

(2) For the purposes of this section malice shall be presumed in default of evidence showing that, prior to publication, the accused took reasonable measures to verify the truth of the news.

Registration of newspapers and security therefor.

7. (1) Every local newspaper shall be registered in accordance with the regulations made in that behalf under section 16 and a contravention of this provision shall constitute an offence against this Ordinance. Without prejudice to the provisions of subsection (7) no newspaper shall, without the consent of the Governor in Council, be registered until a deposit of ten thousand Hong Kong dollars has been made with the Registrar by or on behalf of the person seeking registration. Such consent may be given subject to such condition as the Governor in Council may see fit to impose and such deposit, while under the control of the Registrar, shall bear interest at the like rate as is for the time being allowed by the Government in respect of sums bearing interest which are on deposit with the Accountant General.

(2) The money thus deposited shall be available to pay any fine which may be imposed upon the proprietor, printer, publisher or editor of the newspaper in question, either under this Ordinance or in respect of any matter appearing in the said newspaper, and shall also be available to pay any damages that may be awarded in any action for libel in respect of any matter appearing in the said newspaper and the costs of any such action.

(3) The Registrar may direct that the whole of such money or such part as may be necessary shall be paid out in respect of such fine, damage or costs.

(4) When any money has been paid out under subsection (3) the Registrar may in his discretion suspend the registration of the newspaper concerned until a deposit has been made with him, in respect of the newspaper concerned, equal to the amount paid out under his direction, and during the period of such suspension the newspaper shall be deemed to be not registered.

(5) The proprietor of any local newspaper may at any time give notice to the Registrar that he desires the registration of the newspaper to cease and the Registrar may on the receipt of

such notice cancel the registration and the newspaper shall cease to be registered from the date of such cancellation.

(6) After the expiration of six months from any such cancellation of registration or, in his discretion, before the expiration of that period, the Registrar may direct that the sum deposited in respect of such newspaper, or so much of such sum as remains deposited, shall be repaid to the person entitled to receive the same.

(7) It shall be lawful for the Registrar to accept in lieu of the deposit of ten thousand dollars a bond in the said amount, by the person seeking the registration together with two sufficient sureties approved by the Registrar, conditioned for the payment of any fine which may be imposed upon the proprietor, printer, publisher or editor of the newspaper in question either under this Ordinance or in respect of any matter appearing in the said newspaper, and also for the payment of any damages that may be awarded in any action for libel in respect of any matter appearing in the said newspaper and the costs of any such action.

(8) Wherever the Registrar has accepted a bond in lieu of the deposit referred to in subsection (1), the Registrar may in his discretion demand such deposit and may suspend the registration of the newspaper concerned until the deposit has been made with him, and during any such suspension the newspaper shall be deemed to be not registered. On the making of such deposit the obligation of the bond shall be deemed to be discharged.

8. (1) A licence shall be required for the keeping of a printing press. Such licence shall be issued by and to such persons and shall be in such form and be subject generally to such conditions, including payment of a fee and cancellation or revocation as may from time to time be prescribed by regulation made under section 16.

Printing presses to be licensed.

(2) It shall be an offence against this Ordinance for any person to have in his possession any printing press save under and in accordance with such licence as aforesaid.

(3) It shall be lawful for any police officer or revenue officer to seize, remove and detain any printing press kept, used, or in the possession of any person, in contravention of the provisions of this section or of any regulations made under section 16.

(4) It shall be lawful for a magistrate, upon such notice (if any) as he may think fit, to order to be forfeited any printing

press so seized and any type and other things apparently intended to be used in connexion with such printing press.

(5) Every printing press and thing so forfeited shall be disposed of in such manner as the Commissioner of Police may direct.

(6) In any proceeding under this section against the occupier of any premises for possession on such premises of a printing press in contravention of the provisions of this section it shall until the contrary is proved, and without prejudice to the liability of any other person, be presumed that such occupier was in possession of such printing press.

(7) Whenever a licence has been issued to keep a printing press upon any specified premises it shall be lawful for a police officer at all reasonable times to enter upon such premises and require production of the licence and thereafter to make such inspection of the premises as may be necessary to satisfy such officer whether or not the conditions of such licence are being observed. It shall be an offence against this Ordinance wilfully to refuse to produce any licence the production of which has been required hereunder.

Unlawful
to furnish
incorrect
particulars.

9. Where any particular is by this Ordinance or by any regulation made hereunder required to be furnished and any particular furnished by way of compliance with such requirement is incorrect, the person who certified the correctness of such particular shall be deemed to have committed an offence against this Ordinance unless he proves—

- (a) that he believed that the particular furnished was correct; and
- (b) that he could not with the exercise of reasonable diligence have discovered its incorrectness.

Certified
extract
from
newspaper
register to
be admis-
sible in
evidence.

10. In any proceedings whatsoever against the proprietor, printer, publisher or editor of any local newspaper, it shall be lawful for the complainant or plaintiff to put in any entry in or certified extract from any newspaper register, either—

- (a) as evidence of the truth of the matters stated in such entry or extract; or
- (b) as evidence that the particulars appearing in such entry or extract were furnished and certified by the informant by whom they purport to have been furnished and certified.

11. (1) In any proceedings under this Ordinance relating to any printed document which does not comply with the requirements of this Ordinance or with any regulations made hereunder, a person shall be deemed to have been in possession of the document if he is proved to have had in his possession, order, disposition or control—

Con-
structive
possession
of
documents.

- (a) anything whatsoever containing the same;
- (b) the key of any box or other receptacle containing the same;
- (c) any document of title relating to anything whatsoever containing the same;
- (d) any document whatsoever which may be evidence of the right of any person to the possession of anything whatsoever containing the same.

(2) In any proceedings whatsoever it shall until the contrary is proved be presumed that the person whose name appears on any document as the printer of such document was in fact the printer.

12. (1) It shall be lawful for any justice of the peace to grant a warrant to any police officer to enter any place or board any vessel or aircraft in or on board which any contravention of this Ordinance or of any regulations made hereunder may appear to have been committed, and to search such place or vessel or aircraft.

Search,
seizure and
forfeiture.

(2) Every such warrant shall have the effect of empowering all police officers to enter such place or board such vessel or aircraft and to search the same and to seize anything with respect to which any contravention of this Ordinance or of any regulations made hereunder may appear to have been committed or which may appear to be or to contain evidence of any such contravention.

(3) It shall be lawful for a magistrate, upon such notice, if any, as he may think fit, to order to be forfeited anything with respect to which an offence against this Ordinance or against any regulations made hereunder has been committed.

(4) Anything so forfeited shall be disposed of in such manner as the Commissioner of Police may direct.

(5) It shall be lawful for the Registrar and any person appointed by the Registrar in writing under his hand at all reasonable times to enter upon any premises from which newspapers are distributed or sold and to inspect and peruse and take away a copy of any newspaper found upon such premises.

(6) It shall be lawful for the Postmaster General, the Director of Commerce and Industry and the Commissioner of Police or any person duly authorized by any such officer to detain, open and examine any package or article which is suspected to be or to contain a publication the importation of which has been prohibited by section 5.

(7) Any police officer who is lawfully upon any premises or place whether in pursuance of any warrant or otherwise howsoever and any officer who by virtue of subsection (6) is authorized to open any package may seize remove and detain anything with respect to which any offence against this Ordinance or against any regulation made hereunder may appear to have been committed or which may appear to be or contain evidence of the commission of any such offence.

Criminal liability of principal.

13. Without prejudice to the liability of any other person, the proprietor, printer, publisher and editor of any local newspaper shall be liable criminally for any illegal matter contained in any issue of such newspaper, and the printer of any other printed document shall be liable criminally for any illegal matter contained in such document: Provided that a defendant shall not be liable under this section if he proves beyond reasonable doubt that the matter in question was printed without his authority, consent or knowledge and that the printing thereof did not arise from want of due care or caution on his part.

Service of process.

14. Without prejudice to any other method of service, any process whatsoever, civil or criminal, addressed to the proprietor, printer, publisher or editor of any local newspaper shall for all purposes be deemed to be duly served if left with some adult at or sent by registered post to the registered address of the office of the newspaper.

Copies of newspapers to be delivered to the Registrar.

15. The printer or publisher of every local newspaper shall, upon every day on which such newspaper is published or on the day next following which shall not be a holiday, deliver or cause to be delivered at the office of the Registrar one copy of every such newspaper and of every second or other varied edition or impression thereof so printed or published, with the name and address of the printer or publisher thereof signed and written thereon after the same is printed, by his proper hand and in his accustomed manner of signing, or by some person appointed and authorized by him for that purpose and of whose appointment and authority due notice in writing signed by such printer or publisher has been given to the Registrar; and in case any person requires

any such newspaper so signed and delivered to be produced in evidence in any proceedings, civil or criminal, the Registrar shall cause such newspaper to be produced in court when required at the expense of the party applying for it, or shall deliver the same to such party, taking reasonable security for his returning it, and all copies so delivered as aforesaid shall be evidence against every proprietor, printer, publisher and editor of every such newspaper in all proceedings, civil or criminal, to be commenced or carried on as well touching such newspapers as any matter or thing therein contained, and touching any other newspaper, and any matter or thing therein contained, which may be of the same title, purport or effect with such copy so delivered as aforesaid, although such copy may vary in some instances or particulars as to title, purport or effect; and every proprietor, printer, publisher or editor of any copy so delivered as aforesaid shall to all intents and purposes be deemed to be the proprietor, printer, publisher or editor respectively of all newspapers which are of the same title, purport or effect with such copies or impressions so delivered as aforesaid, notwithstanding such variances as aforesaid, unless such proprietor, printer, publisher or editor respectively proves that such newspapers were not printed or published or edited by him or by or with his knowledge or privity. The Registrar shall not be required to keep any copy for a longer period than six months.

16. (1) The Governor in Council may by regulations prescribe or provide for—

Regulations.

- (a) the registration of local newspapers (including news agencies) and their proprietors, printers, publishers and editors;
- (b) the control whether by licensing or otherwise howsoever of newspapers, periodicals and printed documents and of the printing publication distribution and sale thereof;
- (c) the identification of press representatives on their request by the issue of passes or otherwise by such authority as may be prescribed;
- (d) the registration, sale, purchase, removal, use, control and licensing of printing presses;
- (e) granting exemption from all or any of the provisions of this Ordinance or of any of the regulations made hereunder;
- (f) fees and deposits;
- (g) forms either in addition to or in substitution for the forms in the Second Schedule;
- (h) anything which is by this Ordinance to be prescribed by regulations and such regulations may provide that

such contraventions thereof as may be specified shall constitute an offence and may provide for the punishment of any such offence on summary conviction by a fine of one thousand dollars and by imprisonment for a term of six months.

(2) Without prejudice to the generality of the foregoing such regulations may provide for the revocation or cancellation of any registration licence pass or other authorization to be effected or granted thereunder.

(3) The regulations in the Second Schedule shall be deemed to have been made under subsection (1) and shall continue in force except in so far as they may be rescinded or amended by regulations made under subsection (1).

Penalties.

17. (1) Every person who commits an offence against this Ordinance shall—

- (a) upon summary conviction be liable to a fine of two thousand dollars and to imprisonment for one year; and
- (b) upon conviction on indictment be liable to a fine of ten thousand dollars and to imprisonment for three years.

(2) Every printer or publisher of a local newspaper who contravenes the provisions of section 15 as to the delivery of copies of such newspaper at the office of the Registrar shall upon summary conviction be liable to a fine of one thousand dollars.

Commencement.

18. This Ordinance shall come into force on such date as the Governor shall notify by Proclamation in the *Gazette*.

Repeals.
Ordinance
25 of 1927.
Ordinance
14 of 1938.
Ordinance
15 of 1907.

19. The following Ordinances are hereby repealed—

- (a) The Printers and Publishers Ordinance, 1927;
- (b) The Prohibited Publications Ordinance, 1938;
- (c) The Chinese Publications (Prevention) Ordinance, 1907.

FIRST SCHEDULE.

[Sec. 4.]

Treason or treason felony.

Ordinance
13 of 1938.

An offence against section 4 of the Sedition Ordinance, 1938.
Criminal libel.

Contempt of Court.

Ordinance
3 of 1918.

An offence against the Indecent Exhibitions Ordinance, 1918.

SECOND SCHEDULE.

[Sec. 16.]

PART I.

REGISTRATION AND DISTRIBUTION.

1. These regulations may be cited as the Newspapers Citation, Registration and Distribution Regulations, 1951.

2. Every local newspaper whether or not already registered under section 4 of the Printers and Publishers Ordinance, 1927, shall be registered in accordance with these regulations.

Registration of newspapers.

3. In order to effect registration one of the persons specified in regulation 4 shall furnish to the Registrar the particulars specified in Form No. 1 in the Schedule to these regulations and such other particulars (including specimen signatures and photographs) of the proprietor, printer, publisher or editor of any newspapers as the Registrar shall in his absolute discretion require, and shall certify the correctness of such particulars and of his own description.

Particulars to be furnished to Registrar.

4. The particulars specified shall be furnished and certified by the proprietor, printer, publisher or editor of the newspaper.

Particulars to be certified by proprietor, etc.

5. If any change occurs or if any inaccuracy is discovered, in any of the specified particulars, the persons specified in regulation 4 shall, within seven days furnish substituted particulars to the Registrar and shall certify the correctness of such substituted particulars and of their own descriptions: Provided that if one of such persons complies with the requirements of this regulation the obligations imposed by this regulation on any other persons shall be deemed to have been discharged as regards the substituted particulars so furnished.

Substituted particulars to be furnished and certified when any change occurs or any inaccuracy is discovered.

6. A change shall be deemed to have occurred in the identity of the editor if the editor is absent from the Colony or if he ceases substantially to exercise the functions of an editor.

Change of identity of editor.

7. If the particulars are furnished by a company the certificate shall be given by a director, manager, secretary or other officer of the company, and if the particulars are furnished by a firm the certificates shall be given by a partner of the firm.

How a certificate is to be given in the case of a company or firm.

Printing and publication prohibited unless regulations are complied with.

News-paper register.

Fees for search inspection and extract from newspaper.

Registrar to despatch copies of particulars.

Registration fee, etc.

Registrar may cancel registration of a newspaper on cessation of publication.

Distributor to be licensed.

8. No person shall print or publish or act as editor of, or continue to print or publish or act as editor of, any local newspaper unless all the requirements of these regulations with respect to such newspaper have been complied with: Provided that it shall not be a breach of this regulation to fail to register as a separate newspaper a news sheet or sheets which constitutes or constitute in the opinion of the Registrar a later edition or editions of a registered newspaper.

9. The particulars furnished in accordance with the provisions of these regulations shall be kept by the Registrar as a newspaper register or registers of local newspapers.

10. Any person may search and inspect any register of local newspapers on payment of five dollars for every such search and inspection, and any person may require an extract from any such register to be certified by the Registrar on payment of ten dollars for every such extract.

11. Upon the registration of any local newspaper, and upon the furnishing of any substituted particular, the Registrar shall despatch by registered post a copy of the particulars or particular to each person named in such particulars or particular, addressed to the addresses or address specified in such particulars or particular.

12. A fee of \$100 shall be payable on registration under regulation 2 hereof and a further fee of \$100 shall be payable for every year other than the first during which such registration remains in force. Such additional fee shall become due on the anniversary of the day upon which registration was effected. A fee of \$10 shall be payable on every occasion upon which substituted particulars are liable to be furnished under regulation 5 hereof.

13. When any periodical publication has in the opinion of the Registrar ceased by reason of cessation of publication or otherwise, to be a newspaper, the Registrar may cancel any registration effected pursuant to these regulations.

14. (1) No newspaper shall be distributed for sale save by a distributor licensed by the Registrar: Provided that no licence shall by reason only of this regulation be required for the sale

to the public at retail prices of any newspaper. Any such licence shall be in Form No. 2 in the Schedule to these regulations and a fee of \$100 per annum shall be payable therefor.

(2) The Registrar may refuse to license or may cancel the licence of any distributor if—

- (a) such distributor has distributed a newspaper whose suppression has been ordered by the Court; or
- (b) it appears to him to be necessary or expedient to do so in the interests of public safety or public order.

15. No printed document other than a newspaper or a document habitually forming part of a newspaper shall be distributed in or with such newspaper without the consent of the Registrar.

16. It shall be the duty of any newspaper distributor who is required to be licensed under regulation 14 hereof to supply to the Registrar on the day of distribution or on the day next following which shall not be a holiday a copy of any imported newspaper distributed by him and of every second or varied edition or impression thereof so distributed, with the name and address of such distributor.

17. (1) The Registrar may refuse to register or may cancel the registration of a local newspaper if the proprietor, printer, publisher or editor thereof is or has been connected in any of such capacities with a newspaper whose suppression has been ordered by the court or a magistrate under an order of suppression which is still in force. In the event of cancellation no part of the registration fee shall be refunded.

