

“ Dairy ” includes any farm, cowshed, milk store, or other place from which milk is supplied on, or for, sale or in which milk is kept or used for purposes of sale or manufacture into butter, cheese, dried milk or condensed milk for sale, and, in the case of a purveyor of milk who does not occupy any premises for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include a shop from which milk is not supplied otherwise than in the properly closed and unopened receptacles in which it was delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only.

“ Dairyman ” includes any keeper of cows or buffaloes for the purpose of trade in milk, any purveyor of milk, any occupier of a dairy, or any occupier of a milk shop, and in cases where a dairy or milk shop is owned by a corporation or company includes the secretary or other person actually managing such dairy or milk shop.

“ Food ” means any article used as food or drink for human consumption other than drugs or water, and includes—

(a) any substance which is intended for use in the composition or preparation of food;

(b) any flavouring matter or condiment; and

(c) any colouring matter intended for use in food:

Provided that, notwithstanding anything in this definition, the addition of any colouring or flavouring matter or condiment to an article used as food or drink shall be deemed to be the addition of a substance to food.

“ Food canteen ” means a building or portion thereof used for the sale of specified items of food approved by the Council and at retail prices so approved from time to time.

“ Food factory ” means a place where food is prepared for sale and includes bake-houses, food preserving establishments and aerated water manufactories.

“ Food officer ” means any person appointed by the Council on the recommendation of the Deputy Director of Health Services for the purposes of this Ordinance.

“ Health officer ” includes the Deputy Director of Health Services, any medical officer appointed as a health officer by the Governor, any veterinary officer and any officer for the time being performing the duties of a health officer or veterinary officer.

“ Marine restaurant ” means any vessel approved by the Council, lying at any place within the waters of the Colony and used for the sale of food.

“ Market ” means any place, other than a shop, which is ordinarily used for the sale of food, and includes all land and premises in any way used in conjunction therewith or appurtenant thereto.

“ Milk shop ” includes any premises on which fresh milk is sold in the properly closed and unopened receptacles in which it was delivered to the premises, but does not include a shop or other place in which milk is sold for consumption on the premises only.

“ Officer of the Sanitary Department ” includes any food officer, health officer or health inspector or overseer of the Sanitary Department working under the direction of a food officer or health officer for the purposes of this Ordinance.

“ Premises ” includes any land, building or structure of any kind, footway, yard, alley, court, garden, stream, nullah, pond, pool, field, marsh, drain, ditch, or place open, covered or enclosed, cesspool or foreshore, and also any vessel lying within the waters of the Colony.

“ Restaurant ” means a building or portion thereof used for the sale of food and has the meaning ordinarily attributable to that word and does not include a cafe or a food canteen.

“ Sale ” or “ sell ” includes barter and also includes offering or attempting to sell or receiving for sale or having in possession for sale or exposing for sale or sending or delivering for sale or causing or allowing to be sold, offered or exposed for sale, and refers only to sale for human consumption or use.

“ Substance ” includes a liquid.

“ Technical services ” includes inspections, examinations, taking of samples, seizures, prosecutions and all other duties of a supervisory nature carried out by Health Officers, Health Inspectors and Food Officers under the powers conferred by this Ordinance and the bye-laws made thereunder.

“ Veterinary officer ” includes any veterinary surgeon authorised by the Governor to perform the duties of a veterinary officer under this Ordinance and also any assistant veterinary officer.

3. Section 5 of the principal Ordinance is hereby amended by the repeal and replacement of sub-sections (8) and (13) as follows:—

Amendment of section 5 of the principal Ordinance.

“ (8) The regulation, inspection and licensing of cafes, food canteens, food stalls, marine restaurants and restaurants.

(13) The control, including prohibition, of the importation from the New Territories and from any place outside the

Colony or of the production, cultivation, catching, sale or offer or exposure for sale of any food in any case where such control, including prohibition, is in the opinion of the Council necessary for the prevention cure or control of disease."

Addition of section 5A to the principal Ordinance.

4. The principal Ordinance is hereby amended by the addition after section 5 thereof of the following section as section 5A:—

5A. Any licence or permit issuable by the Council under any by-law made under section 5 shall be so issuable subject to such condition as the Council may to condition. see fit to impose".

Amendment of section 9 of the principal Ordinance.

5. Section 9 of the principal Ordinance is hereby amended by the substitution of the words "Deputy Director of Health Services" for the words "Director of Medical Services".

Passed the Legislative Council of Hong Kong, this 26th day of May, 1948.

Alma Lewis Todd
Deputy Clerk of Councils.

HONG KONG

No. 20 OF 1948.



I assent.

Albanus
Governor.

Governor.

3rd June, 1948.

An Ordinance to make provision for the preparation and publication of a revised edition of the law of the Colony.

[3rd June, 1948.]

BE it 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 Revised Edition of Short title. the Laws Ordinance, 1948.

2. In this Ordinance—

"Commissioners" means the persons appointed under section 3;

"Military Proclamation" means a proclamation of the British Military Administration and any order, rules or regulations made thereunder;

"revised edition of Ordinances" means the revised edition of the Ordinances of the Colony in force on the 31st day of December, 1948, to be prepared under the authority of this Ordinance;

"revised edition of subsidiary legislation" means the revised edition of proclamations, rules, regulations, by-laws and other forms of subsidiary legislation of the Colony in force on the 31st day of December, 1948, to be prepared under the authority of this Ordinance.

Interpretation.

Appoint-
ment of
Commission-
ers.

3. (1) John Bowes Griffin, K.C., Attorney General, George Edward Strickland, Solicitor General, Henrique Alberto de Barros Botelho, Assistant Crown Solicitor, and Edward Hardwicke Sainsbury, Assistant Crown Solicitor, are hereby appointed Commissioners who shall prepare a revised edition of Ordinances and a revised edition of subsidiary legislation in the Colony.

(2) If the number of Commissioners present at one time in the Colony and able to act falls below two, the Governor may appoint some other fit and proper persons not exceeding two to be Commissioners in the stead of the Commissioners who are absent or unable to act.

Power of
Commission-
ers.

4. In the preparation of the revised edition of Ordinances the Commissioners shall have power—

(1) to omit—

(a) all Ordinances or parts of Ordinances Military Proclamations or parts of Military Proclamations which have been expressly and specifically repealed or which have expired, or have become spent or have had their effect;

(b) all repealing enactments contained in Ordinances or Military Proclamations and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;

(c) all enactments prescribing the date when an Ordinance or part of an Ordinance or Military Proclamation or part of a Military Proclamation is to come into operation, where such omission can in the opinion of the Commissioners conveniently be made;

(d) all amending Ordinances or Military Proclamations or parts thereof where the amendments effected thereby have been embodied by the Commissioners in the Ordinance to which they relate;

(e) all enacting clauses;

(f) any parts of an Ordinance or Military Proclamation which can more conveniently be included as rules, regulations or by-laws made under the Ordinance or under any other Ordinance;

(2) to adopt a convenient standard form in all Ordinances for—

(a) the interpretation section;

(b) any penal section;

(c) any section giving power to make rules, regulations or by-laws;

(3) to consolidate into one Ordinance any two or more Ordinances or two or more Military Proclamations or any number of Ordinances and Military Proclamations in *pari materia*, making the alterations thereby rendered necessary and affixing such date thereto as may seem most convenient;

(4) to alter the order of sections in any Ordinances;

(5) to renumber the sections in any Ordinance in all cases where it may be necessary so to do;

(6) to alter the form or arrangement of any section, transferring words, by combining it in whole or in part with another section or other sections or by dividing it into two or more sub-sections;

(7) to transfer any enactment contained in an Ordinance or Military Proclamation from such Ordinance or Military Proclamation to any other Ordinance to which that enactment more properly belongs, making the alterations thereby rendered necessary;

(8) to divide Ordinances into parts or divisions;

(9) to add a short title to any Ordinance which may require it or to alter the short title of any Ordinance;

(10) to supply or alter tables of contents and marginal notes;

(11) to correct grammatical, typographical, and similar errors in the existing copies of Ordinances or Military Proclamations and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any Ordinance or Military Proclamation;

(12) to make such formal alterations as to names, localities, departments, offices and officers and otherwise as may be necessary to bring any Ordinances or Military Proclamations into conformity with the circumstances of the Colony;

(13) to recast in the form of an Ordinance, making the alterations thereby rendered necessary, any Military Proclamation or part thereof which is still in force and which cannot be more conveniently dealt with under the foregoing powers or under section 9;

(14) to do all things relating to form and method which may be necessary for the perfecting of the revised edition.

5. (1) The Commissioners shall omit from the revised edition of Ordinances the Ordinances specified in the First Schedule: Omission of certain Ordinances from the revised edition. Provided that, anything in this Ordinance to the contrary notwithstanding the said Ordinances shall remain in force until the same shall have been expressly repealed or shall have expired or become spent or had their effect.

(2) At any time before the revised edition of Ordinances is approved in pursuance of section 7, the Governor may by proclamation make any amendment to the First Schedule. First Schedule.

6. (1) If the Commissioners consider that it is desirable that in the preparation of the revised edition of Ordinances there should be omissions, amendments or additions other than those authorised by section 4, the same may be collected and submitted to Legislative Council in the form of one or more Ordinances. Mode of dealing with amendments, etc., unauthorised under section 4.

(2) If such Ordinance or Ordinances are enacted prior to the passing of the resolution mentioned in section 7, then—

(a) the Commissioners shall in the preparation of the revised edition give the like effect to such omissions, amendments or additions as if they had been authorised by section 4, and

(b) if as a result of any such omission, amendment or addition any Ordinance or part thereof or Military Proclamation or part thereof has been repealed or has expired or become spent or had its effect, such Ordinance or part or Military Proclamation or part shall be omitted from the revised edition.

Bringing of revised edition of Ordinances into force.

7. (1) Upon the passing of a resolution of the Legislative Council authorising him so to do, the Governor may, by proclamation, order that the revised edition of Ordinances shall come into force on such date as he may think fit.

(2) From the date named in the said proclamation the revised edition of Ordinances shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only proper Statute Book of the Colony in respect of Ordinances in force on the 31st day of December, 1948.

Saving of existing subsidiary legislation.

8. All proclamations, rules, regulations, by-laws and other forms of subsidiary legislation made under any law included in the revised edition of Ordinances, and in force at the date when that revised edition comes into force, shall continue in force until otherwise provided; and any reference in any such proclamation, rule, regulation, by-law, or other form of subsidiary legislation, to the law under which it is made, or to any part thereof, or to any other enactment, shall, where necessary and practicable, be construed as a reference to the corresponding provision in the revised edition of Ordinances.

Subsidiary legislation.

9. (1) In the preparation of the revised edition of subsidiary legislation, the Commissioners shall have the like powers to do all things as are conferred upon them by this Ordinance in respect of the revised edition of Ordinances: Provided that the power conferred by section 6 shall be inapplicable and that if the Commissioners consider that it is desirable that in the preparation of the revised edition of subsidiary legislation there should be amendments, omissions or additions not authorised under the power previously conferred by this section, and in particular that any Military Proclamation which is still in force and required or any part thereof should be recast in the form of enactment considered suitable by the Commissioners and submitted by them to the authority having under the law of the Colony power to enact the same, they shall act accordingly.

(2) The Commissioners shall also have power to include in the revised edition of subsidiary legislation any part of an Ordinance or Military Proclamation omitted pursuant to subparagraph (1) (f) of section 4.

Omissions of certain subsidiary legislation from the revised edition.

10. (1) The Commissioners shall omit from the revised edition of subsidiary legislation, all subsidiary legislation enacted under the Ordinances mentioned in the First Schedule and the subsidiary legislation mentioned in the Second Schedule: Provided that, anything in this Ordinance to the contrary notwithstanding, the said subsidiary legislation shall remain in force until the same shall have been expressly repealed or shall have expired or become spent or had effect.

(2) At any time before the revised edition of subsidiary legislation is approved in pursuance of section 11 the Governor may, by proclamation, make any amendment to the Second Schedule. Second Schedule.

11. (1) The Governor may, by proclamation, order that the revised edition of subsidiary legislation shall come into force on such date as he may think fit. Bringing revised edition of subsidiary legislation into force.

(2) From the date named in the said proclamation the revised edition of subsidiary legislation shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole and only Statute Book of the Colony in respect of subsidiary legislation in force on the 31st day of December, 1948.

12. The revised edition of Ordinances may also contain a reprint of such Imperial Statutes, Orders in Council, Letters Patent, Royal Instructions, Treaties, Conventions and other instruments as the Commissioners consider useful to include. Complementary matter in revised edition.

13. Wherever in any enactment or in any document of whatever kind, any reference is made to any enactment affected by or under the operation of this Ordinance, the reference shall, where necessary and practicable, be construed as a reference to the corresponding enactment in the revised edition of Ordinances or the revised edition of subsidiary legislation. Construction of references to repealed or amended enactments.

14. One copy of each volume of the revised edition of Ordinances and the revised edition of subsidiary legislation shall, by order of the Governor in that behalf be sealed with the Public Seal of the Colony and transmitted to the Registrar of the Supreme Court for record. Copies to be signed and deposited.

15. (1) Copies of the revised editions shall be distributed among such persons, officers, departments and institutions as the Governor may direct. Distribution of copies of revised edition.

(2) There shall be offered to the public such number of copies at such price as the Governor may direct.

16. The Governor may, by warrant, addressed to the Accountant General direct the payment of all expenses of and incidental to the preparation, publication, distribution and sale of the revised edition. Expenses of preparation and publication.

17. This Ordinance shall be printed at the commencement of the revised edition of Ordinances. Place of this Ordinance in the new edition.

18. The Ordinances and Regulations of Hong Kong (1937 edition) Ordinance, 1936 and any amendments thereof are hereby repealed. Repeal of Ordinance No. 51 of 1936.

FIRST SCHEDULE.

[section 5.]

ORDINANCES TO BE OMITTED FROM THE REVISED EDITION OF ORDINANCES.

No. (or date) of Ordinance.	Short title.
No. 1 of 1852	Suppression of Desertion Ordinance, 1852.
No. 2 of 1885	Weights and Measures Ordinance, 1885.
No. 7 of 1895	British Dollar (Chopping) Ordinance, 1895.
No. 2 of 1899	Sung Wong Toi Reservation Ordinance, 1899.
No. 11 of 1899	Piers Ordinance, 1899.
No. 24 of 1903	Crown Counsel Fees Ordinance, 1903.
No. 38 of 1909	Christian Burial Ground Ordinance, 1909.
No. 35 of 1912	Crown Solicitors Ordinance, 1912.
No. 4 of 1919	Union Insurance Society of Canton, Limited (Capital Conversion) Ordinance, 1919.
No. 5 of 1919	British Traders Insurance Company Limited (Capital Conversion) Ordinance, 1919.
No. 8 of 1926	Bank of Canton, Limited (Capital Conversion) Ordinance, 1926.
No. 7 of 1927	Japanese Residents Association Ordinance, 1927.
No. 21 of 1932	Pensions Ordinance, 1932.
No. 22 of 1932	City Hall Resumption Ordinance, 1932.
No. 10 of 1933	Volunteer Ordinance, 1933.
No. 7 of 1935	Urban Council Ordinance, 1935.
No. 38 of 1939	Essential Commodities Reserves Ordinance, 1939.
No. 8 of 1940	Trade Marks (Emergency) Ordinance, 1940.
No. 13 of 1941	War Revenue Ordinance, 1941.
No. 19 of 1941	Police (Military Status) Ordinance, 1941.
No. 1 of 1946	Indemnity and Validating Ordinance, 1946.
No. 2 of 1946	Law Amendment (Transitional Provisions) Ordinance, 1946.

