

Inter-
pretation.

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

“Colony diploma” means any degree of medicine and surgery granted by the University and any licence in medicine and surgery of the former Hong Kong College of Medicine;

[4 & 5
Eliz. 2,
c. 76.]

“Commonwealth or foreign diploma” means such a diploma as is mentioned in section 18 of the Medical Act, 1956, other than a Colony diploma;

“Council” means the Medical Council of Hong Kong established under section 3;

“diploma” means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted by any university, corporation, college, or other body, or by any departments of or persons acting under the authority of the government of any country or place within or without Her Majesty’s dominions;

“Director” means the Director of Medical and Health Services;

“practice” includes the diagnosis of any form of disease whether the cases diagnosed be treated medically or surgically or not:

Provided that laboratory assistants who work for or under a registered practitioner shall not by reason only of such laboratory work be deemed to practise medicine or surgery;

“prescribed” means prescribed by regulations made under section 31;

“provisional registration” and “provisionally registered” mean respectively provisional registration and provisionally registered in accordance with the provisions of section 11;

“qualifying diploma” means a diploma conferring, subject to compliance with the provisions of this Ordinance, the right of registration under section 7;

“qualifying examination” means an examination which has to be passed to qualify for a qualifying diploma;

“register” means the register kept in accordance with section 6;

“registered medical practitioner” means a person who is registered, or is deemed to be so registered under the provisions of sections 28 and 32;

“Registrar” means the Director as Registrar of Medical Practitioners;

“registration” and “registered” mean respectively registration and registered in accordance with the provisions of section 7;

“University” means the University of Hong Kong.

PART II.

The Medical Council of Hong Kong.

3. (1) There shall be established within the Colony a Council to be called the Medical Council of Hong Kong.

Establish-
ment and
composi-
tion of
Council.

(2) The Council shall consist of—

(a) the Director;

(b) the Senior Medical Officer of the Royal Navy stationed in the Colony;

(c) the Senior Medical Officer of the British Army stationed in the Colony;

(d) one registered medical practitioner in the public service of the Colony to be appointed by the Governor;

(e) one registered medical practitioner to be nominated by the University and appointed by the Governor;

(f) four registered medical practitioners resident in the Colony to be nominated by the British Medical Association of Hong Kong and by the Chinese Medical Association of Hong Kong and appointed by the Governor.

(3) The members referred to in paragraphs (d), (e) and (f) of subsection (2) of this section shall hold office for a period of three years but at the end of such period they may be re-appointed.

(4) There shall be a Secretary of the Council and a Legal Adviser to the Council who shall be appointed by the Governor.

(5) The Director shall be Chairman of the Council;

Provided that if the Director shall be absent from any meeting of the Council a member of the Council elected at that meeting by the members present at such meeting shall act as Chairman.

Meetings
of the
Council.

4. (1) The Council shall meet at such times and such places as the Director may appoint.

(2) At any meeting of the Council five members shall be a quorum.

(3) The validity of any proceedings of the Council shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

(4) All questions coming or arising before a meeting of the Council shall be decided by a majority of the members of the Council present and voting thereon.

(5) The Chairman at any meeting of the Council shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote except in an inquiry under section 20 at which he shall have only an original vote.

(6) The Council may make standing orders for regulating the procedure at, and in connexion with, its meetings.

PART III.

Registration of Medical Practitioners.

Registrar.

5. For the purposes of this Ordinance, there shall be a Registrar of Medical Practitioners who shall be the Director.

Register.

6. (1) The Registrar shall cause a register to be kept in such form as shall be prescribed and containing the names, addresses and qualifications, and such other particulars as may be prescribed—

(a) in Part I of the register, of all persons who have been registered; and

(b) in Part II of the register, of all persons who have been provisionally registered but not registered.

(2) The Registrar shall be responsible for the maintenance and custody of the register.

Qualifica-
tions for
registra-
tion.

7. Subject to the provisions of this Ordinance, the following persons shall be entitled to be registered as medical practitioners—

(a) any person who holds a Colony diploma;

(b) any person who holds any other degree or diploma which is recognized by the General Medical Council of the United Kingdom as a qualification entitling the holder to be registered in the medical register of the United Kingdom of Great Britain and Northern Ireland.

8. A person shall not become registered, otherwise than by way of provisional registration, unless—

(a) in the case of a person claiming registration by virtue of a Colony diploma, it is certified under section 9 that he has had the experience specified in that section; or

Experience
necessary
for registra-
tion.

(b) in the case of a person claiming registration by virtue of a Commonwealth or foreign diploma, the Council are satisfied that he has had such experience as is specified in section 10:

Provided that if, by virtue of a degree of medicine or surgery granted by the University, a person, before the 1st day of July, 1953, was entitled to registration or provisional registration but in lieu of applying for registration or provisional registration such person left the Colony, on application to the Council at any time thereafter he shall be entitled to be registered if the Council is satisfied that he has had the experience required by section 10.

9. (1) A certificate for the purposes of paragraph (a) of section 8 shall not be granted in respect of any person unless after passing a qualifying examination he has been engaged in employment in a resident medical capacity in an approved hospital or in an approved institution for such period as may be prescribed.

Certificate
of
experience.

(2) A person satisfying the condition specified in subsection (1) may apply to the University for a certificate under this section, and if the University is satisfied that—

(a) during the time the applicant has been so employed as aforesaid he has been engaged for such period or minimum period as may be prescribed in medicine, and for such period or minimum period as may be prescribed in surgery; and

(b) his service while so employed has been satisfactory, the University shall grant, in such form as may be prescribed, a certificate that it is so satisfied.

(3) Time during which an applicant, while employed as mentioned in subsection (1) has been engaged in midwifery, not exceeding such period as may be prescribed, shall be counted for the purposes of paragraph (a) of subsection (2) either as time spent in medicine or as time spent in surgery, as the applicant may elect.

(4) Where during any period of such employment as is referred to in subsection (1) an applicant who has been engaged in medicine has also been engaged in surgery or in midwifery or both, or an applicant who has been engaged in surgery has also been engaged in midwifery, the period shall be apportioned for the purposes of this section in such manner as may be determined by the body granting the qualifying diploma by virtue of which the applicant claims registration.

(5) In this section—

- (a) "approved", in relation to a hospital or institution, means approved for the time being by the University for the purposes of this section;
- (b) reference to employment in a resident medical capacity shall be construed as reference to employment in the practice of medicine, surgery or midwifery, where the person in question is resident in the hospital or institution where he is employed or conveniently near thereto, and by the terms of his employment is required to be so resident.

10. The matters as to which the Council must be satisfied for the purposes of paragraph (b) of section 8 are—

Other
evidence of
experience.

- (a) that the person claiming registration has been employed as mentioned in subsection (1) of section 9 and has satisfied the conditions specified in paragraphs (a) and (b) of subsection (2) of that section; or
- (b) that such person has rendered satisfactory service in an appointment (whether within or outside Her Majesty's dominions) such as in the opinion of the Council confers experience of the practice of medicine and surgery, or medicine, surgery and midwifery, not less extensive than that required for a certificate under section 9; or
- (c) that such person has otherwise acquired such experience as aforesaid.

11. (1) Any person who, but for the provisions of section 8, would be entitled to be registered, shall be entitled to be provisionally registered, on application to the Registrar and production to the Registrar of evidence to the satisfaction of the Registrar that he has been selected for such employment as is mentioned in subsection (1) of section 9 and on payment to the Registrar of such fee as is prescribed by regulations made under section 31.

Provisional
registration.

(2) Any person who has been provisionally registered shall be deemed to be registered as far as is necessary—

- (a) to enable him to be employed as mentioned in subsection (1) of section 9;
- (b) in order that the provisions of section 18 and of Part IV may be applicable to him;
- (c) for the purpose of section 5 of the Jury Ordinance and for the purpose of such other enactments as may be prescribed; and (Cap. 3).
- (d) for any other purpose which the Governor in Council may by order direct,

but not further.

12. (1) No degree or qualification shall be entered on the register, either on the first registration or by way of addition to a registered name, unless the Registrar is satisfied by such evidence as he may consider sufficient that the person claiming such degree or qualification is entitled thereto.

Degrees,
etc.

(2) Every person registered under this Ordinance who obtains any additional degree or other qualification other than the qualification in respect of which he has been registered, shall be entitled subject to the provisions of this section to have such additional degree or other qualification inserted in the register in substitution for or in addition to the qualification previously registered.

(3) The Council may decide what additional degrees and other qualifications may be entered on the register:

Provided that any additional degree or other qualification recognized by the General Medical Council of the United Kingdom may be entered on the register.

Registration.

13. (1) Any person entitled to be registered may apply to the Registrar for registration.

(2) Applications for registration shall be made in such manner or form and shall be accompanied by such documents and particulars and by such fee as may be prescribed :

Provided that no fee shall be payable on the application for registration of a person in the public service of the Colony or in the full time service of the University.

(3) Where a person has complied with the provisions of subsection (2), he shall, subject to the provisions of this Ordinance, be registered by the Registrar who shall issue to him a certificate of registration in such form as shall be prescribed.

Publication of register and evidence of registration, etc.

14. (1) As soon as may be after the 1st day of January of every year, the Registrar shall prepare and publish in the *Gazette* a list of the names, addresses, qualifications and dates of the qualifications of all persons whose names appear on Part I of the register on the 1st day of January immediately preceding the publication of the list in the *Gazette*.

(2) As soon as may be after the 1st day of July of every year, the Registrar shall prepare and publish in the *Gazette* a list of the names, addresses, qualifications and dates of the qualifications of all persons whose names were added to Part I of the register between the 1st day of January and the 1st day of July of such year.

(3) The publication of a list referred to in subsection (1) or subsection (2) shall be *prima facie* evidence that each person named in such list is registered.

(4) The absence of the name of any person from the list last published under subsection (1) and any list subsequently published under subsection (2) shall be *prima facie* evidence that such person is not registered.

(5) A certificate under the hand of the Registrar that the name of a person has been entered or removed from the register shall be conclusive evidence that a person is or is not registered or provisionally registered, as the case may be.

15. (1) Every registered medical practitioner shall be entitled to practise medicine, surgery and midwifery and to recover in due course of law reasonable charges for professional aid, advice and visits and the value of any medicine or any medical or surgical appliances rendered, made or supplied by him to his patients.

Privileges of registered medical practitioners.

(2) Subject to the provisions of sections 29 and 30, no person shall be entitled to recover in any Court any such charges as are referred to in subsection (1) unless at the date when such charges accrued he was a registered medical practitioner :

Provided that nothing in this subsection shall affect the practice of midwifery by any person duly licensed in that behalf under the provisions of any law in force in the Colony.

16. No certificate or other document required by any written law to be signed by a duly qualified medical practitioner given after the commencement of this Ordinance shall be valid unless signed by a person who at the date of such signing was a registered medical practitioner.

Medical certificates.

17. The words "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any written law with reference to such persons, shall be construed to mean a registered medical practitioner.

Definition.

18. The Council may order the removal from the register of the name of any person who—

Power of Council to order removal of names from register.

- (a) is deceased; or
- (b) is no longer practising medicine, surgery or midwifery in the Colony; or
- (c) has not supplied to the Registrar an address in the Colony at which all notices from the Council may be served on him :

Provided that any person failing to acknowledge within twelve months of the date of despatch the receipt of a registered letter or telegram addressed to him at the last address supplied by him to the Registrar shall be deemed not to have supplied the Registrar with an address under this paragraph.

Alterations
to the
register.

19. (1) The Registrar may amend any entry in the register if any alteration in or addition to the address or qualification of or other relevant information relating to the person named in such entry shall have come to his knowledge.

(2) The Registrar shall make such amendments to the register as are made necessary by any decision of the Council.

PART IV.

Disciplinary Proceedings, and Offences.

Dis-
ciplinary
powers of
Council.

20. (1) If, after due inquiry, the Council is satisfied that any registered medical practitioner—

- (a) has been convicted in the Colony or elsewhere of any offence punishable with imprisonment;
- (b) has been guilty of infamous conduct in any professional respect;
- (c) has obtained registration by fraud or misrepresentation; or
- (d) was not at the time of his registration entitled to be registered,

the Council may, in its discretion—

- (i) order the name of the registered medical practitioner to be erased from the register; or
- (ii) order the name of the registered medical practitioner to be removed from the register for such period as it may think fit; or
- (iii) order the registered medical practitioner to be reprimanded; or
- (iv) postpone judgment on the case for a period or periods, in the aggregate, not exceeding two years,

and may, in any case, make such order as the Council thinks fit with regard to the payment of the costs of the Registrar and of any complainant or of the registered medical practitioner, and any costs awarded may be recovered summarily as a civil debt in accordance with the provisions of sections 65 and 66 of the

(Cap. 227). Magistrates Ordinance.

(2) For the purpose of subsection (1)—

“due inquiry” means an inquiry by the Council conducted substantially in accordance with procedure prescribed by regulations made under section 31.

(3) Nothing in this section shall be deemed to require the Council to inquire into the question whether the registered medical practitioner was properly convicted but the Council may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant as showing the nature and gravity of the offence.

(4) In any inquiry under this section whether a person has been guilty of infamous conduct in any professional respect, any finding of fact which is shown to have been made in any matrimonial proceedings in a court of the Commonwealth having unlimited jurisdiction in civil matters, or on appeal from a decision in such proceedings, shall be conclusive evidence of the fact found.

[*cf.* 4 & 5
Eliz. 2,
c. 76,
s. 33(2).]

(5) Within one month after the expiry of the time within which an appeal, against an order made by the Council in accordance with the provisions of subsection (1), may be made to the Full Court in accordance with the provisions of section 25, or if such appeal has been made, within one month after the decision of the Full Court affirming or varying such order, the Council shall cause the order or the order as so varied, as the case may be, to be published in the *Gazette* and may cause an account of the proceedings at the inquiry at which such order was made, to be so published. There shall also be published in the *Gazette* along with such order sufficient particulars to acquaint the general public of the nature of the offence to which the order relates.

21. (1) For the purposes of an inquiry under section 20 the Council shall have the following powers—

- (a) to hear, receive and examine evidence on oath;
- (b) to summon any person to attend the inquiry to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;

Powers of
Council in
regard to
obtaining
of evidence
and
conduct at
proceed-
ings.

- (c) to admit or exclude the public or any member of the public from the inquiry;
- (d) to admit or exclude the press from the inquiry;
- (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Council may have been reasonably expended by him by reason of his attendance.

(2) Summonses to witnesses may be in such form as may be prescribed and shall be signed by the Chairman.

Penalty
for failure
to give
evidence.

22. Any person who being summoned to attend as a witness or to produce a book, document or any other thing at an inquiry under section 20 refuses or neglects to do so or to answer any question put to him by or with the concurrence of the Council shall be guilty of an offence and shall be liable to a fine of one thousand dollars and to imprisonment for six months:

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him before the Council, be entitled to the privileges to which he would be entitled if giving evidence before a court of justice.