(2) The Registrar may refuse to register any change in the specified particulars if by such change it is proposed to substitute a proprietor, printer, publisher or editor who has been at any relevant time connected in any of such capacities with a newspaper whose suppression has been ordered by the court or a magistrate under an order of suppression which is still in force.

(3) Any refusal of the Registrar to register a change in the specified particulars shall unless reversed by the Governor in Council be deemed to be final against all persons after the expiration of thirty days from the date of such refusal or such extended time as the Governor in Council may allow and, unless the Registrar is satisfied before the expiration of such period that the newspaper is in fact owned, printed, published and edited by the persons appearing either in the specified parti-

Distribution of newspaper only.

Copies of newspapers not printed in the Colony to be supplied to Registrar.

Power of Registrar to refuse or cancel registration.

culars as the proprietor, printer, publisher and editor respectively, he may cancel the registration of the said newspaper.

Appeal.

18. Any person aggrieved by any decision of the Registrar under regulations 13, 14, and 17 hereof may appeal from such decision to the Governor in Council who may rescind, amend or vary such decision. The right of appeal hereby afforded shall not be exercisable by any person after the expiration of seven days from the notification to him in writing of the Registrar's decision.

Exemption.

19. The Governor may under the hand of the Colonial Secretary exempt any newspaper from all or any of the provisions of these regulations.

Bulletins to registered newspaper deemed not to be newspaper.

20. Bulletins issued by a news agency which has satisfied the Registrar that such bulletins are distributed in the Colony only to local newspapers registered under these regulations shall, while the distribution remains so restricted not be deemed to be a newspaper for the purpose of these regulations and shall be exempted therefrom. The Registrar shall declare in writing under his hand whether or not he has been satisfied as aforesaid.

Offences and penalties.

21. Any person who contravenes regulations 2, 8, 14(1), 15 or 16 shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for a term of six months provided that a contravention of regulation 16 shall be punishable only by such fine.

SCHEDULE.

FORM No. 1.

The Control of Publications Consolidation Ordinance, 1951.

The Newspapers Registration and Distribution Regulations, 1951.

Name of Newspaper
Address of Office
of Newspaper
Frequency of Publication
(daily, weekly or
otherwise)
Proprietor

Business Address
of Proprietor
Residential Address
of Proprietor
Printer
Business Address
of Printer
Publisher (if different
from Printer)
Business Address
of Publisher
Editor
Business Address
of Editor
Date

I certify that the above particulars are correct and that
I am

Signature of informant

Signature of Registrar

FORM No. 2.

Licence No.

Hong Kong,19.....

Fee \$100.00.

The Control of Publications Consolidation Ordinance, 1951.

The Newspapers Registration and Distribution Regulations, 1951.

..... of
is hereby licensed as a Newspaper Distributor at
for the period of one year ending the 31st December, 19.....

Registrar of Newspapers.

Photograph of
Licensee.

PART II.

PRINTING PRESSES.

Citation.

1. These regulations may be cited as the Printing Presses (Licensing) Regulations, 1951.

Printing press licence.

2. It shall be lawful for the Commissioner of Police in his discretion to grant to any person a licence to keep a printing press at any specified place or to exempt any person in respect of such printing press as may be specified in such exemption from the provisions of subsections (1) and (2) of section 8 of the Ordinance.

Forms of licences.

3. Any licences under these regulations may be in Form No. 1 or Form No. 2 in the Schedule to these regulations with such variations as to the Commissioner of Police may deem fit.

Fees.

4. The fee for a licence to keep printing presses with a view to sale or hire (in these regulations referred to as a Class I licence and which is in Form No. 1 in the Schedule) shall be \$100 for a year or part of a year. The fee for any other licence granted under section 8 of the Ordinance (in these regulations referred to as a Class II licence and which is in Form No. 2 in the Schedule) shall be \$40 for a year or part of a year.

Records to be kept.

5. In the case of every Class I licence the licensee shall keep an up-to-date record of all his dealings and transactions relating to the printing presses, and parts of printing presses, kept by him, which record shall include particulars of the names and addresses of all purchasers and hirers, and the places of delivery and intended destination, of every printing press or part of a printing press removed from the place specified in the licence. Such record, and the licensee's stock of printing presses and parts of printing presses, shall be produced by the licensee to the Commissioner of Police, or to any police officer deputed by him in that behalf, on demand.

Records, etc., to be produced.

Restriction upon removal. Class I licence.

6. Except with the prior permission of the Commissioner of Police, no printing press or part of a printing press in respect of which a Class I licence has been issued shall be removed from the place specified in the licence unless such removal is in respect of a *bona fide* sale or hiring, fully recorded in accordance with regulation 5.

7. Except with the prior permission of the Commissioner of Police, no printing press or part of a printing press in respect of which a Class II licence has been issued shall be removed from the place specified in the licence.

Restriction upon removal. Class II licence.

8. If a licence is refused it shall be lawful for the applicant within fourteen days from the date of the refusal to appeal to the Governor in Council against such refusal, and upon consideration of such appeal and of any reply thereto submitted in writing by the Commissioner of Police it shall be lawful for the Governor in Council to allow or to dismiss the appeal, and if he allows the appeal to give such directions as may be necessary in order to give effect to such allowance.

Appeal against refusal to grant licence.

9. It shall be lawful for the Governor in Council in his discretion to order any printing press licence to be cancelled. No such order shall be made until notice of intention to consider the making of such order has been served on the licensee in accordance with the provisions of regulation 10. Every such notice shall contain a statement of the grounds upon which it is alleged that the order should be made and shall allow to the licensee a period of fourteen days from the date of the service of the notice, within which the licensee shall be at liberty to deliver or cause to be delivered to the Clerk of Councils a written statement of any reasons which he may wish to urge against the making of the order. Upon the expiration of the said period it shall be lawful for the Governor in Council to proceed to consider and decide whether the order should not be made. Any such order of cancellation shall be served on the licensee in the manner referred to in this regulation and shall thereupon be deemed to have been brought to the notice of the licensee and to be effective for all purposes. Upon service of the order of cancellation the licence shall forthwith be returned by the licensee to the Commissioner of Police. No person shall without lawful authority or excuse have in his possession any printing press licence which has been cancelled.

Cancellation of printing press licence.

10. The notice referred to in regulation 9 may be served by delivering it personally to the licensee if the licensee is an individual, or by delivering it personally to some officer of the corporation if the licensee is a corporation, or by leaving the notice with some adult person at the licensed premises, or by posting up the notice outside the licensed premises if service cannot be effected in any other way.

Service of notice.

Offences
and
penalties.

11. Any person who contravenes regulation 6 or 7 hereof shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for a term of two months.

Repeal.

G.N. 793 of
1934.

12. The regulations made by the Governor in Council under section 3 of the Printers and Publishers Ordinance, 1927, and appearing at pages 1002 and 1003 of the Regulations of Hong Kong, Volume III, 1937 Edition, are hereby repealed.

SCHEDULE.

FORM NO. 1.

PRINTING PRESS LICENCE.

Class I.

The Control of Publications Consolidation Ordinance, 1951.

The Printing Presses (Licensing) Regulations, 1951.

Name of Licensee

Licensed premises

I license the abovenamed
to keep at the abovementioned premises printing presses with a
view to sale or hire.

Dated theday of, 19.....

Commissioner of Police.

FORM NO. 2.

PRINTING PRESS LICENCE.

Class II.

The Control of Publications Consolidation Ordinance, 1951.

The Printing Presses (Licensing) Regulations, 1951.

Name of Licensee

Licensed premises (i.e. the place at which the printing press or
printing presses is or are licensed to be kept).
.....

Description of printing press or printing presses

.....

.....

Date, 19.....

Commissioner of Police.

PART III.

NEWS AGENCIES.

1. These regulations may be cited as the News Agencies Citation.
Registration Regulations, 1951.

2. These regulations shall apply to any news agency in Application.
respect of the bulletins of which the Registrar has under regula-
tion 20 of the Newspapers Registration and Distribution Regula-
tions, 1951, declared himself to be satisfied that they are
distributed in the Colony only to local newspapers registered
under such regulations.

3. Every news agency shall be registered in accordance with these regulations. Registration of
news
agencies.

4. In order to effect registration one of the persons specified in regulation 5 shall furnish to the Registrar the particulars specified in the Form in the Schedule to these regulations and such other particulars (including specimen signatures and photographs) of the proprietor and manager of the news agency and the printer publisher or editor of the bulletin distributed by the news agency as the Registrar shall in his absolute discretion require and shall certify the correctness of such particulars and of his own description. Particulars
to be
furnished
to
Registrar.

5. The particulars specified shall be furnished and certified by the proprietor or manager of the news agency. Particu-
lars to be
certified by
proprietor,
etc.

6. If any change occurs or if any inaccuracy is discovered, in any of the specified particulars, the persons specified in regulation 5 shall, within seven days furnish substituted particulars Sub-
stituted
particu-
lars to be

furnished and certified when any change occurs or any inaccuracy is discovered.

Change of identity of editor.

How a certificate is to be given in the case of a company or firm.

Printing and publication prohibited unless regulations are complied with.

News agency register.

Fees for search inspection and extract from news agency.

Registrar to despatch copies of particulars.

Registration fee, etc.

to the Registrar and shall certify the correctness of such substituted particulars and of their own descriptions: Provided that if one of such persons complies with the requirements of this regulation the obligations imposed by this regulation on any other person shall be deemed to have been discharged as regards the substituted particulars so furnished.

7. A change shall be deemed to have occurred in the identity of the editor if the editor is absent from the Colony or if he ceases substantially to exercise the functions of an editor.

8. If the particulars are furnished by a company the certificate shall be given by a director, manager, secretary or other officer of the company, and if the particulars are furnished by a firm the certificate shall be given by a partner of the firm.

9. No person shall print or publish or act as editor of, or continue to print or publish or act as editor of, any news agency unless all the requirements of these regulations with respect to such news agency have been complied with.

10. The particulars furnished in accordance with the provisions of these regulations shall be kept by the Registrar as a news agency register or registers.

11. Any person may search and inspect any news agency register on payment of one dollar for every such search and inspection, and any person may require an extract from any news agency register to be certified by the Registrar on payment of two dollars for every such extract.

12. Upon the registration of any news agency, and upon the furnishing of any substituted particular, the Registrar shall despatch by registered post a copy of the particulars or particular to each person named in such particulars or particular, addressed to the addresses or address specified in such particulars or particular.

13. No news agency shall be registered until it has made a deposit with the Registrar of \$1,000 and paid a registration fee of \$100 but any news agency making such deposit and payment shall so long as these regulations are applicable thereto be

exempt from the provisions of section 7 of the Ordinance: Provided that the provisions of subsections (2), (3), (4), (5) and (6) of section 7 of the Ordinance shall apply to the said deposit of \$1,000 in like manner as if they had been herein incorporated. Upon each anniversary of the day upon which registration was effected and so long as registration is maintained a news agency shall pay a further fee of \$100. A fee of \$10 shall be payable on every occasion upon which substituted particulars are liable to be furnished under regulation 6 hereof.

14. When any news agency has in the opinion of the Registrar ceased to issue bulletins the Registrar shall cancel the registration effected hereunder and, if more than six months of the annual period in respect of which registration was effected remain unexpired one half of the registration fee shall be refunded to the news agency.

15. (1) The Registrar may refuse to register or may cancel the registration of a news agency if the proprietor, printer, publisher or editor thereof is or has been connected in any of such capacities with a newspaper whose suppression has been ordered by the court or a magistrate under an order of suppression which is still in force. In the event of cancellation no part of the registration fee shall be refunded.

(2) The Registrar may refuse to register any change in the specified particulars if by such change it is proposed to substitute a proprietor, printer, publisher or editor who has been at any relevant time connected in any of such capacities with a newspaper whose suppression has been ordered by the court or a magistrate, under an order of suppression which is still in force.

(3) Any refusal of the Registrar to register a change in the specified particulars shall unless reversed by the Governor in Council be deemed to be final against all persons after the expiration of thirty days from the date of such refusal or such extended time as the Governor in Council may allow and, unless the Registrar is satisfied before the expiration of such period that the news agency is in fact owned, printed, published and edited by the persons appearing either in the specified particulars as the proprietor, printer, publisher and editor respectively, he may cancel the registration of the said news agency.

16. Any person aggrieved by any decision of the Registrar under regulations 14 and 15 hereof may appeal from such decision to the Governor in Council who may rescind, amend or vary such

Registrar may cancel registration of any news agency on cessation of issuing bulletins.

Power of Registrar to refuse or cancel registration.

Appeal.

decision. The right of appeal hereby afforded shall not be exercisable by any person after the expiration of seven days from the notification to him in writing of the Registrar's decision.

Exemptions.

17. These regulations shall not apply to any news agency which has ceased to be exempted from the provisions of the Newspapers Registration and Distribution Regulations, 1951: Provided that in such event no part of the registration fee paid shall be refunded.

Offences and penalties.

18. Any person who contravenes regulation 2, 4 or 8 hereof shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for a term of two months.

SCHEDULE.

FORM.

The Control of Publications Consolidation Ordinance, 1951.

The News Agencies Registration Regulations, 1951.

Name of News Agency
Address of Office of
News Agency
Proprietor
Business Address of
Proprietor
Residential Address of
Proprietor
Manager
Business Address of
Manager
Residential Address of
Manager
Printer of Bulletin
Business Address of
Printer
Publisher of Bulletin
(if different from printer)
Business Address of
Publisher

Editor of Bulletin
Business Address of
Editor
Date

I certify that the above particulars are correct and that I am

Signature of informant

Signature of Registrar

PART IV.

PRINTED DOCUMENTS.

1. These regulations may be cited as the Printed Citation. Documents (Control) Regulations, 1951.

2. Every printed document shall have printed thereon in legible type, in English or Chinese, the name and full address of the printer of the document, preceded by the words "Printed By" or "Printer" in English or Chinese.

Printed document to bear name and address of printer.

3. If the document consists of a number of leaves bound or fastened together or forming one sheet the printer's name and address shall appear on the front of the first leaf or on the back of the last leaf or at the bottom of the last printed page.

Printer's name and address on document.

4. If the document is a book or pamphlet the printer's name and address shall appear at the bottom of the last printed page.

Printer's name and address in book or pamphlet.

5. In the case of a newspaper the printer's name and address shall appear either on the front page or on the back page, and it shall be sufficient if the printer's name and address appear in one place in the newspaper although the sheets may not be fastened together.

Printer's name and address in newspaper.

6. These regulations shall not apply—

(a) to any document solely intended and solely used for a bona fide and ordinary commercial or professional or social purpose, provided that such document as printed contains no political matter whatsoever. For the purposes of this subsection a document used for the

Non-application of regulations.

purposes of a society, club, trade union or other organization shall not be deemed to be used for a social purpose;

(b) to any document printed outside the Colony.

Prohibition of printing, etc.

7. No person shall print or publish or in any way whatsoever assist in the distribution of any printed document which does not comply with the requirements of these regulations.

Possession of unlawful printed documents.

8. No person shall without lawful authority or excuse have in his possession any printed document which does not comply with the requirements of these regulations.

Copies of printed documents to be kept for six months.

9. Every person who prints any book, newspaper or other printed document shall keep one copy of such book, newspaper or document for a period of six months after the printing thereof.

Copies of printed documents to bear name and address of printer.

10. Such copy shall have written or printed thereon the name and full address of the person by whom the printer was employed to print the same.

Chinese name to be in Chinese characters.

11. If the name of such person is Chinese the name shall be written or printed in Chinese characters.

Production of printed document on demand by police officer.

12. The printer shall produce such copy to any police officer on demand.

Printer to prove date of printing.

13. The onus of proving the date of printing shall be on the printer.

Offences and penalties.

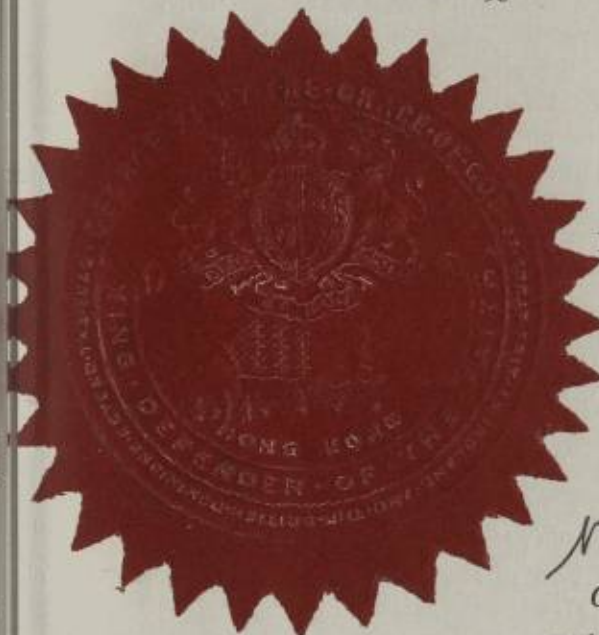
14. Any person who contravenes regulation 2, 7, 8, 9, 10, 11 or 12 hereof shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for a term of two months.