SECOND SCHEDULE.

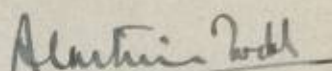
[section 10.]

SUBSIDIARY LEGISLATION TO BE OMITTED FROM THE REVISED
EDITION OF SUBSIDIARY LEGISLATION.

1. All subsidiary legislation enacted under the Supplies and Services (Transitional Powers) Act, 1945 as applied to the Colony by the Supplies and Services (Transitional Powers) (Colonies, etc.) Order in Council, 1946.

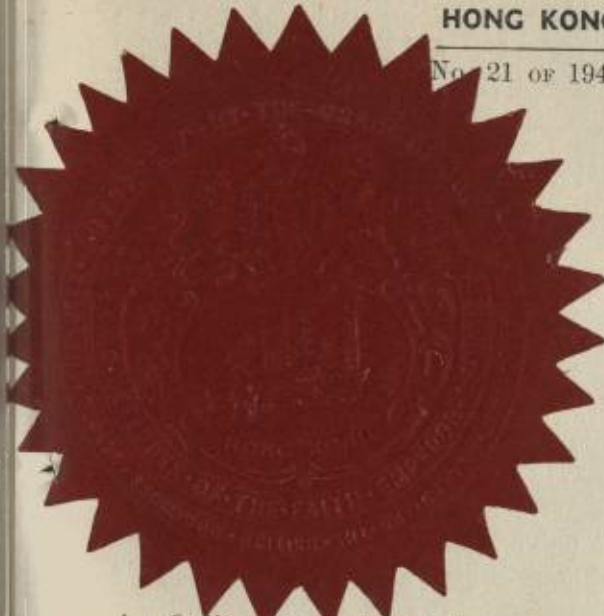
2. All Emergency Regulations made under the Emergency Regulations Ordinance, 1922.

Passed the Legislative Council of Hong Kong, this 2nd day
of June, 1948.


Deputy Clerk of Councils.

HONG KONG

No. 21 of 1948.



I assent.

W. H. Murray

Governor.

3rd June, 1948.

An Ordinance to control the sale and supply of penicillin and certain other substances.

[3rd June, 1948.]

BE it 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 Penicillin Ordinance, Short title, 1948.

2. In this Ordinance, unless the context otherwise requires, Interpretation. the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

“authorised seller of poisons” has the meaning assigned to it by the Pharmacy and Poisons Ordinance, 1937;

Ordinance
No. 8 of
1937.

“penicillin” has the meaning assigned to it by the regulations in the Schedule to this Ordinance;

“registered dentist” means a person registered in the dentists register under the Dentists Ordinance, 1940;

Ordinance
No. 1 of
1940.

“registered medical practitioner” means a person registered or deemed to be registered under the Medical Registration Ordinance, 1935;

Ordinance
No. 41 of
1935.

“registered pharmacist” means a person registered in the register of pharmaceutical chemists or the register of chemists and druggists under the Pharmacy and Poisons Ordinance, 1937;

Ordinance
No. 8 of
1937.

“sale by way of wholesale dealing” means sale to a person who buys for the purpose of selling again;

“veterinary surgeon” means any member of the Royal College of Veterinary Surgeons of Great Britain, or any other person holding the diploma of such British or Colonial veterinary institution or examining body as the Governor in Council may from time to time approve.

Substances to which this Ordinance applies.

3. The substances to which this Ordinance applies are penicillin and such other anti-microbial organic substances produced by living organisms as may be prescribed by regulations made by the Governor in Council under section 6 of this Ordinance and, where such regulations prescribe a substance produced by living organisms, the regulations may include any substance the chemical properties of which are identical with or similar to those of the substances so prescribed but which is not produced by living organisms.

Control of sale and supply of substances to which this Ordinance applies.

4. (1) Subject to the provisions of this section, no person shall sell or otherwise supply any substance to which this Ordinance applies or any preparation of which any such substance is an ingredient or part unless—

(a) he is a registered medical practitioner, a registered dentist or a veterinary surgeon or a person acting in accordance with the directions of any such medical practitioner, dentist or veterinary surgeon, and the substance or preparation is sold or supplied for the purpose of treatment by or in accordance with the directions of that medical practitioner, dentist or veterinary surgeon; or

(b) he is a registered pharmacist or an authorised seller of poisons, and the substance or preparation is sold or supplied under the authority of a prescription signed and dated by such medical practitioner, dentist or veterinary surgeon as aforesaid.

(2) No person shall administer by way of treatment any such substance or preparation unless he is such a medical practitioner, dentist or veterinary surgeon.

(3) Sub-section (1) of this section shall not apply to the sale or supply of any such substance or preparation—

(a) by way of wholesale dealing;

(b) for the purpose of being exported;

(c) to any such medical practitioner, dentist or veterinary surgeon as aforesaid;

(d) to any authority or person carrying on a hospital, clinic, nursing home or other institution providing medical, surgical or veterinary treatment;

(e) to any person carrying on an institution or business which has among its recognised activities the conduct of scientific education or research, for use by persons engaged in that education or research; or

(f) to any public department.

(4) The person dispensing a prescription shall comply with the following requirements:—

(a) if the prescription contains a direction that it may be dispensed a stated number of times or, at stated intervals, it must not be dispensed otherwise than in accordance with the direction;

(b) at the time of dispensing there must be noted on the prescription the signature of the prescriber, the name and address of the seller and the date on which the prescription was dispensed;

(c) except in the case of a prescription which may be dispensed on more than one occasion, the prescription must for a period of two years be retained and kept on the premises on which it was dispensed, in such manner as to be readily available for reference.

5. (1) Any person who contravenes any provision of section 4 of this Ordinance shall be guilty of an offence under this Ordinance and shall be liable, on summary conviction, to a fine not exceeding one thousand dollars or in the case of a second or subsequent conviction, to such a fine or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment. Offences and penalties.

(2) Where an offence under this Ordinance has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

6. (1) The Governor in Council may make regulations for prescribing the substances and definitions thereof to which this Ordinance applies and generally for carrying the provisions of this Ordinance into effect. Regulations.

(2) The regulations in the Schedule to this Ordinance shall be deemed to have been made under this Ordinance and shall continue in force except in so far as they may be rescinded or amended or added to by regulations made under this section. Schedule.

SCHEDULE. [Section 6]

THE PENICILLIN REGULATIONS, 1948.

1. These regulations may be cited as the Penicillin (and other Substances) Regulations, 1948.
2. In these regulations " Ordinance " means the Penicillin Ordinance, 1948.
3. The Ordinance shall apply to the substances specified and defined in the Schedule to these regulations.

SCHEDULE.

Name of Substance.	Definition of Substance.
1. Penicillin	Any anti-infective acid produced by <i>Penicillium notatum</i> whether obtained from <i>Penicillium notatum</i> or not, any salt or derivative of any such acid and any solution containing any such acid, salt, or derivative, being an acid, salt, or derivative, or a solution thereof.
2. Streptomycin	Any anti-biotic agent isolated from strains of <i>Actinomyces griseus</i> , whether produced by <i>Actinomyces griseus</i> or not, any salt thereof, whether simple or complex.

Passed the Legislative Council of Hong Kong, this 2nd day of June, 1948.

Alastair Todd
Deputy Clerk of Councils.

HONG KONG

No. 22 OF 1948.



I assent.

H. G. Matthews
Governor.

3rd June, 1948.

An Ordinance to provide for the incorporation of The Hong Kong Chinese Christian Churches Union.

[3rd June, 1948.]

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

Short title.

1. This Ordinance may be cited as the Hong Kong Chinese Christian Churches Union Incorporation Ordinance, 1948.

Interpretation.

2. In this Ordinance—

(a) "The Board of Directors" means the Board of Directors who have the power of management and control of the affairs of the Union in accordance with the Constitution;

(b) "Chairman" and "Vice-Chairman" means the Chairman and Vice-Chairman of the Board of Directors;

(c) "The Constitution" means the rules or regulations governing the Union for the time being in force together with any amendment thereto made from time to time in accordance with such rules or regulations;

(d) "The Hong Kong Chinese Christian Churches Union" or "the Union" means the representatives of such Chinese Christian Churches in the Colony as are or shall be members of the Union in accordance with the Constitution.

Appointment of Chairman and Vice-Chairman.

3. (1) Whenever any person is appointed to the office of Chairman and whenever any person is appointed to the office of Vice-Chairman such persons shall, within three weeks after their respective appointments or within such further time as may be allowed by the Colonial Secretary, furnish to the Colonial Secretary satisfactory evidence of their respective appointments.

(2) A notification in the Gazette under the hand of the Colonial Secretary or Deputy Colonial Secretary that such evidence has been furnished to the Colonial Secretary by such persons shall be conclusive evidence of such appointments.

(3) Archdeacon Samuel Kauyan Lee (李求賢) and Rev. Lau Yut Sing (劉粵聲) shall be the first Chairman and Vice-Chairman respectively until other persons are appointed to be Chairman and Vice-Chairman respectively in accordance with the Constitution.

Proof of membership of the Union and proof of the Constitution.

4. A certificate under the hand of the Chairman, or in his absence from the Colony of the Vice-Chairman—

(a) that any person therein named is a member of the Union; or

(b) that any rules or regulations annexed to such certificate are the Constitution;

shall be accepted for all purposes as sufficient proof of the fact that such person is a member of the Union, or that the Constitution was duly made and is in force.

Incorporation. Powers of corporation.

5. (1) The Union shall be a body corporate under the name of "The Hong Kong Chinese Christian Churches Union" (hereinafter referred to as the Corporation).

(2) The Corporation by the name aforesaid shall have perpetual succession, and shall and may sue and be sued in all courts in the Colony, and shall and may have and use a common seal, and may break, change, alter and make anew the said seal as to the corporation may seem fit.

(3) The corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situated in the Colony, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares or securities of any corporation or company, and also to purchase, acquire and possess goods and chattels of what nature and kind soever.

(4) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or goods and chattels which are vested in or belong to the corporation, upon such terms as to the corporation may seem fit.

6. All deeds, documents and other instruments requiring the seal of the corporation shall be sealed therewith in the presence of the Chairman, or in his absence from the Colony, of the Vice-Chairman, and shall also be signed by the Chairman, or by the Vice-Chairman. The seal shall be kept in the custody of the Chairman, or in his absence from the Colony, in the custody of the Vice-Chairman. Seal.

7. All matters of internal management of the Union, including any amendment of the Constitution, shall be settled and carried out in accordance with the Constitution. Internal management of the Union.

8. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by from and under them. Saving of rights of the Crown and certain other rights.

Passed the Legislative Council of Hong Kong, this 2nd day of June, 1948.

Alastair Wood
Deputy Clerk of Councils.

HONG KONG

No. 23 of 1948.



I assent.

W. Matthews

Governor.

3rd June, 1948.

An Ordinance to authorise The Canton Trust Company Limited to convert the currency of its capital.

[3rd June, 1948.]

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 Canton Trust Company Limited (Capital Conversion) Ordinance, 1948. Short title.

2. In this Ordinance—

“the Company” means The Canton Trust Company Limited. Interpretation.

“Registrar” means a registrar, deputy and assistant registrar appointed by the Governor under sub-section (2) of Section 289 of the Companies Ordinance, 1932. Ordinance No. 39 of 1932.

3. It shall be competent for the company to convert the currency of its capital (both authorised and issued) and to alter the denomination of the shares into which its capital is divided and such conversion and alteration may be effected in the following manner:— Conversion of currency of capital. Procedure

(a) By a resolution of the board of directors of the company authorising such conversion and alteration and specifying in detail the manner and at what date such conversion and alteration is to take place; and



(b) By filing with the Registrar within one month of the passing of such resolution a certificate under the seal of the company countersigned by the auditors of the company certifying that such resolution has been duly passed and that in the opinion of the directors of the company and of such auditors the net assets of the company have at a date stated in the resolution which shall for all purposes be regarded as the date of conversion a value equivalent at the least to the amount of such converted capital as has been paid up:

Provided that the date stated in the resolution shall be a date not earlier than the date of the resolution by more than twelve months.

4. Upon the filing of any such certificate as is referred to in paragraph (b) of section 3 of this Ordinance, the Registrar shall issue a fresh certificate of incorporation of the company showing the capital of the company as affected by such conversion. Such fresh certificate shall take the place of the original certificate of incorporation of the company and shall be the certificate of incorporation of the company. Issue of fresh certificate of incorporation.

5. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from and under them. Savings of rights of the Crown and of certain other rights.

Passed the Legislative Council of Hong Kong, this 2nd day of June, 1948.

Alastair Todd

Deputy Clerk of Councils.

HONG KONG

No. 24 of 1948.



I assent.

Althaus
Governor.

17th June, 1948.

An Ordinance to determine the degree of validity to be accorded to money payments made and debts incurred during the period of enemy occupation of the Colony and matters related thereto.

[17th June, 1948.]

BE it 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 Debtor and Short title.
Creditor (Occupation Period) Ordinance, 1948.

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

“ absent ” means absent from territory under the sovereignty or in the occupation of the occupying power, and a body corporate shall be deemed to have been so absent while its registered office was not in any such territory;

“ agent ”, in relation to the occupation period, includes a person deemed to have been an agent in accordance with the provisions of sub-section (2) of this section;

“ bank ” means any person, partnership or corporation carrying on the business of banking;

“ custodian ” means the person or persons appointed by the occupying power as Custodian of Enemy Property or to receive rentals due to enemies of the occupying power but does not include a liquidator;

“ debt ” means any sum of money payable by virtue of a legal obligation and recoverable when due by process of law;

“ duress or coercion ” includes any act of informing or threat to inform an official of the occupying power of the refusal of a creditor or his agent to accept payment of a debt in occupation currency;

“ Hong Kong currency ” means the dollar currency in circulation and constituting legal tender in the Colony before the occupation period or after 1st May, 1946;

“ liquidator ” means any person appointed by the occupying power and acting as liquidator of any corporation, company, firm or other commercial undertaking and includes the Custodian if acting as such liquidator;

“ occupation currency ” means any currency issued by the occupying power and in circulation during the occupation period, but does not include Hong Kong currency;

“ occupation period ” means, in relation to the Colony, the period between the 25th December, 1941 and the 1st September, 1945 and includes any part of such period;

“ occupying power ” means the power exercising during the occupation period the functions of government in the Colony or any part thereof;

“ property ” includes any thing in action and any interest in property movable or immovable;

“ restraint ” means confinement by or under the authority of the occupying power but does not include a sentence of imprisonment awarded by a competent court for a criminal offence.