Appearance
of counsel,
etc.

23. The complainant in any inquiry under section 20 and the person whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or by a solicitor throughout the inquiry.

Orders of
the
Council.

24. (1) A copy of any order made under subsection (1) of section 20 shall be served forthwith by the Registrar upon the registered medical practitioner concerned, either personally or by registered post addressed to his registered address.

(2) The Registrar shall not erase or remove the name of the registered medical practitioner from the register before the expiry of one month after the date of service of the order of the Council on the person concerned and in the case of an appeal shall await the decision of the Full Court.

(3) Any person whose name has been removed or erased from the register under section 18 or under subsection (1) of section 20 may apply to the Council for the restoration of his name to the

register, and the Council, in its absolute discretion and after such inquiry as it may consider desirable, may either allow or refuse the application, and, if it allows the same, shall order the Registrar to restore the name of the applicant to the register, and thereupon the Registrar shall restore the name accordingly.

(4) Any order made by the Council as aforesaid shall be signed by the Chairman.

25. (1) Any registered medical practitioner who is aggrieved by any order made in respect of him under section 18 or under section 20 may appeal to the Full Court, and the Full Court may thereupon affirm, reverse or vary the order appealed against.

Appeal
against
orders of
the
Council.

(2) The decision of the Full Court upon such appeal shall be final.

(3) The practice in relation to any such appeal shall be subject to any rules of court made under the Supreme Court (Cap. 4) Ordinance:

Provided that the Full Court shall not have power to hear any appeal against an order made under section 20 unless notice of such appeal was given within one month of the service of the order in accordance with subsection (1) of section 24.

26. Every person who fraudulently procures or attempts to procure himself or any other person to be registered by making or producing, or causing to be made or produced, any false or fraudulent representation or declarations, either oral or in writing, shall be guilty of an offence and on summary conviction shall be liable to a fine of ten thousand dollars and to imprisonment for two years.

Fraudu-
lent regis-
tration.

27. Any person who wilfully and falsely pretends to be qualified, or takes or uses any name or title implying that he is qualified, to practise medicine or surgery or to be registered or, not being registered or provisionally registered or exempted from registration, practises or professes to practise or publishes his name as practising medicine or surgery shall be guilty of an offence and on summary conviction shall be liable to a fine of two thousand dollars and to imprisonment for six months.

Unlawful
use of
title etc.
and
practice
without
registra-
tion.

PART V.

Exemptions, Savings, Regulations and Repeal.

Exemption
from
registra-
tion.

28. The following persons shall be exempted from registration and shall be deemed to be registered medical practitioners while serving in or holding the appointments specified—

- (a) all medical officers of Her Majesty's Forces serving on full pay in the Colony;
- (b) all ships' surgeons while in the discharge of their duties;
- (c) any person who is in the Colony for the purpose of teaching and research in any institution recognized from time to time by the Council for that purpose and not having any of the qualifications mentioned in section 7 for so long as he continues to engage himself exclusively in teaching and in research and the clinical practice of medicine directly connected with and necessary for the performance of his teaching duties;
- (d) any person, other than a person serving a prescribed period of employment under subsection (1) of section 9, who is in the full time service of—

(i) the Government as a Government medical officer; or

(ii) the University for the purpose of teaching in the pathological department of the faculty of medicine, or in the clinical units of medicine or of surgery or of obstetrics and gynaecology of such faculty,

and who is duly authorized for that purpose by the Director subject to such terms and conditions as the Director, in his absolute discretion, may impose.

Certain
medical
examiners
may be
exempted.

29. (1) Notwithstanding that he may not be entitled to be registered, a national of a foreign country who is registered as a medical practitioner in that country and who is employed by the government of that country, may, with the consent of the Governor, conduct medical examinations of applicants for admission into that country with a view to ascertaining their fitness for admission.

(2) Such consent may be given subject to such conditions as the Governor may think fit to impose and may be revoked at any time in the absolute discretion of the Governor.

(3) For the purposes of this section, the expression "foreign country" means any country outside the Commonwealth.

30. (1) Nothing in this Ordinance shall be deemed to affect the right of any person of Chinese race, not being a person taking or using any name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery according to modern scientific methods, to practise medicine or surgery according to purely Chinese methods and to demand and recover reasonable charges in respect of such practice. Chinese medicine.

(2) For the purposes of this section—

(a) the taking or using in Chinese by any person of the name, title, addition or description of 中醫 or 中醫生 or 中醫師 or 唐醫 or 國醫 or of any words or characters implying specialization when preceded by the aforementioned characters shall not be deemed to be the taking or using of a name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery according to modern scientific methods:

Provided that in any English translation of such characters the word "Herbalist" must be included;

(b) the taking or using by any person of the name, title, addition or description of 西醫, 醫生, 醫師, 醫士, 醫學士, 醫學博士, 男醫, 女醫, 醫科, 醫家, 醫寓, 醫院, 醫務院, 醫所, 醫務所, 醫療所, 診療所, 療病院, and the taking or using of words or characters implying specialization if preceded by words or characters other than those specified in paragraph (a) shall be deemed to be the taking or using of a name, title, addition or description calculated to induce anyone to believe that he is qualified to practise medicine or surgery according to modern scientific methods and that he is registered.

31. The Governor in Council may by regulation prescribe or provide for—

- (a) the duties of the Registrar;
- (b) the duties of the Legal Adviser to the Council;

Power of
Governor
in Council
to make
regulations.

- (c) the form of the register, the mode in which it shall be kept and the contents thereof;
- (d) any certificate form or other document required under this Ordinance;
- (e) any fee required to be paid under the provisions of this Ordinance;
- (f) the minimum periods of employment mentioned in section 9;
- (g) the procedure to be followed—
 - (i) in relation to preliminary investigation of complaints touching the conduct of persons whose names appear on the register;
 - (ii) in relation to inquiries held by the Council under the provisions of section 20;
- (h) the issue of medical certificates of death.

Saving.
(Cap. 161).

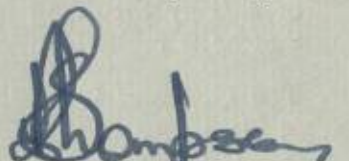
32. Every person who was registered or provisionally registered under the provisions of the Medical Registration Ordinance at the date of the coming into force of this Ordinance shall be deemed to be registered or provisionally registered, as the case may be, and the Registrar as soon as practicable after such date shall record in the register in respect of each such person the particulars required to be so recorded.

Repeal.
(Cap. 161).

33. The Medical Registration Ordinance is repealed:

Provided that section 14 of that Ordinance shall continue in operation until section 27 of this Ordinance is brought into operation in accordance with the provisions of section 1.

Passed the Legislative Council of Hong Kong, this 22nd day of May, 1957.


Deputy Clerk of Councils.

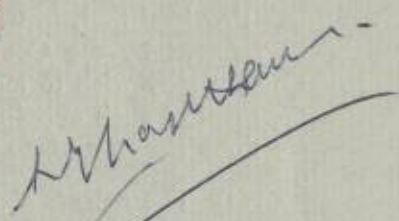
(Secretariat GR8/3231/53)

HONG KONG

No. 26 OF 1957.



I assent.


Governor.

23rd May, 1957.

An Ordinance to provide for the incorporation of the Council of the Munsang College, Hong Kong.

[24th May, 1957.]

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

1. This Ordinance may be cited as the Munsang College Short title. Incorporation Ordinance, 1957.

2. The Council for the time being as hereinafter composed of Munsang College, Hong Kong, shall be a body corporate, hereinafter called the corporation, and shall have the corporate name, "Munsang College", and in that name 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.

Purpose
of the
corpora-
tion.

3. The purpose of the corporation shall be to carry on the work for which the Munsang College was originally founded, that is, of offering to Chinese youths a modern liberal education (special attention being given to the teaching of the English and Chinese languages and literature), and encouraging them to lead a Christian life.

Limitation
of number
of
members
of Council.
Election of
officers, etc.

4. (1) The Council shall consist of not less than nine members nor more than twenty-one.

(2) The Council shall have a Chairman, a Vice-Chairman, an Honorary Secretary, and an Honorary Treasurer (hereinafter referred to as the officers) and such number of Supervisors as may be necessary, all of whom shall be elected from among the members of the Council:

Provided that, in the case of Supervisors, their election shall be referred by the Council, with such recommendations as the Council may wish to make, to the Director of Education for his approval of such appointments and, in case of disapproval, such elections shall be of no effect.

(3) The officers shall hold office for a term of one year and shall retire at the ordinary meeting of the Council next following the expiration of their term of office but they shall be eligible for re-election.

(4) The Council shall—

- (a) have such powers;
- (b) perform such duties;
- (c) transact such business; and
- (d) hold such meetings,

as are specified in this Ordinance and in the rules made under section 10.

First
members
of the
Council.
Filling of
vacancy.

5. (1) The first members of the Council shall be—

- (a) Dr. LAM Chi Fung, LL. D.;
- (b) Mrs. TSEUNG Ts'o Lai-Ki, J.P.;
- (c) Dr. LAM Shu Kee, M.B., B.S.;
- (d) Mr. MOK Hing Shung, M.A. (OXON.);

(e) Mr. CHAN Ying Hung, J.P.;

(f) Mr. LUK Yan King;

(g) Mr. LAU Chiu Tak;

(h) Mr. Daniel HIN Lam;

(i) Mr. Alexander CHONG Chou Chen, B. Sc.

(Representative of the Munsang Alumni Association).

(2) On the occurrence of any vacancy in the Council caused by the death, resignation, or other determination of office in accordance with the rules made under section 10, of any one of such members of the Council, it shall be filled in manner prescribed in the rules.

6. (1) The Council may from time to time by resolution passed, in accordance with the rules made under section 10, at a meeting convened for the purpose appoint such number of Principals as may be necessary for the administration and management of colleges and schools established and run by the corporation and, may, in like manner, when occasion so requires—

Appoint-
ment and
removal of
principal.

- (a) remove any Principal so appointed; or
- (b) appoint another person to act as Principal during the temporary absence of the substantive holder of that office.

(2) Any resolution passed for any of the purposes mentioned in subsection (1) shall be authenticated by the Chairman and Vice-Chairman of the Council and when so authenticated shall be conclusive evidence for all purposes of the facts therein contained.

7. (1) The corporation shall have power to acquire, accept and grant leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate, and also to build, rebuild, alter, vary, renew, maintain and repair any building, messuages or tenements, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, debentures, stocks, funds, shares or securities of any government, municipality, corporation, or company and also to purchase, acquire, and possess goods and chattels of what nature and kind soever.

Powers
of cor-
poration.

(2) Notwithstanding the provisions of subsection (1), the corporation shall not acquire any immovable property in the Colony unless it shall have previously obtained the special consent of the Governor in Council in each case.

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

Execution
of deeds.

8. All deeds, documents and other instruments requiring the seal of the corporation shall be sealed in the presence of any three of the following officers, namely—

- (a) the Chairman;
- (b) the Vice-Chairman;
- (c) the Honorary Secretary; and
- (d) the Honorary Treasurer,

and shall also be signed by the same three officers so present, and such signing shall be taken as sufficient evidence of the due sealing thereof.

Vesting.

9. (1) All the right, title, benefit and interest of LAM Chi Fung and MOK Hing Shung, as surviving Trustees for the unincorporated Munsang College, of and in all that piece or parcel of ground known and registered in the Land Office as New Kowloon Inland Lot No. 2651, together with all rights, easements and appurtenances thereunto belonging or appertaining, shall upon the registration by the corporation in the Land Office of a Memorial of this Ordinance be transferred to and be vested in the corporation, subject to the payment of the Crown rent reserved by, and the performance and observance of the terms and conditions contained in, certain Conditions of Exchange deposited and registered in the Land Office as Conditions of Exchange No. 3879, under which the said piece or parcel of ground is now held, and subject also to such mortgages, charges, leases, tenancies and other agreements, and upon such trusts, conditions and stipulations, as may be subsisting in relation thereto upon the commencement of this Ordinance.

(2) On the coming into operation of this Ordinance—

- (a) all property and effects belonging to the unincorporated Munsang College and vested in the Council or in any trustees for it at such time shall be transferred to and become vested in the corporation; and
- (b) the corporation shall become liable for all debts and liabilities of the unincorporated Munsang College, or incurred on its behalf by its Council or of any trustees for it.

10. (1) The Council may from time to time by resolution passed, in accordance with the rules made under this section, at a meeting convened for the purpose make such rules as the Council may at its discretion deem desirable for—

Power to
make rules.

- (a) the administration or management of the corporation;
- (b) the management of the corporation's premises and property of whatever description;
- (c) the holding of meetings of the Council and the conduct of business thereat; and
- (d) such other matters as may be deemed necessary for the better administration or management of the corporation and its premises and properties.

(2) The rules in the Schedule shall be in force except in so far as they may be amended by rules made under this section.

11. (1) The corporation shall send to the Registrar of Companies for registration—

Registration
with
Registrar
of Companies.

- (a) notice of the address of the principal office of the corporation and any change thereof;
- (b) a copy of all rules made under the provisions of section 10, certified as correct by the Chairman of the corporation;
- (c) a list of the names and addresses of the Chairman, Vice-Chairman, Honorary Secretary, Honorary Treasurer and other members of the Council, and any change therein, certified as correct by the Chairman of the corporation.

(2) Notification in accordance with subsection (1) shall be made within twenty-eight days of the coming into operation of this Ordinance or within twenty-eight days of any amendment or change as the case may be.

(3) A fee of five dollars shall be payable for registering any document under this section.

(4) Upon payment of a fee of one dollar, any person may inspect any of the documents registered with the Registrar of Companies under this section.

Prohibition
against
payment
of dividend
or bonus.

12. No dividend or bonus shall be paid and no gift or division of money shall be made by or on behalf of the corporation to or among any of the members of the Council, or, to or among the students of any college or school established or maintained by the corporation except by way of prize, reward or special grant to students approved on each such occasion by a majority of the members of the Council.

Saving.

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

SCHEDULE.

[s. 10.]

RULES.

Citation.

1. These rules may be cited as the Munsang College Rules, 1957.

The Council.

2. Subject to the provisions of rules 3 and 4, members of the Council shall hold office for life.

3. The Executive Committee of the Munsang Alumni Association shall be entitled to elect one of its members to serve on the Council. Such member, however, shall retire at the second ordinary meeting of the Council held next after his election but shall be eligible for re-election by such Executive Committee.

4. Members of the Council shall vacate office—

- (a) upon failure to attend meetings of the Council for twelve consecutive months; or
- (b) upon ceasing to reside in Hong Kong or within one hundred miles thereof for six months without leave of the Council.