Passed the Legislative Council of Hong Kong, this 16th day of May, 1951.

Deputy Clerk of Councils.

HONG KONG

No. 16 OF 1951.



I assent.

Governor.

17th May, 1951.

An Ordinance further to amend the Inland Revenue Ordinance, 1947.

[18th May, 1951.]

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 Inland Revenue (Amendment) Ordinance, 1951, and shall be read as one with the Inland Revenue Ordinance, 1947, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 20 of
1947.

2. Section 12 of the principal Ordinance is hereby amended—
(a) by the insertion of the following proviso at the end of subsection (3)—

Amendment
of section
12 of the
principal
Ordinance.

“Provided that where the income arising in or accruing during that year of assessment is less than the income assessed in accordance with this subsection the assessment shall be reduced to the amount of the income as defined in section 10 arising in or accruing during the year of assessment.”;

- (b) by the insertion of the following proviso at the end of subsection (4)—

“Provided that where the income arising in or accruing during the year of assessment immediately preceding the year in which the cessation occurs exceeds the amount of the assessment in respect of that preceding year such assessment shall be increased to the amount of the income as defined in section 10 arising in or accruing during that preceding year and an additional assessment shall be made accordingly.”.

Amendment
of section
16 of the
principal
Ordinance.

3. Section 16 of the principal Ordinance is hereby amended by the deletion of the words “the Commissioner shall cause the profits and losses of those trades, professions or businesses to be aggregated” appearing in the third and fourth lines of subsection (2) and the substitution therefor of the words “the profits and losses of those trades, professions or businesses shall be aggregated”.

Amendment
of section
19 of the
principal
Ordinance.

4. Section 19 of the principal Ordinance is hereby amended—
(a) by the insertion of the following proviso at the end of subsection (4)—

“Provided that such person may claim, by giving notice in writing to the Commissioner, to have his assessable profits for that year of assessment and for the following year of assessment (but not for one or other of those years) adjusted to the actual profits of each such year respectively.”;

- (b) by the insertion of the following proviso at the end of subsection (5)—

“Provided that where the profits for the year of assessment immediately preceding the year in which the cessation occurs exceed the amount of the assessment in respect of that preceding year such assessment shall be increased to the amount of the profits for that preceding year and an additional assessment shall be made accordingly.”;

- (c) by the deletion of the words “the period of twelve months next succeeding the year of assessment” appearing in the fifth and sixth lines of subsection (6) and the substitution therefor of the words “two years after the end of the year of assessment”.

5. Section 27 of the principal Ordinance is hereby repealed and replaced as follows—

Repeal and
replace-
ment of
section 27
of the
principal
Ordinance.

“Exclusion
of certain
dividends
and profits
from the
assessable
profits of
other
persons.

27. For the purpose of assessment under this Chapter—

- (a) a dividend from a corporation which is chargeable to tax under this Chapter shall not be included in the assessable profits of any other person, and
(b) subject to the provisions of subsection (2) of section 16 no part of the assessable profits or losses of a trade, profession or business carried on by a person who is chargeable to tax under this Chapter shall be included in the assessable profits of any other person.”.

6. Section 37 of the principal Ordinance is hereby amended by the deletion of the proviso to subsection (1) and the substitution therefor of the following new proviso—

Amendment
of section
37 of the
principal
Ordinance.

“Provided that notwithstanding anything in the foregoing the expression “industrial building or structure” shall not include any building or structure in so far as it is in use as a dwelling house (other than for the housing of manual workers), retail shop, showroom, hotel or office.”.

7. Section 38 of the principal Ordinance is hereby amended by the insertion of the words “owns and” between the words “person” and “has” in line two of subsection (2).

Amendment
of section
38 of the
principal
Ordinance.

8. Section 42 of the principal Ordinance is hereby amended by the deletion of the definition of “individual” in subsection (2) and the substitution therefor of the following—

Amendment
of section
42 of the
principal
Ordinance.

“‘individual’ shall include—

- (a) a woman, but not a married woman whose husband is a resident of the Colony unless she is living apart from her husband under a decree of a competent court or a duly executed deed of separation, and
(b) a minor, but not a child in respect of whom an allowance has been or may be granted under paragraph (c) of subsection (1) of section 43, nor a child the beneficial interest in whose income is that of a parent or parents;”.

9. Section 43 of the principal Ordinance is hereby amended by the substitution of the words “basis period for the year of assessment” for the words “year preceding the year of assessment” wherever they occur in subsection (1).

Amendment
of section
43 of the
principal
Ordinance.

Amendment
of section
61 of the
principal
Ordinance.

10. Section 61 of the principal Ordinance is hereby amended by the deletion of the words "within the year of assessment or within three years after the expiration thereof" appearing in the fifth, sixth and seventh lines, and the substitution therefor of the words "at any time not later than three years after the expiration of the year of assessment in which the return required by section 52 has been furnished".

Amendment
of section
81 of the
principal
Ordinance.

11. Section 81 of the principal Ordinance is hereby amended by the deletion of "52(2), 52(6), or 74(2)" in lines one and two in subsection (1)(c) and the substitution therefor of the following—
"16(2), 31, 52(2), 52(6) or 74(2)".

Commence-
ment.

12. (1) This Ordinance shall be deemed to have had effect from the 1st day of April, 1951, and shall apply to all assessments in respect of the year of assessment 1951/52 and subsequent years of assessment:

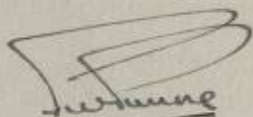
Provided that—

(i) the provisions of paragraph (b) of section 2 of this Ordinance and paragraph (b) of section 4 of this Ordinance shall only apply where cessation occurs during the year of assessment 1952/53 or any subsequent year of assessment; and

(ii) the provisions of section 10 of this Ordinance shall also apply to any year of assessment prior to the year of assessment 1951/52.

(2) Save as provided in subsection (1) of this section, this Ordinance shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under the principal Ordinance in respect of any year of assessment prior to the year of assessment 1951/52 notwithstanding that the assessments in respect of such prior years be made subsequent to the coming into force of this Ordinance.

Passed the Legislative Council of Hong Kong, this 16th day of May, 1951.



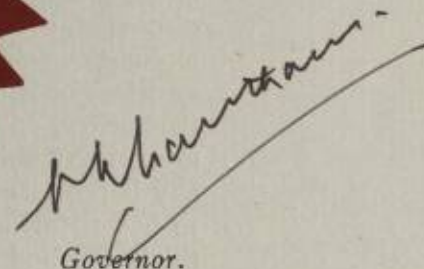
Deputy Clerk of Councils.

HONG KONG

No. 17 OF 1951.



I assent.



Governor.

17th May, 1951.

An Ordinance to provide for the incorporation of the Hong Kong Housing Society.

[18th May, 1951.]

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 Hong Kong Short title. Housing Society Incorporation Ordinance, 1951.

2. In this Ordinance—
"Constitution" means the constitution of The Hong Kong Housing Society approved from time to time by its members for the time being.

Inter-
pretation.

3. The Hong Kong Housing Society shall be a body corporate (hereinafter called "the Corporation") and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and may have and use a common seal, and may from time to time break, change, alter and make anew the said seal as to the Corporation may deem fit.

Incorpora-
tion.

Powers of
Corpora-
tion.

4. The Corporation shall have full power—

- (a) to acquire, by purchase, lease exchange or otherwise, hold and enjoy land, buildings, messuages tenements of what nature or kind soever in the Colony of Hong Kong;
- (b) to acquire, by purchase or otherwise, vessels, goods and chattels of what nature or kind soever;
- (c) to invest moneys on deposit in any bank in the Colony or in any government bonds or on mortgage of any land, buildings, messuages or tenements in the Colony, or in or on debenture, debenture-stocks, stocks, funds, shares or securities of any corporation or company carrying on business in the Colony;
- (d) to grant, sell, convey, assign, surrender, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of, any land, or buildings, messuages, tenements, mortgages, debentures, debenture-stock, funds, securities, vessels, goods and chattels for the time being vested in the Society, upon such terms as the Society may deem fit;
- (e) to erect any buildings messuages or tenements and effect any improvement thereto;
- (f) to borrow money upon such terms as the Society shall think fit, and to raise money by public or private subscription;
- (g) to enter into any agreement and engage any contractor or other agent; and
- (h) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the Corporation as provided by its constitution, or the purposes aforesaid or any of them.

Vesting of
property.

5. The land, buildings, messuages and tenements in the Colony belonging or purporting to belong to the unincorporated Hong Kong Housing Society, and all moneys, securities for money, goods, chattels, and effects whatsoever the property of the unincorporated Hong Kong Housing Society or purporting so to be are hereby transferred to and vested in the Corporation, but subject as regards the said land, buildings, messuages and tenements, to the payment of the rents and observance and performance of all the covenants, conditions, and reservations contained in the Crown Lease under which the same are respectively held.

Members.

6. The Corporation shall consist of such members as provided by its constitution.

7. All the existing members of the unincorporated Hong Kong Housing Society at the date of the passing of this Ordinance shall be the first members of the Corporation.

Existing
members to
become
members.

8. The existing constitution of the unincorporated Hong Kong Housing Society shall be the constitution of the Corporation, but the same may be changed or amended by the Corporation at any time and from time to time in accordance with the provisions of the constitution for the time being in force.

Existing
constitu-
tion to
become
constitu-
tion of
corporation.

9. A copy of the constitution of the Corporation and of any amendment thereto, and a list of the names and addresses of the members of the executive committee of the Corporation and of any amendment thereto, certified in each case as correct by the chairman of the executive committee or by the secretary of the Corporation, shall be forwarded to the Registrar of Companies for registration.

Filing of
Constitu-
tion and
names of
executive
members.

10. The Corporation shall pay such fee for registering any document with any public registry as may be payable under any enactment relating thereto.

Registra-
tion fee.

11. Any person may inspect any of the documents registered by the Corporation in pursuance of section 9 hereof, upon payment of such fee as may be payable under any enactment relating thereto.

Inspection
and search
fee.

12. All deeds documents and other instruments requiring the seal of the Corporation shall be signed by the chairman of the executive committee and the secretary of the Corporation or by such other person or persons as the executive committee shall from time to time appoint and such signing shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

Sealing of
deeds.

13. 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 or under them.

Saving.

Passed the Legislative Council of Hong Kong, this 16th day of May, 1951.



Deputy Clerk of Councils.

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tive
Council

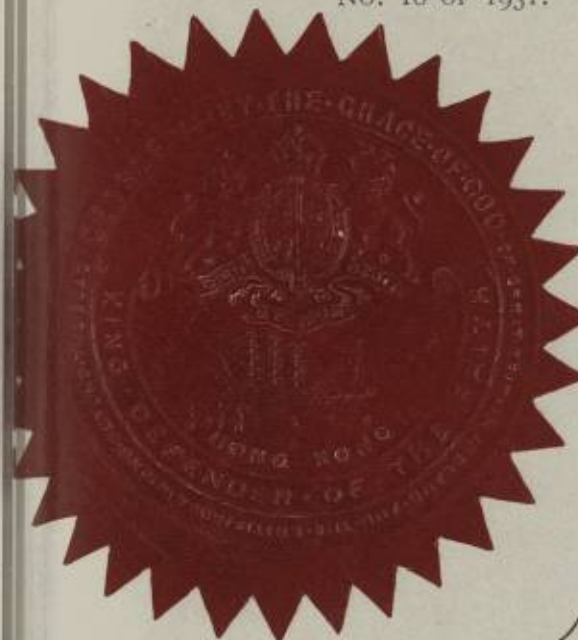
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to the Sealing of

HONG KONG

No. 18 OF 1951.



I assent.

McHannan
Governor.

31st May, 1951.

An Ordinance to consolidate and amend the law relating to the telephone service in the Colony.

[1st June, 1951.]

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 Telephone Ordinance, 1951. Short title.

2. In this Ordinance—
“arbitrators” includes an umpire appointed by the arbitrators;
“company” means the Hong Kong Telephone Company Limited;
“concession” means the sole right to supply telephonic communication which is confirmed to the company by section 3;

Interpreta-
tion.

"Director" means the Director of Public Works or his duly authorized representative;

"Peak District" includes all that area in the Island of Hong Kong situated above the 700-feet contour and to the west of a line drawn in a north and south direction through Middle or Cemetery Gap, including the hills known as Mount Cameron, Mount Gough, Mount Kellett and Victoria Peak;

"subscriber" means subscriber to a telephone of the company;

"undertaking" includes all works, goods, trunk line apparatus and cables and property of whatever nature belonging to the company.

Confirmation
of telephone
concession to
the company.

3. The Government confirms that, subject to the provisions of this Ordinance, the company shall continue to have the sole right to supply and operate public telephonic communication within the Colony, including trunk line telephonic communication therein for communicating with places outside the Colony, for the remainder of a term of fifty years commencing on and from the first day of July, 1925, and expiring on the thirtieth day of June, 1975.

Registration
and articles
of the
company.

(Ordinance
No. 39 of
1932).

4. The company shall remain registered under the Companies Ordinance, 1932, and neither its memorandum nor any of its articles of association shall, at any time, be amended or added to in any way, except with the previous consent in writing of the Governor in Council.

Number and
residence of
directors.

5. The directors of the company shall not be less than six and not more than ten in number and all the directors shall be *bona fide* resident in Hong Kong.

Authorized
capital of
the company:

6. (1) The capital of the company shall be \$19,000,000 divided into 1,900,000 shares of \$10 each: Provided that after an amount of \$15,000,000 of such capital shall have been issued no part of the balance shall be issued without the previous consent of the Legislative Council signified by resolution.

restriction
on
borrowing.

(2) The company shall not issue any debentures or borrow on mortgage except with the consent of the Legislative Council signified by resolution.

7. The company shall pay to the Accountant General, as ^{Royalty.} a royalty for the concession, on the first day of March in every year during the remainder of the term of the concession the sum of four dollars in respect of each direct exchange line telephone which has been used and paid for during the whole preceding financial year of the company by a subscriber. In cases where direct exchange line telephones have been used and paid for by subscribers for less than twelve months prior to the last day of such financial year, the amount of royalty to be paid by the company shall be one dollar for each direct exchange line telephone for each period of three months or less during which such telephone has been used and paid for by a subscriber.

8. Subject to the consent in writing of the Director and subject also to the restrictions and provisions hereinafter contained and to such further conditions as the Director may in any particular case impose or prescribe, the company may—

Power to
execute
works.

- (a) place and maintain telephone lines and cables and ducts under any public street and may alter or remove the same;
- (b) place and maintain telephone lines and cables over, along or across any public street and may place and maintain posts in or upon any public street and may alter or remove the same;
- (c) for the purposes aforesaid, open or break up any public street;
- (d) place and maintain telephone lines and cables and posts under, in, upon, over, along or across any unleased Crown land or any estuary or branch of the sea or the shore or bed of any tidal waters within the boundaries of the Colony (but so that the same shall not hinder or interfere with navigation) and alter or remove the same;
- (e) place and maintain telephone lines and cables under, in, upon, over, along or across railway tracks, tunnels and other railway property belonging to the Government (but so that the same shall not hinder or interfere with the railway traffic) and alter or remove the same:

Provided always that the company shall not be deemed to acquire any right other than that of user only in the soil of any

street or unleased Crown land or any other place under, in, upon, over, along or across which the company places or maintains any works.

Minimum of damage to be done: compensation to be paid.

9. In the exercise of the authority conferred under section 8 the company shall do as little damage as may be, and shall make full and reasonable compensation for all damage caused by reason of or in consequence of the exercise of such authority.

Government to provide facilities.

10. The Government agrees to provide to the company, at the company's expense, sites, to be approved by the Governor in Council, for submarine cable terminal houses at suitable points within the Colony and suitable sites, to be approved by the Governor in Council, for the company's submarine cable storage tanks. The Government shall also provide, free of cost to the company a suitable reserve or suitable reserves in which vessels and craft may not anchor for submarine cables of the company, such reserve or reserves to be approved by the Governor in Council.

Depth, course and position of works.

11. The depth, course and position at and in which any telephone lines, or cables, posts, inspection pits or any other works are to be placed shall be determined by the Director.

Marking of future underground apparatus.

12. Every underground tube, casing, wire or cable of the company, hereafter placed or laid or relaid by the company, shall be so marked by the company throughout its course as to distinguish it from the tubes, casings, pipes, wires or cables of every other person.

Posts to be of approved design and material.

13. Every post of the company shall be of a pattern, design and material approved by the Director.

Restriction on attachments to public buildings or to trees.

