

Further sums to be remitted for the redemption of the debentures.

14. (1) The Governor shall, in the half-year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken and in each subsequent half-year, appropriate out of the said revenues and assets of the Colony of Hong Kong for the formation of a sinking fund, an additional sum equal to one half of the annual contribution specified in the prospectus or, in the case of a loan not issued publicly, in the terms of issue relating to the loan, in respect of the total nominal amount of all the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

(2) Notwithstanding anything to the contrary contained in subsection (1) if at any time the trustees of the sinking fund of any loan issued under the provisions of this Ordinance are satisfied that the value of the fund will be sufficient with further accumulations of interest but without further payment of contributions to enable the loan to be redeemed out of the proceeds of the sinking fund not later than the final redemption date, the Governor may with the approval of the Secretary of State suspend further contributions to the said sinking fund: Provided always that contributions to the sinking fund shall be recommenced if the trustees shall at any time inform the Governor that this is necessary.

Application of sinking fund.

15. The sinking fund shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of the debentures and the cost and expenses of all notices required by this Ordinance to be given, and in the next place, and subject to the aforesaid payments, in repayment of the principal moneys for the time being represented by the debentures.

Creation of sinking fund for redemption of debentures payable on a fixed date.

16. In the case of debentures redeemable on a fixed date, the Crown Agents shall place at interest or invest in the purchase of such securities as may be approved by the Secretary of State so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year, as a sinking fund for the final extinction of the debt, and the Crown Agents shall also place at interest or invest in the purchase of like securities the accumulations of interest or the dividends, interest or produce of such investments and may, from time to time, with the approval of the Secretary of State, change any such investments and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the debenture.

17. In the case of debentures redeemable by annual drawings, the Crown Agents shall place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, at interest, and shall hold all such moneys and the accumulation thereon in trust to apply them in the first place to the purchase of the debentures when they can be obtained at a price not exceeding par, and secondly, to the redemption of the debentures by means of annual drawings.

Disposal of sinking fund when debentures are redeemed by purchase or by annual drawings.

18. After the date specified in the Ordinance authorizing a loan as that on which the contributions to the sinking fund shall commence in respect of that loan, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.

Appointment of day for drawing of debentures.

19. If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the London "Times" newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place.

Notice of time and place appointed for drawing.

20. On the day and at the hour and place so specified the Crown Agents shall hold a meeting, at which the holder of any debenture may, if he thinks fit, be present, and shall then in the presence of such debenture holders, if any, as may attend, and of a notary public, draw by lot, out of the whole number of debentures for the time being outstanding, debentures of the specified nominal amount.

Mode of drawing.

21. The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall, as soon as may be, by advertisement in the London "Times" newspaper, specify those numbers and appoint a day, not being later as to each debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys represented by the debentures so distinguished will be repaid.

Notice of debentures drawn for redemption.

22. On the day so appointed the Crown Agents shall, at their office in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys represented by those debentures, with all interest payable thereon up to that day.

Payment of drawn debentures.

Cesser of interest from day appointed for payment of principal.

23. From and after the day appointed for the repayment of any debenture all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Redeemed debentures to be cancelled.

24. Upon the repayment of the principal moneys represented by any debenture, the debenture, with all coupons thereunto belonging, shall be delivered up to the Crown Agents, to be by them cancelled and disposed of in such a manner as the Governor, or the Crown Agents acting on his behalf, may decide. Any debenture redeemed by purchase shall likewise be so cancelled and disposed of.

Borrowing upon stock.

25. When the Governor, or the Crown Agents acting on his behalf shall deem it expedient to raise money by the issue of Hong Kong stock, then such stock shall be issued in the United Kingdom by the Crown Agents under the provisions of the Act of the Imperial Parliament entitled "The Colonial Stock Act, 1877", upon the best and most favourable terms that can be obtained.

(40 & 41 Vict. Cap. 59).

When the principal is to be repaid.