5. The Council may appoint, subject to the provisions of subsection (1) of section 4 of the Ordinance, additional members thereto, and may fill any vacancy occurring therein.

Management.

6. The functions of the Council shall be—

- (a) to provide and maintain all necessary buildings, furniture and apparatus for the use of the colleges and schools established or maintained by the corporation;
- (b) to take all measures necessary for raising funds and for carrying on the work and administering the affairs of the corporation;
- (c) to elect a Chairman, a Vice-Chairman, an Honorary Secretary, an Honorary Treasurer, Supervisors and an auditor who shall be a person included in the authorized list of auditors kept under the Companies Ordinance, Chapter 32;
- (d) to appoint Principals, acting Principals and Bursars, to fix their remuneration and to dispense with their services;
- (e) to approve or reject recommendations by Principals or acting Principals for appointments of Heads of Departments;
- (f) to fix the scale of fees to be paid by students.

Duties of the Principal.

7. Principals and acting Principals shall be responsible for the internal management and discipline of the colleges and schools established or maintained by the corporation and shall have power—

- (a) subject to the approval of the Council, to appoint, dismiss or suspend Heads of Departments;
- (b) to engage, dismiss or suspend any teachers, clerks, servants, and any other employees of such institutions employed by the corporation; and
- (c) subject to the approval of the Council to fix the salaries and emoluments of all such persons, or any of them.

Meetings of the Council.

8. Ordinary or extraordinary meetings of the Council shall from time to time be held for the despatch of business, and may be adjourned from time to time and from place to place. No meeting shall be valid unless a majority of the members of the Council are present in person.

9. (1) Ordinary meetings shall be held twice a year: one in the fourth week in January and one in the fourth week in July.

(2) All ordinary meetings shall be held in the Colony of Hong Kong either—

- (a) at premises of the Munsang College; or
- (b) at such other convenient place as may be agreed upon by the Council, and named in the notice convening the meeting.

10. In the absence of the Chairman at any meeting the Vice-Chairman or in his absence a member elected by those present shall be chairman of the meeting.

11. All business brought before a meeting shall be decided by a majority of votes of the members present; in case of an equality of votes the chairman of such meeting shall have a casting vote.

12. All resolutions carried as aforesaid by a majority of the members present and all acts done pursuant to any such resolutions shall be deemed to be the resolutions and acts respectively of the Council.

13. Minutes of the proceedings of every meeting of the Council shall be entered in a book kept for that purpose and shall on approval by the Council be signed by the chairman at the conclusion of such meeting or by the chairman of the following meeting; and shall when so entered and signed be evidence of the facts therein stated.

14. (1) Notice of any Council meeting shall be signed by either the Chairman, the Vice-Chairman, or the Honorary Secretary and shall be deemed to have been delivered to the addressees if it is left or sent through the post to their respective addresses registered with the Registrar of Companies.

(2) Seven clear days' notice shall be given of every meeting, stating the time and place of holding the meeting and the objects or purposes for which the meeting is to be held.

(3) Any notice sent in accordance with the provisions of paragraph (1) shall be effective although the member of Council to whom it is intended may at the time be absent from his registered address or may never actually receive the notice.

(4) Proxies shall not be permitted at any meeting.

Finance.

15. A report upon each and every college or school established or maintained by the corporation together with appropriation account of the expenses thereof for the next ensuing year shall be prepared and signed by the appropriate Principal and Bursar jointly and shall be presented to the Council at the second ordinary meeting in each year.

16. (1) A current account to be known as the "No. 1 account" shall be opened in the name of the Munsang College, or in such other name as the Council may decide, at such bank as the Council may from time to time approve, and all school fees received shall be paid into, and all payments of salaries and other expenses for the running of the colleges and schools of the corporation shall be paid out of, such account.

(2) All cheques drawn on the above account on behalf of the corporation shall be signed by any two of the following persons, namely—

- (a) the Chairman;
- (b) the Vice-Chairman; and
- (c) the Honorary Treasurer; or

by any one of them and countersigned by either the appropriate Principal or the appropriate Bursar.

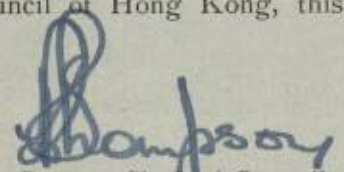
17. (1) All donations of a special nature, or, if a sinking fund is ever created, the moneys received therefor, shall be paid into a separate current account to be known as the "No. 2 account" to be opened in the name of the Munsang College, or in such other name as the Council may decide, at such bank as the Council shall from time to time approve.

(2) All cheques drawn on the above account on behalf of the corporation shall be signed by the Chairman and any one member of the Council.

18. In any year in which, in the opinion of the members of the Council present at a meeting convened for the purpose, there shall be a surplus of income over expenditure, the balance so resulting may be transferred to the No. 2 account as provision for unforeseen contingencies.

19. The Council may create, set aside and deal with in such manner and for such purpose as the Council may think fit any provident fund or sinking fund which the Council may deem necessary or expedient.

Passed the Legislative Council of Hong Kong, this 22nd day of May, 1957.


Deputy Clerk of Councils.

(Secretariat GR3235/57)

HONG KONG

No. 27 OF 1957.



I assent.

M. S. S. S.
Governor.

6th June, 1957.

An Ordinance to provide for the restriction and, where necessary, the reduction of heights of buildings in the vicinity of the Hong Kong Airport, for the control of lighting, for the erection or provision and the maintenance of aids to air navigation, for the assessment and payment of compensation in respect of damage suffered on account thereof, and for purposes connected with the matters aforesaid.

[7th June, 1957.]

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

PART I.

Preliminary.

1. This Ordinance may be cited as the Hong Kong Airport Short title. (Control of Obstructions) Ordinance, 1957.

Interpre-
tation.

2. (1) In this Ordinance, save where the context otherwise requires—

“building” includes the whole, or any part, of any building, arch, bridge, chimney, cookhouse, cowshed, dock, factory, garage, hangar, hoarding, latrine, lift, matshed, office, out-house, pier, shelter, shop, stable, stairs, wall, warehouse, wharf, or workshop, and any mast or pole or other structure projecting skywards;

“building works” includes any kind of building construction, site formation, drainage works, repairs, maintenance, demolition, alteration, addition and every kind of building operation, and any lighting or marking required to be provided under the provisions of this Ordinance;

“land” includes all buildings thereon;

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

(2) Any reference in this Ordinance to the safety of aircraft means the safety of aircraft using Hong Kong Airport.

PART II.

Control of heights of buildings and lighting, and provision of aids to air navigation.

3. (1) Where in the opinion of the Governor in Council the safety of aircraft so requires, he may by order—

- (a) prescribe areas within which all buildings are prohibited;
- (b) prescribe areas within which no building shall exceed the height specified in such order above principal datum— which expression shall have the same meaning as in the First Schedule to the Interpretation Ordinance;

Orders by
Governor
in Council
relating to
heights of
buildings.

(Cap. 1).

(c) require to be demolished any building erected within an area in which all buildings have been prohibited by an order under paragraph (a), or require to be reduced in height, or, where reduction in height is not feasible, to be demolished, any building which does not conform with an order under paragraph (b).

(2) Where an order is made under paragraph (a) or (b) of subsection (1), it shall be published in the *Gazette*, and a copy thereof together with a plan of the prescribed area, signed by the Clerk of Councils, shall be deposited at the Land Office.

(3) An order under paragraph (c) of subsection (1) shall be served upon the owner of the premises affected, and may be registered at the Land Office against the land affected by delivering to the said office a memorial thereof signed by the Clerk of Councils and containing the full terms of such order.

4. No building shall be erected in any area in which buildings are prohibited, and no building shall be erected above the prescribed height, contrary to any order under paragraph (a) or (b) of subsection (1) of section 3.

No build-
ings to
be erected
contrary
to orders
under
section 3.

5. The Director of Civil Aviation may, by notice in writing served on the owner of any building which is the subject of an order under paragraph (c) of subsection (1) of section 3, specify the date by which such building is to be demolished, or the height thereof is to be reduced, in compliance with such order.

Director
of Civil
Aviation
may
specify
date for
demolition
or reduc-
tion in
height of
building.

6. (1) Where in the opinion of the Director of Civil Aviation the safety of aircraft requires the marking of any building or the provision of warning or guiding lights thereon, he shall by notice in writing served upon the owner of the building inform him of the marking or lights required, and call upon him to elect in writing, within fourteen days of the date of such notice, whether he desires the Government to provide the marking or lights, or whether he desires to do so himself.

Director
of Civil
Aviation
may
require
marking
and
lights on
buildings.

(2) If the owner desires the Government to provide the marking or lights, it shall be lawful for the Government to provide, and thereafter to maintain, the same.

(3) If the owner desires to provide the marking or lights himself, he shall do so within such time and in such manner as the Director of Civil Aviation may by notice in writing require, and shall thereafter maintain such marking or lights in such manner as the Director may from time to time by notice in writing require.

(4) Any reasonable expenses incurred by an owner in providing any such marking or lights or upon the maintenance of the same (including any expenses of illumination) shall be paid by the Government.

Governor in Council may order provision of marks, lights and beacons.

7. (1) Where in the opinion of the Governor in Council the safety of aircraft so requires, he may by order authorize the Director of Public Works to provide or erect, and thereafter to maintain, in any place or on any building such marks, warning or guiding lights and aircraft beacons as shall be specified in such order.

(2) Such order shall be served upon the owner, if any, of any place or building which is the subject of the order.

Restriction on use of amber lights.

8. Save with the written authority of the Director of Civil Aviation or under an exemption granted by him and published in the *Gazette*, no person shall, in Kowloon or New Kowloon or any other area prescribed by order of the Governor in Council published in the *Gazette*, expose to the sky or permit to be exposed to the sky any form of lighting of an amber colour or of a colour resembling amber.

Director of Civil Aviation may prohibit certain lights exposed to sky.

9. (1) Where in the opinion of the Director of Civil Aviation the safety of aircraft so requires, he may by notice in writing served upon the owner or occupier of any place or building prohibit the use of any light exposed to the sky.

(2) Where any light is exposed to the sky in contravention of a notice under subsection (1), the Director of Civil Aviation may by notice in writing served upon any supplier of electricity or gas require the discontinuance of the electricity or gas supplied to any such light.

(3) Any person aggrieved by any prohibition imposed under subsection (1) may appeal by way of petition to the Governor in Council, but shall, pending the decision of such appeal, comply with the notice given pursuant to subsection (1).

10. Notwithstanding that no notice has been given under subsection (1) of section 9, where in the opinion of the Director of Civil Aviation the safety of aircraft requires that any light exposed to the sky should be immediately extinguished, he may require any supplier of electricity or gas immediately to discontinue for a period not exceeding twelve hours the supply of electricity or gas to such light, and if it is not practicable immediately to discontinue the supply to that light only, it shall be lawful for the supplier to discontinue the supply to other lighting to such extent as is necessary to effect the immediate extinguishment of that light.

Emergency extinguishment of lights exposed to sky.

11. Where any supplier of electricity or gas is required by notice under either subsection (2) of section 9 or section 10 to discontinue the supply of electricity or gas to any light, it shall be lawful, for the purpose of giving effect to the requirement of such notice, for any servant or agent of such supplier to enter and where necessary, in the presence of a police officer, break into any building or place in which such light is exposed, and there to do all such work as is necessary to effect the discontinuance of the supply of electricity or gas to that light.

Power to enter premises to extinguish lights.

12. The Director of Public Works may, on application made to him by the Director of Civil Aviation, carry out such building works as may be necessary—

Director of Public Works empowered to carry out works.

- (a) for the demolition or reduction in height of any building erected in contravention of section 4;
- (b) for the demolition or reduction in height of any building where any person has not complied with an order under paragraph (c) of subsection (1) of section 3 by the date specified in a notice under section 5;
- (c) for the marking of any building or the provision of any light or the maintenance of any such marking or light where any person has not complied with a notice under subsection (3) of section 6 requiring such works.

Powers of entry of Director of Public Works and Director of Civil Aviation.

13. (1) The Director of Public Works or any public officer authorized in writing by him in that behalf may, during the hours of day-light, enter and where necessary, in the presence of a police officer, break into any premises for the purpose of ascertaining whether the provisions of this Ordinance or the requirements of any notice given thereunder have been or are being complied with, or for the purpose of carrying out or causing to be carried out any building works pursuant to the authority in that behalf conferred by subsection (1) of section 7 or by section 12.

(2) The Director of Civil Aviation or any public officer authorized in writing by him in that behalf may at any time enter and where necessary, in the presence of a police officer, break into any premises for the purpose of ascertaining whether the provisions of this Ordinance relating to marks, lights or beacons, or the requirements of any notice under this Ordinance relating thereto, have been or are being complied with.

Closure orders in relation to buildings to be demolished or reduced in height.

14. (1) Where a building has to be demolished or reduced in height so that it may conform to the requirements of this Ordinance or any order made thereunder, and the owner of the building or the Director of Public Works, as the case may be, is about to undertake building works in order to effect such demolition or reduction in height, the owner or the Director may apply to a magistrate for a closure order in relation to that building or any part thereof, and the magistrate shall make such order if he is satisfied that notice has been given in accordance with the provisions of subsection (4), and that it is necessary or expedient to order the closure of the building or part thereof so that such works may be expeditiously and properly carried out.

(2) A closure order under this section shall—

- (a) specify the building or part thereof to be closed; and
- (b) order the closure of such building or part thereof under the direction of a police officer; and
- (c) order—
 - (i) in the case of demolition, that the building be closed; or
 - (ii) in the case of reduction in height, that the building or part thereof remain closed until the Director of Public Works has given a certificate to the owner that the order is no longer required.

(3) No person shall occupy a building or part of a building to which a closure order relates during the continuance in force of the order.

(4) At least seven days' notice of intention to apply for a closure order shall be given by the person making such application by posting the notice on a conspicuous part of the building to which it relates, and upon being so posted it shall be sufficient notice to all persons of such intention.

(5) Such notice shall be in both the English and the Chinese languages and shall specify the building to which it relates and whether the same is to be demolished or reduced in height, and in the case of a reduction in height, the extent thereof, the premises to be closed and the estimated period of closure; and in addition, in the case of a reduction in height, such notice shall reproduce this section in full.

(6) Any occupier who is evicted from a building under a closure order made to enable a reduction in height thereof to be effected shall, subject to the following provisions of this section, be entitled to re-enter and re-occupy the premises occupied by him immediately prior to his eviction, but this subsection shall not be taken to preserve or revive any rights necessarily extinguished or curtailed by the carrying out of any building works undertaken to effect such reduction in height.