14. No wire, stay, bracket, insulator or other thing whatsoever shall be attached to any Government building except with the previous consent in writing of the Director or to any tree except with the previous consent in writing of the Forestry Officer, and the company shall not without the like consent of the said Forestry Officer lop, top or fell any tree or shrub.

15. (1) The company shall paint or otherwise legibly mark a distinguishing mark on all its posts, and shall at all times maintain the marks in a legible condition.

Posts to bear distinguishing marks and reference plans to be supplied.

(2) The company shall maintain up to date plans of the areas of operation and shall cause to be marked thereon the alignment of all its then existing lines, street distributing boxes, posts and other works. The company shall if required by the Director supply free of charge to the Director copies of such plans.

16. All circuits and apparatus shall be so arranged that there shall be no danger of any part thereof becoming accidentally charged to any pressure beyond the limits of pressure for which it is intended.

Pressure on circuits and apparatus to be limited.

17. Whenever the company leads a telephone or aerial line across or in proximity to any telephone or telegraph wire or aerial line belonging to any person the company shall ensure that its telephone or aerial line is so protected as to guard against the possibility of its coming into contact with the telephone or telegraph wire or aerial line of any such person.

Crossed services of others to be protected.

18. After the company has opened or broken up any public street it shall be under the following further obligations—

Provisions as to completion and protection of works in public streets and payment of costs of surfacing.

- (a) it shall with all convenient speed complete the work on account of which it has opened or broken up the same, and fill in the ground and remove all rubbish occasioned by its work;
- (b) the surface of such street shall be made good by the Director and the company shall pay on demand to the Accountant General such sum as the Director may certify to be the cost of such making good;
- (c) it shall in the meantime cause the place where such street is opened or broken up to be fenced and watched and to be properly lighted at night;
- (d) it shall pay to the Accountant General any such sum as may be certified by the Director to be the reasonable cost of keeping such portion of the street in repair for six months after the same is restored so far as such cost may be applicable to and increased by the opening or breaking up:

Provided always that, if the company fails, within such period as the Director considers reasonable in the circumstances, to complete the work on account whereof it has opened or broken

up such street and to fill in the ground, it shall be lawful for the Director, forthwith and without notice to the company, to fill in the ground and remove all rubbish, and the cost as certified by the Director of any work executed by the Director under the terms of this proviso shall be paid by the company on demand to the Accountant General.

Restriction
on company
interfering
with works
of others.

19. When the company opens or breaks up any street it shall not remove, displace or interfere with any gas or water pipe or main or any drain or sewer or any tube, casing, wire or cable for the carriage of electrical current except with the previous consent of the owner thereof: Provided that when any such owner refuses to give any such consent as aforesaid, it shall be lawful for the company to appeal from such refusal to the Director, who shall, if he considers such refusal to have been unreasonable, give a certificate under his hand to the company to that effect, and upon receipt of such certificate it shall be lawful for the company to act in every respect as if the consent of such owner had been previously obtained.

Company not
to have claim
against
Government
for disturbance
of its works
by certain
specified
works.

20. The company shall not have any claim in damages or otherwise against the Government in respect of any disturbance or interruption of any part of the company's undertaking, lines or works occasioned by any works on or excavation or disturbance of streets or lands which the Governor in Council may think it necessary or desirable to make for the purpose of altering the level of any lands or the gradient or level of or repairing or constructing any street, path or land or laying or renewing drain pipes or sewers, gas or water pipes or mains or any tube, casing, wire or cable for the carriage of electrical current or inspecting the same or for any other lawful purpose, whether of a like nature to the purposes aforesaid or not, or in respect of any disturbance or interruption occasioned by any person using or making any works upon or excavation or disturbance of any streets or lands.

Company to
be answer-
able for and
indemnify
Government
against
claims.

21. The company shall be answerable for and shall indemnify the Government against all claims on account of accident, damage or injury to property or to any person arising through its act, neglect or default, or through the act, neglect or default of its servants or of any contractor employed by it, or through or in consequence of any of the company's works under the concession, or through the construction, maintenance, repair or operation of the company's telephone system, or through the

downfall of wires, cables, insulators, brackets, posts or any part of its lines by reason of storm (if the damage caused by such storm is due to the company's negligence) or any other cause of whatever nature or through the company's system interfering with, injuring or impairing the efficiency of the undertaking of any other person.

22. The company shall, within a reasonable time after receipt of notice in writing from the Director, at the sole cost and charge of the company and in such manner as the Director shall prescribe—

Company to
alter works
on notice.

- (a) alter the course, depth and position or the mode of attachment of any of the company's lines or cables and the position of any post or inspection pit or other works of the company: save that the company shall not be required to alter its ducts or main cables unless in the opinion of the Governor in Council such alteration is necessary;
- (b) where any such work as aforesaid necessitates the opening or breaking up of any street, make good the surface thereof.

23. The Director may, by notice in writing to the company, require that all or any overhead lines shall be placed in cables and that all or any overhead lines or cables shall be placed underground, and upon receipt of notice in that behalf the company shall, at its own cost and charges, within a reasonable period not exceeding two years from the date of such notice, carry out the works required by such notice: Provided that the company shall only be required to place its lines underground in those parts of its system in which twenty or more wires can in the opinion of the Director be conveniently grouped together, and the opinion of the Director in this respect shall be conclusive and binding on the company.

Overhead
lines to be
placed in
cables and
overhead
lines and
cables to
be placed
underground
on notice.

24. The company shall maintain and operate the public telephone service in the Colony. The company shall also at all times during the continuance of the concession provide and maintain to the satisfaction of the Postmaster General a good, efficient and continuous service of public telephonic communication with modern appliances including all reasonable modern inventions. The company shall likewise provide buildings for its plant and offices, and shall keep in a good and sufficient state of repair all lines, cables, posts, attachments, plant and appliances necessary for the provision and maintenance of such service.

Efficient
service to
be provided
and works
kept in
repair.

Company to afford facilities to Postmaster General for inspection, testing, etc., of its works.

25. The company shall afford to the Postmaster General all facilities for inspection and testing of its works and for the reading, testing and inspection of its testing instruments, and may, on each such occasion be represented by its agent who may be present but shall not interfere with the reading, testing or inspection: Provided that the company shall not be held responsible for any interruption of or irregularity in the telephone service which may be occasioned by or required by the Postmaster General for the purpose of any such testing as aforesaid.

Specified exchanges to be provided.

26. Commencing on the thirty first day of December, 1953, or on such later date as the Governor in Council may approve, the company shall provide, equip and operate to the satisfaction of the Governor in Council in locations suitable for the purpose, telephone exchanges capable of expansion to meet the following requirements—

- (a) in the Central District of Victoria, 20,000 subscribers;
- (b) in the Eastern District of Victoria, 10,000 subscribers;
- (c) in the Peak District, 1,000 subscribers;
- (d) in the neighbourhood of Taikoo and Shaukiwan, 1,000 subscribers;
- (e) in Kowloon, 20,000 subscribers;
- (f) in Taipo, 400 subscribers;
- (g) in Repulse Bay and Stanley areas, 400 subscribers;
- (h) in Tsun Wan, 100 subscribers;
- (i) in Yuen Long, 100 subscribers.

The company shall from time to time furnish such additional apparatus as shall be necessary to meet the requirements of such respective areas. The company shall also provide, equip and operate such further exchanges as in the opinion of the Governor in Council may reasonably be required.

Lines to be provided on request.

27. The company shall, within a reasonable time after the receipt of a request in writing in that behalf from any person, and upon the payment in advance, if demanded, of the company's usual charges and of any other moneys due under this Ordinance from such person to the company, and the signature, if required, of the company's usual form of agreement for an exchange line, instal a telephone in such building within the Colony as the requesting party may require, and shall connect the same with the nearest exchange and accord to the requesting person a good and continuous telephone service for so long as that person continues to pay the company's usual

charges on the due date: Provided always that the company may in its discretion withdraw its service from any subscriber who has been convicted of any offence involving misuse of the telephone service provided to him by the company under this Ordinance.

28. The company shall, whenever so requested by the Government, permit its telephone system to be connected to the radio telephone service operated by Cable and Wireless, Limited, to any place outside the Colony, upon such terms as the Governor in Council, after discussion with the company, may approve.

Connexion of company's telephone system with radio telephone service.

29. (1) With effect from the first day of January, 1951, the company shall be entitled to charge its subscribers charges not exceeding those specified in the Schedule.

Company's charges to subscribers. Schedule.

(2) Amendment of the Schedule by amendment of the charges therein specified or by the addition of charges for the performance of services and the installation of apparatus of whatsoever nature or kind other than those specified in the Schedule may from time to time be made with the consent of the Legislative Council signified by resolution.

30. No subscriber shall be entitled to make radio telephone calls from his telephone unless he shall have first notified the company in writing of such his desire and unless he shall have deposited if required and kept deposited such reasonable sum as the company may demand of him as security for charges in respect of such calls.

Security for radio telephone calls.

31. If after deducting the amount (if any) payable to the Government by way of taxation on profits from the net annual profits of the company there shall remain a sum greater than twelve *per cent* on the paid-up capital for the time being of the company then there shall be paid to the Accountant General, as a royalty additional to the royalty prescribed in section 7, one half of the surplus of such remaining sum over and above the amount of such twelve *per cent*.

Additional royalty.

32. (1) It shall be lawful for the company from time to time to require from the Government the revision of the charges specified in the Schedule. Three month's previous notice in writing of such requirement shall be given by the company to the Government and thereupon, and in default of agreement between the parties with regard to such revision, the matter shall be referred to arbitration.

Revision of Schedule.

(2) If the arbitrators are of opinion and find accordingly that the gross annual revenue of the company is insufficient to make provision for the maintenance of an efficient service and for the payment for the time being of a dividend of eight *per cent* per annum on the paid-up capital for the time being of the company, the Government shall propose amendment of charges in manner provided by section 29 in accordance with such finding.

Computation
of net annual
profits.

33. (1) For the purposes of the two last preceding sections the net annual profits of the company shall be the gross annual revenue of the company, including the revenue in respect of radio telephone services, less the moneys appropriated for the following purposes, namely—

- (a) interest on moneys borrowed by the company including interest on debentures;
- (b) the royalty payable yearly to the Accountant General in accordance with section 7;
- (c) working costs;
- (d) reasonable management expenses;
- (e) superannuation and provident funds;
- (f) maintenance and removal of works, apparatus and other property of the company;
- (g) depreciation of buildings, plant and other property of the company, including investments and other assets of whatever nature.

(2) The amount to be written off or provided annually for depreciation shall be—

- (a) in the case of land and buildings, a sum or sums to be fixed by an architect approved by the Director and the company;
- (b) in the case of plant and equipment other than buildings, a sum not exceeding ten *per cent* of the cost of such plant and equipment until such cost value has been written off;
- (c) in the case of investments, a sum not exceeding the amount by which the book value of such investments exceeds their current market value at the date of making up the accounts: Provided that in the event of such investments being sold or otherwise disposed of for a sum whether received in cash or otherwise, in excess of the book value thereof, such excess shall be included in the gross annual revenue of the company for the purposes of subsection (1) of this section.

(3) Notwithstanding that in any year or other accounting period no allowance or a less allowance than that authorized in subsection (2) of this section shall have been made for depreciation, it shall not be lawful for the company to make in any succeeding year or accounting period any greater allowance for those purposes.

(4) The cost of making provision for the maintenance of an efficient service will not include any sums expended on works where such expenditure is in the nature of capital outlay.

34. The company shall provide the Government free of charge with telephone service for Government purposes up to 500 direct exchange lines. Any telephones or connexions in excess of 500 lines will be paid for by Government in accordance with the charges specified in the Schedule less a discount of twenty-five *per cent*. When so required by Government the company shall provide Government with a free private automatic branch exchange for Government purposes capable of expansion up to 500 lines and arrange for such exchange to be constructed in the central offices of the Government. Any telephones in excess of 500 lines on such exchange or any connexions made to any of the public exchanges will be paid for by Government in accordance with the charges specified in the Schedule less a discount of twenty-five *per cent*.

Provision for
a service for
Government
purposes.

35. (1) The company shall keep true and particular accounts of and concerning all matters connected with the concession and shall, on the first day of March in every year deliver to the Accountant General a statement in writing showing the number of subscribers connected with each exchange and the number of persons who have requested to be supplied with lines during the company's preceding financial year and also the names and addresses of all persons who have requested to be supplied with lines during the second six months thereof and with whose request the company has not complied. The company shall permit the Accountant General to inspect and take copies of or extracts from the books of account, receipts, papers and documents in the possession or under the control of the company and relating wholly or in part to the subject matter of this Ordinance.

Company
to keep
and allow
inspection
of accounts.

(2) The company shall cause all its books of account to be kept in Hong Kong at its registered office.

(3) The annual statement of accounts of the undertaking shall be examined and audited by such person or persons as the Governor in Council may approve in this behalf.

Company
to permit
inspection
of works.

36. The company shall at all times during the continuance of the concession permit the Postmaster General or his agent authorized in writing in that behalf to enter the premises of the company at all reasonable times and to inspect and take account of all plant, fittings, apparatus or other material thereon, and shall upon written demand furnish to the Postmaster General all such particulars, information and accounts relative to the conduct of the company's business and such other evidence as he may require of the due performance by the company of its obligations under this Ordinance.

Penalty for
breach of
section 27.

37. If upon any reference to arbitration it is held that the company has committed any breach of section 27, the arbitrators shall require the company to pay to the Accountant General such sum as the Governor in Council thinks fit not exceeding one hundred dollars for every such breach and such further sum as the Governor in Council thinks fit not exceeding twenty dollars for every month during which such breach continues after due notice thereof has been given by the Government to the company.

Penalty for
breach by
company of
any of its
obligations.

38. In the event of any breach by the company of any of its obligations under this Ordinance or under any regulation made thereunder, other than any such breach as is referred to in section 27, the company shall, without prejudice to the provisions of section 39 forfeit to the Government a penalty, payable to the Accountant General, of one hundred dollars per day for every day during which such breach continues after the company has received from the Postmaster General notice of any such breach and has in the opinion of the Governor in Council had a reasonable opportunity of remedying the same.

Power for
Government
to take over
the under-
taking in
certain
events.

39. (1) If the company—

- (a) fails or neglects to execute and do all such assurances and things as are necessary for performing its obligations under this Ordinance; or
- (b) goes into liquidation (otherwise than for the purpose of reconstruction); or
- (c) ceases to carry on business; or
- (d) sells its undertaking or any part thereof or assigns the benefit of the concession without the consent in writing of the Governor in Council or if upon any reference the arbitrators find—

(i) that the system of the company has ceased to be in regular operation for thirty-one consecutive days (except

where such cessation has in the opinion of the Governor in Council been caused by stress of weather or any other cause whatsoever beyond the company's control), or

(ii) that the company has neglected to provide and maintain an efficient and continuous service of public telephonic communication (and in particular has neglected to comply with the provisions of sections 24 and 26 or any of them),

then and in any such event the Government shall issue a notice in writing calling upon the company to show cause why the concession should not be cancelled forthwith. The company shall on receipt of such notice satisfy the Governor in Council that it will rectify the default or neglect, failing which the concession may be cancelled by the Governor in Council.

(2) Upon such cancellation the rights, powers, benefit and privileges of the company under this Ordinance shall cease and determine forthwith and it shall be lawful but not obligatory for the Government (without prejudice to any remedy against the company for failure to comply with any of the provisions of this Ordinance or of any regulation made thereunder) at any time within three months after the service of such notice either—

- (a) by notice in writing to require the company to remove forthwith all works of a like nature to those specified in section 8 (with which notice the company shall comply as soon as reasonably may be); or
- (b) on notice in writing to the company in that behalf immediately to take over and purchase from the company the undertaking of the company.

(3) If the Government elects to take over and purchase the company's undertaking the company shall be deemed to have sold such undertaking to the Government on the date upon which the Government gives notice of its intention to take over and purchase the same, and it shall be lawful for the Government forthwith to enter in and upon the premises of the company wheresoever situate and to exercise all acts of ownership over all exchanges, plant, apparatus, lines and cables and all other property of the company of whatsoever nature including any contractual rights or obligations and all books of account or other documents used by the company in its undertaking.

(4) Upon any such taking over and purchase and at all times thereafter the company shall on demand execute and do all such assurances and things as may be reasonably required by the Government for assuring and vesting the undertaking in the Government or as it may direct.

(5) The undertaking so taken over as aforesaid shall as soon as reasonably possible be paid for by the Government in accordance with the then condition and value thereof.

(6) Upon any such taking over the Government shall not be compelled to purchase any plant, apparatus, machinery or any other property whatsoever of the company which is then obsolete or unserviceable.