26. All the stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue: Provided that the Governor, or the Crown Agents acting on his behalf, may reserve the option to redeem the stock in whole or in part, by drawings or otherwise, at any time prior to such date on such conditions as may be declared at the time of issue. From and after the date appointed for the redemption of the stock or any part of it all the interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Mode of providing for the payment of interest on stock.

27. So long as any of the stock shall remain unredeemed, the Governor shall, in each half-year ending with the day on which the interest on such stock falls due, appropriate out of the general revenues and assets of the Colony of Hong Kong a sum equal to one half-year's interest on the whole of such stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due.

28. (1) The Governor shall, in the half-year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken and in each subsequent half-year, appropriate out of the said revenues and assets of the Colony of Hong Kong for the formation of a sinking fund an additional sum equal to one half of the annual contribution specified in the prospectus or, in the case of a loan not issued publicly, in the terms of issue relating to the loan, in respect of the total nominal amount of such stock including any such stock which may at any time have been issued in exchange for debentures under the authority of this Ordinance, and shall remit the sum to the Crown Agents with the remittance hereinbefore mentioned.

Mode of providing for payment of principal of stock.

(2) Notwithstanding anything to the contrary contained in subsection (1) if at any time the trustees of the sinking fund of any loan issued under the provisions of this Ordinance are satisfied that the value of the fund will be sufficient with further accumulations of interest but without further payment of contributions to enable the loan to be redeemed out of the proceeds of the sinking fund not later than the final redemption date, the Governor may with the approval of the Secretary of State suspend further contributions to the said sinking fund: Provided always that contributions to the sinking fund shall be recommenced if the trustees shall at any time inform the Governor that this is necessary.

29. The Crown Agents shall, for the purpose of forming such sinking fund, from time to time place at interest or invest in the purchase of such securities as may from time to time be approved by the Secretary of State so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year and shall also place at interest or invest in the purchase of like securities, the accumulations of interest or the dividends, interest, or produce of such investments, and may from time to time, with the approval of the Secretary of State, change any such investments, and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the stock.

Creation of sinking fund.

30. In case the sinking funds provided for by this Ordinance shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Ordinance at the time the same shall have become due, the Governor shall make good the deficiency out of the general revenues and assets of the Colony of Hong Kong.

Charge upon general revenue.

Expenses to be paid out of sinking fund.

31. All expenses of or incidental to the management of the sinking fund, or to the payment of the principal moneys borrowed, shall be paid out of the sinking fund.

Powers of Governor.

32. The Governor shall also have, and may from time to time exercise, the following powers and authorities or any of them—

Debentures convertible into stock on conditions prescribed by the Crown Agents at time of issue.

(a) he may authorize the Crown Agents when issuing any loan in the form of debentures to declare that such debentures will be convertible into stock at such dates and on such terms and conditions as may be prescribed by the Crown Agents at the time of the issue of the debentures;

Conversion of loans generally.

(b) he may declare all or any of the Hong Kong loans, whether existing in the form of stock or debentures, and whether issued before or after the commencement of this Ordinance, to be convertible into stock, to be issued under the provisions of this Ordinance;

Creation and issue of stock in exchange for other securities.

(c) he may authorize the creation and issue of such an amount of stock in exchange for the securities held for such loans as may be necessary

Creation and sale of stock or debentures to raise loans and for other purposes.

(d) he may authorize the creation and sale of any such stock or debentures for the purpose of raising money for redeeming any outstanding loans whether issued before or subsequent to the passing of this Ordinance, for paying any expense in the creation of stock, and otherwise for carrying out the provisions of this Ordinance;

Arrangements for conversion.

(e) any conversion so authorized may be effected either by an arrangement with the holders of existing securities or by purchase thereof out of moneys raised by the sale of stock, or partly in one way and partly in the other.

Exchange of securities for stock.