- (7) (a) Not later than fourteen days after the making of a closure order in relation to the reduction in height of a building, any occupier whose rights will not be extinguished by any building works undertaken to effect such reduction may serve upon the owner notice of his intention to re-occupy, on the expiry of the closure order, the premises occupied by him at the date of the giving of notice under subsection (4).
- (b) Such notice of intention to re-occupy shall specify an address at which a notice under subsection (8) may be served.
- (c) Such notice of intention to re-occupy may be revoked in like manner by the occupier during the continuance in force of the closure order.

(8) Within three days of the receipt of a certificate of the Director of Public Works given under sub-paragraph (ii) of paragraph (c) of subsection (2), the owner of the building to which it relates shall serve notice of the expiry of the closure order upon every occupier who has given notice under paragraph (a) of subsection (7), and has not revoked the same, and such notice of expiry shall be served by sending it by registered post to such occupier at the address specified in the notice given by him under subsection (7).

(9) Any occupier who has given notice under subsection (7) and has not revoked the same, may, within fourteen days of the date of service of the notice of expiry, re-enter and re-occupy the premises previously occupied by him to the extent that the same are still in existence, upon such terms and conditions relating to the premises as were in force at the date of the closure order in so far as the same are still applicable, and, in the event of the value of the premises to the occupier having been diminished as a result of the carrying out of any such building works as are referred to in subsection (1), at such reduced rent as is reasonable having regard to all the circumstances, and in default of agreement between the parties as to the amount of such reduced rent, the amount shall be determined by arbitration in accordance with the provisions of Order XXV of the Code of Civil Procedure.

(10) Where an occupier who has given notice under subsection (7) and has not revoked the same fails to exercise his right to re-enter within the period allowed by subsection (9), he shall have no further rights of occupation, and the person who would have been entitled to receive the rent from such occupier shall be entitled to recover from him a sum equal to one month's rent by action brought in the District Court.

15. (1) Where the Director of Public Works carries out any building works pursuant to the authority in that behalf conferred by paragraph (a) of section 12, he may recover the cost thereof from the owner of the building on which such building works are carried out, and may certify under his hand the amount due and the names of the persons liable therefor, and may by such certificate apportion such cost among such persons.

(2) Such cost may include supervision charges.

(3) A copy of the Director of Public Works' certificate shall be served upon each person affected thereby.

(Vol. VII,
p. 44).

Recovery
of cost of
works by
Director
of Public
Works.

(4) Interest at the rate of ten per cent per annum from the expiry of one month from the date of such service shall be recoverable as part of such cost.

(5) The payment of such cost by any person shall be without prejudice to his right to recover the same from any other person.

(6) Without prejudice to any other remedy of the Director of Public Works for the recovery of such cost, he may recover the same by action in the District Court where the amount claimed does not exceed five thousand dollars, and in the Supreme Court where the amount claimed exceeds that sum, and in any such action he shall sue as Director of Public Works.

(7) The writ of summons in connexion with such action shall be taken to have been duly served if it appears, to the satisfaction of the court, that the writ was left at the defendant's residence or place of business, or in case the same is unknown, that it was left at the building in respect of which the claim is made.

(8) A certificate under subsection (1) purporting to be under the hand of the Director of Public Works shall be *prima facie* evidence of the facts certified therein and of the signature of the Director of Public Works thereto.

(9) Before the Director of Public Works commences to carry out any such building works as are referred to in subsection (1), he may register in the Land Office against the land on which the works are to be carried out a notice of his intention to carry out such works, and if such a notice is registered the cost of the works and any interest thereon shall be and remain a first charge upon the said land until paid.

16. Where any person is required to carry out building works in order to comply with the provisions of this Ordinance, the Director of Public Works may, on application being made to him in writing by such person, enter into an agreement with that person for payment by the Government of the cost of the works:

Provided that this section shall not apply in the case of any building erected in contravention of section 4.

17. (1) No liability shall rest upon the Government or upon any public officer by reason of the fact that any building works are carried out in accordance with the provisions of this Ordinance.

Payment
by Govern-
ment of
cost of
works.

Limitation
of public
liability.

(2) No matter or thing done by the Director of Civil Aviation or the Director of Public Works or by any public officer acting under the direction of either of them or by any supplier of electricity or gas or by any servant or agent of such supplier shall, if it was done *bona fide* for the purpose of executing this Ordinance, subject them personally to any action, liability, claim or demand whatsoever.

Service of
orders and
notices.

18. Wherever in this Ordinance provision is made for service upon any person of any order or notice, it shall, save where otherwise specifically provided, be sufficient service if a copy of such order or notice is—

- (a) delivered to the person upon whom it is to be served; or
- (b) sent by registered post to the last known place of business or residence of such person; or
- (c) left with an adult occupier of the premises to which the order or notice relates; or
- (d) posted upon a conspicuous part of such premises and published in the *Gazette*.

Offences.

19. Any person who—

- (a) carries out any building works in contravention of the provisions of section 4;
- (b) fails to comply with a notice under subsection (3) of section 6;
- (c) obscures, severs, breaks or otherwise tampers with any mark, lighting or structure provided or erected in pursuance of the provisions of this Ordinance;
- (d) contravenes the provisions of section 8;
- (e) fails to comply with a notice under subsection (1) of section 9;
- (f) contravenes the provisions of subsection (3) of section 14;
- (g) obstructs the Director of Civil Aviation, the Director of Public Works or any officer authorized by either of them in the execution of his duties; or
- (h) obstructs any servant or agent of a supplier of electricity or gas in the exercise of his powers under section 11,

shall be liable to a fine of two thousand dollars and to imprisonment for six months.

PART III.

Compensation.

20. Where any person—

Right to
compensa-
tion.

- (a) has an interest in land the value of which is diminished, or
- (b) sustains damage by loss of rent or by being disturbed in the enjoyment of any right in or over land, or
- (c) incurs reasonable expenses for the purpose of carrying out building works which are required to be carried out, (other than building works necessary for the demolition or reduction in height of any building erected in contravention of section 4),

in consequence of an order made under section 3 or section 7, or of the provision of any marking or lights under section 6, or of the provisions of section 8, or of a notice given under section 9 such person shall be entitled to recover compensation:

Provided that no person claiming compensation under paragraph (a) shall be so entitled where the diminution in value of his interest in land is less than one-tenth of the diminished value of such interest, but this proviso shall not operate to prevent any person from recovering compensation in respect of a diminution in value resulting from the carrying out of building works in order to comply with the provisions of this Ordinance.

21. The right to recover compensation in respect of a diminution in value of an interest in land shall be deemed to pass with such interest upon any sale, gift, bequest, exchange, assignment, reassignment, release, partition, mortgage, charge or other transfer or disposition thereof unless the right to recover compensation is specifically excluded from passing by the terms of the instrument under which such interest passes.

Passing of
right to
compensa-
tion in
case of
disposition
of land.

22. (1) A claim for compensation under this Ordinance shall be made in writing to the Director of Public Works—

Time and
manner
for making
claims, and
settlement
thereof.

- (a) in the case of a diminution in value of an interest in land in consequence of an order made under paragraph (a) or (b) of subsection (1) of section 3, within one year of the date of such order; and

- (b) in any other case, not later than the expiry of three months from—

(i) the completion of any building works carried out in consequence of an order under paragraph (c) of subsection (1) of section 3; or

(ii) the completion of the provision or erection of any marks, lights or beacons under section 6 or section 7; or

(iii) the completion of any building works required to comply with section 8 or with a notice given under subsection (1) of section 9:

Provided that the Governor in Council may, in any particular case, extend the period for the making of claims.

(2) Upon a claim being received the Director of Public Works shall forthwith assess, in accordance with the rules under section 23, the amount of any compensation which in his opinion is recoverable by the claimant, and shall thereupon notify the claimant of the amount of compensation, if any, so assessed.

(3) If the claimant agrees in writing that he accepts such amount in full settlement of his claim, that amount may be paid to the claimant:

Provided that in the case of diminution in value of an interest in land, he shall first satisfy the Land Officer of his title to the compensation payable.

Rules for
assessment
of com-
pensation.

23. In assessing compensation the Director of Public Works and, in the case of any dispute, the tribunal referred to in section 24, shall act in accordance with the following rules—

- (a) The value of any interest in land shall, subject as hereinafter provided, be taken to be the amount which the interest if sold in the open market by a willing seller might be expected to realize:

Provided always that the Director of Public Works or the tribunal, as the case may be, shall be entitled to consider all returns and assessments for taxation or rating made or acquiesced in by the claimant.

- (b) No allowance shall be made in respect of the compulsory nature of any prohibition or restriction imposed, or building works required, by or under this Ordinance.

- (c) Where the value of the land is increased by reason of the use thereof, or of any premises thereon, in a manner which could be restrained by any court, or is contrary to law, or, save where such use has been expressly permitted by the Crown, is not in accordance with the terms of the Crown Lease, or other tenancy from the Crown, under which the land is held, or is detrimental to the health of the occupiers of the premises or to the public health, the amount of that increase shall not be taken into account.

- (d) No allowance shall be made in respect of any increase in building heights permitted since the 16th day of September, 1955, (being the date of publication of Government Notification No. 1026 of 1955, in which warning was given of proposed restrictions on heights of buildings) or of the possible use, in relation to heights prescribed as at the said day, of the powers of the Governor in Council under sections 77 and 78 of the Buildings Ordinance, Chapter 123 of the Laws of Hong Kong, the Revised Edition 1950. (Cap. 123).

- (e) No allowance shall be made in respect of any expectancy or probability of the grant or renewal or continuance by the Crown or by any person or by virtue solely of the Landlord and Tenant Ordinance of any lease, tenancy, licence or permit whatsoever: (Cap. 255, 1953 Reprint).

Provided that this rule shall not apply to any case where the grant or renewal or continuance by the Crown or other person could have been enforced as of right.

- (f) Interest at a rate not exceeding four per cent per annum may be allowed on any money expended by the claimant for which compensation is allowed:

Provided that where the claimant has borrowed money for such expenditure and satisfies the Director of Public Works or the tribunal, as the case may be, that he had good and sufficient reason for not availing himself of the provisions of section 16, and that the lowest rate of interest at which he could borrow the money was in excess of four per cent per annum, such higher rate of interest may be allowed, but in no case shall the rate exceed ten per cent per annum.

- (g) Interest at a rate not exceeding four per cent per annum may be allowed on any part of the compensation allowed for any diminution in value of an interest in land, and such interest may be allowed from the date of such diminution, being a date not earlier than the date of publication of the order made under section 3 which resulted in such diminution.
- (h) In determining whether any interest shall be allowed, regard shall be had to all the circumstances of the case, including any delays occasioned by the claimant.

Disputes
to be
determined
by Airport
Obstruc-
tions
Compensa-
tion
Tribunal.

24. (1) Where any dispute arises as to—

- (a) whether compensation is payable under this Ordinance; or
- (b) the amount of any such compensation; or
- (c) the person to whom it is payable,

the dispute shall be referred to and determined by the tribunal established under subsection (3).

(2) For the purposes of this section, a dispute shall be deemed to have arisen where a claimant or the Director of Public Works, as the case may be, has served notice of intention to refer the dispute to the tribunal upon all other parties to the dispute, and the party who has served notice as aforesaid shall, within two months thereafter, refer the dispute to the tribunal by notice served upon the clerk to the tribunal giving particulars of the matter in dispute between the parties, and a copy of the last-mentioned notice shall, within the said period, be served upon all other parties.

(3) For the purpose of determining disputes which may arise in relation to the matters mentioned in subsection (1), there shall be established a tribunal to be known as the Airport Obstructions Compensation Tribunal (in this Ordinance referred to as the tribunal).

(4) The tribunal shall consist of a Chairman, who shall be a judge of the Supreme Court or the District Court appointed by the Chief Justice, and of two other members appointed by the Governor, one of whom at least shall be a person who is not employed full time in any office of emolument under the Crown, and one of whom at least shall be selected from persons appearing to the Governor to be qualified as having had experience in the valuation of land and buildings.

- (5) The Governor shall appoint a clerk to the tribunal.

(6) The remuneration of the members of the tribunal and the clerk shall be determined by the Governor in relation to each dispute determined by the tribunal, having regard in the case of members to the time occupied and the amount of work and the magnitude of the interests involved:

Provided that nothing in this subsection shall authorize the payment of remuneration to any person employed full time in any office of emolument under the Crown.

25. (1) For the purpose of determining disputes, the tribunal shall have all such powers as are vested in the Supreme Court in relation to—

Powers and
functions
of tribunal.

- (a) enforcing the attendance of witnesses and examining them upon oath or otherwise;
- (b) compelling the production of documents;
- (c) punishing persons behaving in an insulting manner or using any threatening or insulting expression to or concerning or in the presence of the tribunal;
- (d) ordering an inspection of premises;
- (e) entering upon and viewing premises.

(2) Proceedings upon a reference under subsection (2) of section 24 shall be heard by the tribunal sitting in public.

(3) All questions arising in any proceedings before the tribunal shall, in the event of a difference between the members, be decided by the majority:

Provided that any question touching the procedure to be followed or the admissibility of evidence or any other question declared by him to be one of law shall be decided by the chairman.

(4) The decision of the tribunal shall set out the heads of compensation and the matters for which allowance is made, and such decision shall be final:

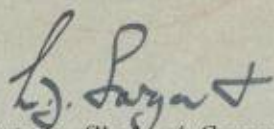
Provided that any party dissatisfied with the decision as being erroneous in point of law may, within one month after such decision, require the chairman to state and sign a case for the decision of the Full Court.

(5) The Chief Justice may, subject to the provisions of this Ordinance, make rules for—

- (a) regulating proceedings before the tribunal, and in particular such rules may provide for the amendment of the decision of the tribunal in pursuance of any directions which may be given by the Full Court on an appeal under this section; and
- (b) regulating proceedings on a case stated for the decision of the Full Court, and for the fees payable in respect of those proceedings.

(6) The tribunal may order that the costs of any proceedings before it incurred by any party shall be paid by any other party, and may tax or settle the amount of any costs to be paid under any such order, or may direct in what manner they are to be taxed.

Passed the Legislative Council of Hong Kong, this 5th day of June, 1957.


Deputy Clerk of Councils.

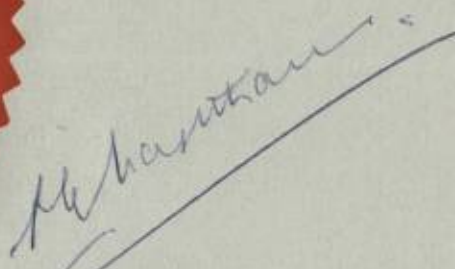
(Secretariat GR5/3231/55)

HONG KONG

No. 28 OF 1957.



I assent.


Governor.

6th June, 1957.

An Ordinance to amend the Hawkers Ordinance, Chapter 157, and to validate certain licences issued thereunder.

[7th June, 1957.]