(7) Upon any such taking over nothing shall be paid for or allowed in respect of the goodwill of the company's undertaking or for any loss of estimated profits resultant on such taking over, or for any profits whatever except up to and including the date of such taking over.

(8) The Government shall pay to the company interest at the rate of eight *per cent per annum* upon the amount of the purchase money from the date of taking over until the date of payment.

Concession
is not trans-
ferable and
is exclusive.

40. The concession is personal to the company, and the company shall not, without the previous written consent of the Governor in Council, assign, transfer, mortgage, charge, lease or otherwise dispose of the concession or the benefit thereof or of any part thereof or of its undertaking or any part thereof to any other person or grant any sub-licence in respect of the concession; and the Government shall not during the continuance of the concession permit any person other than the company to place or maintain telephone lines or telephone wires or cables within the Colony or the waters thereof, except in the case of the following telephone lines, namely—

- (a) all telephone lines whatsoever which were *bona fide* in operation on the twenty-sixth day of June, 1925; and
- (b) such telephone lines as may be constructed or maintained by the Government or by His Majesty's Government in the United Kingdom; and
- (c) telephone lines constructed or maintained by Cable and Wireless, Limited, in accordance with its agreement with or any licence from the Government or His Majesty's Government in the United Kingdom or any modification or renewal thereof; and
- (d) such telephone lines as may be installed and maintained by any person solely for the private use of such person in his business:

Provided that it shall be lawful for the Governor in Council or such person as he may authorize in that behalf, at any time during the five years preceding the termination of this conces-

sion, to execute and do any works of a like nature to those specified in section 8 and any other works which the Governor in Council may think necessary or desirable for the purpose of continuing the supply of public telephonic communication after the termination of the concession.

41. The company shall during the whole term of the concession carry on its operations and use every endeavour to develop its system as though the concession were perpetual.

Company to
operate as if
tenure were
perpetual.

42. (1) It shall be lawful but not obligatory for the Government by notice in writing to the company, given not less than five years previous to the date of the termination of the concession, to require the company to continue the supply of telephonic communication in like manner and upon like terms as in this Ordinance and in any regulation made thereunder provided (and particularly with the use of the most modern apparatus suitable for local conditions and climate) for a further period of twenty-five years and the company shall, within six months of the date of such notice, inform the Government in writing whether it is willing to continue such supply. If the company so signifies its willingness to continue such supply then the supply shall be continued by the company for the further term of twenty-five years from the expiration of the concession in like manner and upon like terms as aforesaid save so far as such terms may be varied by mutual agreement between the parties.

Procedure to
be adopted
on expiration
of term of
concession.

(2) If the company fails or neglects to inform the Government within the prescribed period of its willingness to continue such supply, or declines within such period to continue such supply in like manner and upon like terms as aforesaid, then it shall be lawful for the Government, upon giving the company six months' previous notice in writing, to take over and purchase from the company, on the expiration of the concession, the whole or such part as the Governor in Council may think fit of the undertaking of the company and upon such taking over and purchase the terms of section 39 shall apply in all respects as if such taking over had been effected under that section.

(3) Notwithstanding anything in this section it shall be lawful for the Government, on giving to the company six months' notice in writing in that behalf and without requiring the company to continue the supply under subsection (1), to take over and purchase from the company on the expiration of the concession all or such part of the undertaking as the

Governor in Council thinks fit and all property of whatever kind used by the company in its undertaking and upon such taking over and purchase the terms of section 39 shall apply in all respects as if such taking over and purchase had been effected under that section.

Determina-
tion of
amount of
purchase
money.

43. Upon any taking over and purchase of the company's undertaking by the Government the price to be paid by the Government shall be determined by arbitration if the same cannot be agreed upon by the parties, and due regard shall be had to and allowance made for the then value of land and buildings and to the then condition and value of plant, apparatus and material, and compensation shall be allowed to the company in respect of spare plant provided for the reasonably anticipated future requirements of the undertaking.

Removal of
works on
expiration
of concession
in default of
arrangement
for continu-
ance or sale.

44. If upon the expiration of the concession no arrangements are made for the continuance of supply by the company or if the Government does not elect to take over and purchase the company's undertaking under the foregoing provisions in that behalf, the Government may, on the expiration of the concession, require the company to remove and the company shall as soon as reasonably may be, and at its own cost, remove all works erected or made by the company in pursuance of this Ordinance, and the company shall immediately upon such removal make good all damage which may be done in effecting such removal and make full compensation for all damage done in like manner as if such damage had been done in the exercise of the authority contained in section 8.

Reference to
arbitration.

45. Any claim under any of the provisions of this Ordinance other than section 38 by the Government or by any person against any person or the Government in respect of any matter arising out of this Ordinance or any regulation made thereunder, and any dispute, difference, doubt or question which may arise touching the carrying out or the construction of any of the provisions of this Ordinance or of any such regulation or as to any matter in any way connected with or arising out of this Ordinance or of any such regulation or the operation thereof or the obligations, rights, duties or liabilities of the Government or of any person in connexion with or arising out of the same, shall be referred to arbitration in accordance with the provisions of the Code of Civil Procedure in the same way as if all the parties concerned in any such claim, dispute, difference, doubt or question had entered into a written agreement with one

(Ordinance
No. 3 of
1901).

another to submit the same to the arbitration of two arbitrators in this Colony.

46. Any notice, direction, request or order, required or authorized by this Ordinance to be given to the company, may be served by prepaid registered letter sent through the post to the last known place of business of the company in the Colony, and the same shall operate and be deemed to have been served at the expiration of twenty-four hours from the time of being put into the Post Office, and proof that the letter was properly addressed, registered and posted shall be sufficient evidence of service.

Service of
notices, etc..

47. (1) Nothing in this Ordinance shall relieve the company or any other person claiming any right thereunder from being subject to any restrictions, regulations, provisions or penalties which may hereafter be made or imposed by any Act made applicable to the Colony or any Ordinance, regulations or by-laws for the time being in force in the Colony, and the company shall conform to the technical standards and methods prescribed by the General Post Office of the United Kingdom in relation to the construction of aerial lines on roads and railways, the construction of underground telegraph and telephone lines and maintenance testing, so far as the same may be capable of being applied to local conditions, and so far as the same are not contrary to the provisions of this Ordinance, as if the same had been incorporated in and had formed part of this Ordinance.

Reservation
of liability
to penalties
imposed by
law: applic-
ability of
Post Office,
London,
technical in-
structions:

(2) Nothing in this Ordinance shall be deemed to make it obligatory for the Government to take over or purchase any portion of the undertaking of the company situate outside the Colony.

reservation
of Govern-
ment rights
in respect of
undertaking
outside the
Colony:

(3) Nothing in this Ordinance shall be construed as a grant by the Government to the company of any right, interest, benefit, privilege or franchise outside the Colony, or as entitling the company to make any claim whatsoever against the Govern-ment in respect of any part of its undertaking outside the Colony.

Limitation of
company's
rights, etc.,
to the
Colony.

48. (1) The Governor in Council may make regulations for the carrying out of the provisions of this Ordinance.

Power to
make regula-
tions and
by-laws.

(2) The company may subject to the approval of the Governor in Council make by-laws for the carrying out of this Ordinance.

(3) By-laws made under subsection (2) may declare a breach of any such by-law to be an offence and may prescribe penalties therefor: Provided that no penalty so prescribed shall exceed a fine of one thousand dollars.

Repeals.
(Ordinance
No. 9 of
1925),
(Ordinance
No. 9 of
1930),
(Ordinance
No. 27 of
1933),
(Ordinance
No. 14 of
1935),
(Ordinance
No. 9 of
1940).

Saving.

49. The Telephone Ordinance, 1925, the Telephone Amendment Ordinance, 1930, the Telephone Amendment Ordinance, 1933, the Telephone Amendment Ordinance, 1935, and the Telephone Amendment Ordinance, 1940, are hereby repealed.

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

SCHEDULE.

[s. 29]

PART I. Exchange Line Charges.

Item	Particulars of Charge	Amount of Charge
1.	For an exchange line within Victoria, Kowloon or the Peak District	\$250 for the first year, payable in advance. Thereafter \$200 per annum payable quarterly in advance.
2.	For an exchange line within a radius of one mile from any exchange that may be established outside the areas referred to in Item No. 1	Do.
3.	For each 220 yards or part thereof measured outwards from the nearest point of the boundary of the areas referred to in Item No. 1 or No. 2	An additional charge of \$10 per annum.
4.	For two party-line service	75% of the charge for the area in which the service is provided.
5.	For exceptional work necessitating erection of poles or excavation of ground for a subscribers's armoured cable, other than along an established telephone route	A charge calculated according to the work necessary as may be agreed between the subscriber and the company.

Notes: (1) An exchange line is a direct line from a subscriber's premises to one of the company's exchanges.

(2) All charges specified in items 1-5 inclusive include, where appropriate, the provision by the company of hand micro telephones. When hand micro telephones are not provided by the company, a rebate of \$20 per annum shall be made by the company in respect of each line not so provided.

PART II. Extension Line Charges.

Item	Particulars of Charge	Amount of Charge
1.	For an internal extension line and switch connecting two parts of the same building where the wiring does not exceed 50 yards in length	\$90 for the first year, payable in advance. Thereafter \$70 per annum payable quarterly in advance.
2.	For each additional 50 yards of wire or part thereof	\$30 per annum.
3.	For switching type main and extension instruments	\$25 per annum.
4.	For an external extension not exceeding 220 yards in length	\$130 for the first year, payable in advance. Thereafter \$110 per annum, payable quarterly in advance.
5.	For each additional 220 yards of external wiring or part thereof	\$15 per annum.
6.	For a small extension bell with 50 yards of wiring	\$30 do.
7.	For a large extension bell with 50 yards of wiring	\$40 do.
8.	For the connexion of extension to ships	The charges calculated under items 4 and 5 may be increased by 100%.

PART III. Removal Charges.

Item	Particulars of Charge	Amount of Charge
1.	For the removal of a telephone from one place to another, in the same room	\$15
2.	Ditto, in the same premises	\$20
3.	For the removal of a telephone from one building to another, in the same exchange area	\$50
4.	Ditto, to a different exchange area	\$60

Item	Particulars of Charge	Amount of Charge
5.	For exceptional work necessitating erection of poles or excavation of ground for a subscriber's armoured cables, other than along an established telephone route	A charge calculated according to the work necessary as may be agreed between the subscriber and the company.
6.	For the removal of a private branch line switchboard from one place to another in the same building, or from one building to another, and any other removal not specifically mentioned in this Schedule, or where exceptional work is necessary	Do.

PART IV.
Miscellaneous Charges.

Item	Particulars of Charge	Amount of Charge
1.	For an indicator on a private branch exchange switchboard	\$5 per annum.
2.	For a power circuit to a private branch exchange switchboard	\$120 do.
3.	For a ringing circuit to a private branch exchange switchboard	\$120 do.
4.	For an additional automatic dial (one dial to be provided free of charge for each exchange line)	\$9 do.
5.	For a private wire, not exceeding one mile per cable pair	\$200 per annum per cable pair.
6.	For each additional 220 yards or part thereof per cable pair	\$10 do.
7.	For a submarine cable pair	\$1000 per annum.
8.	For each additional operator's head-gear set	\$20 do.
9.	Disconnecting plug and socket	\$10 do.
10.	Burglar Alarm	\$150 do.
11.	For each additional point to burglar alarm	\$40 do.
12.	For a coloured plastic hand micro telephone	\$20 do.
13.	For automatic private line equipment	\$50 do.
14.	For a typhoon warning service	\$20 do.
15.	For a ship telephone service	\$20 per day.
16.	For each additional entry in either English or Chinese section of Telephone Directory	\$10 per annum.
17.	For each additional copy of Telephone Directory (one copy to be provided free for each instrument)	\$5
18.	For changing a number at request of subscriber	\$10
19.	For a private automatic branch exchange	A charge as may be agreed between the subscriber and the company.

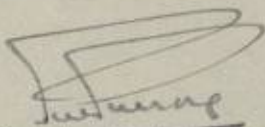
PART V.
Junction Call Charges.

Item	Particulars of Charge	Amount of Charge
1.	For every junction call between areas served by Tsun Wan and Taipo Exchanges and Hong Kong and Kowloon of three minutes or part thereof	30¢, and for each additional three minutes or part thereof, 30¢.
2.	For every junction call between the areas served by Fanling and Yuen Long Exchange and Hong Kong and Kowloon of three minutes or part thereof	Additional three minutes or part thereof, 40¢. 40¢, and for each additional three minutes or part thereof, 40¢.
3.	For every junction call between Cheung Chau Island and Hong Kong or Kowloon of three minutes or part thereof.	\$1, and for each additional three minutes or part thereof, \$1.

PART VI.
Radio Telephone Call Charges.

Item	Particulars of Charge	Amount of Charge
1.	Such charges as are contained in the terms referred to in section 28 of the Ordinance.	

Passed the Legislative Council of Hong Kong, this 30th day of May, 1951.


Deputy Clerk of Councils.

HONG KONG

No. 19 OF 1951.



I assent.

[Signature]
Governor.

31st May, 1951.

An Ordinance to provide for the incorporation of the Chinese Rhenish Church, Hong Kong Synod.

[1st June, 1951.]

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 Chinese Rhenish Church, Hong Kong Synod Ordinance, 1951.

2. In this Ordinance—

"The Chinese Rhenish Church, Hong Kong Synod" or "the Hong Kong Synod" or "the Synod" means the representatives, pastors and preachers of such Chinese Rhenish Churches in Hong Kong and the representatives of educational and charitable organizations established by the Synod as are or shall be members of the Synod in accordance with the Constitution;

"The Synod Committee" means the members of the Synod Committee duly elected in accordance with the Constitution and including the Chairman and Vice Chairman of the

Inter-
pretation.

Synod and having the power of management and control of the affairs of the Synod in accordance with the Constitution;

"Chairman and Vice Chairman" means respectively the Chairman and Vice Chairman of the Synod elected in accordance with the Constitution;

"The Constitution" means the rules or regulations governing the Synod for the time being in force together with any amendments thereto made from time to time in accordance with such rules or regulations.

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) The Reverend CHAN YICK KIN (陳翼堅) and Mr. HWANG SZE TIAN (黃詩田) 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 and of 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 Synod, 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 Synod, or that the Constitution was duly made and is in force.

Incorporation. Powers of Corporation.

5. (1) The Synod shall be a body corporate under the name of "The Chinese Rhenish Church, Hong Kong Synod" (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 the 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 mortgages 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.

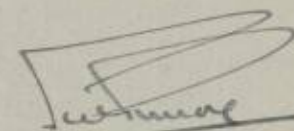
(4) The Corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, 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 Synod, including any amendment of the Constitution, shall be settled and carried out in accordance with the Constitution. Internal management of the Synod.

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. Savings of rights of the Crown and certain other rights.

Passed the Legislative Council of Hong Kong, this 30th day of May, 1951.



Deputy Clerk of Councils.

HONG KONG

No. 20 OF 1951.



I assent.

[Handwritten signature]
Governor.

14th June, 1951.

An Ordinance to authorize an undertaking for the reclamation of an area of sea bed and for the construction of certain piers.

[15th June, 1951.]

WHEREAS it is provided by section 4 of the Public Reclamations Validation and Clauses Ordinance, 1936, that in any future Ordinance authorizing any undertaking for reclamation or other works of a public nature over and upon unleased Crown foreshore and sea bed, provisionally and subject to the definitive approval of the Governor in Council, the provisions of Part II of that Ordinance shall be deemed to be incorporated unless expressly varied or excepted by such Ordinance :

AND WHEREAS it is considered desirable to authorize provisionally and subject to such approval certain of such undertakings :

BE IT THEREFORE 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 Public Reclamation and Piers Ordinance, 1951.

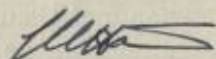
Director of Public Works given provisional authority to construct certain public works. 2. The Director of Public Works is authorized, provisionally and subject to the definitive approval of the Governor in Council, to construct the undertakings set out in the Schedule.

SCHEDULE.

1. A reclamation approximately 388,000 square feet in area abutting Connaught Road Central and bounded to the east by His Majesty's Dockyard, to the north by a seawall 935 feet long, and to the west by a pitched slope 415 feet long and shown and delineated in red upon a plan signed by the Director of Public Works and dated the 5th day of January, 1951, and deposited in the Land Office.

2. A public pier (approximately 80 feet long and 200 feet wide) and a ferry pier (approximately 360 feet long and 350 feet wide) on the seaward face of the said reclamation and shown and delineated hatched red upon the said plan.

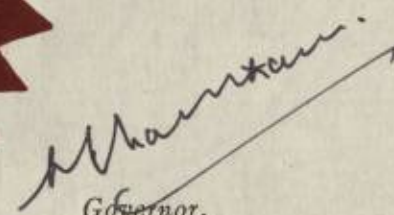
Passed the Legislative Council of Hong Kong, this 13th day of June, 1951.