33. Nothing in this Ordinance contained shall authorize an increase of the capital or of the annual charge on any loan, except—

(a) when securities exchanged for stock bear a rate of interest not less than the stock, an additional amount of stock may be created and issued to make up the difference in saleable value between the securities and the stock;

(b) in the case of the conversion of securities into stock the Crown Agents shall issue such an amount of stock as may be required to defray the stamp duties and all other expenses incidental to the conversion;

(c) in accordance with such terms and conditions as may be prescribed under paragraph (a) of section 32.

34. The securities exchanged or otherwise converted into stock under the provisions of this Ordinance shall be forthwith cancelled by the Crown Agents, and the debentures surrendered shall be cancelled and transmitted to the Governor.

Converted securities to be cancelled.

35. The trustees of the sinking fund appointed under this Ordinance, and acting under any Ordinance authorizing the issue of any securities which may be exchanged into stock or cancelled or purchased under the provisions of this Ordinance, shall determine what amount of the sinking fund held by them and created for repayment of such securities shall be released and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds, the amount of the debt remaining a charge on such sinking funds, and such matters as the trustees may think fit to take into account.

Trustees to apportion amount of sinking fund released by conversion.

36. So much of the sinking funds as may be released shall either be transferred unto the trustees of the stock sinking fund, or be disposed of in such a manner as the Governor with the advice and consent of the Legislative Council may direct.

Sinking funds released: how to be disposed of.

37. The Crown Agents may from time to time, at the request of the Governor, make arrangements for all or any of the following things—

- (a) for inscribing and registering stock in their books;
- (b) for managing the creation, inscription, registration and issue of stock, including the issue of certificates of title in respect of such stock;
- (c) for effecting the conversion of loans into stock;
- (d) for paying interest on stock and managing the transfers thereof;

Creation, inscription, registration, issue, conversion, and transfer of stock.

- (e) for issuing stock certificates to bearer, and, as often as occasion shall require, re-inscribing or re-registering them;
- (f) for effecting the exchange or conversion of inscribed stock into registered stock.

Raising of loans in Hong Kong.

38. This Ordinance shall be applicable only to the raising of loans in the United Kingdom and nothing in this Ordinance contained shall prevent the raising of loans in the Colony upon such terms and conditions as shall be specified in any Ordinance authorizing the raising of such loans.

Regulations under Colonial Stock Act, 1877 and 1948.

39. Authority is hereby given for the making of regulations under section 16 of the Colonial Stock Act, 1877, to provide, that, in accordance with section 1 of the Colonial Stock Act, 1948, stock issue under the provisions of this Ordinance shall be transferable by instrument in writing in accordance with the regulations and in no other manner.

Repeal of Cap. 72.

40. The General Loan and Inscribed Stock Ordinance is hereby repealed.

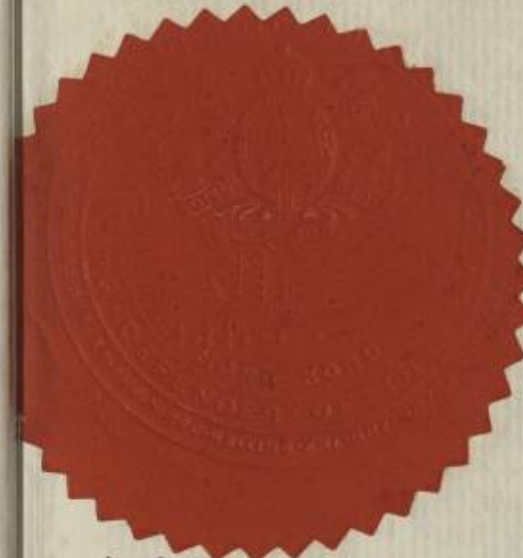
Passed the Legislative Council of Hong Kong, this 25th day of June, 1952.

B. Ambrose
Deputy Clerk of Councils.

HONG KONG

No. 21 OF 1952.

I assent.



M. Chantham
Governor.

26th June, 1952.

An Ordinance to amend and consolidate the law relating to the importation and exportation of goods into the Colony.

[27th June, 1952.]