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

1. This Ordinance may be cited as the Hawkers (Amendment and Validation) Ordinance, 1957. Short title.

2. The Hawkers Ordinance (hereinafter referred to as the principal Ordinance) is amended by the insertion after section 1 of the following new section— Addition of new section 1A. (Cap. 157).

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

"hawker" means—

- (a) any person who trades in any public place—
 - (i) by selling or exposing for sale any goods, wares or merchandise; or
 - (ii) by exposing samples or patterns of goods, wares or merchandise to be afterwards delivered; or
 - (iii) by hiring or offering for hire his skill in handicraft or his personal services; and
- (b) any person who itinerates for the purpose—
 - (i) of selling or exposing for sale any goods, wares or merchandise; or
 - (ii) of hiring or offering for hire his skill in handicraft or his personal services;

Provided that nothing in this definition shall be taken to include—

- (i) any person who sells to or seeks orders from any person who is a dealer in any such goods, wares or merchandise and who buys to sell again; or
- (ii) any person who on request visits in any place the person making such request for the purpose of selling or offering for sale or delivering to him or taking from him orders for any goods, wares or merchandise or of hiring to the person making such request his skill in handicraft or his personal services; or
- (iii) any representative of the press or any photographer."

Repeal and
replace-
ment of
section 2.

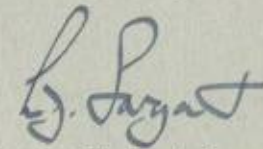
3. Section 2 of the principal Ordinance is repealed and replaced by the following—

"Power to
make
by-laws.

2. The Urban Council may make by-laws providing for the regulation and control (including prohibition, registration or licensing) of hawkers."

4. Anything which has been done before the commencement of this Ordinance in purported exercise of any such power as is mentioned in section 2 of the principal Ordinance, and which would have been lawfully done at the time when such thing was done if the principal Ordinance had at such time been amended in the manner provided by this Ordinance shall be deemed to have been lawfully done. Validation.

Passed the Legislative Council of Hong Kong, this 5th day of June, 1957.



Deputy Clerk of Councils.

(Secretariat GR6/2532/46II)

HONG KONG

No. 29 OF 1957.



I assent.

[Signature]
Governor.

20th June, 1957.

An Ordinance to provide for the establishment and constitution of a tourist association and a board of management, and for matters connected therewith.

[21st June, 1957.]

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

Short title.

1. This Ordinance may be cited as the Hong Kong Tourist Association Ordinance, 1957.

Interpretation.

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

"Association" means the Hong Kong Tourist Association established under section 3;

"Board" means the Board of Management established under section 9;

"financial year" means a period of twelve months beginning on the 1st day of April, except that the period between the establishment of the Board and the 31st day of March, 1958, inclusive, shall be deemed to be a financial year;

"international carriage" means any carriage by sea or air where the place of departure and the place of destination are situated in different countries;

"international passenger carrier" means any person carrying on a business providing international carriage for passengers, and includes the agent in the Colony of any such person;

"person engaged in the tourist industry" means any tourist agent and any person whose business consists, either wholly or partly, in providing, or arranging the provision of, services for visitors to the Colony, by way of transport or accommodation, whether or not such service is provided within the Colony, and includes the agent in the Colony of any such person;

"recognized travel agent" means a travel agent recognized by an international passenger carrier as its agent;

"tourist agent" means any person carrying on a business, in the Colony, which consists, wholly or in part, in organizing and conducting tours for or in supplying guides to visitors to the Colony;

"trade association" means any body of persons whether corporate or unincorporate, the principal object whereof is the protection or furtherance of the interest of a trade or industry, or of two or more trades or industries, or of trade or industry generally.

(2) For the purposes of this section every colony, overseas territory or protectorate shall be deemed to be a separate country.

Establishment and constitution of Association.

3. (1) There shall be established an association to be known as the Hong Kong Tourist Association.

(2) The Association shall consist of such persons as may be admitted to membership of the Association in accordance with the provisions of section 6.

Objects of Association.

4. The objects of the Association shall be—

(a) to endeavour to increase the number of visitors to the Colony;

(b) to further the development of the Colony as a holiday resort;

(c) to promote the improvement of facilities for visitors;

(d) to secure overseas publicity for the tourist attractions of the Colony;

(e) to co-ordinate the activities of persons providing services for visitors to the Colony;

(f) to make recommendations to and advise the Governor in relation to any measures which may be taken to further any of the foregoing matters.

5. Any international passenger carrier, recognized travel agent, hotel proprietor, tourist agent or trade association shall be eligible for membership of the Association.

Qualifications for membership.

6. (1) Every application for membership of the Association shall be made to the Board.

Application for and admission to membership.

(2) The Board shall consider all such applications and shall admit to membership of the Association such of those persons who are eligible for membership, as it thinks fit.

7. The Board may, if it thinks fit, terminate, at any time, the membership of any member of the Association.

Termination of membership.

8. (1) The Association shall have an executive director (hereinafter referred to as the Director) and such other officers, servants and agents as the Board may determine.

Officers and servants.

(2) The Director and such other officers, servants and agents shall be appointed by the Board, and the terms of any such appointment, as to remuneration or otherwise, shall be such as the Board may determine:

Provided that the appointment of the Director and any assistant director shall be subject to the approval of the Governor.

9. (1) There shall be established a Board of Management.

Establishment and constitution of Board.

(2) (a) The Board shall consist of not more than nine members to be appointed by the Governor.

(b) Not less than five members of the Board shall be appointed as representing persons engaged in the tourist industry, and trade associations.

(3) Each member of the Board shall hold office for three years from the date of his appointment, but shall be eligible for re-appointment.

(4) The Governor shall appoint a member of the Board as chairman thereof.

(5) When, for any reason, a vacancy occurs in the office of a member of the Board, such vacancy shall be filled by appointment by the Governor.

(6) The Governor may appoint any person to be temporarily a member of the Board during the temporary incapacity from illness or during the temporary absence from the Colony of any member of the Board, save that where the member so incapacitated or absent is a member appointed as representing persons engaged in the tourist industry or trade associations, the person appointed under this subsection shall be appointed as representing persons engaged in the tourist industry or trade associations as the case may be.

Resignation of members and power of Governor to declare office vacant.

10. (1) A member of the Board may, at any time, by notice in writing addressed to the Governor, resign his office as such.

- (2) If the Governor is satisfied that a member of the Board—
- (a) has become bankrupt or made an arrangement with his creditors;
 - (b) is incapacitated by physical or mental illness; or
 - (c) is otherwise unable or unfit to discharge the functions of a member of the Board,

the Governor may declare his office as a member of the Board to be vacant, and shall notify the fact in such manner as he thinks fit, and thereupon his office shall become vacant.

Board to be a body corporate.

11. The Board shall be a body corporate and shall have the name of the Hong Kong Tourist Association Board and in that name shall have perpetual succession and may sue and be sued.

Seal of the Board and authentication thereof, and instruments executed thereunder.

12. (1) The Board shall have a common seal, and the affixing of the seal shall be authenticated by the signatures of—

- (a) the chairman of the Board, or some other member thereof authorized for that purpose by the Board either generally or specially; and
- (b) some other person authorized for that purpose by the Board, either generally or specially.

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

13. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

Certain contracts and instruments not required to be under seal.

14. The Board shall have the management and control of the Association.

Board to have management of Association.

15. It shall be a duty of the Board to make, within two years of its establishment or within such further period as the Governor in Council may from time to time prescribe, to the Governor, recommendations as to the extent to which members of the Board may be elected by the members of the Association and as to the desirability of increasing the classes of person eligible for membership of the Association.

Board to make recommendations to Governor on certain matters.

16. The Board may, for the purposes of the Association,—

General powers of Board.

- (a) acquire, take on lease, purchase, hold, hire and enjoy any lands, premises, messuages, tenements, and other property of any kind, and dispose of the same;
- (b) enter into any contract;
- (c) engage in, assist and promote such activities as are conducive to the better carrying out of the objects of the Association and the convenience and enjoyment of the Colony as a holiday resort;
- (d) delegate to the Director or any other officer or servant of the Association such of its powers and duties as it may deem expedient for the efficient conduct and management of the affairs of the Association;

Provided that no delegation made hereunder shall preclude the Board from exercising or performing at any time any of the powers or duties so delegated;

- (e) do all such things as are calculated to facilitate, or as are incidental or conducive to, the discharge of the functions of the Board and the better carrying out of the objects of the Association.

Power of Board to appoint committees.

17. (1) The Board may from time to time appoint such committees as it considers necessary for securing the efficient discharge of its functions and may delegate to any such committee any of its powers and duties :

Provided that no delegation made hereunder shall preclude the Board from exercising or performing at any time any of the powers and duties so delegated.

(2) Any person may be appointed a member of any such committee notwithstanding that he is not a member of the Board.

Accounts and audit.

18. (1) The Board shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year a statement thereof.

(2) The accounts shall be audited annually by an auditor appointed by the Governor.

(3) As soon as possible after the accounts for any financial year have been audited, a copy of the statement of accounts prepared in accordance with this section, together with a copy of any report made by the auditor on that statement or on the accounts, shall be laid on the Table of the Legislative Council.

Reports.

19. (1) The Board shall, as soon as possible after the end of each financial year, make to the Governor a report on its activities and on the activities of the Association during that year.

(2) The Colonial Secretary shall lay a copy of every such report on the Table of the Legislative Council.

Power of Board to make rules.

20. The Board may, with the approval of the Governor in Council, by rules prescribe or provide for—

- (a) the manner of convening any meeting of the Board or the Association ;
- (b) regulating the proceedings (including the quorum) at any meeting of the Board or the Association ;
- (c) the form of application for membership of the Association and, in respect of any such application from a travel agent, the furnishing and form of a certificate from an international passenger carrier of its recognition of the travel agent as its agent ;

- (d) fees for membership of the Association ;
- (e) conditions and requirements of membership of the Association ;
- (f) generally for the exercise of its powers and duties under this Ordinance.

21. The Board shall convene a general meeting of the Association annually, and may convene such other meetings of the Association as it considers necessary. Meetings of Association.

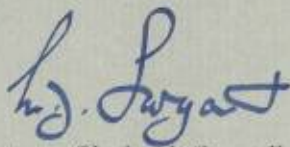
22. (1) The proceedings at any meeting of the Board, or of any committee appointed by the Board, or of the Association shall be conducted in accordance with the provisions of rules made under this Ordinance. Proceedings at meetings of Association and Board.

(2) Subject to the provisions of this Ordinance and of any such rules, the proceedings at any such meeting shall be conducted in such manner as the Board may determine.

23. (1) The validity of any proceeding of the Board shall not be affected by any defect in the appointment of any member thereof or by any vacancy amongst the members thereof. Validity of proceedings.

(2) The validity of any proceeding of the Association shall not be affected by any defect in the admission of any person to membership of the Association.

Passed the Legislative Council of Hong Kong, this 19th day of June, 1957.


Deputy Clerk of Councils.

(Secretariat GR26/2091/50II)

HONG KONG

No. 30 OF 1957.



I assent.

Robert Gordon
Governor.

18th July, 1957.

An Ordinance to amend the Midwives Ordinance, Chapter 162.

[19th July, 1957.]

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

1. This Ordinance may be cited as the Midwives (Amendment) Ordinance, 1957. Short title.

2. Section 4 of the Midwives Ordinance is amended by the deletion of subsection (1) and the substitution therefor of the following— Amendment of section 4. (Cap. 162).

“(1) (a) There shall be established a Midwives Board, which shall consist of the following members—

(i) the Director of Medical and Health Services;

(ii) the Principal Matron of the Medical Department;

(iii) the Supervisor of Midwives of the Medical Department;

(25 of
1957).

(iv) one member, who shall be a medical practitioner registered under the Medical Registration Ordinance, 1957, to be nominated by the University of Hong Kong and appointed by the Governor;

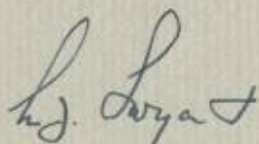
(v) three members, who shall be midwives certified and enrolled under this Ordinance, to be nominated respectively as to one each by the Tung Wah Group of Hospitals, the Alice Ho Miu Ling Nethersole Hospital and the Hong Kong Sanatorium and Hospital, and appointed by the Governor;

(vi) three members who shall be midwives certified and enrolled under this Ordinance, to be nominated by the Hong Kong Nurses and Midwives Association and appointed by the Governor.

(b) Each of the members appointed by the Governor under paragraph (a) shall hold office for such term, and subject to such conditions, as the Governor may from time to time prescribe:

Provided that the Governor may at any time cancel any such appointment."

Passed the Legislative Council of Hong Kong, this 17th day of July, 1957.


Deputy Clerk of Councils.

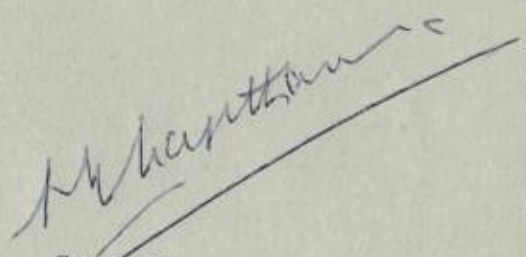
(Secretariat GR26/2961/46)

HONG KONG

No. 31 OF 1957.



I assent.


Governor.

18th July, 1957.

An Ordinance to amend the Societies Ordinance, Chapter 151.

[19th July, 1957.]

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

1. This Ordinance may be cited as the Societies (Amendment) Ordinance, 1957. Short title.

2. Section 2 of the Societies Ordinance (hereinafter referred to as the principal Ordinance) is amended in the definition of the word "office-bearer"— Amendment of section 2. (Cap. 151).

(a) by the insertion after the word "society" in the second and third places where it occurs in each case of the following—

"or any branch thereof";

- (b) by the deletion of the words "governing body thereof" and the substitution therefor of the following—

"governing body of such society or any branch thereof".

Amend-
ment of
section 5.

3. Section 5 of the principal Ordinance is amended—

- (a) by the deletion of subsection (3) and the substitution therefor of the following—

"(3) The Registrar may refuse to register a local society where he is satisfied that—

- (a) such society is a branch of or is affiliated to or connected with—

(i) any organization or group of a political nature established outside the Colony; or

(ii) any society whose exemption from registration has been rescinded under subsection (5) or whose registration has been cancelled under subsection (6); or

- (b) such society is unlawful by virtue of any other enactment or is likely to be used for unlawful purposes or for any purpose prejudicial to or incompatible with peace, welfare or good order in the Colony.