Clerk of Councils.

HONG KONG

No. 21 OF 1951.

I assent.


Governor.

14th June, 1951.

An Ordinance to amend the Public Services Commission Ordinance, 1950.

[15th June, 1951.]

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 Public Services Commission (Amendment) Ordinance, 1951, and shall be read as one with the Public Services Commission Ordinance, 1950, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 14 of
1950.

2. Section 4 of the principal Ordinance is hereby amended by the deletion of the proviso and the substitution thereof of the following—

Amendment
of section
4 of the
principal
Ordinance.

“Provided that the prohibition hereinbefore contained shall not extend to—

- (i) the appointment of a Judge of the Supreme Court as Chairman; or
- (ii) the making of a temporary appointment as Chairman under subsection (2) of section 3; or

- (iii) the appointment of a person who, although still the holder of any such office or post as aforesaid is on leave prior to retirement and has already received official notification of the pension which will be payable to him for service which comprised service in the office or post of which he is the holder."

Passed the Legislative Council of Hong Kong, this 13th day of June, 1951.



Clerk of Councils.

HONG KONG

No. 22 OF 1951.



I assent.

Governor.

28th June, 1951.

An Ordinance to further and protect the activities in Hong Kong of the Venerable Order of St. John of Jerusalem and to incorporate the Chairman, the Vice-Chairman and the Secretary of the Council of the Order of St. John in Hong Kong for the time being as Custodian Trustees.

[29th June, 1951.]

WHEREAS the St. John Ambulance Association is a foundation of an Order formerly designated the Grand Priory of the Order of the Hospital of St. John of Jerusalem in England, which was duly incorporated by a Charter granted on the 14th day of May, 1888, by Her Late Majesty Queen Victoria, and now designated the Grand Priory in the British Realm of the Venerable Order of the Hospital of St. John of Jerusalem by virtue of a Charter granted on the 12th day of June, 1926, by His Majesty King George V.

AND WHEREAS the Order since its incorporation has three foundations, to wit—

The St. John Ophthalmic Hospital at Jerusalem,
The St. John Ambulance Association, and
The St. John Ambulance Brigade.

AND WHEREAS in the year 1884 a Branch of the said St. John Ambulance Association was established in the Colony and whereas in the year 1916 a District of the St. John Ambulance Brigade was established in the Colony.

AND WHEREAS in the year 1949 a Council of the Order was established in the Colony charged with the governance of the activities of the Order in the Colony in accordance with the commands and regulations given by the Chapter-General of the Order from time to time.

BE it therefore 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 Order of St. John Ordinance, 1951.

Inter-pretation. 2. In this Ordinance—
“Association” means the St. John Ambulance Association in Hong Kong;
“Brigade” means the St. John Ambulance Brigade in the Colony and includes all ambulance, nursing and cadet divisions of the Brigade in the Colony;
“Council” means the Hong Kong Council of the Order;
“Order” means the Grand Priory in the British Realm of the Venerable Order of the Hospital of St. John of Jerusalem.

Distribu-tion of badges. 3. No person, except with the authority of the Council, shall distribute or sell or expose for sale—

- (a) any badge, token or emblem specifically adopted for use of the Order;
- (b) any badge, token or emblem containing the words “St. John Ambulance Association” or “St. John Ambulance Brigade” or any similar token or emblem.

Un-authorized possession of badges. 4. No person shall, except with the authority of the Order or of the Council or with other lawful authority or lawful excuse, have in his possession—

- (a) any badge, token or emblem specifically adopted by the Order, Association or Brigade for the use of members thereof; or
- (b) any badge, token or emblem containing the words “St. John Ambulance Association” or “St. John Ambulance Brigade”.

5. No person shall without lawful authority or excuse have in his possession—

- (a) any device which so closely resembles any badge, token or emblem specifically adopted by the Order, Association or Brigade for use by members thereof as to lead to the belief that the device in question is such badge, token or emblem; or
- (b) any badge, token or emblem containing any words or characters so closely resembling any words or characters ordinarily used to describe any member of the Order, Association or Brigade as to be calculated to deceive or mislead.

Un-authorized possession of devices resembling badges.

6. No member of the Order, Association or Brigade shall, by virtue of his wearing, carrying or bearing any badge, token or emblem of the Order, Association or Brigade or otherwise, attempt to enforce or exercise authority otherwise than in accordance with the Regulations of the Order or its authority.

Wrongful exercise of authority.

7. (1) No person shall form, or work in connexion with, or be a member of, any organization which without authority from the Order, claims or purports to be the St. John Ambulance Association or the St. John Ambulance Brigade, or any organization, other than the Association or the Brigade, which uses the title the St. John Ambulance Association or the St. John Ambulance Brigade or the equivalent Chinese titles therefor or any title in any language, with or without additional words or characters, which so closely resemble the St. John Ambulance Association or the St. John Ambulance Brigade as to be calculated to deceive or mislead, or any organization which, by the use of any such titles or otherwise, without due authority, purports or claims to be connected with the Order, the Association or the Brigade.

Un-authorized organizations.

(2) No person shall, without the consent of the Governor in Council, form or work in connexion with, or be a member of any organization other than the Association or the Brigade, which carries on or is intended to carry on any work of a similar nature to that carried on by the Association or the Brigade.

(3) No person other than a member of the Brigade shall wear or use any uniform or equipment of the Brigade.

(4) All uniform and equipment issued to members of the Brigade are deemed to be the property of the Corporation herein-after defined and every member of the Brigade on resigning or being dismissed from the Brigade or otherwise ceasing to be a member thereof shall forthwith deliver up the uniform and equipment issued to him to the officer in charge of his division for return to the Equipment Officer of the Brigade.

Offences
and
penalty.

8. Any person who contravenes sections 3, 4, 5, 6 and 7 of this Ordinance shall be guilty of an offence: Penalty: a fine of two hundred and fifty dollars.

Incorporation
and
vesting.

9. (1) The Chairman for the time being of the Council, the Vice-Chairman and the Secretary of the Council as the executive officers of the Council are hereby incorporated under the name of "The Executive Officers of the Council of the Order of St. John in Hong Kong" (hereinafter called "the Corporation") and in that name may sue and be sued in all Courts in the Colony and shall and may have and use a Common Seal.

(2) The purposes of the Corporation shall be to hold all property in the Colony both real and personal belonging to the Order.

Ordinance
No. 3 of
1935.

(3) Any real or chattel real property now vested in the Executive Officers of the Hong Kong Branch of the St. John Ambulance Association under the St. John Ambulance Ordinance, 1935, shall forthwith vest in the Corporation by virtue of this Ordinance.

Ordinance
No. 3 of
1935.
Sec. 9.

(4) All stocks shares securities and things in action and all vessels goods and chattels now vested in the Executive Officers of the Hong Kong Branch of the St. John Ambulance Association under the St. John Ambulance Ordinance, 1935, shall forthwith vest in the Corporation.

(5) All real or chattel real property which may hereafter be acquired by the Order shall be vested in the Corporation.

(6) The Corporation shall manage and dispose of the property vested in it in accordance with the directions of the Council.

(7) As between the Corporation and the Council and subject and without prejudice to the rights of other persons the Corporation shall have the custody of all securities and documents of title relating to the property of the Order, but the Council shall have free access thereto and be entitled in respect of documents to take copies thereof or extracts therefrom.

(8) When any disposition by the Corporation is expressed to be made by the authority or direction of the Council the title of a purchaser shall not be impeachable on the ground that no such authority or direction had in fact been given or that any authority or direction was improperly carried out and a purchaser shall not either before or on conveyance be concerned to make any inquiry as to the authority of the Corporation to make the disposition.

(9) All monies payable to or out of the property in Hong Kong of the Order shall be paid to or by the Corporation: Provided that the Corporation may by direction of the Council allow all rents profits and income derived from such property to be paid to such person or into such Bank to the credit of such person as the Council shall direct and in such case the Corporation shall be exonerated from seeing to the application thereof and shall not be answerable for any loss or misapplication thereof.

10. Notwithstanding anything herein contained the Corporation shall not after the coming into force of this Ordinance acquire any immovable property in the Colony unless the prior consent of the Governor in Council be obtained.

Immovable
property
shall not be
acquired
without the
consent of
the
Governor
in Council.

11. All deeds and other instruments requiring the seal of the Corporation shall be sealed in the presence of and shall be signed by the Chairman of the Council and the Vice-Chairman and Secretary thereof and all instruments requiring the signature of the Corporation shall be signed by such Chairman, Vice-Chairman and Secretary.

Execution
of deeds.

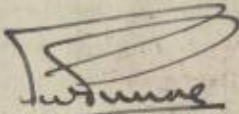
12. The St. John Ambulance Ordinance, 1935, is hereby repealed.

Repeal.
Ordinance
No. 3 of
1935.

Saving of
the rights
of the
Crown and
of certain
other
rights.

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

Passed the Legislative Council of Hong Kong, this 27th day of June, 1951.


Deputy Clerk of Councils.

HONG KONG

No. 23 OF 1951.

I assent.


Governor.

12th July, 1951.

An Ordinance to amend further the Land Transactions (Enemy Occupation) Ordinance, 1948.

[13th July, 1951.]

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 (Enemy Occupation) (Amendment) Ordinance, 1951, and shall be read as one with the Land Transactions (Enemy Occupation) Ordinance, 1948, as amended by the Land Transactions (Enemy Occupation) (Amendment) Ordinance, 1950, hereinafter referred to as the principal Ordinance.

Short title.
Ordinance
No. 34 of
1948.
Ordinance
No. 17 of
1950.

2. Subsection (2) of section 3 of the principal Ordinance is hereby amended by the deletion of the words "three years" appearing in the fifth line thereof and by the substitution therefor of the words "five years".

Amendment
of section
3 of the
principal
Ordinance.

Amendment
of section
4 of the
principal
Ordinance.

3. Section 4 of the principal Ordinance is hereby amended by the deletion of the words "three years" appearing in the first and fourth lines thereof and by the substitution therefor of the words "five years".

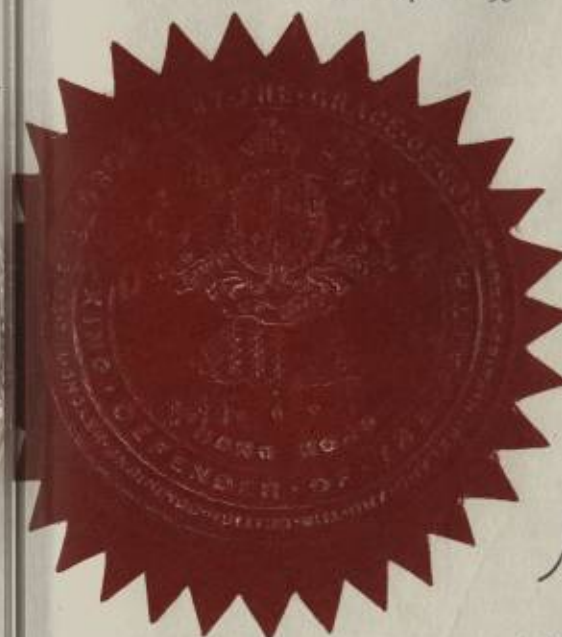
Passed the Legislative Council of Hong Kong, this 11th day of July, 1951.



Deputy Clerk of Councils.

HONG KONG

No. 24 OF 1951.



I assent.

Governor.

6th September, 1951.

An Ordinance to make provision for compulsory service by citizens of the United Kingdom and Colonies resident in Hong Kong in the Royal Hong Kong Defence Force, the Special Constabulary and the Essential Services Corps, to provide for transfer of personnel from one of such bodies to another and to regulate the conditions under which certain members of such bodies may leave the Colony.

[.]

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

PART I.

General.

1. This Ordinance may be cited as the Compulsory Service Short title. Ordinance, 1951.

Inter-
pretation.

2. (1) In this Ordinance—

“appellant” means a person who appeals in accordance with the provisions of section 16 of this Ordinance from a decision of the Director of Manpower refusing him consent to quit the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps;

“Assistant Director” means a person appointed as Assistant Director of Manpower for the Colony;

“Director” means the person appointed as Director of Manpower for the Colony;

“final notice” means a final notice issued by the Director of Manpower in accordance with section 14 of this Ordinance;

“medical notice” means a notice issued by the Director of Manpower in accordance with section 7 of this Ordinance;

“medical practitioner” means a person registered in accordance with the provisions of the Medical Registration Ordinance, 1935, and includes a person exempted from such registration by virtue of section 18 of that Ordinance;

“objector” means a person who objects in accordance with section 10 to being called up for service by the Director of Manpower in the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps;

“provisional notice” means a written notice issued by the Director of Manpower in accordance with section 9 of this Ordinance;

“public interest” has the meaning assigned by regulation 2 of the Emergency (Principal) Regulations, 1949;

“recognized religious denomination” means one recognized as such by the Governor in Council;

“the Compulsory Service Tribunal” means the tribunal constituted by section 11 of this Ordinance;

“the Essential Services Corps” means the Essential Services Corps as constituted under the Essential Services Corps Ordinance, 1949;

“the Fire Brigade” means the Fire Brigade as constituted under the Fire Brigade Ordinance, 1923;

“the Hong Kong Police Force” means the Hong Kong Police Force as constituted under the Police Force Ordinance, 1948, and also includes members of the Hong Kong Police Reserve Force constituted under the Hong Kong Police Reserve Force Ordinance, 1927;

Ordinance
No. 44 of
1935.

G.N.A.
277/49.

Ordinance
No. 51 of
1949.

Ordinance
No. 20 of
1923.

Ordinance
No. 41 of
1948.

Ordinance
No. 24 of
1927.

“the Royal Hong Kong Defence Force” means the Royal Hong Kong Defence Force as constituted under the Royal Hong Kong Defence Force Ordinance, 1951;

“the Special Constabulary” means the Special Constabulary as constituted under the Emergency (Special Constabulary) Regulations, 1950. G.N.A. 270/50.

(2) A person residing in the Colony shall be deemed to be ordinarily resident therein unless he falls within the exemption contained in paragraph (i) of section 5.

3. (1) The Governor may appoint by notification in the *Gazette*, by name or office, an officer to be Director of Manpower, and officers to be styled Assistant Directors of Manpower. Appoint-
ments.

(2) The powers and discretions vested in the Director hereunder and duties required to be discharged by him may be exercised by an Assistant Director.

(3) In relation to public officers, the powers of the Director under this Ordinance shall be exercised in accordance with arrangements approved by the Colonial Secretary.

4. Subject to the further provisions of this Ordinance this Ordinance shall apply to all citizens of the United Kingdom and the Colonies who are ordinarily resident in the Colony and who, being male, have attained the age of eighteen and have not attained the age of sixty or being female have attained the age of twenty-one and have not attained the age of fifty. Applica-
tion.

PART II.

Compulsory Service.

5. The following persons shall be exempted from the Exemption provisions of this Part—

- (a) the Governor;
- (b) the Chief Justice, the Puisne Judges, members of the Executive or Legislative Councils and the United Kingdom Trade Commissioners;
- (c) members of His Majesty's Regular Naval, Military or Air Forces and their wives;

- (d) members of the Hong Kong Police Force or of the Fire Brigade;
- (e) members of the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps other than persons who become members by virtue of the provisions hereof;
- (f) persons in holy orders and ministers of recognized religious denominations;
- (g) patients in mental hospitals;
- (h) persons who are blind;
- (i) persons who can prove that they have been residing in the Colony for a temporary purpose only and that residence for such temporary purpose will not or is unlikely to continue for a period of more than three months.

Liability
for
compulsory
service.

6. Subject to the provisions of section 5, all persons to whom this Ordinance applies shall be liable to be called up for service in the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps: Provided that no such person shall be liable to be called up for service or to continue to serve in the Royal Hong Kong Defence Force after he has attained the age of forty-five years and provided further that no such person shall be liable to be called up for service or to continue to serve in the Special Constabulary or the Essential Services Corps after attaining the age of sixty years, in the case of a male person and after attaining the age of fifty years in the case of a female person.

Power to
require
medical
examina-
tion.

7. (1) The Director may from time to time cause to be served upon any person who appears to him to be liable to be called up for service as aforesaid a written notice signed by the Director hereinafter called a "medical notice" calling upon him to submit himself for medical examination by a board of medical practitioners at such time and place as he may specify therein.

(2) Any person who fails to comply with the requirements of a medical notice shall be guilty of an offence.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, a person who claims that he is a person to whom

this Ordinance does not apply or that he is by virtue of section 5 a person exempted from the provisions of this Part, may, within seven days of the service upon him of a medical notice, lawfully object in writing to the Director to complying with such medical notice until such claim has been determined and in such event, unless the Director is satisfied that the claim is valid, in which case he shall allow it, he shall refer such claim to the Secretary of the Compulsory Service Tribunal and it shall thereafter be dealt with in like manner as if it were an objection under section 10 and as if such claimant were an objector, save that the Compulsory Service Tribunal shall have power if it disallows the claim to order the claimant to submit himself for medical examination by a board of medical practitioners at such time and place as may be specified in such order and that failure to comply with any such order shall constitute an offence.