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

1. This Ordinance may be cited as the Importation and Exportation (Amendment) Ordinance, 1952. Short title.

2. Section 2 of the principal Ordinance is amended by the insertion of the following definitions immediately after the definition of "import"— Amendment of section 2 of Cap. 50.

"master" means the person in charge or command of any vessel except a pilot;

"owner" in respect of any vessel includes every person acting as agent for the owner or who receives freight or other charges in respect of the vessel;

“owner” in respect of articles includes any person being or holding himself out to be the owner, importer, exporter, consignee, agent or person in possession of, or beneficially interested in, or having any control of, or power of disposition over, the articles;

(Cap. 98). “postal packet” has the meaning assigned to it in the Post Office Ordinance;”.

Amendment of sections 3, 4, 5, 7, 8, 9, 10, 11 and 14 of Cap. 50.

3. (1) The principal Ordinance is hereby amended as follows—

- (a) by substituting the words “to make regulations for the following purposes” for the words “by order to exercise all or any of the following powers” where they occur in the first and second lines of sections 3 and 4 and in the second line of subsection (1) of section 5;
- (b) by substituting the words “regulations made under this section” for the words “the order of the Governor in Council” in the third and fourth lines of paragraph (b) of section 4;
- (c) by substituting the word “regulations” for the words “order of the Governor in Council” in the third line of subsection (3) of section 9 and in the third and fourth lines of section 10;
- (d) by substituting the words “regulations made” for the words “order made by him” in the fourth line of section 11;
- (e) by substituting the words “any regulations” for the words “all orders of the Governor in Council” in the seventh line of subsection (2) of section 14.

(2) The principal Ordinance is hereby amended by the insertion of the words “or any regulations made thereunder” immediately after the word “Ordinance” where it occurs in—

- (a) the third line of subsections (1) and (2) of section 7;
- (b) the second line of subsection (1) and the last line of subsection (2) of section 8;
- (c) the last line of paragraph (a) and sub-paragraph (i) of paragraph (c) and the second line of paragraph (d) of subsection (1) of section 9.

Amendment of section 3 of Cap. 50.

4. Section 3 of the principal Ordinance is hereby amended as follows—

- (a) by the deletion of the word “and” at the end of paragraph (f) thereof;

- (b) by the deletion of the full stop at the end of paragraph (g) and the addition thereto of the words “or with the examination and storage of any article imported or about to be imported;”; and

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

“(h) to require importers to make declarations as to the nature, origin and use and generally as to the conditions upon which articles are to be imported;

(i) generally to regulate the importation of any article.”

5. Section 4 of the principal Ordinance is hereby amended as follows—

Amendment of section 4 of Cap. 50.

- (a) by the deletion of the word “and” at the end of paragraph (f) thereof;
- (b) by the deletion of the full stop at the end of paragraph (g) and the addition thereto of the words “or with the examination and storage of any article exported or about to be exported;”; and
- (c) by the addition of the following new paragraphs at the end thereof—

“(h) to require exporters to make declarations as to the nature, origin and destination and generally as to the conditions upon which articles are to be exported;

(i) for regulating the movement within the Colony of goods the export of which is prohibited;

(j) generally to regulate the exportation of any article.”

6. Section 6 of the principal Ordinance is hereby amended by inserting the symbol and figure “(1)” immediately after the figure and full stop “6.” in the first line thereof and by the addition of the following subsections as subsections (2) and (3) thereof—

Amendment of section 6 of Cap. 50.

"(2) Upon proof of any contravention of any condition contained in any licence the person to whom such licence has been issued shall be deemed to be guilty of an offence: Penalty: a fine of one hundred thousand dollars and imprisonment for one year.

(3) Any person who in any application for a licence or in any declaration required to be made pursuant to this Ordinance or any regulations made thereunder makes any statement or furnishes any information, whether such statement is verbal or in writing, which is false in any material particular or by reason of the omission of any material particular and which he knows or has reason to believe is false, shall be guilty of an offence: Penalty: a fine of twenty thousand dollars and imprisonment for one year. In any prosecution for an offence contrary to this subsection the burden of proof that he did not know that such statement or information was false and that he did not have reason to believe it to be false, shall lie upon the accused."