(3A) No local society shall be registered or exempted from registration by a name which—

- (a) contains the words "rural committee" or any other words which, in the opinion of the Registrar, suggest or are calculated to suggest that such society is a rural committee or federation of rural committees, unless such society is a rural committee or federation of rural committees recognized as such by the District Commissioner, New Territories;

- (b) is identical with that by which a society already in existence is known or so nearly resembles that name as to be calculated in the opinion of the Registrar to mislead;

- (c) in the opinion of the Registrar, is calculated to mislead members of the public as to the true character or purpose of the society;

- (d) in the opinion of the Registrar, suggests or is calculated to suggest that the society is either a company registered under the

(Cap. 32). Companies Ordinance or a trade union registered under the Trade Unions and

(Cap. 64). Trade Disputes Ordinance.";

- (b) by the deletion of subsection (5) and the substitution therefor of the following—

"(5) The Registrar may rescind at any time the exemption granted by him in respect of any society under subsection (2) if he is satisfied that it is expedient so to do on any of the following grounds, namely—

- (a) that such society is affiliated to or connected with any organization or group of a political nature established outside the Colony; or

- (b) that such society is likely to be used for unlawful purposes or for any purpose prejudicial to or incompatible with peace, welfare or good order in the Colony; or

- (c) that such society or any group of members of such society or any office-bearer of such society acting in his capacity as an office-bearer has in any way been connected with or participated in or instigated or supported the performance of any illegal act; or

- (d) that any illegal act has been performed on any premises leased, rented, borrowed, used or controlled by such society or by any office-bearer of such society acting in his capacity as office-bearer; or

- (e) that such society has exercised or is exercising or intends or has attempted to exercise influence over the conduct or management of any school as defined in section 2 of the

(33 of 1952).

Education Ordinance, 1952, or over the teachers or pupils in any such school, and that such influence is—

- (i) of a political nature, or
- (ii) prejudicial to the conduct or management of such school or to the welfare and good order of such teachers or pupils.

Any such rescission shall be notified in the manner provided by subsection (2) of section 16.”;

- (c) by the insertion in subsection (7) after the word “decision” in the third place where it occurs of the following—
“by way of petition”;
- (d) by the addition after subsection (7) of the following new subsection—

“(8) Notwithstanding anything contained in section 9, a society whose exemption from registration has been rescinded under subsection (5) or whose registration has been cancelled under subsection (6) shall, if all activities and meetings of such society are conducted with the permission of the Registrar and in accordance with such conditions as the Registrar may see fit to impose, not be deemed to be an unlawful society until the time limited for any appeal by way of petition allowed under subsection (7) has expired or, if any such appeal has been lodged within that time, until the determination of such appeal.”.

4. The principal Ordinance is amended by the addition after section 12B of the following new sections—

“Liability of person convicted of an offence under section 10, 11 or 15(2).

12C. Any person who, having been convicted of any offence under section 10 or 11 or subsection (2) of section 15, becomes an office-bearer of any other society without the permission in writing of the Registrar shall be liable on summary conviction to a fine of three thousand dollars and to imprisonment for three years.

Liability of office-bearer of a society

12D. If exemption from registration of any society has been rescinded under subsection (5) of section 5 or the registration of any society has been cancelled

Addition of new sections 12C, 12D and 12E.

whose exemption has been rescinded or registration cancelled.

under subsection (6) of that section, any office-bearer of such society at the time of such rescission or cancellation who, after that time, becomes an office-bearer of any other society without the permission in writing of the Registrar shall be liable on summary conviction to a fine of three thousand dollars and to imprisonment for three years.

Liability of office-bearer etc. for offence committed by society.

12E. (1) Where any offence punishable with a fine or imprisonment has been committed, whether or not any person has been convicted in respect thereof, and such offence has been committed or purports to have been committed in the name or on behalf of any society, every office-bearer of such society and every person managing or assisting in the management of such society at the time of the commission of such offence shall be deemed to be guilty of such offence and shall be liable to the punishment prescribed by law therefor, unless he establishes to the satisfaction of the court that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

(2) Any office-bearer and person managing or assisting in the management of such society shall be liable to be prosecuted under this section, notwithstanding that he may have taken part in the commission of the offence.

(3) In any prosecution under subsection (1) of an office-bearer or any person managing or assisting in the management of a society, any document found in the possession of an office-bearer of such society or of a person assisting in the management of such society or of a member of such society or in any place leased, rented, borrowed, used or controlled by such society shall be *prima facie* evidence of the contents thereof for the purpose of proving that anything has been done or purports to have been done by or on behalf of such society.”.

Amend-
ment of
section 14.

5. Section 14 of the principal Ordinance is amended by the deletion of subsection (3) and the substitution therefor of the following—

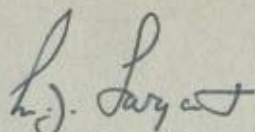
“(3) When it appears to a magistrate that there is reasonable cause to suspect that any place entered or searched under any power conferred by or under this Ordinance was, immediately before or at the time of such entry, being used by or for the purposes of an unlawful society, any person found in such place at any time during such search or found leaving therefrom immediately before or at the time of such entry, shall unless he gives a satisfactory account of the reasons for his presence in the said place, be presumed to be a member of the unlawful society.”.

Amend-
ment of
section 21.

6. Section 21 of the principal Ordinance is amended by the deletion of the words “section 15” and the substitution therefor of the following—

“sections 12C, 12D and 15”.

Passed the Legislative Council of Hong Kong, this 17th day of July, 1957.



Deputy Clerk of Councils.

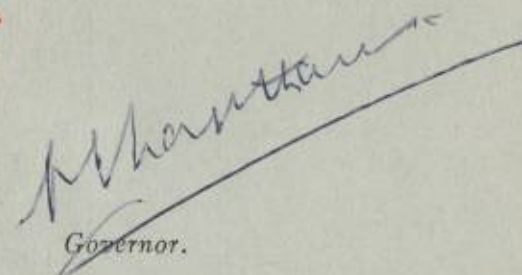
(Secretariat GR37/3231/47II)

HONG KONG.

No. 32 OF 1957.



I assent.



Governor.

18th July, 1957.

An Ordinance to amend the Law of Property (Enforcement of Covenants) Ordinance, 1956.

[19th July, 1957.]

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

1. This Ordinance may be cited as the Law of Property (Enforcement of Covenants) (Amendment) Ordinance, 1957. **Short title.**

2. Subsection (1) of section 3 of the Law of Property (Enforcement of Covenants) Ordinance, 1956, is amended— **Amendment of section 3. (56 of 1956).**

(a) by the deletion of the comma after the word “therein” in the second place where it occurs and the substitution therefor of a colon;

- (b) by the deletion of the following appearing immediately thereafter—

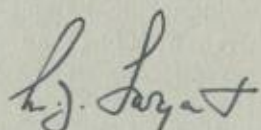
“but so that no person shall remain liable thereunder after he has ceased to be such owner, except in respect of any breach of such covenant or agreement before he ceased to be such owner.”;

- (c) by the addition of the following new provisoes—

“Provided that—

- (i) no person shall be entitled by reason of the foregoing provisions of this subsection to enforce any such covenant or agreement unless either the benefit thereof has been annexed to some part of such building or premises of which or of an interest in which he is the owner or it is proved that the owner thereof for the time being was intended to have the benefit of such covenant or agreement; and
- (ii) no person shall remain liable under any such covenant or agreement after he has ceased to be such owner, except in respect of any breach thereof committed before he ceased to be such owner.”.

Passed the Legislative Council of Hong Kong, this 17th day of July, 1957.



Deputy Clerk of Councils.

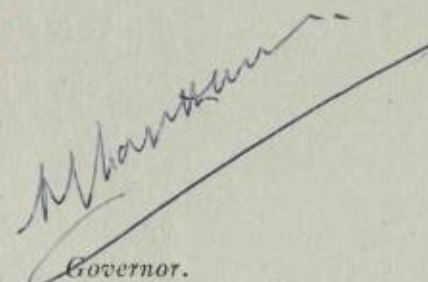
(Secretariat BL2/6/3181/50)

HONG KONG

No. 33 OF 1957.



I assent.



1st August, 1957.

An Ordinance to amend the Stamp Duties Management Ordinance, Chapter 121.

[2nd August, 1957.]

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

1. This Ordinance may be cited as the Stamp Duties Short title. Management (Amendment) Ordinance, 1957.

2. Section 2 of the Stamp Duties Management Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the definition of “Collector” and the substitution therefor of the following definition—

Amendment of section 2. (Cap. 121).

“ “Collector” means the Collector of Stamp Revenue appointed under section 2 of the Stamp Ordinance, or an assistant collector; ”.

(Cap. 117).

Addition
of new
sections
7A and 7B.

3. The principal Ordinance is amended by the addition, after section 7, of the following new sections—

"Prohibition
of use of
franking
machines
without a
licence, etc.

7A. (1) Except under and in accordance with a licence issued under this Ordinance, no person shall use a franking machine for the purpose of stamping any instrument chargeable with stamp duty.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine of five thousand dollars and to imprisonment for six months:

Provided that it shall be a defence for any person charged with an offence against subsection (1) to prove that he had reasonable grounds for believing that the franking machine had been used under and in accordance with a licence issued under this Ordinance.

(3) Whenever in any prosecution for an offence against subsection (1) it is proved that the accused had in his possession a franking machine, it shall be presumed, until the contrary is proved, that such machine had been used for the purpose of stamping instruments chargeable with stamp duty.

(4) Any franking machine in respect of which an offence has been committed against subsection (1) shall, upon application to a magistrate, be forfeited whether or not any person has been convicted in respect of such offence.

Regulations.

7B. (1) The Governor in Council may by regulation prescribe or provide for—

- (a) the issue and cancellation of licences to use a franking machine for the purpose of stamping instruments chargeable with stamp duty;
- (b) the control of the use of franking machines for such purposes and matters connected therewith;
- (c) the form and conditions of any such licences and of applications therefor;
- (d) the die to be used in any such franking machine and the colour of any stamp made thereby.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor:

Provided that no penalty so prescribed shall exceed a fine of five thousand dollars and imprisonment for six months."

4. The new section 7A added to the principal Ordinance by section 3 of this Ordinance, shall not come into operation until a day to be appointed by the Governor by Proclamation published in the *Gazette*. Commence-
ment of
new
section 7A.

Passed the Legislative Council of Hong Kong, this 31st day of July, 1957.

Deputy Clerk of Councils.

(Secretariat GR3/2306/56)

HONG KONG

No. 34 OF 1957.



I assent.

[Signature]
Governor.

15th August, 1957.

An Ordinance further to amend the Mental Hospitals Ordinance,
Chapter 136.

[16th August, 1957.]

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

1. This Ordinance may be cited as the Mental Hospitals Short title.
(Amendment) Ordinance, 1957.

2. Subsection (1) of section 16 of the Mental Hospitals Ordinance is amended—

(a) by the deletion of the pronoun "His" wherever it occurs
and the substitution therefor of the pronoun "Her";

(b) by the insertion after the word "shall" in the second
place where it occurs of the following—

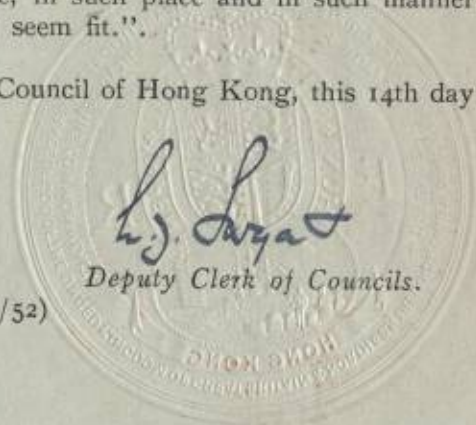
"thereupon";

Amendment
of section
16.
(Cap. 136).

- (c) by the deletion of the full stop after the word "warrant" in the third place where it occurs and the addition immediately thereafter of the following—

"and he may, from time to time, by similar warrant further declare Her Majesty's pleasure by giving such orders for the safe custody of such person during pleasure, in such place and in such manner as to him may seem fit."

Passed the Legislative Council of Hong Kong, this 14th day of August, 1957.



L. J. Laga

Deputy Clerk of Councils.

(Secretariat GR11/3231/52)

HONG KONG

No. 35 OF 1957.



I assent.

M. H. H. H.
Governor.

5th September, 1957.

An Ordinance to control the import, export, possession and use of radioactive substances and irradiating apparatus and the prospecting and mining for radioactive minerals and for purposes connected therewith.

[6th September, 1957.]

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

1. This Ordinance may be cited as the Radiation Ordinance, Short title. 1957.

2. In this Ordinance, unless the context otherwise requires— Interpre-
tation.
"Board" means the Radiation Board established under section 3;
"inspector" means a person appointed under subsection (1) of section 15 to be an inspector for the purposes of this Ordinance;
"irradiating apparatus" means any apparatus capable of producing ionising radiations of any prescribed type, or capable of accelerating atomic particles under any prescribed conditions;

"licensing authority" means any member of the Board to whom the power to grant licences under this Ordinance is delegated under section 6;

(25 of 1957).

"medical practitioner" means a person for the time being registered or exempted from registration under the Medical Registration Ordinance, 1957;

"mine" includes all operations for the intentional winning or obtaining of any radioactive mineral;

"prospect" means to search for any radioactive mineral and includes such working as is reasonably necessary to enable the prospector to test the radioactive mineral bearing qualities of the area concerned;

Schedule.

"radioactive mineral" means any substance specified in the Schedule;

"radioactive substance" means any substance which consists of or contains more than the maximum prescribed concentration or amount of any radioactive chemical element in the Periodic Table, whether natural or artificial;

"substance" means any natural or artificial substance, whether in solid or liquid form or in the form of gas or vapour, and includes any manufactured article or any article which has been subjected to any artificial treatment or process.

Constitution of Radiation Board.

3. (1) There is hereby established for the purposes of this Ordinance a Board to be known as the Radiation Board.

(2) The Board shall consist of—

(a) the following *ex-officio* members, namely—

(i) the Director of Medical and Health Services;

(ii) the Commissioner of Labour;

(iii) the Director of Commerce and Industry; and

(b) such persons not exceeding ten in number as the Governor may appoint.

(3) Members of the Board appointed under paragraph (b) of subsection (2) shall hold office for three years and may be re-appointed or removed by the Governor at his pleasure. In the event of any vacancy occurring from any cause such vacancy shall be filled by appointment by the Governor and a member so appointed shall hold office for so long as the member in whose place he has been appointed would have held office.

(4) The Director of Medical and Health Services shall be *ex-officio* Chairman of the Board. In the absence of the Chairman from any meeting of the Board, the members of the Board present shall appoint one of their number to be Chairman.

(5) The Board shall meet at such places and times as the Chairman of the Board may appoint, and at any meeting five members shall form a quorum.

(6) Every question before the Board shall be determined by a majority of the votes of the members present at the meeting of the Board.

(7) The Chairman of the Board shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(8) Except as expressly provided in this Ordinance or in any regulations made thereunder, the Board may regulate its procedure and may make standing orders for that purpose.