(2) For the purpose of this Ordinance any person who, immediately prior to the commencement of the occupation period, had authority (hereinafter referred to as his “former authority”) to act as agent for another (hereinafter referred to as his “former principal”) shall be deemed to have been the agent of his former principal to the extent that he continued, during the occupation period and while his former principal was absent or under restraint, to act on behalf of his former principal in any matter which would

have been within the scope of his former authority notwithstanding that his former authority had been determined upon the commencement of or during the occupation period and while his former principal was absent or under restraint in any of the following ways, that is to say—

(a) by operation of law as a result of the occupation of the Colony by the occupying power;

(b) by the expiration of the period of the agency of such person except where such agency was for the purpose of a particular transaction only;

(c) in any other way unless such person had notice of the fact or facts which so determined his former authority.

3. (1) Where any payment was made during the occupation period in Hong Kong currency or occupation currency by a debtor or by his agent or by a custodian or a liquidator acting or purporting to act on behalf of such debtor to a creditor or to his agent or to a custodian or a liquidator acting or purporting to act on behalf of such creditor and such payment was made in respect of a debt—

Discharge during occupation period of pre-occupation debts.

(a) payable by virtue of an obligation incurred prior to the commencement of the occupation period and

(b) accruing due either prior to or after the commencement of the occupation period, such payment shall subject to the provisions of sub-section (2) of this section be a valid discharge of such debt—

(i) to the extent of the face value of such payment if made in Hong Kong currency; or

(ii) at the official rate prescribed by the occupying power if payment made in occupation currency; or

(iii) at the rate agreed by the parties concerned.

(2) In any case—

(a) where the acceptance of such payment in occupation currency was obtained by duress or coercion, or

(b) where such payment was made in occupation currency in respect of a pre-occupation capital debt which

(i) was not due at the time of such payment or

(ii) if due was not demanded by the creditor or by his agent on his behalf and was not payable under a contract the parties to which expressly stipulated that it should be of the essence of such contract that payment should be made on a date certain or

(iii) if due and demanded was not made within three months of such demand,

such payment shall be re-valued in accordance with the scale contained in and in the manner prescribed in the Schedule to this Ordinance and shall be a valid discharge of such debt only to the extent of such re-valuation.

(3) In sub-section (2) of this section "pre-occupation capital debt" means any such debt as is referred to in sub-section (1) of this section, including a sum payable as interest but not including a sum payable as rent and accruing due after the commencement of the occupation period.

Discharge during occupation period of debts incurred during such period.

4. Any payment made during the occupation period by a debtor or his agent to a creditor or his agent in respect of a debt payable by virtue of an obligation incurred during the occupation period and accruing due before on or after the commencement of this Ordinance—

(a) shall, if made in a currency in which the debt was incurred, be a valid discharge of the debt to the extent of the face value of the payment; and

(b) shall, if made in occupation currency in respect of a debt incurred in Hong Kong currency, or if made in Hong Kong currency in respect of a debt incurred in occupation currency, be a valid discharge of the debt to the extent of the face value of the equivalent amount in Hong Kong currency or in occupation currency, as the case may be, calculated at the official rate of exchange prescribed by the occupying power or, where another rate was agreed by the parties concerned, at that rate.

Unsatisfied occupation debts to be re-valued.

5. (1) Save as provided in section 6 of this Ordinance and subject to the provisions of sub-section (2) of this section any debt or any part of a debt payable by virtue of an obligation incurred during the occupation period and accruing due before on or after the commencement of this Ordinance which still remains unpaid at the commencement of this Ordinance shall unless such debt was expressly made payable otherwise than in occupation currency be re-valued in accordance with

the scale contained in and in the manner prescribed in the Schedule to this Ordinance and shall be payable to the extent determined by such scale.

(2) The provisions of sub-section (1) of this section shall not apply in respect of any debt or part of a debt which represents interest on a principal sum but any interest payable on a principal sum where the principal sum is re-valued in accordance with the provisions of this section, shall, if the interest is due but unpaid at the commencement of this Ordinance or if it becomes due thereafter, be payable only on the amount of the principal sum as so re-valued.

(3) No action shall be brought on any debt expressed in occupation currency unless it is re-valued in dollars under the provisions of this Ordinance.

6. Notwithstanding any other provision of this Ordinance, the liability of a bank to a customer as at the end of the occupation period on any bank account shall not in any case exceed (i) the amount (if any) which stood to the credit of such customer in such account immediately prior to the commencement of the occupation period together with the amount of any deposit made in Hong Kong currency during the occupation period less any withdrawals in Hong Kong currency less (ii) the excess of withdrawals made in occupation currency over deposits made in occupation currency converted at the rate of exchange prescribed by the occupying power which for the purposes of this section shall be deemed to be four dollars Hong Kong currency to one military yen.

Liability of banks to customers.

7. (1) Every bank shall within twelve months from the commencement of this Ordinance or within such extended period as the Financial Secretary may allow submit to the Financial Secretary an account in respect of the banking business carried on during the occupation period by such bank or by its agent or a custodian or a liquidator on behalf of such bank showing—

Banks to submit accounts.

(a) the sum of the amounts in Hong Kong currency by which the balances standing to the credit of customers immediately prior to the commencement of the occupation period on all accounts with such bank have by virtue of the provisions of section 3 or section 6 of this Ordinance, whichever operates to effect such reduction in the case of each account, been reduced by payments made in occupation currency by such bank or by a custodian or liquidator purporting to act on behalf of such bank;

(b) the sum of the amounts which under the provisions of section 5 of this Ordinance are payable to such bank in Hong Kong currency in respect of advances made in occupation currency by or on behalf of such bank in any account;

(c) the sum of the amounts in Hong Kong currency by which the balances standing to the debit of customers immediately prior to the commencement of the occupation period on all accounts with such bank have under the provisions of section 3 of this Ordinance been reduced by payments made by or on behalf of such customers in occupation currency.

(2) Every bank shall pay into the fund established under the provisions of sub-section 3 of this section a sum equal to the total of the sums referred to in paragraphs (a) and (b) less the total referred to in paragraph (c) of sub-section (1) of this section: Provided that the Governor in Council may remit all or any part of the sum so payable by any bank and shall in deciding whether to remit all or any part of such sum have regard to all the circumstances of the case and in particular to any loss which the said bank has suffered in the Colony as a result of war between His Majesty and the occupying power.

(3) There shall be established a fund to be called the Debtor and Creditor Surpluses Fund and to be managed and administered by a Board which shall be appointed by order of the Governor in Council with such powers (including power to require the production and investigation of the books of a bank) and duties as may be prescribed by such order.

(4) The moneys from time to time standing to the credit of the Debtor and Creditor Surpluses Fund shall, after provision has been made for any remission granted by the Governor in Council under sub-section (2) of this section and for defraying the expenses of the Board, be applied in payment of compensation for losses caused by, or consequent upon, the occupation of the Colony by the occupying power in such manner as may be prescribed by order of the Governor in Council.

(5) In default of compliance with the requirements of sub-sections (1) and (2) of this section the Supreme Court may, on application by or on behalf of the Financial Secretary on an originating summons make such order as to the Court shall seem fit directing a bank to make compliance with all or any of the requirements aforesaid.

8. For the purposes of sections 3, 4 and 5 of this Ordinance—

Application of payments to and withdrawals from banks during occupation period.

(a) any payment made by or on behalf of any person into any bank account during the occupation period shall be deemed to have been applied first to any debit balance or part thereof which arose during the occupation period and was still outstanding against such person in such account at the time when such payment was made; and

(b) any withdrawal made by or on behalf of any person from any bank account during the occupation period shall be deemed to have been applied first to any credit balance or part thereof which arose during the occupation period and was still outstanding in favour of such person at the time when such withdrawal was made.

9. For the purposes of this Ordinance a copy of an entry in a banker's book shall in all proceedings be received as *prima facie* evidence of such entry and of the matters, transactions and accounts therein recorded notwithstanding that such book was during the occupation period in the custody and control of a custodian or a liquidator.

Evidence of payments. Banker's book.

10. (1) Any interest in respect of the occupation period on a debt (whether accrued due or not) payable by virtue of an obligation incurred prior to the commencement of the occupation period being interest at a rate provided for by agreement or statute or otherwise (hereinafter called "the due rate") and unpaid at the commencement of this Ordinance shall be payable at such rate as is provided by this section.

Interest.

(2) If the due rate is higher than four per centum per annum such interest shall be payable at the rate of four per centum per annum :

Provided that—

(a) any person to whom the interest is payable may apply to the Supreme Court by originating summons for an order that the interest shall be payable at a rate higher than four per centum per annum and the Supreme Court may on the hearing of such summons, make an order that the interest shall be payable at such rate higher than four per centum per annum but not exceeding the due rate as to the Court shall seem fit;

(b) any person by whom the interest is payable may apply to the Supreme Court by originating summons for an order that the interest shall be payable at a rate lower than four per centum per annum and the Supreme Court may on the hearing of such summons make an order that the interest shall be payable at such rate lower than four per centum per annum as to the Court shall seem fit.

(3) If the due rate is four per centum per annum or lower such interest shall be payable at the due rate.

Provided that any person by whom the interest is payable may apply to the Supreme Court by originating summons for an order that the interest shall be payable at a rate lower than the due rate and, on the hearing of such summons, the Supreme Court may make an order that the interest shall be payable at such rate lower than the due rate as to the Court shall seem fit.

(4) In deciding whether to make any such order as aforesaid the Supreme Court shall have regard to all the circumstances of the case and in particular to the value of any advantage which the debtor enjoyed up to the date of the commencement of this Ordinance from the existence of the debt and from the enjoyment of any property acquired by him by virtue of the transaction whereby the debt was incurred.

(5) On the hearing of any such summons as aforesaid the Supreme Court may whether or not it orders an increase or decrease in the rate of interest, prescribe the time within which the interest shall be paid.

(6) If the debt is payable by virtue of an obligation incurred by an enemy the provisions of this section with regard to the payment of interest at a rate other than the due rate shall not apply and interest shall be payable at the due rate. For the purposes of this sub-section enemy means—

(a) any state or sovereign of a state which was at any time during the Occupation Period at war with His Majesty;

(b) any body of persons constituted in or incorporated in or under the laws of any such state; and

(c) any individual who possessed during the Occupation Period the nationality of any such state and has not since divested himself thereof.

11. (1) In any case where a debt purporting to have been discharged in whole or in part by payment in occupation

Reinstatement of securities.

currency is by virtue of the provisions of this Ordinance deemed to be wholly or partly undischarged at the commencement of this Ordinance and where the payment of such debt before such purported discharge as aforesaid was secured by any mortgage charge lien guarantee indemnity or other form of security the rights of the creditor in relation to such mortgage charge lien guarantee indemnity or other form of security shall be deemed not to have been extinguished or diminished by such purported discharge.

(2) Where the rights of a creditor in respect of a security have been deemed by virtue of sub-section (1) of this section not to have been extinguished or diminished—

(a) the creditor may give notice in writing of not less than one month calling upon the debtor and any third party who furnished the security to reinstate or replace such security and to execute all documents and do all acts necessary for that purpose; and in default of compliance therewith the Supreme Court may, on application by the creditor on an originating summons, make such order as to the Court shall seem fit to reinstate the security or replace it with other equivalent security and to execute all documents and do all acts necessary for that purpose.

(b) where any person neglects or refuses to comply with an order under paragraph (a) of this sub-section directing him to execute any such documents or to do any such acts the Court may on such terms and conditions if any as may be just nominate any person to execute such documents and to do such acts and any document so executed or act so done shall operate for all purposes as if it had been executed or done by the person originally directed to execute or do the same.

(c) the creditor may give notice in writing to any company the stock share bonds or debenture of which were subject to any charge to such creditor by way of a security as aforesaid and upon the receipt of such notice such company shall not permit or record any transfer of such security until the debtor or any third party who has furnished the security has reinstated or replaced such security or in default thereof the Supreme Court has made an order under paragraph (a) of this sub-section.

12. Nothing in this Ordinance shall affect any agreement made between a debtor and a creditor at any time after the end of the occupation period for the purpose of—

Saving of agreements for payment or settlement.

(a) valuing any payment made during the occupation period in respect of a debt (whether accrued due or not) payable by virtue of an obligation incurred prior to or after the commencement of the occupation period; or

(b) providing for the payment or other settlement of any debt or part of a debt (whether accrued due or not) payable by virtue of an obligation incurred during the occupation period and still unpaid at the commencement of this Ordinance; or

(c) determining a rate for the payment of any such interest as is referred to in sub-section (1) of section 10 of this Ordinance.

SCHEDULE

(Sections 3(2) and 5).

1. Where any such payment as is mentioned in subsection (2) of section 3 of the Ordinance was made in occupation currency during any month or any period set out in the first column of paragraph 3 of this Schedule, such payment shall be re-valued by taking the number of dollars in Hong Kong currency set out opposite such month or period in the second column of paragraph 3 of this Schedule as equivalent to one thousand military yen.

2. In the case of a debt incurred during the occupation period which falls to be re-valued under section 5 of this Ordinance, if the whole or any part thereof remains unsatisfied such whole or part shall be re-valued as in the month or period in which the debt was incurred by taking the number of dollars in Hong Kong currency set out opposite such month or period in the second column of paragraph 3 of this Schedule as equivalent to one thousand military yen.

First Column	Second Column
MONTH	AMOUNT IN HONG KONG DOLLARS TO BE TAKEN AS EQUIVALENT TO 1,000 MILITARY YEN.
1942	
January	\$800
February	800
March	800
April	800
May	800
June	800
July 1—23	800
July 24—31	800
August	800
September	800
October	800
November	800
December	800

SCHEDULE—Continued

First Column	Second Column
MONTH	AMOUNT IN HONG KONG DOLLARS TO BE TAKEN AS EQUIVALENT TO 1,000 MILITARY YEN.
1943	
January	600
February	600
March	600
April	600
May	560
June	520
July	480
August	390
September	320
October	280
November	280
December	280
1944	
January	260
February	200
March	160
April	120
May	120
June	90
July	80
August	60
September	48
October	40
November	32
December	24
1945	
January	20
February	16
March	16
April	16
May	12
June	8
July	4
August 1—15	4
August 16—31	Nil

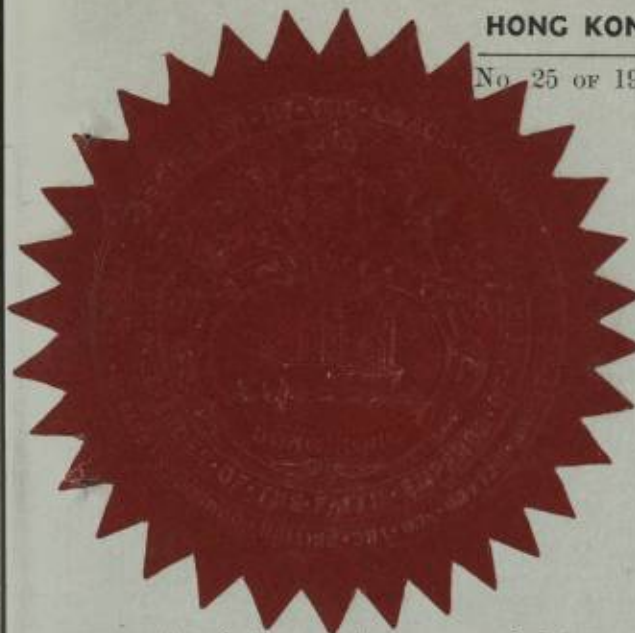
Passed the Legislative Council of Hong Kong, this
16th day of June, 1948.