Amendment of section 9 of Cap. 50.

7. Section 9 of the principal Ordinance is hereby amended as follows—

(a) by the insertion of the following paragraph (e) immediately after paragraph (d) of subsection (1) thereof—

"(e) to seize, remove and detain any aircraft, vehicle or vessel in which he finds any article which he has reasonable cause to suspect any person to be importing or exporting or attempting to import or export contrary to any enactment: Provided that no vessel exceeding 250 gross tons and no aircraft may be seized, removed and detained without the prior consent of the Colonial Secretary."

(b) by the substitution of a colon for the full stop at the end of subsection (3) thereof and the addition of the following thereto—

"Penalty: a fine of five thousand dollars and imprisonment for six months."

Amendment of section 10 of Cap. 50.

8. Section 10 of the principal Ordinance is hereby amended by the addition of the following paragraph thereto immediately after paragraph (c) thereof—

"[cf. 39 & 40 Vict. c. 36, s. 259].

(d) the proof concerning the place whence any article shall have been brought, or that the same has been lawfully imported, removed, delivered or exported, or lawfully put into or out of any aircraft, vessel or other conveyance or lawfully transferred from one aircraft, vessel or other conveyance to another aircraft, vessel or other conveyance, shall lie on the defendant or the person claiming anything seized, as the case may be."

9. Section 12 of the principal Ordinance is hereby amended by the replacement of subsection (2) thereof by the following subsection—

Amendment of section 12 of Cap. 50.

"(2) Such fees may be made to vary in accordance with the quantity, weight or value of the commodity imported or exported and shall be paid in such manner as may be prescribed."

10. The principal Ordinance is hereby amended by the substitution of the following section for section 13 thereof—

Substitution of new section 13.

"Power of Governor in Council to make regulations for the purposes of registration of imports and exports.

13. (1) It shall be lawful for the Governor in Council to make regulations for the following purposes—

- (a) imposing upon importers, exporters, ship-owners and others the duty of furnishing such particulars as may be prescribed for the compilation of trade returns and statistics;
- (b) prescribing the form of any licence, permit certificate or declaration required to be issued or made under this Ordinance;
- (c) the verification in such manner as may be expedient of any particulars required to be furnished under any regulations made hereunder.

(2) Regulations made under this section may provide that a contravention of any such regulation shall be an offence and prescribe penalties therefor: Provided that no penalty so prescribed shall exceed a fine of two thousand dollars and imprisonment for six months."

Amendment of section 14 of Cap. 50.

11. Section 14 of the principal Ordinance is hereby amended as follows—

- (a) by the substitution of the words "the penalties prescribed" for the words "imprisonment for any term not exceeding one year and to a fine not exceeding twenty thousand dollars" in the fourth, fifth and sixth lines of subsection (1);
- (b) by renumbering subsection (2) thereof as subsection (3);
- (c) by the deletion of subsection (3) thereof;
- (d) by the insertion immediately after subsection (1) thereof of the following subsection—

"(2) Any regulation made under section 3, 4 or 5 of this Ordinance may provide that the contravention of any such regulation shall be an offence and prescribe penalties therefor: Provided that no penalty so prescribed shall exceed a fine of one hundred thousand dollars and imprisonment for one year."

Addition of new sections 15 and 16 to Cap. 50.

12. The principal Ordinance is hereby amended by renumbering section 15 as section 17 and by the insertion of the following new sections 15 and 16 immediately after section 14 thereof—

"Forfeiture.

15. (1) Any article seized under paragraph (d) of subsection (1) of section 9 in respect of which an offence against this Ordinance (including an attempt to commit an offence) has been committed whether any person has been convicted of such offence or not shall be forfeited to the Crown.

[*cf.* 39 & 40 Vict. c. 36, s. 202].