(4) The procedure prescribed by subsection (3) shall not be available to any person who wishes or may wish to object on the ground specified in paragraph (b) or (e) of subsection (1) of section 10 and if such objection is subsequently advanced it shall be disregarded.

8. (1) A board of medical practitioners, after completion of every medical examination authorized by section 7 shall grade the person examined as physically fit or unfit for service in all or any of the following—

Medical
examina-
tion.

- (a) the Royal Hong Kong Defence Force;
- (b) the Special Constabulary; and
- (c) the Essential Services Corps,

and shall at the same time record any limitations as to the physical fitness of such person to perform any particular duties within such bodies and in particular in the case of the grading of the person as fit for duties within the Essential Services Corps, shall classify him according to the categories prescribed by the Essential Services Corps (General) Regulations, 1950, or any regulations replacing or amending the same.

G.N.A.
2/50.

(2) Such board shall report its findings as aforesaid to the Director who shall notify in writing the person examined accordingly.

(3) The Governor in Council may make regulations providing for the manner in which boards of medical practitioners for

the purposes of section 7 and this section are to be constituted: Provided that until such regulations are made and save and insofar as they do not otherwise provide boards of medical practitioners shall consist of such number of medical practitioners possessing such qualifications as the Director shall after consultation with the Director of Medical and Health Services deem necessary to conduct adequately such medical examinations as may from time to time be required for grading the fitness of persons served with a medical notice.

Provisional selection.

9. The Director may provisionally select for service in the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps any person who has been found upon medical examination as aforesaid to be physically fit for service in such body, and shall cause to be served upon such person a written notice, hereinafter called a "provisional notice" notifying such person accordingly and of his right to object to such selection in accordance with the provisions of section 10.

Grounds of objection to selection for service.

10. (1) Subject to the provisions of subsection (4) of section 7 any person provisionally selected for service in accordance with section 9 may object to such selection on any one or more of the following grounds—

- (a) that he is a person to whom this Ordinance does not apply or that he is a person exempted from the provisions of this Part;
- (b) that the obligations imposed by such service would in all the circumstances of the case entail undue hardship for him;
- (c) that he is physically unfit to perform such service;
- (d) that he could more usefully serve in a body other than that for which he has been provisionally selected and is in fact fit to serve in such other body; and
- (e) in the case of a person provisionally selected for service in the Royal Hong Kong Defence Force that he conscientiously objects to undergoing military training or to performing combatant duties.

(2) Any such objection shall be made in writing to the Director within seven days of the date of service upon such person of the provisional notice.

Appointment and constitution of Tribunal

11. (1) There shall be a Compulsory Service Tribunal to hear and determine objections under section 10, including claims under section 7. Such Tribunal shall consist of a judge of the Supreme Court to be appointed by the Chief Justice as occasion

may require assisted by two assessors selected by the Governor from a panel constituted by him for the purposes of this Ordinance.

to consider objections to compulsory service.

(2) After the hearing of an objection or claim and such summing up of the evidence and explanation of matters of law as the judge shall consider necessary or expedient, the judge shall require each of the assessors to state his opinion orally and shall record such opinion. The judge shall then give his decision, but in so doing shall not be bound to conform to the opinion of the assessors.

(3) Subject to the provisions of subsection (2) and to the provisions of section 13, the Chief Justice may make rules prescribing the procedure for hearing and determining all matters which may be referred to the Compulsory Service Tribunal by virtue of this Ordinance and for all matters incidental thereto, including rules supplementing the matters prescribed by this section and by section 13.

(4) Any rules made under subsection 3 shall, unless they specify a later date as the date from which they shall come into force, in which case they shall take effect as from such specified date, come into force upon publication in the *Gazette*: Provided that paragraph (d) of section 14 of the Interpretation Ordinance, 1950, shall apply to any such rules.

Ordinance No. 2 of 1950.

(5) The Governor shall further appoint a person to act as Secretary to the Compulsory Service Tribunal.

12. (1) The Director shall refer every objection made under section 10 to the Secretary: Provided that if the Director is satisfied that the objection is valid and should be wholly allowed, he may reply directly to the objector wholly allowing the objection without reference to the Compulsory Service Tribunal.

Reference of objections to Tribunal.

(2) The Secretary shall give the objector seven days' notice in writing of the hearing of the objection.

(3) The objector may, if he so desires be present at the hearing of his objection and he or any duly authorized barrister or solicitor entitled to practise in the Colony shall be entitled to be heard.

(4) The Director may be represented at the hearing of any objection before the Compulsory Service Tribunal by any person duly appointed by him in writing for such purpose, or may, subject to any rules made under section 11(3), by writing under

his hand addressed to the Secretary of the Compulsory Service Tribunal, make his reply to any objection lodged under section 10, including any claim lodged under section 7.

Powers of
the
Tribunal.

13. (1) The Compulsory Service Tribunal shall have the following powers, that is to say—

- (a) to hear evidence on oath, to order persons to attend and give evidence, and to produce documents, in like manner as in proceedings in the Supreme Court, and the like powers of punishment as are conferred upon the Supreme Court by sections 30 and 31 of the Supreme Court Ordinance, 1873;
- (b) to refer any objection made on the ground of physical fitness to a board of not less than three medical practitioners to be constituted in his discretion by the Director of Medical and Health Services as often as may be required by any reference hereunder and to take into account the findings of such board in determination of such objection;
- (c) wholly to allow the objection;
- (d) if it thinks that the objector should serve in a body different from that for which he has been selected, to substitute such service therefor;
- (e) to defer the calling up for service of the objector for such period as it may consider appropriate;
- (f) to dismiss the objection.

(2) The decision of the Compulsory Service Tribunal hereunder shall be final and shall be communicated in writing by the Secretary to the objector and to the Director: Provided that an appeal shall lie to the Full Court against any decision imposing punishment upon a witness for non-attendance or upon a person for contempt before the Tribunal or for perjury in like manner as if such decision had been a decision of the Supreme Court under section 30 or 31 of the Supreme Court Ordinance, 1873.

Ordinance
No. 3 of
1873.

Calling up
for service.
Final
notice.

14. (1) The Director may cause to be served on any person liable to be called up for service under this Part upon whom a provisional notice has been served and who has not within the prescribed period objected thereto or whose objection has been dismissed by the Compulsory Service Tribunal, a written notice, hereinafter called a "final notice", calling him up for service in the body for which he was provisionally selected: Provided that no such notice may be served upon any person the calling

up for service of whom has been deferred under paragraph (e) of subsection (1) of section 13 until the period for which such calling up has been deferred has elapsed.

(2) The Director may likewise cause to be served a final notice upon a person for whom the Compulsory Service Tribunal has substituted a form of service different from that for which such person was provisionally selected calling him up for service in such substituted body.

(3) The final notice shall require the person on whom it is served to present himself at such place and time (not earlier than the seventh day after the date of service of the notice) and to such authority as may be specified in the final notice.

(4) Any person who contravenes the provisions of a final notice shall be guilty of an offence.

15. (1) Every person upon whom a final notice has been served calling him up for service in the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps shall, on the date specified on the notice to present himself to authority, so present himself and shall enrol in the said Force, Constabulary or Corps mentioned in such notice in the manner specified in the Ordinances and regulations respectively relating to such Force, Constabulary or Corps.

Enrolment
in Royal
Hong Kong
Defence
Force,
Special
Constabulary
and
Essential
Services
Corps.

(2) Every person who shall have been transferred to the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps under the provisions of sections 19 and 20 shall enrol in the said Force, Constabulary or Corps in the manner specified in the Ordinances and regulations respectively relating to such Force, Constabulary or Corps.

(3) Any person who fails to enrol himself in accordance with the provisions of this section shall be guilty of an offence.

16. (1) No person who is called up for service by virtue of the provisions of this Ordinance in the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps, shall quit such Force, Constabulary or Corps, without the previous consent in writing of the Director and any attempt to quit without such consent shall be void and of no effect. For the purpose of this subsection "quit" shall not include dismissal or any power of discharge or retirement or to dispense with the services of any person exercisable independently of the will of the person dismissed, discharged, retired or whose services are dispensed

Restriction
of
quitting
body into
which
called up.

with, but shall include any voluntary retirement, resignation or leaving other than retirement or resignation on the grounds of age permitted under the law applicable to the Force, Constabulary or Corps to which such person belongs.

(2) Any person who is dissatisfied with a decision of the Director refusing him consent to quit the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps may appeal from such decision to the Compulsory Service Tribunal constituted under section 11.

(3) Such person shall within seven days of service upon him of the decision of the Director forward to the Director a statement in writing notifying the Director of his dissatisfaction with his decision and the grounds therefor.

Appeal
before
Tribunal.

17. (1) The provisions of sections 12 and 13, other than paragraph (e) of subsection (1) of section 13, shall apply to appeals made under section 16 as though the words "appeal" and "appellant" were substituted for the words "objection" and "objector" respectively.

(2) The Compulsory Service Tribunal shall further have power to release an appellant from service for such period as it may specify.

PART III.

Compulsory Transfers.

Application
of Part III.

18. The provisions of this Part shall apply to citizens of the United Kingdom and the Colonies who are members of the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps, whether they have become such members by virtue of the provisions of this Ordinance or otherwise.

Power of
Director
to order
transfer.

19. The Director shall have power in the public interest to order the transfer—

- (a) of any person being a member of the Royal Hong Kong Defence Force from the said Force to the Special Constabulary or the Essential Services Corps;
- (b) of any person being a member of the Special Constabulary from the said Constabulary to the Royal Hong Kong Defence Force or to the Essential Services Corps;
- (c) of any person being a member of the Essential Services Corps from the said Corps to the Royal Hong Kong Defence Force or to the Special Constabulary.

20. The procedure for making an order for transfer under section 19 shall commence with the serving of a medical notice under subsection (1) of section 7 in like manner as if the person served were not a member of the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps, as the case may be, save that such notice shall state that it is given under this section. Thereafter the provisions of subsection (2) of section 7 and of sections 8 to 14 shall apply *mutatis mutandis* and with the following modifications—

Procedure
for
transfer.

- (a) the order for transfer shall be contained in the final notice served on the person intended to be transferred;
- (b) the person intended to be transferred shall be deemed to be a member of the Force, Constabulary or Corps from which he is being transferred until he has enrolled in the body in which he is directed by the final notice to enrol.

PART IV.

Miscellaneous.

21. (1) No citizen of the United Kingdom and the Colonies who is a member, whether by virtue of the provisions of this Ordinance or otherwise, of the Royal Hong Kong Defence Force, the Special Constabulary or the Essential Services Corps, shall, as from such date as shall be ordered by the Governor in Council, depart from the Colony to any destination outside it other than to such places as may be specified in such Order, except under the authority of a written permit granted by the Immigration Officer or by a person authorized by him in that behalf. Permits shall be granted or refused in accordance with such directions as may from time to time be given by the Governor.

Restriction on
departure
from the
Colony of
members
of the
Royal
Hong Kong
Defence
Force, etc.

(2) The written permit referred to in subsection (1) shall be in the form of an endorsement of the travel document of the person desiring to depart from the Colony and such endorsement shall be in the form prescribed in the Schedule to this Ordinance.

(3) Any person to whom this section applies who departs or attempts to depart from the Colony without compliance with the requirement of subsection (1) shall be guilty of an offence.

22. Any order, notice or other document issued for the purpose of carrying out the provisions of this Ordinance may be served either by being delivered personally to the person to whom it is addressed or by leaving it with some adult at such person's

Service of
document.

last known residence or place of business or by sending it by registered post to such person at his last known residence or place of business.

Regulations. **23.** The Governor in Council may make regulations prescribing forms and generally for carrying this Ordinance into effect.

Penalties. **24.** Any person who is guilty of an offence against section 7, 14, 15 or 21 shall be liable to a fine of five thousand dollars and to imprisonment for two years.

Commencement. **25.** This Ordinance shall come into force on such date as the Governor in Council may notify by proclamation in the *Gazette*.

Repeal of Ordinance No. 32 of 1939. **26.** The Compulsory Service Ordinance, 1939, is hereby repealed.

SCHEDULE. [s.21(2).]

(Name or names of person departing)

is permitted to depart from the Colony by vessel
aircraft

Valid for

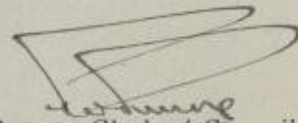
No.

Dated

(Signed)

Immigration Officer.

Passed the Legislative Council of Hong Kong, this 5th day of September, 1951.

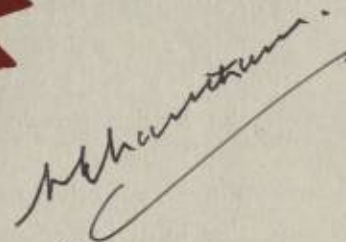

Deputy Clerk of Councils.

HONG KONG

No. 25 OF 1951.



I assent.



Governor.

6th September, 1951.

An Ordinance to provide for the establishment of the Royal Hong Kong Defence Force.

[.]

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 Royal Hong Kong Short title. Defence Force Ordinance, 1951.

2. In this Ordinance and in any regulations made here- Interpretation.
under—

"appointments" includes accoutrements and equipment of every kind other than clothing;

"Air Force" means the Hong Kong Auxiliary Air Force;

"bounty" means the bounty payable under subsection (3) of section 17;

- "Commandant" means the person for the time being appointed by the Governor to be Commandant or in the event of the officer so appointed being for any reason unable to carry out his duties, the officer who after the Commandant is most senior in rank in the Force;
- "Commanding Officer" means the person for the time being in command of one of the units of the Force, and in the event of there being no such person, means the officer who is most senior in rank in that particular unit;
- "emergency" means any occasion which the Governor in Council may consider of sufficient gravity to warrant the calling out of the Force or any part thereof;
- "enlist" and "enrol" shall have the same meaning;
- "Force" means the Force which the Governor is authorized to raise and maintain under section 3;
- "Force Pay and Pensions Code" means the British Pay Code, the British Pensions Code and the Allowance Regulations applicable to the Royal Navy, the Army and the Royal Air Force respectively as existing from time to time: Provided that in giving effect to this interpretation no officer or member shall be deemed to be locally domiciled;
- "Home Guard" means the Hong Kong Home Guard;
- "instruction" means the performance of instruction periods or parades at such time and place as ordered by the Commandant or Commanding Officer, other than parades or instruction periods which are performed during a period of training;
- "instruction allowance" means the allowance payable under subsection (2) of section 17;
- "instruction period" means a period of instruction of one hour's duration;
- "member" means a member of the Force not being an officer thereof and includes a person who has volunteered for service in the Force and a person who has been directed to enrol in the Force in accordance with the provisions of the Compulsory Service Ordinance, 1951;
- "Naval Reserve" means the Hong Kong Royal Naval Volunteer Reserve;
- "officer" means a person holding a commission as an officer in the Force;

- "Regiment" means the Hong Kong Regiment;
- "Service Discipline Acts" means the Naval Discipline Act, the Army Act and the Air Force Act;
- "training" means a period of consecutive attendance at such time and place as ordered by the Commandant or Commanding Officer of not less than 6 hours' duration;
- "volunteer" means an officer or member of the Force who volunteered for service in the Force, and who has not been directed to enrol in the Force in accordance with the provisions of the Compulsory Service Ordinance, 1951;
- "Women's Naval Reserve" means the Hong Kong Women's Naval Reserve;
- "Women's Auxiliary Air Force" means the Hong Kong Women's Auxiliary Air Force;
- "Women's Auxiliary Army Corps" means the Hong Kong Women's Auxiliary Army Corps.

PART I.

Organization.

3. It shall be lawful for the Governor to raise and maintain a force for the defence of the Colony to be known as the Royal Hong Kong Defence Force. The Force shall be composed of persons desiring to be enrolled as volunteers, whose services the Governor may accept in his discretion, and persons upon whom a liability to enrol in the Force has been imposed under the provisions of the Compulsory Service Ordinance, 1951.

Power of Governor to raise a defence force.

4. The Force shall be raised and maintained at the expense of the Colony out of moneys provided by the Legislative Council.

Force to be maintained at the expense of the Colony.

5. (1) The Force shall consist of such units and sub-units as the Governor may from time to time determine.

Force to consist of units.

- (2) The establishment of each unit and sub-unit shall be such as the Governor may from time to time determine.