Alan T. Todd

Deputy Clerk of Councils.

HONG KONG

No. 25 OF 1948.



I assent.

John M. G. ...

Governor.

17th June, 1948.

An Ordinance to remove doubts as to the validity of certain marriages celebrated in the Colony of Hong Kong after the outbreak of hostilities with Japan.

[17th June, 1948.]

Be it 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 (War Short title. Period) (Validity) Ordinance, 1948, and shall be construed as one with the Marriage Ordinance, 1875, hereinafter referred to as the principal Ordinance.

Ordinance
No. 7 of
1875.

2. In this Ordinance the following expressions shall have the meaning hereby assigned to them:—

Interpretation.

“ war period ” means the period from the 8th of December, 1941, to the 15th of October, 1945;

“ Registrar ” means the Registrar of Marriages under the principal Ordinance and includes a deputy registrar.

3. Save as hereinafter appears this Ordinance shall apply to all marriages celebrated in the Colony during the war period except non-Christian customary marriages celebrated according to the personal law and religion of the parties.

Application.

4. A marriage celebrated in the Colony during the war period shall not be deemed invalid by reason of its having been celebrated in a place which had not been duly licensed under section 3 of the principal Ordinance or without compliance with the requirements of such Ordinance concerning notice of marriage, certificate

Validation
of marriages
celebrated
during the
war period.

of notice, licence or competency of the officiating minister and subject as is herein provided, all such marriages are hereby declared to be and always to have been valid.

Prevailing grounds of validity.

5. Nothing in this Ordinance shall validate any marriage which was invalid on the ground of kindred or affinity, or because one of the parties was under the age of sixteen years, or any marriage which would have been invalid notwithstanding compliance with all the requirements of the said Ordinance, or any marriage which before the commencement of this Ordinance has been declared invalid by a court of competent jurisdiction: Provided further that where any marriage to which this Ordinance applies would, but for this Ordinance, have been invalid and either party has subsequently during the life of the other party, but before the commencement of this Ordinance, lawfully married any other person, this Ordinance shall not render the first marriage valid or affect the validity of the subsequent marriage.

Relief against penalties applicable to ministers.

6. No minister who has complied with section 7 of this Ordinance shall be liable to any penalties under the principal Ordinance in respect of any matter referred to in section 3 of this Ordinance and no proceedings shall be taken without the consent of the Attorney General against a minister who has not so complied in respect of a marriage to which this Ordinance applies.

Certificate by officiating minister.

7. Every minister who has officiated at a marriage to which this Ordinance applies and who has not already given the parties a certificate in Form No. 5 in the Schedule to the principal Ordinance shall, at the request of either party, give such a certificate: Provided that if such minister satisfies the Registrar that he is unable to give such a certificate because he is unable to secure the signature of the two witnesses to the marriage and has no certificate with their signature in his possession or because he is unable to obtain information necessary to enable him to complete the certificate, it shall suffice if the officiating minister, with the consent of the Registrar, gives a certificate which, in lieu of being signed by two witnesses of the marriage, states the names of two such witnesses and gives such information as he and the parties or either of them are able to supply.

Effect of certificate of marriage issued by the officiating minister.

8. A certificate in the form first referred to in section 7 of this Ordinance, whether given before or after the commencement of this Ordinance or a certificate in the form subsequently referred to in the said section if countersigned by the Registrar shall, if given in respect of a marriage to which this Ordinance applies, be admissible as evidence of the marriage to which the same relates in any court or before any person having by law or by consent of parties authority to receive evidence.

Duties of the Registrar.

9. (1) The Registrar shall collect and preserve in a register in a convenient form such information in relation to marriages to which this Ordinance applies as has already been or may subsequently be, furnished to him, and shall for a fee of five dollars supply any person requiring it with the information in his possession regarding a particular marriage.

(2) The Registrar shall enter in a convenient place in such register the fact of his consent in any particular case to the form of certificate secondly referred to in section 7, and shall note on such certificate that his consent was obtained and sign the same.

10. The Governor in Council may make regulations prescribing—

(a) rules, forms and fees for any application by an officiating minister for the Registrar's consent under section 7 of this Ordinance and for information under section 9;

(b) for further cases in which an officiating minister should be relieved from penalties notwithstanding that he has been unable to give any certificate under section 7;

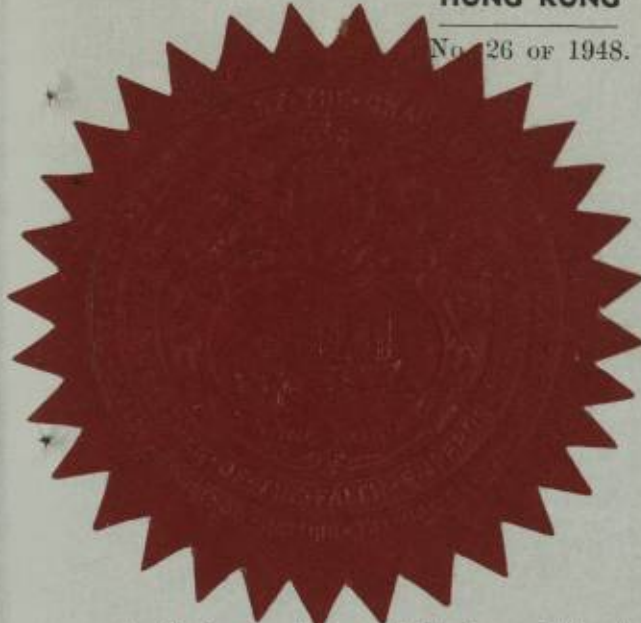
(c) generally for carrying this Ordinance into effect.

Passed the Legislative Council of Hong Kong, this 16th day of June, 1948.

Alastair Rodd
Deputy Clerk of Councils.

HONG KONG

No. 26 of 1948.



I assent.

Governor.

17th June, 1948.

An Ordinance to amend the law relating to frustration of contracts.

[17th June, 1948.]

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

1. This Ordinance may be cited as the Law Reform Short title. (Frustrated Contracts) Ordinance, 1948.

2. In this Ordinance—

Interpretation.

“ court ” includes any arbitrator by or before whom the matter falls to be determined.

3. (1) Where a contract governed by law applicable to the Colony has become impossible of performance or been otherwise frustrated, and the parties thereto have for that reason been discharged from the further performance of the contract, the following provisions of this section shall, subject to the provisions of section 4 of this Ordinance, have effect in relation thereto.

Adjustment of rights and liabilities of parties to frustrated contracts.

(2) All sums paid or payable to any party in pursuance of the contract before the time when the parties were so discharged (in this Ordinance referred to as “ the time of discharge ”) shall, in the case of sums so paid, be recoverable from him as money received by him for the use of the party by whom the sums were paid, and, in the case of sums so payable, cease to be so payable: Provided that, if the party to whom the sums were so paid or payable incurred expenses before the time of discharge in, or for the purpose of, the performance of the contract, the court may,

if it considers it just to do so having regard to all the circumstances of the case, allow him to retain or, as the case may be, recover the whole or any part of the sums so paid or payable, not being an amount in excess of the expenses so incurred.

(3) Where any party to the contract has, by reason of anything done by any other party thereto in, or for the purpose of, the performance of the contract, obtained a valuable benefit (other than a payment of money to which the last foregoing sub-section applies) before the time of discharge, there shall be recoverable from him by the said other party such sum (if any), not exceeding the value of the said benefit to the party obtaining it, as the court considers just, having regard to all the circumstances of the case and, in particular,—

(a) the amount of any expenses incurred before the time of discharge by the benefited party in, or for the purpose of, the performance of the contract, including any sums paid or payable by him to any other party in pursuance of the contract and retained or recoverable by that party under the last foregoing sub-section; and

(b) the effect, in relation to the said benefit, of the circumstances giving rise to the frustration of the contract.

(4) In estimating, for the purposes of the foregoing provisions of this section, the amount of any expenses incurred by any party to the contract, the court may, without prejudice to the generality of the said provisions, include such sum as appears to be reasonable in respect of overhead expenses and in respect of any work or services performed personally by the said party.

(5) In considering whether any sum ought to be recovered or retained under the foregoing provisions of this section by any party to the contract, the court shall not take into account any sums which have, by reason of the circumstances giving rise to the frustration of the contract, become payable to that party under any contract of insurance unless there was an obligation to insure imposed by an express term of the frustrated contract or by or under any enactment.

(6) Where any person has assumed obligations under the contract in consideration of the conferring of a benefit by any other party to the contract upon any other person, whether a party to the contract or not, the court may, if in all the circumstances of the case it considers it just to do so, treat for the purposes of sub-section (3) of this section any benefit so conferred as a benefit obtained by the person who has assumed the obligations as aforesaid.

Provision as to the application of this Ordinance.

4. (1) This Ordinance shall save as is hereinafter provided apply to contracts whether made before or after the commencement of this Ordinance, as respects which the time of discharge is on or after the 8th of December, 1941, but not to contracts as respects which the time of discharge is before the said date.

(2) This Ordinance shall apply to contracts to which the Crown is a party in like manner as to contracts between subjects.

(3) Where any contract to which this Ordinance applies contains any provision which, upon the true construction of the contract, is intended to have effect in the event of circumstances arising which operate, or would but for the said provision operate, to frustrate the contract, or is intended to have effect whether such circumstances arise or not, the court shall give effect to the said provision and shall only give effect to the foregoing section of this Ordinance to such extent, if any, as appears to the court to be consistent with the said provision.

(4) Where it appears to the court that a part of any contract to which this Ordinance applies can properly be severed from the remainder of the contract, being a part wholly performed before the time of discharge, or so performed except for the payment in respect of that part of the contract of sums which are or can be ascertained under the contract, the court shall treat that part of the contract as if it were a separate contract and had not been frustrated and shall treat the foregoing section of this Ordinance as only applicable to the remainder of that contract.

(5) This Ordinance shall not apply—

(a) to any charterparty, except a time charterparty or a charterparty by way of demise, or to any contract (other than a charterparty) for the carriage of goods by sea; or

(b) to any contract of insurance, save as is provided by sub-section (5) of the foregoing section; or

(c) to any contract to which section 7 of the Sale of Goods Ordinance, 1896, (which avoids contracts for the sale of specific goods which perish before the risk has passed to the buyer) applies, or to any other contract for the sale, or for the sale and delivery, of specific goods, where the contract is frustrated by reason of the fact that the goods have perished.

5. Nothing in this Ordinance shall affect any settlement or agreement between the parties subsequent to the date of discharge whereby the rights and liabilities of the contracting parties fell to be determined otherwise than in accordance with the provisions of this Ordinance.

Ordinance No. 4 of 1896.

Saving for settlement or contrary agreement.

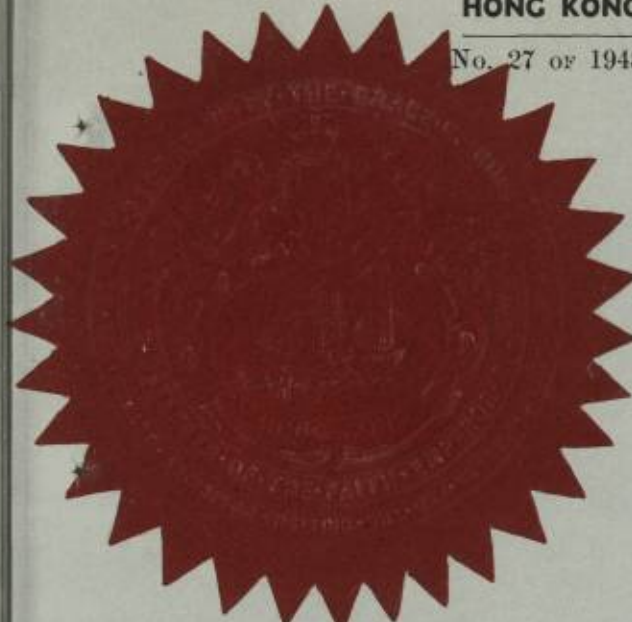
Passed the Legislative Council of Hong Kong, this 16th day of June, 1948.

Alvin W. L. ...

Deputy Clerk of Councils.

HONG KONG

No. 27 of 1948.



I assent.

John M. Canton
Governor.

2nd July, 1948.

An Ordinance further to amend the Dangerous Goods Ordinance, 1873.

[2nd July, 1948.]

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

1. This Ordinance shall be cited as the Dangerous Goods (Amendment) Ordinance, 1948 and shall be read as one with the Dangerous Goods Ordinance, 1873, hereinafter referred to as the principal Ordinance. Short title.
Ordinance
No. 1 of
1873.
2. Sub-section (2) of section 8 of the principal Ordinance is hereby amended by the deletion of the words "two thousand" appearing in the third line thereof and by the substitution therefor of the words "eight thousand". Amendment
of section 8
of the
principal
Ordinance.
3. Sub-section (2) of section 9 of the principal Ordinance is hereby amended by the deletion of the words "twenty-five" appearing in the sixth line thereof and by the substitution therefor of the words "one hundred". Amendment
of section 9
of the
principal
Ordinance.
4. Sub-section (1) of section 10 of the principal Ordinance is hereby amended by the deletion of the words "Commissioner of Police" appearing in the seventh line thereof and by the substitution therefor of the words "Chief Officer of the Fire Brigade". Amendment
of section 10
of the
principal
Ordinance.



5. Sub-section (3) of section 11 of the principal Ordinance is hereby amended by the deletion of the words "two hundred and fifty" appearing in the third and fourth lines thereof and by the substitution therefor of the words "one thousand".

Amendment
of section 11
of the
principal
Ordinance.

6. Sub-section (2) of section 13 of the principal Ordinance is hereby amended by the deletion of the words "five hundred" appearing therein and by the substitution therefor of the words "two thousand".

Amendment
of section 13
of the
principal
Ordinance.

7. Sub-section (1) of section 14 of the principal Ordinance is hereby amended by the deletion of the words "two hundred and fifty" appearing in the second line thereof and by the substitution therefor of the words "one thousand".

Amendment
of section 14
of the
principal
Ordinance.

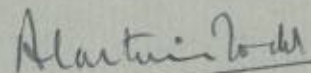
8. Section 18A of the principal Ordinance is hereby amended as follows:—

Amendment
of section 18A
of the
principal
Ordinance.

(a) by the deletion of the words "two hundred and fifty" appearing in sub-section (2) thereof and by the substitution therefor of the words "one thousand";

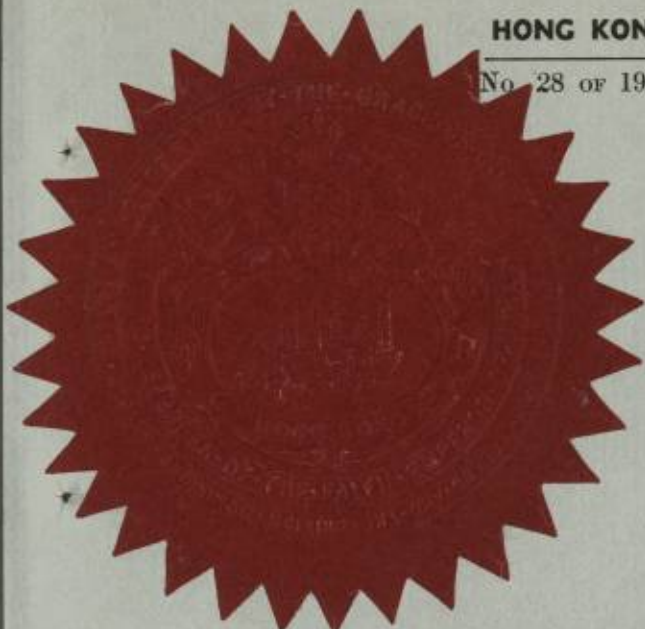
(b) by the deletion of the words "and to a fine not exceeding two hundred and fifty dollars, and further such person shall also be liable to a fine not exceeding one hundred dollars a day" appearing in the eighth, ninth and tenth lines of sub-section 3 thereof and by the substitution therefor of the words "and to a fine not exceeding one thousand dollars, and further such person shall also be liable to a fine not exceeding four hundred dollars a day".