(9) A secretary to the Board shall be appointed by the Governor.

4. The functions of the Board shall be—

Functions of the Board.

(a) to grant or refuse to grant licences under this Ordinance and to impose conditions on any licence so granted;

(b) to cancel, suspend or renew licences issued under this Ordinance;

(c) to exercise any power vested in the Board under this Ordinance;

(d) to handle any other matter which under this Ordinance may or is to be referred to the Board and is referred to it.

5. The Board may from time to time appoint such advisory or technical committees as it thinks fit to advise on such matters within the scope of its functions as are referred thereto by the Board. Any person may be appointed to be a member of any such committee notwithstanding that he is not a member of the Board, but a member of the Board shall be the Chairman of any such committee.

Advisory and technical committees.

Power of the Board to delegate certain of its functions.

6. The Board may delegate to any one or more of its *ex-officio* members the exercise of its powers to grant or refuse licences under this Ordinance and to cancel, suspend or renew licences issued under this Ordinance, and such delegated powers shall be exercised in accordance with such conditions, exceptions and qualifications (if any) as the Board may determine:

Provided that no delegation so made shall preclude the Board from exercising or performing at any time the power so delegated.

Control of radioactive substances and irradiating apparatus.

7. (1) Subject to such exemptions as may be prescribed, no person shall, except under and in accordance with a licence issued under this Ordinance—

- (a) manufacture or otherwise produce; or
- (b) sell or otherwise deal in or with; or
- (c) have in his possession or use; or
- (d) bring or cause to be brought or sent into the Colony; or
- (e) take or send or cause to be taken or sent out of the Colony,

any radioactive substance or irradiating apparatus.

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and liable to a fine of ten thousand dollars and to imprisonment for two years.

Presumptions.

8. For the purposes of subsection (1) of section 7, a radioactive substance or irradiating apparatus shall be deemed—

- (a) to have been brought or sent into the Colony when, in any manner whatsoever, it is brought or comes into the Colony from any place outside the Colony; and
- (b) to have been taken or sent out of the Colony when it is placed on any ship, aircraft, train or vehicle within the Colony for the purpose of being taken or carried to any place outside the Colony.

9. (1) Notwithstanding anything contained in the Mining Ordinance, 1954, no person shall prospect for or mine any radioactive mineral except under and in accordance with a licence issued under this Ordinance.

Control of prospecting for and mining radioactive minerals. (33 of 1954).

(2) If any such mineral is discovered in the course of prospecting under a prospecting licence granted under either the Prospecting and Mining Ordinance, 1906, or the Mining Ordinance, 1954, the holder of such licence shall immediately notify the Colonial Secretary of such discovery.

(7 of 1906).

(3) If any such mineral is discovered in the course of mining under a mining licence or mining lease granted under either the Prospecting and Mining Ordinance, 1906, or the Mining Ordinance, 1954, no such mineral shall be removed without the consent of the Governor.

(4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine of ten thousand dollars and to imprisonment for two years.

10. (1) On application in the prescribed manner by any person desiring to obtain a licence under this Ordinance, or to renew a licence issued under this Ordinance, the Board may grant or refuse to grant a licence to the applicant or renew or refuse to renew the licence issued under this Ordinance as the case may be.

Grant etc. of licences.

(2) Every application for a licence under this Ordinance or for renewal of a licence issued under this Ordinance shall be accompanied by such information or particulars as may be prescribed or as the Board or licensing authority may require.

(3) Every licence granted or renewed under subsection (1) shall, on payment of such fee as may be prescribed, be issued or renewed in the prescribed manner and in the appropriate prescribed form, and shall be valid, unless cancelled or suspended, for such period as the Board or licensing authority may determine.

11. (1) By notice in writing to the holder of a licence issued under this Ordinance, the Board may cancel, or for such period as it thinks fit, suspend, the licence, if the Board is satisfied that—

Cancellation and suspension of licences.

- (a) the holder thereof or any servant or agent of such holder has been convicted of an offence against this Ordinance or the regulations made thereunder; or

(b) the holder thereof or any servant or agent of such holder has committed a breach of any of the terms or conditions of the licence; or

(c) for any other reason, it is in the public interest so to do.

(2) Where any licence is cancelled or suspended under subsection (1), neither the licence fee nor any part thereof shall be returned unless the Board so directs.

Appeal.

12. (1) An appeal by an applicant for or holder of a licence under this Ordinance shall lie by way of petition to the Governor from any refusal to grant or renew or from any cancellation or suspension of a licence under section 10 or 11 within one month of notice being given of such refusal, cancellation or suspension.

(2) On consideration of the petition, the Governor may make such order as he thinks proper and such order shall be final.

Conditions of licences.

13. (1) Any licence granted under subsection (1) of section 10 shall be subject to such conditions as the Board or licensing authority may see fit to impose, and any conditions so imposed may at any time be varied, added to or revoked by the Board or licensing authority.

(2) Without limiting the general powers conferred by subsection (1) any such condition may restrict the licence to—

(a) radioactive substances of a specified kind or specified kinds;

(b) a specified apparatus or apparatus of a specified kind or specified kinds;

(c) specified purposes.

Regulations.

14. (1) The Board may, subject to the approval of the Legislative Council, by regulation prescribe or provide for—

(a) precautions to be taken to prevent injury being caused by ionising radiations to the health of persons employed in places where radioactive substances are manufactured, produced, treated, stored, or used, or where irradiating apparatus is used, or of other persons likely to be exposed to harmful radiation;

(b) methods of disposing of radioactive waste products from any source whatever;

(c) the structural requirements of buildings where any radioactive substance is manufactured, produced, treated, used, or stored, or where irradiating apparatus is used;

(d) precautions to be taken to prevent injury being caused by the transport of radioactive substances to the health of persons engaged therein and other persons;

(e) the method of packing any radioactive substance;

(f) marks to be placed on vessels, vehicles or containers containing any radioactive substance;

(g) the method of treatment or disposal of any package, container or vessel that has been used to convey, hold, or store any radioactive substance;

(h) the manner in which and the conditions subject to which radioactive substances may be stored or used;

(i) the purposes for which any radioactive substance or irradiating apparatus may be used;

(j) the use of any specified radioactive substance containing more than a specified concentration or amount of any radioactive chemical element;

(k) the use of any specified type of irradiating apparatus;

(l) the maximum working hours of persons employed in the mining, manufacture, production, treatment, storage or use of radioactive substances or the use of irradiating apparatus, regulating the employment of those persons, the minimum holidays to be taken by those persons, and the medical examination of those persons;

(m) the issue by medical practitioners of prescriptions containing any radioactive substance;

(n) the dispensing and compounding of any prescription containing any radioactive substance;

(o) the making of returns by owners and persons in possession of radioactive substances of the quantities and classes of radioactive substances held by them;

- (p) the keeping by purchasers of radioactive substances of records specifying the purposes to which those substances are put, and the inspection of those records, and for the making of returns of entries in those records;
 - (q) the keeping of records of all applications of X-rays or radioactive substances for any specified purpose;
 - (r) the forms of applications, licences, notices and other documents required for the purposes of this Ordinance or regulations made thereunder, or authorizing the Board to prescribe such forms;
 - (s) the fees payable in respect of any licence under this Ordinance;
 - (t) the classification of licences for the purposes of this Ordinance;
 - (u) the exemption of any class of persons or of any substance, article or apparatus from the operation of any or all of the provisions of this Ordinance or regulations made thereunder;
 - (v) such matters as are required or permitted to be prescribed under this Ordinance;
 - (w) the better carrying out of the purposes of this Ordinance.
- (2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor:

Provided that no penalty so provided shall exceed a fine of ten thousand dollars and imprisonment for two years.

Appoint-
ment and
powers of
inspectors.

15. (1) The Board may from time to time appoint persons by name or office to be inspectors for the purposes of this Ordinance.

(2) Any inspector may, on producing, if so required, a duly authenticated document showing his authority, enter and inspect at all reasonable hours any premises, vehicle, vessel or aircraft in which there is any radioactive substance or irradiating apparatus in respect of which a licence is for the time being in force under this Ordinance or in respect of which a licence under this Ordinance is not required by virtue of any exemption made by regulation under section 14.

(3) If a magistrate is satisfied from information on oath of any inspector that—

- (a) entry into any premises, vehicle, vessel or aircraft in exercise of the powers conferred by subsection (2) has been refused; or
- (b) there are reasonable grounds for suspecting that an offence against this Ordinance or any regulation made thereunder has been or is being committed in or in connexion with any premises, vehicle, ship or aircraft,

the magistrate may, by warrant under his hand authorize any person named in the warrant together with any police officer, to enter and search such premises, vehicle, vessel or aircraft, if necessary by force.

(4) In the exercise of the powers of entry and inspection under subsection (2) or of entry and search under a warrant granted under subsection (3), any inspector may—

- (a) take without payment such samples of any substance which he believes to be a radioactive substance as are necessary for the examination and testing thereof;
- (b) examine and calibrate any irradiating apparatus or any apparatus which he believes to be an irradiating apparatus;
- (c) seize, remove and detain anything with respect to which he may have reasonable grounds for suspecting that any offence against this Ordinance or any regulation made thereunder has been committed.

16. Any person who obstructs, whether actively or passively, any person in the execution of any power conferred by or under section 15 shall be guilty of an offence and liable to a fine of two thousand dollars and to imprisonment for six months.

Obstruction.

17. Any person who, for the purpose of obtaining, whether for himself or any other person, the grant of any licence under this Ordinance, or for any other purpose in relation to this Ordinance or any regulation made thereunder, makes any declaration or statement which to his knowledge is false in any particular shall be guilty of an offence and liable to a fine of five thousand dollars.

False
statements.

Continuing offences.

Forfeiture.

Liability
of licence
holder for
offences
committed
by his
employees
and agents.

Provided that—

- 11 —

Amend-
ment of
Schedule

Saving
for other
enactments.

Repeal.
(Cap. 145).

Commence-
ment of
sections
7, 9 and 24.

[ss. 2 & 22.]

- (1) Any mineral containing uranium or thorium and, in particular and without prejudice to the generality of this paragraph, the substances hereinafter set out in this Schedule.
- (2) Minerals of the pitchblende group, including pitchblende, uraninite, ulrichite, broggerite, cleveite and related mineral species.
- (3) Secondary uranium minerals including torbernite, autunite, uranite, rutherfordine, uranophane, gummite, thorogummite, uranocircite, kasolite, becquerelite, and other silicates, hydrates, carbonates, phosphates or arsenates of uranium.
- (4) Carnotite, tyuyamunite, and related uranium-bearing vanadates.
- (5) Uranium-bearing niobate-titanate-tantalate ores, including euxenite, polycrase, blomstrandine, priorite, samarskite, fergusonite, betafite and related minerals.
- (6) Monazite, thorite, and thorianite.

Passed the Legislative Council of Hong Kong, this 4th day of September, 1957.

L. J. Lacy
Deputy Clerk of Councils.

(Secretariat GR1/3916/52)

HONG KONG

No. 36 OF 1957.



I assent.

[Signature]
Governor.

25th September, 1957.

An Ordinance to amend The Hongkong and Shanghai Banking Corporation Ordinance, Chapter 70.

[27th September, 1957.]

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

1. This Ordinance may be cited as The Hongkong and Shanghai Banking Corporation (Amendment) Ordinance, 1957. Short title.

2. Section 5 of The Hongkong and Shanghai Banking Corporation Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from subsection (1) of the words "under the management of the directors,". Amendment of section 5. (Cap. 70).

3. Section 7 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 7.

"Capital and increase thereof.

7. (1) The capital of the bank is fifty million dollars divided into four hundred thousand shares of one hundred and twenty-five dollars each, all of which are paid up.

(2) The capital of the bank may from time to time be increased by ordinary resolution."

Amend-
ment of
section 8.

4. Section 8 of the principal Ordinance is amended by—

- (a) the deletion at the end of paragraph (b) of the word "and";
- (b) the re-numbering of paragraph (c) as paragraph (d); and
- (c) the addition after paragraph (b) of the following new paragraph—

"(c) to convert any paid-up shares into stock and re-convert that stock into paid-up shares of any amount; and"

Repeal and
replace-
ment of
section 10.

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

"Power to
issue
bearer
notes.
(Cap. 65).

10. (1) Subject to the provisions of subsection (2) and of the Bank Notes Issue Ordinance, the bank may, for such period as may, from time to time, be prescribed by resolution of the Legislative Council under section 5 of the Bank Notes Issue Ordinance, in the Colony, but not elsewhere, issue, re-issue and circulate notes of the bank payable to bearer on demand.

(2) The bank shall not issue such notes of a denomination lower than five dollars in excess of such number as may, from time to time, be authorized by the Secretary of State."

Amend-
ment of
section 11.

6. Section 11 of the principal Ordinance is amended by—

- (a) the repeal of subsection (2) and the substitution therefor of the following—

"(2) The bank shall at all times keep deposited with the Crown Agents or with trustees appointed by the Secretary of State or partly with the Crown Agents and partly with such trustees securities, approved by the Secretary of State, not less in value than the said sum of thirty million dollars."

- (b) the deletion at the end of subsection (3) of the words "to be held by such Exchange Fund exclusively for the redemption of such notes." and the substitution therefor of a full stop; and

- (c) the addition at the end thereof of the following new subsection—

(Cap. 66).

"(4) The securities deposited in accordance with subsection (2), and, as provided in section 4 of the Exchange Fund Ordinance, the whole of the amount paid in accordance with subsection (3) for the account of the Exchange Fund, shall be held as special funds exclusively available for the redemption of the said notes and in the event of the bank being wound up shall be applied accordingly so far as may be necessary, but without prejudice to the rights of the holders of such notes to rank with other creditors of the bank against the assets of the bank."

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

"Liability
of share-
holders.

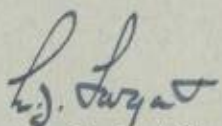
12. In the event of the bank being wound up every shareholder shall be liable to contribute to the assets of the bank, in respect of any debts and liabilities of the bank, an amount not exceeding the amount, if any, unpaid on the shares held by him."

Repeal and
replace-
ment of
section 12.

8. Section 16 of the principal Ordinance is amended by the deletion of the words "and the sum for which its shareholders are liable under the provisions herein contained." and the substitution therefor of a full stop.

Amend-
ment of
section 16.

Passed the Legislative Council of Hong Kong, this 4th day of September, 1957.


Deputy Clerk of Councils.

(Secretariat GR6/2961/46)

HONG KONG

No. 37 OF 1957.



I assent.

[Signature]
Governor.

26th September, 1957.

An Ordinance to amend the Fatal Accidents Ordinance,
Chapter 22.

[27th September, 1957.]