- (3) Without prejudice to the generality of subsection (1) of this section and unless and until the Governor shall otherwise determine there shall be—

- (a) a force headquarters to be known as Force Headquarters comprising the Commandant and his staff together with the following sub-units—
 - (i) a Depot, and
 - (ii) a Pay and Records Section;
 and the Commandant shall be the appropriate Service Commander of Force Headquarters.
- (b) a naval unit to be known as the Hong Kong Royal Naval Volunteer Reserve and the officer for the time being discharging the duties of the Commodore, Hong Kong, shall be the appropriate Service Commander thereof;
- (c) a military unit to be known as the Hong Kong Regiment, which shall consist of the following sub-units—
 - (i) an Artillery Battery, comprising a Gunnery Troop and a Control and Reporting Troop;
 - (ii) one or more Infantry Battalions;
 - (iii) an Intelligence Unit;
 and the officer for the time being discharging the duties of the General or other Officer Commanding, Land Forces, Hong Kong, shall be the appropriate Service Commander thereof;
- (d) an air force unit to be known as the Hong Kong Auxiliary Air Force and the officer for the time being discharging the duties of the Air Officer Commanding, Royal Air Force, Hong Kong, shall be the appropriate Service Commander thereof;
- (e) an auxiliary military unit to be known as the Hong Kong Home Guard and the officer for the time being discharging the duties of General or other Officer Commanding, Land Forces, Hong Kong, shall be the appropriate Service Commander thereof;
- (f) a women's naval unit to be known as the Hong Kong Women's Naval Reserve and the officer for the time being discharging the duties of the Commodore, Hong Kong, shall be the appropriate Service Commander thereof;
- (g) a women's military unit to be known as the Hong Kong Women's Auxiliary Army Corps and the General or other Officer Commanding, Land Forces, Hong Kong, shall be the appropriate Service Commander thereof;

- (h) a women's air force unit to be known as the Hong Kong Women's Auxiliary Air Force and the officer for the time being discharging the duties of the Air Officer Commanding, Royal Air Force, Hong Kong, shall be the appropriate Service Commander thereof.

6. The officers of the Force shall be selected on merit and persons of any nationality may hold a commission therein. Officers shall be commissioned by the Governor on the recommendation of the appropriate Service Commander and no such commission shall be deemed to be vacated by the death or retirement from office of the Governor by whom the commission was granted.

Commissioned officers.

7. (1) It shall be lawful for the Governor in Council if he is satisfied that such a course is in the interests of the Colony to order for service outside the Colony any officer or member of the Force :
Provided—

Liability for service outside the limits of the Colony.

- (a) that no such order shall be made in respect of an officer or member of the Home Guard; and
- (b) that no such order shall be made in respect of any member unless such member shall on enrolment in the Force or prior to any such order have declared in writing that he is willing to serve outside the limits of the Colony if so ordered.

(2) Notwithstanding the provisions of subsection (1) the Service Commander may order any member other than a member of the Home Guard to take part outside the limits of the Colony in any operations which he is satisfied are or will be necessary or expedient for the immediate defence of the Colony.

(3) Nothing in this section shall apply to the Naval Reserve.

8. (1) Whenever any officers or members are called out together with His Majesty's Regular Forces or are undergoing training or instruction with such forces, officers of His Majesty's Regular Forces shall have in relation to officers and members of the Force such powers of command and punishment as they would have if they were officers of the Force of the same rank holding the same appointment or command.

Provision for command and punishment when officers or members are called out with

the regular forces or are undergoing training or instruction with such forces.

(2) Nothing in this section shall be deemed to authorize officers of the Force to exercise any powers of command and punishment over members of His Majesty's Regular Forces: Provided always and it is hereby declared that such officers may exercise such powers of command and punishment (if any) as under or by virtue of any enactment in force, including the provisions of King's Regulations, are or shall from time to time be conferred upon them.

(3) Nothing in this section shall apply to officers and members of the Naval Reserve.

Storage of dangerous goods. (cf. Ordinance No. 1 of 1873, s. 19).

9. The provisions of any Ordinance relating to the storage of dangerous goods shall not apply to dangerous goods belonging to the Force but such dangerous goods shall only be stored in such places and subject to such conditions and generally in such manner as may be approved by the Governor.

Right of volunteer to quit Force.

10. (1) Subject as hereinafter mentioned any volunteer may quit the Force upon—

- (a) giving to the Commandant twenty eight days notice in writing of his intention to quit the Force;
- (b) delivering up in good order (fair wear and tear only excepted) all arms, appointments and clothing being public property or property of the Force issued to him; and
- (c) paying all moneys due or becoming due by him under this Ordinance or under any regulations made thereunder or under the rules of the Force either before or at the time or by reason of his quitting the Force;

and thereupon he shall be struck off the strength of the Force by the Commandant.

- (2) (a) If the Commandant refuses to strike him off the strength of the Force and the volunteer considers himself aggrieved thereby the volunteer may through the normal service channels appeal to his Service Commander.
- (b) Upon any such appeal if it appears to the Service Commander that the provisions of subsection (1) hereof have been complied with by the volunteer he may order the Commandant forthwith to strike such volunteer off the strength of the Force and such order shall be binding on all persons.

(3) Notwithstanding anything hereinbefore contained every volunteer shall be deemed to have engaged himself to serve from

the date of his enrolment into the Force for the period stated in the regulations applicable to his unit. If the volunteer quits or is discharged from the Force before the expiration of his period of service, he shall pay to the Commandant such sum as he may order not exceeding one hundred dollars: Provided that no such sum shall be payable by a volunteer who quits the Force for any cause which the Commandant may consider reasonable and *bona fide*: Provided also that nothing in this subsection shall relieve any volunteer from the obligation to comply with the provisions of subsection (1) hereof if he wishes to quit the Force.

(4) If the Force or any part thereof shall have been called out by the Governor under section 16 then no volunteer, whether called out or not shall be entitled to quit the Force except with the previous sanction in writing of the Governor.

(5) Nothing in this section shall prevent the granting by the Commandant in his discretion of leave of absence from the Colony not involving quitting the Force, but without such leave no volunteer may depart from the Colony.

11. (1) No officer or member other than a volunteer may quit the Force except in accordance with the provisions of the Compulsory Service Ordinance, 1951. The provisions of subsection (1) (b) and (c) of section 10 of this Ordinance shall apply to any such officer or member who so obtains proper permission to quit the Force.

Right to quit Force of officers and members other than volunteers.

(2) The provisions of subsection (5) of section 10 of this Ordinance shall also apply to officers and members other than volunteers.

12. The Governor may whenever it may seem to him expedient to do so dispense with the services of any officer or member.

Power of Governor to dispense with services of individuals.

13. The Governor may whenever it may seem expedient to him to do so, disband or discontinue the services of the Force or any part thereof.

Power of Governor to disband the Force.

14. A Service Commander may at any time assemble a court of inquiry comprised of officers of the Force to inquire into any matter relative to the Force and to record the facts and

Courts of inquiry.

circumstances ascertained on such inquiry. Courts of inquiry so assembled shall be conducted in accordance with the normal procedure applicable to the appropriate service.

Power to
make
regulations.

15. (1) The Governor in Council may make regulations respecting the constitution, general government, discipline, training and instruction of the Force as a whole and in particular respecting—

- (a) requirements of efficiency;
- (b) appointment, promotion and rank of officers;
- (c) entry, advancement and reversion of officers and members;
- (d) payment of instruction allowances and bounties;
- (e) hospital and medical treatment of officers and members; and
- (f) generally for the better carrying out of the provisions of this Ordinance.

(2) Notwithstanding the provisions of subsection (1) hereof a Service Commander may, with the approval of the Governor and for the purposes aforesaid, make regulations for the unit of which he is the Service Commander in so far as they are not inconsistent with the regulations made under subsection (1) hereof.

(3) Regulations made under subsection (1) or subsection (2) in respect of the training and instruction of the Force as a whole or of any unit as the case may be shall not be deemed to be *ultra vires* by reason of their containing provisions enabling a person other than the person making the regulations to substitute in his discretion whether generally or in any particular case training and instruction periods differing from those prescribed: Provided that the training and instruction periods substituted shall not exceed in the aggregate the training and instruction periods prescribed and that the regulations indicate clearly what construction shall be placed for the purpose of such regulations on the expression "not exceed in the aggregate" hereinbefore contained.

PART II.

Calling out.

Calling out
of Force
in an
emergency.

16. (1) In case of an emergency the Governor may by proclamation call out the Force or any part thereof.

(2) Every officer and every member so called out shall assemble at such place as he may be directed by his Service Commander and shall carry out any lawful command.

(3) Every such officer and every member so called out shall be deemed to be so called out from the time at which he reports at the place directed by his Service Commander. Any officer or member who fails to report at the place so directed shall be liable to be charged with desertion unless within 4 days he shows good cause to the satisfaction of the Commandant why he was unable to report as directed.

(4) An officer or member who has been called out shall remain so called out for as long as the Governor considers necessary and shall only be released from such service by order of the Governor.

(5) In any proceedings whatsoever the production of a copy of a number of the *Gazette* containing what purports to be a proclamation under subsection (1) hereof, shall for all purposes whatsoever be conclusive proof that the said proclamation was lawfully issued and that the Force, or the part thereof, referred to in the said proclamation, was duly called out on the date which purports to be the date of such number of the *Gazette*.

17. (1) All officers and members shall when called out or under training receive full pay and allowances appropriate to their units at rates in accordance with the Force Pay and Pensions Code: Provided that any officer or member, when called out but not when under training, who is eligible to receive any pay or emoluments (other than by virtue of the provisions of the Pensions Ordinance, 1949) in respect of his services as a public servant shall receive either the pay and emoluments which he is eligible to receive as a public servant, or the pay and emoluments which he is entitled to receive as a member of the Force, whichever is the greater, but he shall not receive both.

Pay and
emolu-
ments.

Ordinance
No. 50 of
1949.

(2) All officers and members shall when under instruction receive an instruction allowance in accordance with regulations made under the Ordinance.

(3) All officers and members shall at the end of each year be entitled to receive a bounty in accordance with regulations made under the Ordinance.

18. (1) Every officer and every member irrespective of nationality and domicile, who when called out, in training or under instruction sustains wounds or injuries or contracts an

Pensions
for
disabled
members of

the Force and for widows and families of those who lose their lives whilst called out, in training or under instruction.

illness, which in the opinion of the board constituted for the purpose of this section, is attributable to or aggravated by such service, shall be entitled to apply for the appropriate disability pension. Such pension shall be paid in accordance with the provisions of the Force Pay and Pensions Code at rates applicable to his rank and appropriate to his unit.

(2) The dependants of an officer or member, as declared on the date of enlistment or as subsequently notified to the Commandant, who loses his life whilst called out, in training or under instruction whose death is, in the opinion of the board constituted for the purpose of this section, attributable to the illness caused or aggravated by such service shall, irrespective of the deceased's nationality or domicile, be entitled to apply for the appropriate pension. Such pension shall be paid in accordance with the provisions of the Force Pay and Pensions Code at rates applicable to the deceased's rank and appropriate to his unit.

(3) For the purpose of this section the expression "dependant" shall have the meaning assigned to it in the Force Pay and Pensions Code: Provided that the expressions "wife", "widow" and "child" shall have the meanings assigned to them in subsection (3) of section 17 of the Pensions Ordinance, 1949.

Ordinance
No. 50 of
1949.

(4) (a) The Governor in Council may also for the better carrying out of the provisions of this section, make regulations providing for—

(i) the manner in which pensions, gratuities, or other allowances may be granted in respect of the death, disablement or illness of any officer or member;

(ii) establishing a board for the purpose of exercising and performing such powers, duties, privileges and functions as may be imposed upon it by law;

(iii) establishing Pensions Appeal Tribunals, to which an appeal may be made by, or on behalf of, any person who has been granted or refused a pension, gratuity or other allowance or whose pension, gratuity or other allowance has been varied and who is aggrieved by such grant, refusal or variation;

(iv) the manner in which and the time within which appeals shall be made to and the manner in which appeals shall be heard by a Tribunal;

(v) the mode of proof, the admissibility of evidence and for the disclosure of documents whether in the possession of a Government department or not;

(vi) the representation of an appellant or any other party to the proceedings at the hearing of an appeal and,

in particular, for cases where an applicant owing to illness or any other cause is unable to be present at the hearing of an appeal;

(vii) payment of travelling expenses and allowances to members of a Tribunal, to appellants or to their representatives or attendants, and of medical expenses reasonably incurred by an appellant for the purpose of an appeal;

(viii) the recording and proving of the decisions of a Tribunal;

(ix) the appointment of such staff as may be necessary to enable a Tribunal properly to fulfil its functions;

(x) all such matters whether similar to or of the same nature as the foregoing or not, relating to the powers, duties and procedure of a Tribunal.

(b) The decision of a Tribunal upon an appeal made under the provisions of any regulations made under this subsection shall be final and conclusive.

(c) In this subsection the expressions "Tribunal" and "appellant" mean respectively, any Pensions Appeal Tribunal established by regulations made under the provisions of sub-paragraph (iii) of paragraph (a) of this subsection, and any person who is aggrieved by the grant, variation or refusal of a pension, gratuity or other allowance and who appeals against such grant, variation or refusal.

(5) No pension, gratuity or other allowance granted under this section shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Government of the Colony.

(6) Pensions, gratuities and other allowances shall be paid out of general revenue and are hereby made charges upon such revenue.

19. (1) Every officer and member who when called out, in training or under instruction sustains wounds or injuries or contracts an illness shall be granted free hospital and medical

Hospital
treatment.

treatment at such places and by such persons and generally in accordance with such conditions as may be prescribed by regulations made hereunder or in default of any such regulations and subject thereto as may be directed by the Commandant in Routine Orders including, if admitted to a Government Hospital free maintenance therein, and during the period of his disability shall receive full pay and allowances at rates in accordance with subsection (1) of section 17, until he has been awarded whether provisionally or on any other basis a pension, gratuity or other allowance in accordance with section 18 of this Ordinance.

(2) Whenever any officer or member sustains wounds or injuries or contracts an illness when called out in training or under instruction, subject to the provisions of section 18 and subsection (1) hereof, the procedure laid down in the King's Regulations appropriate to him shall be followed in so far as they are applicable and consistent with the provisions of this Ordinance.

PART III.

Welfare Fund.

Welfare Fund [cf. Ordinance No. 41 of 1948, s. 37.]

20. (1) There shall be established a fund to be known as the "Commandant's Welfare Fund".

(2) The fund shall consist of—

- (a) all sums forfeited by or fines inflicted on members other than sums ordered to be forfeited by or fines inflicted by a magistrate or competent court under the powers conferred by this Ordinance;
- (b) any sums as may be voted annually by the Legislative Council.

(3) The fund shall be controlled by the Commandant and applied to the general welfare of the Force.

PART IV.

Discipline.

Occasions on which officers and members of the Force are subject to Service Discipline laws.

21. (1) Every officer and member (except those of the Naval Reserve or of the Women's Naval Reserve) shall—

- (a) when called out, or
- (b) when undergoing training or instruction,

be subject in all respects to the provisions of the appropriate Service Discipline Act and any rules or regulations made

thereunder applicable to him in so far as such Act, rules or regulations are applicable and consistent with the provisions of this Ordinance and any regulations made thereunder.

(2) Nothing in this section shall be deemed to limit or derogate from the power given by the appropriate section (if any) of the Service Discipline Act applicable to the case to the officer commanding His Majesty's Regular Forces with which the Force is serving of making general orders specifying such exceptions or modifications as are referred to in the said section: Provided nevertheless that such modifications shall not apply to the officers and members who being on active service as defined by the appropriate section (if any) of the Service Discipline Act applicable to the case are outside the limits of the Colony.

22. (1) Disciplinary measures may be imposed, court martial proceedings may be commenced and carried on, and punishments may be imposed, in respect of offences against the Service Discipline Acts when an officer or member concerned is subject to any one of such Acts applicable to him.

Disciplinary measures and courts martial.

(2) It shall be lawful for the Commandant to order any officer or member to attend at any time and place in the Colony for the purpose of any court martial lawfully convened or court of inquiry or for any other special purpose which may seem proper to the Commandant.

(3) It shall be lawful for the Commandant by warrant under his hand to call upon any police officer not below the rank of sub-inspector to arrest and hand over to the Commandant or to such person authorized by him to act on his behalf any officer or member who refuses or neglects to comply with an order given under subsection (2) hereof.

(4) No sentence of a court martial passed upon an officer or member whilst serving in the Colony shall be carried into execution unless confirmed by the Governor.

23. Any officer or member who fails without good and sufficient reason (the proof whereof shall be upon him) to report for duty at any time or place when lawfully ordered so to do shall be guilty of an offence.

Failure to report for duty.

24. (1) The Commandant, who shall be the sole judge of the sufficiency of the cause, may, on the advice of the appropriate Commanding Officer, discharge from the Force any member, who has not been called out, for any offence or misconduct.

Discipline when not called out.