Passed the Legislative Council of Hong Kong, this 30th day of June, 1948.


Deputy Clerk of Councils.

HONG KONG

No. 28 of 1948.



I assent.

Governor.

2nd July, 1948.

An Ordinance to amend the Fraudulent Transfers of Businesses Ordinance, 1923.

[2nd July, 1948.]

BE it 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 Fraudulent Transfers of Businesses (Amendment) Ordinance, 1948, and shall be read as one with the Fraudulent Transfers of Businesses Ordinance, 1923, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 25 of
1923.

2. Section 3 of the principal Ordinance is hereby amended by the addition thereto of the following sub-section as sub-section (6):—

Amendment
of section 3
of the
principal
Ordinance.

“ (6) Any approval given by the Secretary for Chinese Affairs for the purposes of sub-section (3) of this section may be withdrawn ”.

Passed the Legislative Council of Hong Kong, this 30th day of June, 1948.

Deputy Clerk of Councils.

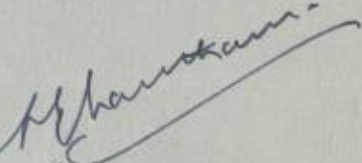


HONG KONG

No. 29 of 1948.



I assent.


Governor.

2nd July, 1948.

An Ordinance to amend the Companies (Re-construction of Records) Ordinance, 1947.

[2nd July, 1948.]

Be it 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 Companies (Re-construction of Records) (Amendment) Ordinance, 1948, and shall be read as one with the Companies (Re-construction of Records) Ordinance, 1947, hereinafter referred to as the principal Ordinance. Short title.
Ordinance No. 40 of 1947.

2. Sub-section (2) of section 11 of the principal Ordinance is hereby amended by the deletion of the words "within six months from the commencement of this Ordinance" appearing in the second and third lines thereof and by the substitution thereof of the following— Amendment of section 11(2) of the principal Ordinance.

"within six months from the commencement of this Ordinance or such extended period as the registrar of companies may allow".

3. Sub-section (1) of section 12 of the principal Ordinance is hereby amended by the deletion of the words "within three months from the commencement of this Ordinance" appearing in the third and fourth lines thereof and by the substitution thereof of the following— Amendment of section 12(1) of the principal Ordinance.

"within three months from the commencement of this Ordinance or such extended period as the registrar of companies may allow".

Amendment of section 13 (1) of the principal Ordinance.

4. Sub-section (1) of section 13 of the principal Ordinance is hereby amended—

(i) by the deletion of the full stop after the figures "1948" and by the substitution of a colon therefor; and

(ii) by the addition of the following proviso after the colon:—

" Provided that, upon satisfactory evidence being produced to the registrar of companies as to the impossibility or impracticability of holding such meetings before the 31st December, 1947, and the 30th June, 1948, respectively, he may specify such other dates on or before which such meetings shall be held "

Amendment of section 14 (1) of the principal Ordinance.

5. Sub-section (1) of section 14 of the principal Ordinance is hereby amended—

(i) by the deletion of the comma appearing after the word "may" in the fifth line thereof; and

(ii) by the deletion of the words and comma "within three months from the commencement of this Ordinance," appearing in the fifth and sixth lines thereof.

Amendment of section 17 (1) of the principal Ordinance.

6. Sub-section (1) of section 17 of the principal Ordinance is hereby amended—

(i) by the deletion of the full stop after the word "specify" at the end of the last line thereof and by the substitution of a colon therefor; and

(ii) by the addition of the following proviso after the colon:—

" Provided that, upon satisfactory evidence being produced to him as to the impossibility or impracticability of making such return, the registrar of companies may in place thereof accept such other return in form of an annual return as he may approve "

Amendment of section 24 of the principal Ordinance.

7. Section 24 of the principal Ordinance is amended—

(i) by the deletion of the words "within three months of this Ordinance coming into force" appearing in the sixth line thereof and by the substitution therefor of the following—

" within three months of this Ordinance coming into force or within three months of the re-establishment of its business whichever shall be the later period "

Amendment of the principal Ordinance by insertion of Part IIA.

8. The principal Ordinance is hereby amended by the insertion after section 25 of the following:—

" PART IIA.

Modification of effect of section 6 of Ordinance No. 39 of 1932.

25A. Notwithstanding section 6 of the Companies Ordinance, 1932, where by the memorandum of association the registered office of a company is required to be situate in some particular part of the Colony it shall be lawful for the Company—

(a) until the 31st of December, 1948, to have its registered office in any part of the Colony; and

(b) by special resolution passed at any time before the 31st of December, 1948, to provide that the registered office shall be situate anywhere in the Colony and upon the passing of such special resolution the memorandum shall be deemed to be altered accordingly and it shall be unnecessary to make any application to the Court."

9. The principal Ordinance is hereby amended by the insertion, after section 29, of the following section:—

"Power of Governor to repeal any section.

30. Notwithstanding any of the provisions hereinbefore contained, the Governor may, whenever it may seem to him expedient to do so, by proclamation declare that any of the preceding section or sections shall cease to have effect from a specified date and such cessation shall have the same effect as if the section or sections to which it relates had been repealed."

Addition of section 30 to the principal Ordinance.

10. The forms in the Schedule to the principal Ordinance are hereby amended as follows:—

Amendment to the Schedule to the principal Ordinance.

(a) (i) Form No. 1, by the addition of the symbol "+" in front of the words "The distinguishing numbers of the shares are" and the words "Separate certificates numberedandrespectively were issued in respect of Nos.toand Nos.to" ; and

(ii) by the addition immediately under the symbol and words at the end of the form " * Delete whichever is not applicable." of the symbol and words " + If numbers are unknown, state ' unknown ' ."

(b) (i) In Form No. 2, by the addition of the symbol "+" in front of the words " Distinguishing Nos." and the words " Certificate Nos.and" ; and

(ii) by the addition immediately under the symbol and words at the end of the form " *Delete whichever is not applicable." of the symbol and words " + If numbers are unknown, state ' unknown ' ."

(c) (i) In Form No. 3, by the addition of the symbol "+" before the symbol and words " *Certificate " and " *Certificates " wherever they occur; and

(ii) by the addition of the symbol "+" before the words " distinguishing numbers " occurring in the fourth line of the sentence commencing with the words " Notice is hereby given " ; and

(iii) by the addition immediately under the symbol and words at the end of the form " *Delete whichever is not applicable." of the symbol and words " + If numbers are unknown state ' unknown ' ."

Passed the Legislative Council of Hong Kong, this 30th day of June, 1948.

Alastair Todd
Deputy Clerk of Councils.

HONG KONG

No. 30 of 1948.

I assent.

Alban Lawrence

Governor.

2nd July, 1948.

An Ordinance to provide for the re-vesting in the former owners of certain land in the region of Ping Shan resumed during the period of the British Military Administration, and for the payment of compensation in certain cases in respect of the user thereof.

[2nd July, 1948.]

BE it 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 Lands (Ping Shan) Short Title, Re-vesting Ordinance, 1948.

2. In this Ordinance—

Interpretation.

(1) "Board" means the Board of Arbitration appointed under section 8 of this Ordinance.

(2) "former owners" means—

(a) in respect of each portion of land referred to in the First Schedule to this Ordinance the persons who were legally entitled thereto immediately prior to resumption thereof by the Crown pursuant to Notification (hereinafter referred to as the First Notification) of the British Military Administration dated 22nd October 1945 and published at page 25 in the Hong Kong (British Military Administration) Gazette of 31st October, 1945;

First Schedule.

(b) in respect of each portion of land referred to in the Second Schedule to this Ordinance the persons who were legally entitled thereto immediately prior to resumption thereof by the Crown pursuant to Notification (hereinafter referred to as the Second Notification) of the British Military Administration dated 20th March 1946 and published at page 229 in the Hong

Second Schedule.

Kong (British Military Administration) Gazette of 23rd March 1946.

(3) "land" includes buildings erected thereon and land covered with water.

(4) "prescribed officer" means the District Officer, New Territories, or any District Officer, or Assistant Land Officer, New Territories.

(5) "resumption" means the process of resumption under the Crown Lands Resumption Ordinance, 1900, referred to in the First Notification and Second Notification irrespective of whether any step was taken or was necessary to be taken in respect of such resumption other than such notification.

Ordinance No. 10 of 1900.

Re-vesting. Compensation.

3. (1) With effect from the date of coming into force of this Ordinance each portion of land referred to in the First Schedule and the Second Schedule to this Ordinance shall vest absolutely in the former owner thereof his assigns or representatives for the whole of the interest to which at the date of resumption thereof the former owner was entitled for such term or interest thereof as would still be subsisting at the date of coming into force of this Ordinance had such resumption never taken place, freed and discharged from any interest vested in the Crown by virtue of the resumption or which might vest in Crown by virtue thereof.

(2) Any right to compensation which may have accrued to any person under the Crown Lands Resumption Ordinance 1900 or otherwise in respect of the resumption of any portion of land referred to in the First or Second Schedule hereto shall be deemed by virtue of this Ordinance to have ceased and determined immediately after such resumption and in lieu thereof there shall accrue to the former owner his assigns or representatives the right to such compensation as is provided hereunder together with interest thereon as hereinafter provided.

(3) No provision of this Ordinance shall in any way affect the title of any land or portion of land not included in the First or Second Schedule hereto nor affect nor give rise to the payment of compensation in respect thereof.

Principles of compensation.

4. (1) There shall be payable as compensation in respect of land in the First and Second Schedule to this Ordinance the aggregate of the following sums:—

(a) A sum equal to the reasonable cost to the former owner of making good any damage to the land which may from the date of resumption to the date of coming into force of this Ordinance have been occasioned by or on behalf of the British Military Administration or His Majesty's Forces on account of the occupation of or work being carried out on the land or on account of the occupation of or work being carried out on any other land referred to in the First Notification or the Second Notification. And such sum shall accrue due at the date of coming into force of this Ordinance.

(b) A sum equal to the rent which might reasonably be expected to be payable by a tenant whether in money or in kind during the period for which possession was retained upon

the customary terms and with the customary deductions current in the neighbourhood of Ping Shan in the New Territories and such rent shall accrue due at annual intervals at the end of each period or part of a period of twelve calendar months from the date of resumption.

(2) In no case shall compensation be payable which, exclusive of any addition thereto in respect of interest as hereinafter provided, shall be in excess of the value of the land immediately before the resumption thereof.

(3) The Crown rent shall be remitted in respect of the land in the First and Second Schedules to this Ordinance for the period from the date of resumption to the date of coming into force of this Ordinance.

(4) There shall be taken into account and deducted from any compensation payable to a former owner under this Ordinance any payments made or to be made by or on behalf of His Majesty's Forces in respect of the taking possession of his land in exercise of emergency powers insofar as such payments relate to the period for which possession was retained, and it is hereby declared that the resumption referred to in the First and Second Notifications shall not affect any liability for the payment of compensation for such taking of possession of such land in the exercise of emergency powers.

(5) For the purpose of this section the period for which possession was retained shall be taken to be the period from the date of resumption to the time that possession was again taken by or on behalf of the former owner or six months after the date of coming into force of this Ordinance whichever is the earlier and any period during which the former owner or his tenant remained in occupation shall not be included.

(6) No allowance shall be made on account of the resumption being compulsory.

(7) No allowance shall be made in respect of any use of the land which is not in accordance with the terms under which the land or buildings are held from the Crown.

(8) No allowance shall be made in respect of any expectancy or probability of the grant or renewal or continuance by the Crown or by any person of any licence, permission, lease or permit whatsoever: Provided that this sub-section shall not apply to any case in which the grant or renewal or continuance of any licence, permission, lease or permit could have been enforced as of right if the land in question had not been resumed.

5. Any sum of money payable as compensation under this Ordinance shall carry interest, as from the date on which it accrues due, at the rate of five per centum per annum until the date of payment or until six months from the date of coming into force of this Ordinance whichever is the earlier.

6. No claim for any compensation under this Ordinance shall be entertained unless notice of the claim has been given to the prescribed officer stating the name, address and particulars of the title of the former owner and the nature of the claim, Notice of claim.

within the period of six months from the date of coming into force of this Ordinance, or such longer period as the Governor may allow either generally or in relation to any particular claim or claims.

Procedure on receipt of claims.

7. (1) It shall be the duty of the prescribed officer on receipt of claims to satisfy himself that claims received are in accordance with the Land Registers and other particulars in his possession. A claimant may be required to produce such evidence or further particulars as to identity, ownership, or as to the land in question as the prescribed officer may deem to be necessary for him to consider in order to admit or reject the claim.

(2) The prescribed officer shall recommend to the Governor for approval such claims as appear to such officer to be valid and in accordance with the provisions of this Ordinance and upon such approval being given the prescribed officer shall pay such claims together with interest thereon computed in accordance with section 5 of this Ordinance.

(3) The prescribed officer shall refer to the Board any claims which upon consideration by him he is unable to recommend to the Governor for approval and shall accompany such reference with a statement giving his recommendation and the grounds therefor and shall notify the claimant of the fact of such reference.

Constitution duties and remuneration of Board.

8. (1) A Board of Arbitration of three members shall be appointed to determine the validity of any claim to compensation or the amount of compensation (if any) to be paid upon reference of a claim being made to such Board in manner provided by sub-section (3) of section 7 of this Ordinance.

(2) The Chairman of the Board shall be a Justice of the Peace nominated by the Governor and the two other members shall consist of persons nominated by the Governor of whom one shall be a person other than a member of the Government Service. It shall be lawful for an officer of the Royal Air Force or other of His Majesty's Forces to be appointed as one of the members of the Board.

(3) The Board shall be appointed by the Governor within one month of the first of such references to the Board and the Chairman shall cause notice of the composition of the Board to be published in the *Gazette* and shall appoint thereby a time and place for the commencement of its sittings.

(4) The remuneration of any member of the Board shall be at a rate according to the amount of work and the time occupied, and shall be awarded by the Governor upon report made by the Chairman at the conclusion of each month during which sittings of the Board have been held: Provided that nothing herein shall authorize the payment of remuneration to any public servant who may not be permitted by the term of his appointment to receive remuneration as a member of the Board.

Duties and powers of the Board.

9. (1) The Board shall permit any claimant whose claim has been referred to the Board in accordance with section 7 of this Ordinance to appear before it in person or by authorised

representative and to give such evidence as may be material to the issue and a representative of the Crown shall be permitted to appear and tender evidence on behalf of the Crown or His Majesty's Forces.