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

1. This Ordinance may be cited as the Fatal Accidents Short title.
(Amendment) Ordinance, 1957.

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

“Interpre-
tation.
[*cf.* 9 & 10
Vict.
c. 93, s. 5;
Cap. 28,
s. 2(3)
(a).]

2. In this Ordinance—

“child” includes son and daughter, and grandson and
granddaughter, and stepson and stepdaughter
whether such relationship is created by blood or
by reason of any adoption recognized as valid by
the law of the Colony;

Repeal and
replace-
ment of
section 2.
(Cap. 22).

"parent" includes father and mother, grandfather and grandmother, and stepfather and stepmother whether such relationship is created by blood or by reason of any adoption recognized as valid by the law of the Colony;

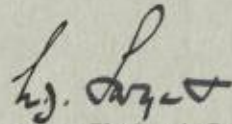
"wife" means—

- (a) in the case of a Christian marriage or its civil equivalent, the lawful wife; and
- (b) in the case of any other lawful marriage—
 - (i) the lawful wife of such marriage; or
 - (ii) if there is more than one lawful wife—
 - (aa) the lawful principal wife recognized as such by the personal law of the husband of such marriage; or
 - (bb) the lawful wives, if there is no lawful principal wife, so recognized as aforesaid."

Applica-
tion.

3. The amendments effected by this Ordinance shall not apply in relation to any action in respect of the death of any person occurring before the coming into operation of this Ordinance.

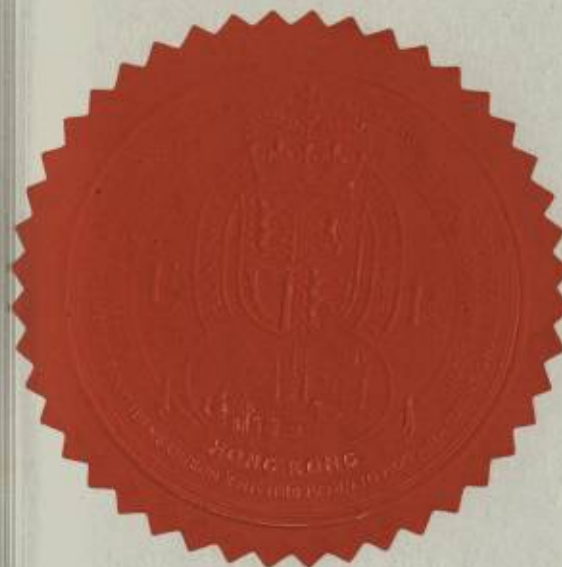
Passed the Legislative Council of Hong Kong, this 25th day of September, 1957.


Deputy Clerk of Councils.

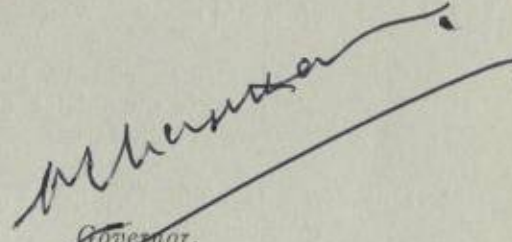
(Secretariat GR5/3281/56)

HONG KONG

No. 38 OF 1957.



I assent.


Governor.
17th October, 1957.

An Ordinance to validate the stamping by franking machines of certain instruments chargeable with stamp duty.

[18th October, 1957.]

WHEREAS documents purporting to be licences to use a franking machine for the purpose of stamping the instruments chargeable with stamp duty specified therein, have, without authority in that behalf, been issued to the persons named in the Schedule : Preamble.

AND WHEREAS the Stamping and Denoting of Documents Regulations, which prescribe the methods of stamping instruments chargeable with stamp duty, made no provision for the stamping of such instruments by means of a franking machine, otherwise than at the Stamp Office :

AND WHEREAS instruments chargeable with stamp duty have been stamped by franking machines used by the said persons, or on their behalf, under the purported authority of the said documents :

AND WHEREAS the Stamping and Denoting of Documents Regulations now provide for the stamping, by means of a franking machine, of certain of the instruments chargeable with stamp duty :

AND WHEREAS the Stamp Duties Management (Franking Machines) Regulations, 1957, make provision for the licensing and control of franking machines used for stamping such instruments :

AND WHEREAS it is expedient to validate the stamping of the instruments stamped by means of a franking machine used under the purported authority of, and in accordance with, the documents aforesaid :

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

- Short title. 1. This Ordinance may be cited as the Franked Instruments (Validation) Ordinance, 1957.
- Validation. 2. All instruments chargeable with stamp duty stamped, prior to the 7th day of September, 1957, with the full amount of stamp duty chargeable in respect thereof, by means of a franking machine, under and in accordance with a document purporting to be a licence to use such machine issued on the day and to the persons specified in the Schedule, shall be deemed to have been lawfully stamped.
- Schedule.

SCHEDULE.

[s. 2.]

<i>Person to whom purported licence issued.</i>	<i>Date of Issue.</i>
The Hongkong and Shanghai Banking Corporation ...	23.11.50.
The Mercantile Bank of India, Ltd.	23.11.50.
The Bank of East Asia, Ltd.	1. 5.51.
The First National City Bank of New York	20.12.51.
The Hongkong and Shanghai Banking Corporation ...	11. 2.52.
The Shanghai Commercial Bank, Ltd.	3. 7.53.
The Bank of China, Ltd.	14.11.53.
Nationale Handelsbank, N.V.	16.11.53.

<i>Nederlandsche Handel-Maatschappij, N.V.</i>	<i>3.12.53.</i>
<i>The Chartered Bank</i>	<i>14. 8.54.</i>
<i>The Oversea-Chinese Banking Corporation, Ltd.</i>	<i>20. 8.55.</i>
<i>Banque De L'Indo-Chine</i>	<i>25. 8.55.</i>
<i>Banque Belge Pour L'Etranger (Extreme-Orient) S.A.</i>	<i>18. 1.57.</i>
<i>Sin Hua Trust, Savings & Commercial Bank Ltd. ...</i>	<i>18. 1.57.</i>

Passed the Legislative Council of Hong Kong, this 16th day of October, 1957.

H. J. Lagard

Deputy Clerk of Councils.

(Secretariat GR3/2306/56)

HONG KONG.

No. 39 OF 1957.



I assent.

W. H. P. H. H. H.
Governor.

19th December, 1957.

An Ordinance to make amended provision for the regulation of road traffic and the use of vehicles and the user of roads and for other purposes connected therewith.

[1st February, 1958.]

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

PART I.

Preliminary.

1. This Ordinance may be cited as the Road Traffic Ordinance, 1957, and shall come into operation on the 1st day of February, 1958, save and except section 13 which shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.

Interpre-
tation.

2. (1) In this Ordinance—

"car" means any motor vehicle constructed or adapted only for the carriage of not more than nine passengers and their effects;

(39 of
1951).

"certificate of insurance" means a certificate of insurance issued in accordance with the provisions of the Motor Vehicles Insurance (Third Party Risks) Ordinance, 1951;

"Commissioner" means the Commissioner of Police and any person authorized in writing by him to discharge any of his functions under this Ordinance;

"driver" means, in relation to any vehicle, any person who is in charge of or assisting in the control of such vehicle and includes any person pulling a rickshaw or bearing a chair and "drive" in relation to a vehicle includes pull and bear;

"driving licence" means a licence issued in accordance with the provisions of regulations made under section 5;

"functions" includes powers and duties;

"goods vehicle" means any motor vehicle constructed or adapted for use for the carriage of goods or equipment or for any other purpose except the carriage of the driver and passengers, or a trailer so constructed or adapted;

"motor vehicle" means any mechanically propelled vehicle;

"omnibus" means any motor vehicle constructed or adapted only for the carriage of more than nine passengers and their effects;

"owner" includes the person in whose name a vehicle is registered and the person by whom the vehicle is kept and used and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement;

"passenger" includes any person carried on an omnibus except one driver, not more than two conductors, such gate boys as are necessary and one ticket inspector and any person carried in a car except one driver;

"public" in relation to any vehicle means standing or plying for hire or available and intended for hire and carrying goods or passengers for hire or reward;

"registration mark" means the registration mark assigned or deemed to be assigned to a motor vehicle in accordance with the provisions of regulations made under section 4;

"road" includes every highway, thoroughfare, street, lane, alley, court, square, archway passage, path, way and place to which the public have access, either continuously or intermittently and either of right or by licence, whether the same be the property of the Crown or otherwise;

"standing or plying for hire" means, in respect of any vehicle, being on any road in motion or stopped and exhibiting any sign or signal or having a driver who is exhibiting any sign or signal indicating that it or any portion of it is available for hire whether on a pre-determined route or otherwise;

"Supreme Court" has the meaning assigned to it by the Supreme Court Ordinance (Cap. 4).

"taximeter" means any appliance for measuring the time or distance for which a taxi is used, or for measuring both time and distance, or for recording the fare by time or distance or by a combination of time and distance, which is for the time being approved for the purpose by the Commissioner;

"use" means use on a road;

"vehicle" means any vehicle whether mechanically propelled or otherwise intended or adapted for use on roads and includes a rickshaw and a chair but does not include a perambulator or any conveyance for use solely on railways or tramways;

"vehicle licence" means a licence issued under the provisions of regulations made under section 4.

(2) For the purpose of this Ordinance, motor vehicles shall be divided into the following classes—

- (a) private goods vehicles, that is to say goods vehicles which are not public goods vehicles and are not used for the carriage of goods for hire or reward;

- (b) public goods vehicles, that is to say goods vehicles which stand or ply for hire, or are from time to time let out for hire or intended to be let out for hire but excluding any vehicles the plying for hire of which is prohibited by this Ordinance;
- (c) taxis, that is to say any cars which stand or ply for hire and in which the passengers are carried for hire or reward under a contract expressed or implied for the use of the vehicles as a whole at a rate indicated by the taximeters;
- (d) public cars, that is to say any cars which are not taxis and which carry or are intended to carry passengers for hire and reward under a contract expressed or implied for the use of the vehicles as a whole at or for a fixed or agreed rate or sum;
- (e) private cars, that is to say any cars which are not public cars or taxis and are not used to carry passengers for hire or reward;
- (f) public omnibuses, that is to say omnibuses which stand or ply for hire and are used to carry passengers at separate and distinct fares within the Colony on a recognized and predetermined route;
- (g) hire omnibuses, that is to say omnibuses which carry or are available to carry passengers for hire and reward under a contract expressed or implied for the use of vehicles as a whole at or for a fixed or agreed rate or sum;
- (h) private omnibuses, that is to say omnibuses which are not public omnibuses or hire omnibuses and are not used to carry passengers for hire or reward;
- (i) motor cycles, that is to say two wheeled vehicles of unladen weight not exceeding 6 cwt. and propelled by mechanical power, with or without side-cars attached thereto;
- (j) motor tricycles, that is to say three wheeled vehicles of unladen weight not exceeding 6 cwt. and propelled by mechanical power, but do not include a motor cycle with a side-car attached;

- (k) invalid carriages, that is to say motor vehicles especially designed and constructed for the use of persons suffering from physical defects or disabilities and used solely by such persons.

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

- (a) controlling and restricting traffic, whether vehicular or pedestrian;
- (b) controlling the use of vehicles, their equipment and apparatus;
- (c) controlling the conduct of persons using vehicles and drivers, conductors and passengers on vehicles;
- (d) controlling the user of roads and in particular prohibiting either absolutely or during specified hours the driving of any specified type of vehicle on any road;
- (e) the apprehension of persons who commit offences under this Ordinance;
- (f) the fares which may be charged for the hire of any public vehicle;
- (g) granting exclusive rights of maintaining services of public motor vehicles, enforcing the obligations of any persons to whom such rights may be granted, requiring security from such persons and realizing such security, the amendment or cancellation of such rights when granted, the fees to be paid in respect of such rights and for the effective control and protection of such services;
- (h) the designation by the Commissioner of car parks for the use of vehicles of any description or any particular type or class, the granting of exclusive rights of occupation of car parks designated solely for the use of taxis or public goods vehicles and enforcing the obligation of any person to whom such rights may be granted,

requiring security from such person and realizing such security, the amendment or cancellation of such rights when granted, the fees to be paid in respect of such rights and for the effective control and protection of such occupation;

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

(2) Any regulation made under this section may empower the Commissioner to do any of the things or exercise any of the functions specified in such regulation.

(3) Any regulation made under this section may provide that a contravention thereof shall be an offence and may provide punishment and penalties for such offence not exceeding a fine of one thousand dollars and imprisonment for six months.

Registration and
licensing
of vehicles.

4. (1) The Governor in Council may by regulation prescribe or provide for—

- (a) the registration and licensing of motor vehicles within the classes stipulated in subsection (2) of section 2 or any sub-division of any such class;
- (b) the registration and licensing of any other vehicles;
- (c) the exemption from registration and licensing of any vehicle or any class of vehicle;
- (d) the fees to be charged for registration and licensing of vehicles;
- (e) the display on vehicles of registration marks and of vehicle licences;
- (f) generally carrying into effect the provisions of this section.

(2) Any regulation made under this section may empower the Commissioner to do any of the things or exercise any of the functions specified in such regulation.

(3) Any regulation made under this section may provide that a contravention thereof shall be an offence and may provide punishment and penalties for such offence not exceeding a fine of one thousand dollars and imprisonment for six months.

(4) Except as otherwise provided by this Ordinance or by regulations made thereunder, any person who drives or, as owner, permits to be driven any motor vehicle in respect of which a vehicle licence is required under this Ordinance or under any regulation made thereunder, when a vehicle licence is not in force for such vehicle, shall be guilty of an offence and, on summary conviction, shall be liable in the case of a first conviction for that offence to a fine of one thousand dollars and to imprisonment for three months, and in the case of a second or subsequent conviction for that offence to a fine of one thousand dollars and to imprisonment for six months.

5. (1) The Governor in Council may by regulation prescribe or provide for— Licensing
of drivers.

- (a) the licensing of drivers of vehicles;
- (b) the licensing of persons to instruct other persons to drive vehicles;
- (c) the fees to be charged in respect of any licence granted to any person to drive a vehicle of a particular class or to instruct other persons to drive vehicles;
- (d) the testing of persons applying for driving licences;
- (e) the exemption from payment of fees of any persons;
- (f) generally carrying into effect the provisions of this section.

(2) Any regulation made under this section may empower the Commissioner to do any of the things or exercise any of the functions specified in such regulation.

(3) Any regulation made under this section may provide that a contravention thereof shall be an offence and may provide punishment and penalties for such offence not exceeding a fine of one thousand dollars and imprisonment for six months.

(4) Except as otherwise provided by this Ordinance or by regulations made thereunder, no person shall drive a vehicle on a road unless he is the holder of a driving licence in respect of vehicles of the same class as the vehicle which he is driving.