the direction or with the consent of a judge under section 24A of the Criminal Procedure Ordinance, the Registrar, on application by or on behalf of the Attorney General, shall issue a certificate certifying that the indictment has been filed against that person.

(2) Where a certificate issued under subsection (1) is produced to a magistrate, he shall, if the person named in the indictment—

- (a) is at large, issue a warrant to arrest that person; or
- (b) is in custody, issue a warrant directed to the Commissioner of Prisons requiring that person to be brought before a magistrate.

(3) Where the person named in a warrant issued under subsection (2) is brought before a magistrate, or a person is otherwise brought before a magistrate, and the magistrate is satisfied by evidence on oath that such person is the person named in the indictment referred to in a certificate issued under subsection (1), he shall without further inquiry or examination order that that person shall stand committed for trial before the High Court on the charge in the indictment and shall either remand such person in custody or admit him to bail."

Repeal and replacement of section 81A.

13. Section 81A of the principal Ordinance is repealed and replaced by the following—

"Admission of statements and exhibits in committal proceedings.

81A. (1) Subject to the provisions of this section, on the hearing of an indictable offence, a magistrate may admit in evidence on behalf of the prosecution—

- (a) any statement to which this section applies; and
- (b) any exhibit clearly identified in any such statement,

notwithstanding that the person who made the statement is not called as a witness to give oral evidence at the hearing.

(2) This section shall apply to any written statement, whether or not it is written in the language used by the person who made the statement, if—

- (a) it is tendered to the magistrate by the prosecutor;
- (b) being a statement which—

(i) was made orally in a language other than English; and

(ii) has been written in English, it is certified under subsection (8);

(Cap. 8.)

(c) being a statement which was written in a language other than English, it is accompanied by a translation thereof in English certified under section 27 of the Evidence Ordinance;

(d) it purports—

(i) to have been read over to the person who made the statement in the language used by that person in making the statement or to have been read by that person; and

(ii) to have been signed by that person;

(e) copies of the written statement and any certified translation thereof in English have been served on the accused and delivered to the magistrate not less than 10 days before the date fixed for the hearing:

Provided that, on the application of the prosecutor or the accused, the magistrate may reduce the period of 10 days and allow such shorter period as he may specify.

(3) An exhibit may be admitted in evidence under subsection (1) if—

(a) it is clearly identified in a written statement admitted in evidence under subsection (1); and

(b) not less than 10 days before the date fixed for the hearing—

(i) in the case of an exhibit which consists of a written document, copies of the exhibit, and if the document was written in a language other than English, a written translation thereof in English certified under section 27 of the Evidence Ordinance are served on the accused and delivered to the magistrate; and

(ii) in the case of any other exhibit, the accused has been given adequate opportunity to examine the exhibit:

Provided that, on the application of the prosecutor or the accused, the magistrate may reduce the period of 10 days and allow such shorter period as he may specify.

(4) Where a magistrate admits in evidence any written statement or exhibit under this section he shall cause—

(a) the written statement to be read over to the accused; and

(b) any exhibit referred to in the written statement to be shown to the accused,

unless—

(i) the accused informs the magistrate that he does not wish the written statement to be read over to him or the exhibit to be shown to him, as the case may be; and

(ii) in the case of a written statement, the magistrate is satisfied that the accused understands it.

(5) Where, under subsection (4)—

(a) a magistrate has caused—

(Cap. 8.)