(2) The Board shall have all such powers as are vested in the Supreme Court or in a judge on the occasion of any action or suit in respect of the following matters:—

- (a) enforcing the attendance of witnesses and examining them upon oath or otherwise as it may think fit;
- (b) compelling the production of any documents;
- (c) punishing persons guilty of contempt;
- (d) ordering an inspection of any premises;
- (e) entering upon and viewing any premises; and
- (f) adjourning proceedings;

and shall have power to make rules for the conduct of proceedings before it.

(3) The Board shall have power to assess and award compensation in accordance with the provisions of this Ordinance and may award in any appropriate case costs either for or against the Crown or other party, such costs, if desired by the Crown or such other party, to be taxed by the Registrar of the Supreme Court.

10. Upon notification to the prescribed officer of any award of compensation by the Board the prescribed officer shall pay the amount so awarded as soon as may be possible to the person or persons named in such award.

11. (1) Every notice under the hand of the Chairman of the Board may be substituted for and shall be equivalent to any form of process capable of being issued in any action or suit for enforcing the attendance of witnesses or compelling the production of documents.

(2) Any warrant of committal to prison issued for the purpose of enforcing such powers as aforesaid shall be under the hand of the Chairman, and may authorise the imprisonment (which shall be without hard labour) of the offender for any term not exceeding three months.

(3) Every notice, order or warrant of the Board may be served and executed in the same manner as notices, orders and warrants of the Court may be served and executed in civil actions.

12. (1) If, in the discharge of the duties devolving upon the Board, there occurs a difference of opinion between the members, the decision of any two of them shall have the same force and effect as if all the members had concurred therein.

(2) Any decision arrived at by the Board shall be final as regards all parties interested.

(3) No award of compensation made by the Board under this Ordinance shall be liable to be set aside for irregularity or error in matter of form.

Filling of
vacancy on
Board.

13. During the pendency of any proceedings before the Board, if any member of the Board from any cause is or becomes unable to act, his place shall be filled by some other person appointed by the Governor: Provided that at all times there shall be at least one member of the Board who is not a member of the Government Service.

Payment out
of general
revenue.

14. All sums of money and interest thereon awarded under this Ordinance and all costs and remuneration awarded against the Crown, shall be paid out of the general revenue of the Colony.

FIRST SCHEDULE. [Sections 2, 3, and 4].

CHUNG UK TSUN IN DEMARCATION DISTRICT 124.

House Lot Nos. 1 to 80, inclusive.
82 to 92, inclusive.

LI UK TSUN IN DEMARCATION DISTRICT 124.

House Lot Nos. 1 to 23, inclusive.

SHEK PO VILLAGE IN DEMARCATION DISTRICT 124.

House Lot Nos. 1 to 193, inclusive.

TIN SAM VILLAGE IN DEMARCATION DISTRICT 124.

House Lot Nos. 1 to 24, inclusive.
26 to 93, inclusive.
95 to 101, inclusive.

SHUN FUNG WAI VILLAGE IN DEMARCATION DISTRICT 130.

House Lot Nos. 1 to 79, inclusive.

NAI WAI VILLAGE IN DEMARCATION DISTRICT 130.

House Lot Nos. 1 to 128, inclusive.

LAM TI VILLAGE IN DEMARCATION DISTRICT 130.

House Lot Nos. 1 to 51, inclusive.

SAN TSUN VILLAGE IN DEMARCATION DISTRICT 130.

House Lot Nos. 1 to 31, inclusive.

DEMARCATION DISTRICT 121.

Lots Nos.	159 to 160, inclusive	328
	162	330 to 335, inclusive
	165	337
	167	343 to 470, inclusive
	169 to 178, inclusive	476
	264	483 to 487, inclusive
	266	489
	325	1829

DEMARCATION DISTRICT 124.

Lots Nos.	134 to 141, inclusive	1855
	171 to 225, "	1857 to 1866, inclusive
	228 to 229, "	1867A
	260	1868A
	263 to 984,	1869A
	985A	1870A
	986 to 1002, inclusive	1871 to 1907, inclusive
	1003A	1908A
	1004A	1909
	1005 to 1007, inclusive	1910A
	1008A	1911 to 1912, inclusive
	1009A	1915
	1010A	1916A
	1011A	1917
	1012	1918A
	1013A	1919A
	1014 to 1015, inclusive	1920A
	1017 to 1018, inclusive	1921A
	1019A	1922A
	1020	1923
	1021A	1924A
	1022A	1925A
	1023A	1926 to 1927, inclusive
	1024A	1928A
	1025A	1929A
	1026A	1930
	1027 to 1128, inclusive	1931A
	1135 to 1142, "	1932 to 1933, inclusive
	1144 to 1146, "	1934A
	1162 to 1177, "	1935A
	1179	1936 to 1974, inclusive
	1214	1975A
	1686	1976A
	1706	1977A
	1715 to 1845, inclusive	1978A
	1846A	1979 to 2206, inclusive
	1847A	2207A
	1848A	2208
	1849A	2209A2
	1850A	2209B1
	1851A	2210 to 2233, inclusive
	1852A	2234A
	1853A	2235A
	1854A	2236A

DEMARCATIION DISTRICT 124.

Lots Nos. 2237	2604
2238A	2607
2239 to 2296, inclusive	2611A
2297B2	2612 to 2613, inclusive
2298	2615 to 2713, ..
2299B2	2714A
2300 to 2480, inclusive	2715 to 2716, inclusive
2483A2	2717A
2485A	2718 to 2736, inclusive
2486A2	2737A
2487A2	2738 to 2740, inclusive
2488A	2742 to 2980, ..
2489A2	2981B2
2490 to 2495, inclusive	2983B2
2496A2	2984 to 2988, inclusive
2497A2	2989A
2498	2990
2499A2	2994 to 3073, inclusive
2500 to 2505, inclusive	3084A
2508A	3085
2509A	3086A
2510 to 2559, inclusive	3087 to 3191, inclusive
2560A	3193 to 3198, ..
2561A2	3207 to 3224, ..
2562	3354 to 3366, ..
2563B2	3420 to 3428, ..
2564A	3450 to 3903, ..
2565 to 2588, inclusive	3905 to 3912, ..
2589A1A	3914 to 3919, ..
2589A2A	3921
2590 to 2599, inclusive	3927 to 3930, inclusive
2600A	3932 to 3934, ..
2601	3936
2602	3939

DEMARCATIION DISTRICT 125.

Lots Nos. 1615 to 1667, inclusive	1849 to 1853, inclusive
1678	1855 to 1891, ..
1842	1893 and 1894
1845 to 1846, inclusive	1971 to 1973, inclusive
	1976 to 2016, ..

DEMARCATIION DISTRICT 127.

Lots Nos. 1 to 6, inclusive	153 to 157, inclusive
14	163
16 to 109, ..	165 to 177, inclusive
112 to 115, ..	179
117 to 127, ..	181 to 325, inclusive
150	

DEMARCATIION DISTRICT 130.

Lots Nos. 397	828B
531 to 535, inclusive	829
536A	830A
537 to 540, inclusive	831 to 842, inclusive
542 to 594, ..	855 to 860, ..
597 to 668, ..	1040 to 1041, ..
669A	1042A
669B2	1043
669C2	1044A
670 to 690, inclusive	1045A
691A	1046A
692A	1047A
692B2	1048A
693	1052 to 1062, inclusive
694 A to L, inclusive	1131 to 1198, ..
694 N to O, ..	1200 to 1201, ..
695 to 711, ..	1345 to 1348, ..
713 to 718, ..	1378 to 1405, ..
722 to 727, ..	1416 to 1461, ..
729	1466 to 1481, ..
740 to 802, inclusive	1485 to 1489, ..
803A	1643
804A	1646 to 1685, inclusive
804B2	1757
805	1759 to 1776, inclusive
806A	1877 to 2092, ..
807A	2094 to 2146, ..
808 to 818, inclusive	2148
819A	2151
820	2153 to 2334, inclusive
822A	2336
823A	2362 to 2376, inclusive
825A	2467 to 2468, ..
826 to 827, inclusive	2470 to 2472, ..
828A2	

Lots Nos. 2474 to 2479, inclusive	2501 to 2504, inclusive
2484	2509
2493	2512
2495	2518
2497	2523 to 2524, inclusive
2499	2996

DEMARICATION DISTRICT 132.

Lots Nos. 430 434 to 436, inclusive

SECOND SCHEDULE. [Sections 2, 3, 4].

All that portion of Lot No. 665 in Demarcation District No. 126, shown coloured red on a map signed by the District Officer and entitled "D.D. 126 near HUNG UK TSUEN" which is enclosure 18 in File No. 15R/1945 in the District Office, New Territories, being 9.03 acres in area.

Passed the Legislative Council of Hong Kong, this 30th day of June, 1948.

Alastair Todd
Deputy Clerk of Councils.

HONG KONG

No. 31 of 1948.



I assent.

Albanuthan
Governor.

2nd July, 1948.

An Ordinance to amend the Dutiable Commodities Ordinance, 1931.

[2nd July, 1948.]

BE it 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, 1948, and shall be read as one with the Dutiable Commodities Ordinance, 1931, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance No. 36 of 1931.

2. Sub-section (4) of section 3 of the principal Ordinance is hereby amended by the insertion of the words "for the Governor or" immediately after the word "purchased" in the third line thereof.

Amendment to sub-section (4) of section 3 of the principal Ordinance.

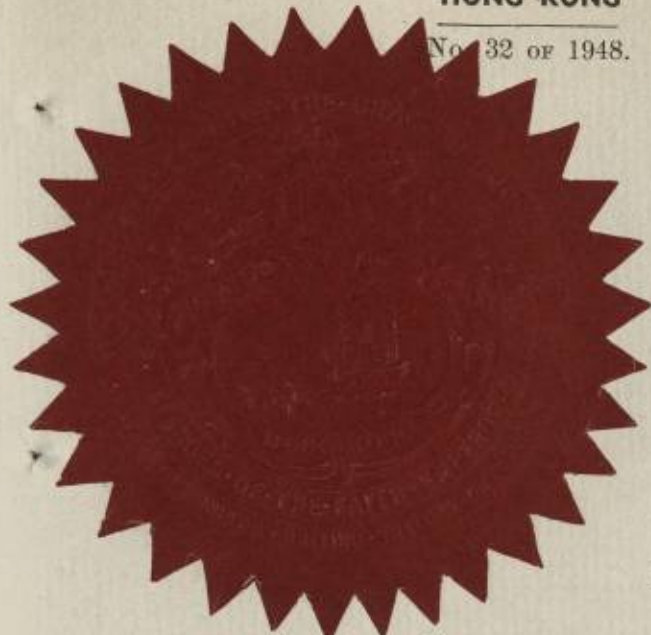
Passed the Legislative Council of Hong Kong, this 30th day of June, 1948.

Alastair Todd
Deputy Clerk of Councils.



HONG KONG

No. 32 of 1948.



I assent.

Governor.

15th July, 1948.

An Ordinance to amend the Emergency Powers (Extension and Amendment Incorporation) Ordinance, 1946.

[15th July, 1948.]

BE it 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 Emergency Powers (Extension and Amendment Incorporation) Amendment Ordinance, 1948. Short title.

2. The Emergency Powers (Extension and Amendment Incorporation) Ordinance, 1946, is hereby amended by the insertion therein of the following additional section:— Amendment of Ordinance No. 26 of 1946.

“ Continuance in force of the Compensation (Defence) Regulations, 1940.

3A. (1) The Compensation (Defence) Regulations, 1940, as modified by Government Notification No. 424 of 1947, shall, notwithstanding their expiry on the 31st day of December, 1947, be deemed to have continued in force and the same are hereby continued in force with the additional modifications set out in the Schedule to the Emergency Powers (Extension and Amendment Incorporation) Amendment Ordinance, 1948.

(2) The Defence Regulations aforesaid shall, with such modifications as aforesaid and any further modification which the Governor may, as he is hereby authorised, by Order make from time to time, continue



in force until the Governor by Order declares that they shall expire and upon such expiry section 12 of the Interpretation Ordinance, 1911, shall apply as if such expiry constituted the repeal of an enactment”.

SCHEDULE.

A. The following paragraph is added to Regulation 3:—

“(3) the words “on behalf of the Governor” in paragraph (1) of this Regulation shall include any act done between the 15th of August, 1945 and the 30th of April, 1946, both days included, which the Governor signifies under the hand of the Deputy Colonial Secretary to have been an act, compensation for which should be assessed in accordance with the provisions of these regulations and paid, in the first place, out of the revenues of the Colony.

B. Regulation 9 is modified by the deletion of the comma and the words “the appropriate tribunal constituted under the following provisions of these regulations” following the word “by” and the substitution therefor of the words “such tribunal or tribunals as the Governor may appoint”.

C. The following regulation is substituted for Regulation 10:—

“Remuneration to tribunals. 10. There shall be paid out of the revenues of this Colony—

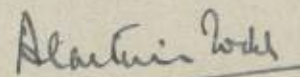
(a) to any member of a tribunal constituted under these regulations such remuneration (if any) as the Governor in Council may determine in his case, and

(b) the amounts necessary to defray such expenses of the tribunals constituted under these regulations as the Governor in Council may approve.”

D. The following proviso is added to Regulation 12:—

“Provided that any compensation under these regulations payable to the Custodian as defined in Proclamation No. 10 of 1945, or to the Custodian of Enemy Property appointed under Proclamation No. 11 of 1945, shall carry interest limited to the period from the date on which it accrues due until the date on which the Custodian or the Custodian of Enemy Property (as the case may be) notifies the competent authority of the amount of compensation due.”

Passed the Legislative Council of Hong Kong, this 14th day of July, 1948.


Deputy Clerk of Councils.

HONG KONG.

No. 33 OF 1948.



I assent.

H. H. K. H. H. H.
Governor.

15th July, 1948.

An Ordinance to provide that land employed by the occupying power in extension of the Kai Tak Airfield shall be deemed to have reverted to the Crown with effect from the 1st September, 1945, and to provide for the payment of compensation in respect of such reversion.

[15th July, 1948.]

BE it 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 Airfield (Kai Tak) Short title. Extension and Reversion Ordinance, 1948.

2. In this Ordinance—

“Airfield Extension” means land in use at the date of the coming into force of this Ordinance as a portion of the Kai Tak Airfield whether for landing strips, hangars, shelters, buildings, accommodation land or flight approach areas or otherwise, the said land not having been so used on the 25th December, 1941, but having been added for such use by the occupying power;

Interpreta-
tion.

“Board” means the Board of Arbitrators appointed under section 8 of this Ordinance;

“Extension Plan” means the plan prepared in accordance with the provisions of section 3 of this Ordinance;

“Extension Schedule” means the schedule prepared in accordance with the provisions of section 3 of this Ordinance and any amendment to such schedule;

“former owner” means the person registered or entitled to be registered in respect of any land included in the Extension Schedule, or if such person is absent from the Colony, or cannot be found, or is bankrupt or dead, his agent or representative in the Colony;

“Land Officer” means the Land Officer, Victoria, in respect of any lot designated a Kowloon Inland Lot or a New Kowloon Inland Lot, and the Assistant Land Officer, New Territories, in respect of any lot designated a Survey District 1 Lot or a Survey District 2 Lot.