(2) Any vessel not exceeding 250 gross tons and any vehicle seized under paragraph (e) of subsection (1) of section 9 and which was made use of in the importation, exportation or attempted importation or exportation of any article contrary to any of the provisions of this Ordinance, whether any person has been convicted of such offence or not, shall be forfeited to the Crown.

[*cf.* 39 & 40 Vict. c. 36, s. 207].

(3) Whenever any seizure has been made, unless in the possession or presence of the offender, master or owner, as forfeited under this Ordinance the Director shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the article, vehicle or vessel seized, if known, either by delivering the same to him personally or by letter

addressed to him and transmitted by post to or delivered at his last known place of abode or business, if known, and all seizures made under this Ordinance shall be deemed and taken as condemned, and may be sold or otherwise disposed of in such manner as the Director may direct, unless the person from whom such seizure has been made or the master or owner thereof, or some person authorized by him shall within one calendar month from the day of seizure give notice in writing to the Director that he claims the article, vehicle or vessel so seized or intends to claim it whereupon proceedings shall be taken for the forfeiture and condemnation thereof by information exhibited before a magistrate: Provided that any seizures which, in the opinion of the Director are perishable or liable to loss or damage or the retention of which is likely to involve unreasonable expense or inconvenience, may by the direction of the Director be sold forthwith and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

[*cf.* 39 & 40 Vict. c. 36, s. 227].

(4) When any information shall have been exhibited before a magistrate for the forfeiture of any article, vehicle or vessel seized under this Ordinance such magistrate is hereby required to summon the owner of such articles, vehicle or vessel or the person from whom it was seized to appear before him or any other magistrate and upon his or her appearance or default to appear, due service of such summons being proved, such magistrate may proceed to the examination of the matter and on proof that the goods are liable to forfeiture under the provisions of this Ordinance shall condemn the same.

(5) Where proceedings for forfeiture and condemnation are taken as aforesaid the Court or magistrate may order delivery to the claimant of the vessel, vehicle or article seized on security being given for the payment to the Director of the value thereof in the case of condemnation.

(6) Notwithstanding the earlier provisions of this section it shall be lawful for the Governor in Council in his absolute discretion to entertain and give effect to any moral claim to or in respect of any article, vehicle or vessel forfeited thereunder.

(Cap. 98). (7) Where pursuant to the provisions of section 14 of the Post Office Ordinance, any postal packet is by direction of the Governor to be dealt with by being delivered to the Director on the ground that its transmission by post constitutes a breach of any regulations made under section 3, 4 or 5 such packet shall, for the purpose of subsequent proceedings, be deemed to have been an article seized and shall be dealt with for all purposes in like manner as if it had been seized under the provisions of this Ordinance.

Powers exercisable in regulations.

16. Any regulation made under this Ordinance may provide—

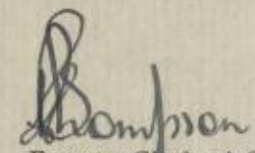
- (a) that an offence against the regulations shall be deemed to have been committed, notwithstanding that there has been no guilty intent or knowledge or negligence on the part of the person charged;
- (b) that the burden of proof shall in any particular case lie upon the person charged;
- (c) generally as to the circumstances in which an offence against the regulations shall be committed or be deemed to have been committed;
- (d) for the delegation to the Director of such powers exercisable by the Governor in Council as may be more expediently exercised by the Director;
- (e) for anything which requires to be prescribed under this Ordinance:

Provided that no regulation made under sub-paragraph (a), (b) or (c) of this section shall come into force until it has been approved by resolution of Legislative Council."

Repeal. (Cap. 51). 13. The Registration of Imports and Exports Ordinance is hereby repealed.

14. Notwithstanding the provisions hereinbefore contained Transitional provisions. contraventions of the provisions of any order made under the principal Ordinance prior to the coming into force of this Ordinance shall, during such time as any such order remains in force continue to be punished with the like penalties of fine and imprisonment as if this Ordinance had not been passed: Provided that the provisions of the principal Ordinance as amended by this Ordinance shall apply in relation to forfeiture.