“occupation period” means the period between the 25th December, 1941, and the 1st September, 1945;

“occupying power” means the power exercising during the occupation period the functions of government in the Colony or any part thereof;

“Resumption Officer” means the Valuation and Resumption Officer of the Government of Hong Kong.

Survey.
Extension
Plan.
Extension
Schedule.

3. (1) The Resumption Officer shall forthwith from such records as are available and from survey, inspection and enquiry determine with all possible accuracy, the location and dimension of the Airfield Extension.

(2) The Resumption Officer shall with all possible accuracy delineate the area of the Airfield Extension on a plan which will be the Extension Plan for the purposes of this Ordinance.

(3) The Resumption Officer shall prepare in relation to the area delineated in the Extension Plan the Extension Schedule which shall specify as accurately as possible all lots and parcels of land included in the Airfield Extension by reference to lot number, location and area, and shall specify therein the graded value and amount of compensation payable in respect of each lot or parcel computed in accordance with section 5 of this Ordinance.

(4) The Extension Plan and the Extension Schedule shall be presented for approval to the Governor in Council so soon as may be possible after the passing of this Ordinance

and on such approval a copy of each endorsed with a certificate thereof by the Clerk of Councils shall be lodged at the Land Office, Victoria, and at the office of the Assistant Land Officer, New Territories, and be available for inspection at such offices during the usual office hours on payment of a fee of one dollar. A notice of such approval and of the date of such deposit and availability for inspection shall be published in the *Gazette* upon the deposit being made.

4. (1) Subsequent to the coming into force of this Ordinance the Resumption Officer shall lodge at the Land Office, Victoria, and at the office of the Assistant Land Officer, New Territories, memorials of the Extension Schedule approved and lodged in accordance with the provisions of section 3 of this Ordinance and of any amendment to the Extension Schedule which may from time to time be made in accordance with the provisions of section 7 of this Ordinance.

Reversion
of owner-
ship to
Crown.

(2) Any land comprised in any such memorial shall upon the lodgment thereof be deemed to have reverted to the Crown with effect from the 1st September, 1945, and from such date all the rights of the former owner his assigns or representatives or of any other person in or over the land or any part thereof shall be deemed absolutely to have ceased save and except—

- (a) any right or claim against the occupying power; and
- (b) any right or claim to compensation in accordance with the provisions of this Ordinance.

5. The following principles shall govern the assessment of compensation for the purpose of this Ordinance:—

Compensa-
tion.

(i) Compensation shall be paid in respect of land only and shall be taken to be the amount which the land if sold in the open market on 1st September, 1945, might have been expected to realise.

(ii) The method of assessment shall be by assignment of one or other of the graded values specified in the First Schedule hereto.

First
Schedule.

(iii) The onus shall primarily be on any claimant to establish that some other graded value be assigned than that specified in the Extension Schedule or to establish that any other amendment or addition should be made thereto.

(iv) No allowance shall be made on account of the resumption being compulsory.

(v) No allowance shall be made in respect of any use of the land which is not in accordance with the terms of the Crown Lease thereof.

(vi) No allowance shall be made in respect of any expectancy or probability of the grant or renewal or continuance by the Crown or by any person of any licence, permission, lease or permit whatsoever: Provided that this sub-section shall not apply to any case in which the grant or renewal or continuance of any licence, permission, lease or permit could have been enforced as of right if the land in question had not been resumed.

Procedure,
Second
Schedule.

6. (1) Claims for payment of compensation shall be rendered in the form specified in the Second Schedule to this Ordinance to the Land Officer by whom copies of such form shall be provided on payment of a fee of one dollar.

(2) It shall be the duty of the Land Officer on receipt of claims to satisfy himself that claims received are in accordance with the particulars in the Extension Schedule and his registers. A claimant may be required to produce such evidence or further particulars as to identity, ownership, or as to the land in question as the Land Officer may deem to be necessary for him to consider in order to admit or reject the claim.

(3) The Land Officer shall notify the former owner of refusal of the claim or of the amount of compensation payable by letter to the effect of one of the forms in the Second Schedule with such modifications as may be necessary.

Amend-
ment of
Schedule or
reference to
arbitration.

7. In the event of an error or an alleged error in any of the particulars in the Extension Schedule or omission therefrom or any error or omission in the Extension Plan any amendment may be effected by the Governor in Council on the application of any person interested therein or on recommendation made by the Resumption Officer. A decision by the Governor in Council on such an application shall be final as regards all parties interested but prior to such decision the Governor in Council may, if he thinks fit, refer the application to arbitration in accordance with section 8 of this Ordinance for the purpose of obtaining the recommendation of the Board therein referred to. Notice of each such reference to arbitration and of the lot or lots affected shall be published in the *Gazette*.

8. (1) A Board of three members shall be appointed to determine what recommendation shall be made to the Governor in Council upon reference to arbitration made to them under the preceding section. Constitution
and remunera-
tion of
Board.

(2) The Chairman of the Board shall be a Justice of the Peace nominated by the Governor and the two other members shall consist of persons nominated by the Governor of whom one shall be a person other than a member of the Colonial Civil Service.

(3) The Board shall be appointed within one month of the first of such references to arbitration and the Chairman shall cause notice of the composition of the Board to be published in the *Gazette* and shall appoint thereby a time and place for the commencement of its sittings.

(4) The remuneration of any member of the Board shall be at a rate according to the amount of work and the time occupied, and shall be awarded by the Governor in Council upon report made by the Chairman at the conclusion of each month during which sittings of the Board have been held: Provided that nothing herein shall authorize the payment of remuneration to any public servant who may not be permitted by the terms of his appointment to receive remuneration as a member of the Board.

9. (1) A Board shall have power to make recommendations to the Governor in Council— Powers of
Board.

(a) to amend or add to the particulars in the Extension Schedule or amend the Extension Plan;

(b) to award costs either for or against the Crown or for or against any parties claiming compensation or any former owner, such costs, if desired by the Crown or any party, to be taxed by the Registrar of the Supreme Court.

(2) A Board shall have all such powers as are vested in the Supreme Court or in a judge on the occasion of any action or suit in respect of the following matters:—

(a) enforcing the attendance of witnesses and examining them upon oath or otherwise as it may think fit;

(b) compelling the production of any documents;

(c) punishing persons guilty of contempt;

(d) ordering an inspection of any premises;

- (e) entering upon and viewing any premises;
- and
- (f) to adjourn proceedings;

and shall have power to make rules for the conduct of proceedings before it.

Execution of process of Board.

10. (1) Every notice under the hand of the Chairman of a Board may be substituted for and shall be equivalent to any form of process capable of being issued in any action or suit for enforcing the attendance of witnesses or compelling the production of documents.

(2) Any warrant of committal to prison issued for the purpose of enforcing any such powers as aforesaid shall be under the hand of the Chairman, and may authorise the imprisonment (which shall be without hard labour) of the offender for any term not exceeding three months.

(3) Every notice, order or warrant of any Board may be served and executed in the same manner as notices, orders and warrants of the Court may be served and executed in civil actions.

Decision by Board by majority to be final.

11. If, in the discharge of the duties devolving upon any Board, there occurs a difference of opinion between the members, the decision of any two of them shall have the same force and effect as if all the members had concurred therein.

Filling of vacancy on Board.

12. During the pendency of any proceedings before any Board, if any member of the Board from any cause is or becomes unable to act, his place shall be filled by some other person appointed by the Governor: Provided that at all times there shall be at least one member of the Board who is not a member of the Colonial Civil Service.

Power to demise or grant land resumed.

13. Any land resumed under the provisions of this Ordinance may be demised and granted by the Governor on such terms and conditions and at such price, whether by way of rent, premium or otherwise, and either by public auction or private contract, as the Governor may determine.

Compensation, payment and interest

14. (1) Upon the expiration of one calendar month of receipt of a claim made and admitted in accordance with section 6 hereof, the Land Officer shall appoint a place and manner for payment of such claim. Payments in accordance with any amendment or addition to the Extension Schedule

shall be made as soon as possible by the Land Officer after such amendment or addition has been made.

(2) All sums of money awarded as compensation together with interest thereon as hereinafter mentioned, and all costs and remuneration awarded against the Crown, shall be paid out of the general revenue.

(3) Any sum of money payable as compensation shall bear interest at the rate of eight per centum per annum from the 1st September, 1945, to the 30th June, 1948.

15. No claim for compensation under section 6 of this Ordinance nor application or recommendation to the Governor in Council under section 7 of this Ordinance shall be entertained unless it has been presented within two years of the coming into effect of this Ordinance: Provided always that the Governor in Council may in any particular case extend the time hereby limited for presenting such claim or such application or recommendation. Time limit

FIRST SCHEDULE
(Section 5)

First Schedule.

GRADED VALUE

	<i>Grade</i>	<i>Value per square foot</i>
Building Lots.	I	\$5.00
	II	\$4.00
	III	\$3.50
	IV	\$3.00
	V	\$2.00
	VI	\$1.50
Agricultural land.	VII	15 cents.

Second
Schedule.
Form No. 1.

SECOND SCHEDULE
(Section 6)

FORM No. 1.

AIRFIELD (KAI TAK) EXTENSION AND REVERSION
ORDINANCE, 1948.

FORM OF CLAIM.

Name of Claimant

Address for next six months
(Change of address must be notified)

Lot Number

Location

Area

Title thereto

What evidence as to ownership is held

Date and nature of acquisition thereof

Name and address of a witness as to identity

.....

.....

Signature

Witnessed

Date

To Land Officer or
Assistant Land Officer, New Territories.

In Triplicate. Copies may be obtained from the Land Officer or Assistant Land Officer, New Territories, at One Dollar per set.

FORM No. 2.

Second
Schedule
contd.
Form No. 2.

NOTIFICATION OF ACCEPTANCE TO FORMER OWNERS.

Sir,

AIRFIELD (KAI TAK) EXTENSION AND REVERSION
ORDINANCE, 1948.

I have the honour to inform you that your claim datedhas been examined and it appears that it should be admitted to the following extent:—

The compensation payable is computed by assignment of a graded value (grade...) of.....per square foot on an area ofsq. ft., a total of \$..... and interest amounting to a further \$.....

This will be paid on.....at..... in the absence of any conflicting claim being made, and subject to the production of the following documents at the time of payment:—

and the following evidence of identity:—

You will understand that the compensation paid is in respect of the land only, and that you retain any reparations claim in respect of buildings or growing crops which should be presented in a similar manner to the other reparations claims arising in the Colony. Since the land of which you were deprived during the occupation now forms part of the airfield extension, the above Ordinance provides that with effect from 1st September, 1945, it shall legally vest in the Crown. A generous estimate has therefore been made of its value at that date and interest has been allowed

you at 8% on that sum from the 1st September, 1945, until the 31st December, 1947.

Section 7 provides that the Governor in Council, with or without a recommendation from a Board of Arbitrators, has power to amend the graded value assigned or the area stated, but section 5 provides that the onus is on you to prove the necessity for any such amendment; moreover, in considering any application the Governor in Council has power to make amendments which may increase or decrease the compensation payable.

*Land Officer/Assistant Land Officer,
New Territories.*

FORM No. 3.

Second
Schedule
contd.

Form No. 3.

NOTIFICATION OF REFUSAL TO FORMER OWNER.

Sir,

AIRFIELD (KAI TAK) EXTENSION AND REVERSION
ORDINANCE, 1948.

I have the honour to refer to your claim dated.....
.....which has been examined but is refused on
the following grounds:—

Section 7 of the Ordinance provides that the Governor in Council, with or without a recommendation from a Board of Arbitrators, has power to consider your objection if you are not satisfied with this refusal, but you will understand that it will be your responsibility in that event to prove your claim.

*Land Officer/Assistant Land Officer,
New Territories.*

Passed the Legislative Council of Hong Kong, this
14th day of July, 1948.

Alan Tin Lok
Deputy Clerk of Councils.

HONG KONG

No. 34 OF 1948.



I assent.

Robert Chant
Governor.

15th July, 1948.

An Ordinance to give effect to voluntary transactions affecting
land during the Japanese occupation.

[15th July, 1948.]

BE it 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 Land Transactions Short title.
(Enemy Occupation) Ordinance, 1948.

2. In this Ordinance where the context permits— Interpretation.

(a) "Japanese occupation" means the period from the
25th day of December, 1941, to the first day of September, 1945;

(b) "Japanese House Registration Office" means the
office in which during the Japanese occupation were kept registers
or records of houses and buildings and documents in relation
thereto;

(c) "Japanese Registers" means the registers kept by
the Japanese House Registration Office and now lodged in the
Land Office in which were recorded particulars of houses and
buildings and transactions in connection therewith;

(d) "Land Office Registers" means the volumes kept in
the Land Office at the Courts of Justice, Victoria, wherein are
entered, under headings descriptive of the properties to which the
same relate, particulars of transactions and matters affecting leased
Crown lands;

(e) "green ink entries" means the entries made in green ink in the Land Office Registers recording particulars of transactions registered in the Japanese Registers and identified in the Land Office Registers by the initials of the Land Officer;

(f) "Japanese assignment" means an instrument registered or recorded in the Japanese Registers purporting to relate to a disposition of any land, house or building otherwise than by way of mortgage or re-assignment;

(g) "assignor" and "assignee" mean and include respectively the persons purporting to dispose of or acquire the property to which an instrument relates and include the executors, administrators or assigns of an assignor or assignee, as the case may be, and in the case of an assignor or assignee who disposed of or acquired any property as trustees of any trust, the persons from time to time lawfully acting as trustees of such trust.

3. (1) The green ink entries shall be deemed to have been lawfully made.

(2) Notwithstanding the provisions of section 4 of the Land Registration Ordinance, 1844, a green ink entry, including any variation or addition made by virtue of this Ordinance, shall, save in so far as any such entry variation or addition is lawfully deleted, constitute for a period of two years from the date of the commencement of this Ordinance actual notice of the transaction particulars of which are recorded by the entry.

4. After the expiration of the said period of two years the Land Officer shall delete from the Registers all such green ink entries but such deletion shall be without prejudice to any right either within such two years or thereafter to register any instrument in respect of which a green ink entry has been made under the Land Registration Ordinance, 1844, or any Ordinance amending or substituted for the same.

5. (1) A Japanese assignment shall be construed and take effect as a valid and subsisting agreement by the assignor to assign on demand without further consideration and (save in so far as such agreement or other instrument otherwise provides) at the cost of the assignee or other person lawfully requiring the same the property to which such assignment relates in the form which would have been directed by the Court prior to the Japanese occupation in a successful action for the specific performance of such an agreement.

(2) Without prejudice to the generality of the preceding sub-section unless the Japanese assignment otherwise provides or the context thereof or the true intention of the parties otherwise requires, a reference to a house or building in such an assignment shall be deemed to include the land enjoyed with such house or building at the date of the execution of such assignment, together

Legalization of green ink entries and their effect as notice.

Ordinance No. 1 of 1844.

Deletion of green ink entries after two years.

Ordinance No. 1 of 1844.

Construction of instrument registered in Japanese registers.

with all rights, members, easements or appurtenances belonging or appertaining to such land, house or building.