Passed the Legislative Council of Hong Kong, this 25th day of June, 1952.


Deputy Clerk of Councils.

HONG KONG

No. 22 OF 1952.

I assent.



R. S. Ho

*Officer Administering the
Government.*

21st August, 1952.

An Ordinance to provide for the incorporation of the local representative in Hong Kong of the Pentecostal Holiness Church.

[22nd August, 1952.]

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

1. This Ordinance may be cited as the Pentecostal Holiness Church Incorporation Ordinance, 1952. Short title.
2. The Superintendent for the time being in Hong Kong of the Pentecostal Holiness Church, hereinafter called the Superintendent, shall be a body corporate, hereinafter called the corporation, and shall have the name "*The Superintendent in Hong Kong of the Pentecostal Holiness Church*", and in that Incorporation.

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, and may from time to time break, change, alter and make anew the said seal.

Powers of Corporation.

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

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

Vesting of property. Schedule.

4. (1) All those leasehold properties particulars whereof are contained in the Schedule with all rights easements and appurtenances thereunto belonging and together with all the estate right title and interest of the registered owners as the same are now held by the registered owners referred to in the said Schedule shall upon registration by the corporation in the Land Office of a memorial of this Ordinance vest in the corporation for the residue now unexpired of the terms created therein by the Crown leases thereof subject to the payment of the rent reserved by the said Crown leases and the performance and observance of the lessees' covenants and the conditions therein contained upon such trusts and conditions as may be subsisting in respect of such premises upon the commencement of this Ordinance.

(2) All other property goods and chattels and rights which immediately before the commencement of this Ordinance were held in trust for the Pentecostal Holiness Church are hereby transferred to and vested in the corporation.

5. The legal estate in any property whatsoever, vested in the corporation in any manner whatsoever, shall, in the event of death of the Superintendent, or in the event of his ceasing to hold office as such Superintendent, pass to his successor in such office subject to compliance with subsection 2 of section 7. Transfer of property.

6. All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the Superintendent or of his attorney duly authorized, and such deeds and instruments and all other documents, instruments and writings requiring the signature of the corporation shall be signed by the Superintendent or his attorney. Execution of documents.

7. (1) The appointment of a new Superintendent, in the event of death or for any other reason, shall be made by the General Board of Administration of the Pentecostal Holiness Church Incorporated of the United States of America. Appointment of Superintendent and registration of particulars.

(2) Within six weeks after the commencement of this Ordinance or within such further period as the Governor may allow, and whenever thereafter any person is appointed to the office of Superintendent within the same period or extended period after such appointment, the Superintendent shall furnish to the Registrar of Companies notice of his appointment and evidence thereof to the satisfaction of such Registrar, and shall then and within three weeks of any change of address, furnish to such Registrar particulars of his place of residence or other sufficient address within the Colony.

(3) The registration of the appointment of a Superintendent shall be conclusive evidence of such appointment.

(4) There shall be payable to the Registrar of Companies a fee of five dollars in respect of a registration of appointment and address under subsection (2) and a similar fee in respect of each change of address, and a fee of one dollar shall be payable in respect of each search of the file.

8. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen, Her Heirs and 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. Saving of rights of the Crown and of certain other rights.

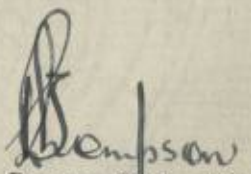
THE SCHEDULE.

[s. 4].