6. (1) Where any property, or part thereof, has during the Japanese occupation been the subject matter of successive Japanese assignments, then, the assignee under the last of such assignments may at his own expense require the assignor on the last and any prior assignment to confirm unto the assignee under the last of such assignments, or as he may direct, the property or part thereof, as the case may be, the subject matter of the last of such assignments.

Provision in case of successive transactions.

(2) Where any property was assigned by way of mortgage before the Japanese occupation and the mortgage debt has been validly discharged, then if the property has been the subject matter of a Japanese assignment or of successive Japanese assignments, the assignee under such assignment or the last of such successive assignments, as the case may be, may require the mortgagee at the expense of such assignee to reassign the property to him or as he may direct.

(3) Any requirement lawfully made under this section may be enforced by action commenced by writ of summons in the original jurisdiction of the Court in like manner as if the liability to comply therewith had been included in a contract relating to the property in respect of which such requirement had lawfully been made under this section.

7. (1) If proceedings have been commenced in the original jurisdiction in relation to any dispute or difference between any persons as to the construction or effect of any instrument registered or recorded in the Japanese Registers, or as to the liability of any person to assign or reassign or confirm the assignment of any property to which any such instrument purports or is alleged to relate, or as to the form or content of any assignment, reassignment or deed of confirmation to be executed or made by any such person, or as to any other matter or thing arising out of any such instrument or out of the provisions of this Ordinance, the Court may, on the application of any party to such dispute or difference—

Proceedings in relation to disputes.

(a) with the written consent of all the parties to such dispute or difference; or

(b) if no defendant to such proceedings has entered an appearance therein; or

(c) if the Court is of the opinion that the action may more conveniently or expeditiously be tried in its summary jurisdiction;

at any stage of the proceedings order that the entry of such action in the original jurisdiction Register be transferred to the Register of Civil Actions, Summary Jurisdiction, and thereupon the Supreme Court in its summary jurisdiction shall have and may exercise the like jurisdiction both at law and in equity in relation to the said dispute or difference as might have been exercised by the Court in its original jurisdiction.

(2) In the event of a person who seeks redress under this section being unable to issue a writ because he is unable to ascertain any person who may properly be joined as a defendant he may apply to the Court by petition without preliminary service and if it appears to the Court by evidence upon affidavit that all reasonable inquiries have been made and that the case is one to which this sub-section applies then the case shall proceed on petition and—

(a) unless the Court otherwise directs it shall not be necessary to serve the proceedings upon any person or to have recourse to any form of substituted service;

(b) section 18 of the Code of Civil Procedure shall apply;

(c) the Court shall give all necessary and consequential directions.

(3) In dealing with any proceedings under this section the Court shall have power to order that the Registrar should execute in lieu of any defendant, including a defendant who cannot be ascertained, within the meaning of the preceding sub-section, any deed which such defendant could be required to execute under this Ordinance.

(4) Every judgment of the Court in an action relating to any such dispute or difference shall be reduced into writing and shall forthwith be registered in the Land Office by the successful party in such action.

8. (1) The Land Officer may, and shall be deemed always to have had power to—

(a) delete any green ink entry which he is satisfied should not have been made;

(b) make any green ink entry which he is satisfied should have been made; and

(c) vary or add to any such entry when he is satisfied that such variation or addition is necessary.

Any such deletion, variation or addition shall be attested and verified by the signature of the Land Officer.

(2) The Land Officer shall delete any green ink entry recording or evidencing the purported discharge of a debt which by reason of the Debtor and Creditor (Occupation Period) Ordinance, 1948, is deemed to have been wholly or partly undischarged or any green ink entry depending for its validity on the valid discharge of such a debt.

(3) Any person aggrieved on the ground that a green ink entry should not have been made or is incorrect or on the ground that the appropriate green ink entry has not been made or

Ordinance
No. 3 of
1901.

Deletion,
etc., of
green ink
entries
by Land
Officer.

is no longer subsisting may apply for redress to the Court by summary petition verified upon oath and the Court may thereupon take such evidence as it thinks fit, and may make any order in relation to the matter which the justice of the case requires. A copy of every such petition shall be delivered to the Land Officer as soon as may be after the issue thereof.

9. Notwithstanding anything hereinbefore contained in any Saving-action for specific performance founded on this Ordinance—

(1) It shall be a valid defence for a person, who has been required to assign or confirm in accordance with the provisions hereof to show that the Japanese assignment in respect of which such assignment or confirmation was required is void or voidable at his instance or would have been void or voidable at his instance but for the enactment of this Ordinance.

(2) A defendant shall be entitled to rely upon any defence not inconsistent with this Ordinance upon which he would have been entitled to rely had this Ordinance not been passed.

10. (1) The Chief Justice may make general rules and orders subject to the approval of the Legislative Council, for regulating—

(a) the practice and procedure of the Court in respect of proceedings of any kind under this Ordinance;

(b) the forms to be used;

(c) Court fees; the fees of counsel and the costs of solicitors;

(d) generally for the better carrying out of the provisions of this Ordinance relating to legal proceedings and relating to the carrying out of the orders and directions of the Supreme Court.

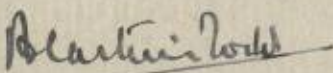
(2) Until such rules and orders are made and in as far as the same may make no provision the rules and orders, practice and procedure, forms and fees for the time being in force in the Supreme Court in its original or summary jurisdiction as the case may be shall be deemed to be in force with such modifications as the circumstances may require.

11. Whenever, by reason of the regulations practice or procedure applicable to the Japanese House Registration Office, or by reason of the absence of parties, or for any other reason which the Court shall deem sufficient, a conveyance assignment or other disposition of any land house or building, executed during the Japanese occupation otherwise than by way of mortgage or re-assignment, was not registered at the Japanese House Registration Office and such conveyance assignment or other disposition was, by reason of not being under seal, or owing to the parcels being incorrectly described, or through any defect in form or otherwise, inoperative, according to the law in force in the Colony immediately prior to the Japanese occupation, to carry out the

Provision
for instru-
ments not
carrying out
the true
intention
of the
parties and
which were
not regis-
tered in the
Japanese
House Regis-
tration
Office.

true intention of the parties then the provisions of sections 5, 6, 7, 9 and 10 of this Ordinance shall apply to such conveyance assignment or disposition in like manner as if it had been a Japanese assignment within the meaning of this Ordinance.

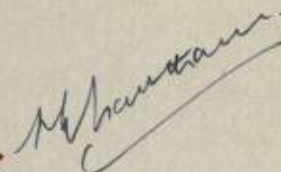
Passed the Legislative Council of Hong Kong, this 14th day of July, 1948.


Deputy Clerk of Councils.

HONG KONG

No. 35 of 1948.





I assent.

Governor.

15th July, 1948.

An Ordinance to validate the continuance in office of the six members of the Urban Council appointed by the Governor under the provisions of sub-section (9) of section 3 and section 6 of the Urban Council Ordinance, 1935, to hold office until the 24th of May, 1948.

[15th July, 1948.]

BE it 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 Urban Council (Constitution) (Validation) Ordinance, 1948, and shall be read as one with the Urban Council Ordinance, 1935, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 7 of
1935.

2. (1) The persons hereinafter named shall be deemed to have been lawfully appointed to be members of the Urban Council in exercise of the power conferred upon the Governor by section 3 of the principal Ordinance as amended by the Urban Council (Transitional Provisions) Ordinance, 1946, in like manner and with the like result as if the Governor had in fact lawfully so appointed them and as if a notification in the *Gazette* announcing their appointment had been published in a *Gazette* of the 25th of May, 1948.

Appointment
of members
of Council
with
retrospective
effect.
Ordinance
No. 6 of
1946.



(2) The persons hereinbefore referred to are:

Abbas el Arculli

Benjamin Wong Tape, o.B.E.

Lo Man Wai

Ngan Shing Kwan

Alberto Maria Rodrigues, M.B.E., M.B., B.S.

Charles Edward Terry.

Passed the Legislative Council of Hong Kong, this 14th day
of July, 1948.

Alberto Maria Rodrigues
Deputy Clerk of Councils.

HONG KONG

No. 36 of 1948.



I assent.

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

15th July, 1948.

An Ordinance to amend the Celluloid and Cinematograph Film Ordinance, 1923.

[15th July, 1948.]

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

1. This Ordinance shall be cited as the Celluloid and Cinematograph Film (Amendment) Ordinance, 1948, and shall be read as one with the Celluloid and Cinematograph Film Ordinance, 1923, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 23 of
1923.

2. The principal Ordinance is hereby amended by the deletion of the words "Commissioner of Police" and by the substitution therefor of the words "Chief Officer of the Fire Brigade" wherever they occur.

Amendment
of the
principal
Ordinance.

Passed the Legislative Council of Hong Kong, this 14th day of July, 1948.

Alvin K. ...
Deputy Clerk of Councils.

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Section.

1. Short title.
2. Interpretation and construction of references.

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ADMISSION AND REGISTRATION OF LEGAL PRACTITIONERS.

Service and examination of articled clerks.

3. Regulations for preliminary examination.
4. Formalities on execution of articles and of any assignment.
5. Enrolment of articles, etc.
6. Leave to extend period.
7. Articled clerks limited to two.
8. Restriction on employment of articled clerks.
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10. Articled clerks to serve continuously and not engaged in other employment.
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14. Power of Society to discharge articles in certain cases.
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16. Term of articles.
17. One year's absence in England to count in articles.
18. Notice to sit for final examination. Regulations.
19. Fees for examination.
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21. Notice of intention to apply for admission.
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26. Power of the court to admit and enrol barristers and solicitors from England or Northern Ireland.
27. Formalities for admission under section 26.
28. Society's general right of audience.
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31. Registration of notaries public.

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FROM PRACTICE OF SOLICITORS,
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32. Limit of one year to strike off for irregularity in articles, service, etc.
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46. Application of penal provisions to body corporate.
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51. Agreement for remuneration for non-contentious business.
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FIFTH SCHEDULE.—Table of Fees payable to the Society.

HONG KONG

No. 37 of 1948.



H. Chartham.

I assent.

Governor.

15th July, 1948.

An Ordinance to repeal and replace the Legal Practitioners Ordinance, 1871.

[15th July, 1948.]

BE it 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 Legal Practitioners Ordinance, 1948. Short title.

2. In this Ordinance—

(a) "articles" include any contract in writing whereby any person is bound to serve apprenticeship as clerk to a solicitor and shall include any such contract duly entered into prior to the date of this Ordinance;

(b) "client" (except in relation to non-contentious business) includes any person who as principal or on behalf of another person retains or employs, or is about to retain or employ, a solicitor, and any person who is or may be liable to pay a solicitor's costs;

(c) "the Committee" or "The Committee of the Law Society" means the committee of the Society elected in accordance with the provisions of its articles of association;

(d) "contentious business" includes any business done by a solicitor in any court, whether as a solicitor or as an advocate;

(e) "costs" includes fees, charges, disbursements, expenses and remuneration;

(f) "the court" means the Supreme Court in its original jurisdiction;

(g) "the Law Society" or "the Society" means the Incorporated Law Society of Hong Kong;

Interpretation and construction of references. Geo. 5, c.37, s.81

(h) "non-contentious business" includes any business connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing;

(i) "qualified barrister" shall not include a person who has not been approved, admitted and enrolled as such under section 26 or a barrister whose name has been removed from or struck off the roll and has not been restored or a barrister suspended at any material time from practice;

(j) "qualified notary" shall not include a person who has not been registered as a notary/public under section 31 or a notary public whose name has been removed from or struck off the register kept under section 31 and has not been restored or a notary public suspended at any material time from practice;

(k) "the registrar" means the Registrar of the court;

(l) "solicitor" means a solicitor of the Supreme Court;

(m) "unqualified person" means a person who has not been duly approved, admitted and enrolled as a solicitor, under this or any previous Ordinance or who, being such a solicitor, is at any material time suspended from practice or whose name has been struck off or removed from the roll and has not been restored; and

any term importing the masculine gender shall include females.

PART I.

ADMISSION AND REGISTRATION OF LEGAL PRACTITIONERS.

Service and examination of articled clerks.

Regulations for preliminary examination. 23 and 24 Vict. c.127, s.8.

3. (1) The Chief Justice may make regulations, subject to the approval of the Legislative Council, for the preliminary examination of persons intending to become bound under articles of clerkship to solicitors in order to ascertain the fitness of such persons to become so bound, having regard to their general learning and education and to their character and conduct and until such regulations shall have been made the existing regulations made under the Legal Practitioners Ordinance, 1871, shall remain in force.

Ordinance No 1 of 1871.

(2) No such preliminary examination shall be necessary in the case of any person who has passed the matriculation or other corresponding examination of any university specified in the Second Schedule, or who has passed an examination which would in England exempt him from passing the preliminary examination of the Law Society there or which would permit him to enter the University of Hongkong without further examinations.

Second Schedule.

(3) The Chief Justice may in special circumstances exempt any person from the preliminary examination or any part thereof either unconditionally or subject to such conditions as he may think fit.

(4) Articles of clerkship shall be null and void unless the intended articled clerk has passed one of the examinations referred to in sub-section (2) or has passed the preliminary examination referred to in sub-section (1) or has obtained from

the Chief Justice an order exempting him from such preliminary examination.

(5) The examiners shall certify the result of every such preliminary examination to the court within one week from the completion of the same or within such further time as the court may allow. Every such certificate shall be in writing signed by the examiners or any two or more of them and shall state to the effect that the examiners or the majority of them find that the candidate is or is not fit to become bound under articles as aforesaid.

4. (1) Articles whereby any person becomes bound to serve as clerk to any solicitor, and every assignment thereof, shall be produced to the registrar within one month after the same have been executed, and the person so bound as aforesaid shall, within the said period, furnish evidence on affidavit of such solicitor having been duly admitted, and also of the actual execution of the articles or assignment by the parties thereto.

Formalities on execution of articles and of any assignment. cf. 6 & 7 Vict. c.73. s.8.

(2) In every such affidavit there shall be specified the names of such solicitor and of the person so bound and the day on which such articles were or assignment was actually executed, and such person shall also, within the said period, file the said affidavit in the court.

5. (1) Within the said period of one month and on the filing of the affidavit required by section 4 and the payment of the prescribed fees, the registrar shall enrol and register the articles or assignment, and shall make and sign a memorandum thereon and on the affidavit of the day on which the same was filed.

Enrolment of articles etc. 23 & 24 Vict. c.127. s.7.

(2) The registrar shall likewise enter the names of the parties to and the date of such articles or assignment and the term of service in a book to be kept for that purpose, and shall mark such articles or assignment as having been so entered, with the date thereof, and the said book shall be open to public inspection during office hours without fee or reward.

6. The formalities prescribed by sections 4 and 5 may be observed and performed after the expiration of the period of one month therein specified, by leave of the Chief Justice, but the service of the clerk so bound as aforesaid shall be reckoned to commence and be computed from the date when such leave is granted or in the case of an assignment, his service shall be suspended from the expiration of the said period of one month until the date when such leave is granted, unless the Chief Justice otherwise orders.

Leave to extend period. 6 and 7 Vict. c.73. s.9.

7. No solicitor shall have more than two articled clerks at the same time.

Articled clerks limited to two. 22 and 23 Geo. 5 c.37. s.17.