No.	Description of Property	Registered Owner
1.	All that piece or parcel of ground situate, lying and being at Ho Mun Tin abutting on the north side thereof on a scavenging lane and measuring thereon 109 feet and 4 inches on the south side thereon on Kowloon Inland Lot No. 1327 and measuring thereon 109 feet and 4 inches on the east side thereof on Victory Avenue and measuring thereon 137 feet and 7 inches and on the west side thereof on a scavenging lane and measuring thereon 138 feet and 4 inches which said piece or parcel of ground contains in the whole by admeasurement 1580 square feet and is more particularly delineated on the plan annexed to the Crown lease thereof and thereon coloured red and is registered in the Land Office as Kowloon Inland Lot No. 1322, together with the messuages or dwelling house now erected and known as No. 7 and No. 9 Victory Avenue, Kowloon.	Eva B. Rousseau, one of the executors of the will of Talmage Henry Rousseau deceased.
2.	All that piece or parcel of ground situate, lying and being at Shaukiwan abutting on or towards the north side thereof on Shaukiwan Road and measuring thereon 20 feet on or towards the south side thereof on a public lane and measuring thereon 20 feet on or towards the east side thereof on a reserve for a public road and measuring thereon 70 feet and on or towards the west side thereof on Shaukiwan Lot No. 406 and measuring thereon 70 feet which said piece or parcel of ground contains in the whole by admeasurement 1400 square feet and is more particularly delineated on the plan annexed to the Crown lease thereof and thereon coloured red and is registered in the Land Office as Shaukiwan Lot No. 397, together with the message erections and buildings thereon known as No. 186, Shaukiwan Road.	Mavis Lee Oakley and Anna Deane Cole (joint tenants).
3.	All that piece or parcel of ground situate, lying and being at the junction of two public (un-named) roads near the harbour at Shaukiwan bounded on the north-easterly side thereof by one of the said public (un-named) roads with a frontage thereto of 117 feet and 7 inches on the south-westerly side thereof by a scavenging lane with a frontage thereto of 117 feet and 6 inches on the south-easterly side thereof by the other of the said public (un-named) roads with a frontage thereto of 62 feet and on the north-westerly side thereof by Shaukiwan Inland Lot No. 552 with a frontage thereto of 62 feet which said piece or parcel of ground containing 7288 square feet or thereabouts is more particularly delineated and described on the plan thereof annexed to the Crown lease thereof and thereon coloured pink and is registered in the Land Office as Shaukiwan Inland Lot No. 551, together with the message erections and buildings thereon formerly known as No. 66, Hing Man Street.	Mavis Lee Oakley and Anna Deane Cole (joint tenants).

No.	Description of Property	Registered Owner
4.	All that piece or parcel of ground situate, lying and being at Aplichau abutting on the northerly side thereof on a public street and measuring thereon 60 feet on the southerly side thereof on Aplichau Inland Lot No. 44 and measuring thereon 60 feet on the easterly side thereof on a public street and measuring thereon 50 feet and on the westerly side thereof on a scavenging lane and measuring thereon 50 feet which said piece or parcel of ground contains in the whole by admeasurement three thousand square feet or thereabouts and is more particularly delineated and described on the plan annexed to the Crown lease thereof and thereon coloured pink and edged red and is registered in the Land Office as Aplichau Inland Lot No. 31, together with all messuages erections and buildings thereon.	Clyde Henry Herndon and Anna Dean Cole (joint tenants).
5.	All that piece or parcel of ground situate, lying and being at Stanley more particularly described in the lease thereof and registered in the Land Office of Victoria as Stanley Lot No. 519, together with the messuages erections and buildings thereon known as No. 2 Main Street, Stanley.	Chung Shun Po, Cheng Shue Faat and Yuen Shiu Kwan, as trustees for the Pentecostal Holiness Mission.
6.	All those pieces or parcels of land registered as Lots Nos. 233, 234 and 680 in Demarcation District No. 296 in the New Territories.	Mung Yan Tsz, Au Yeung Fai and Yuen Shui Kwan.
7.	All that piece or parcel of land registered as Lot No. 933 (I) in Demarcation District No. 40 in the New Territories, together with the message or dwelling house buildings and erections thereon.	Eva B. Rousseau, executrix of the will of Talmage Henry Rousseau deceased, Clyde Henry Herndon and Anna Deane Cole.

Passed the Legislative Council of Hong Kong, this 20th day of August, 1952.

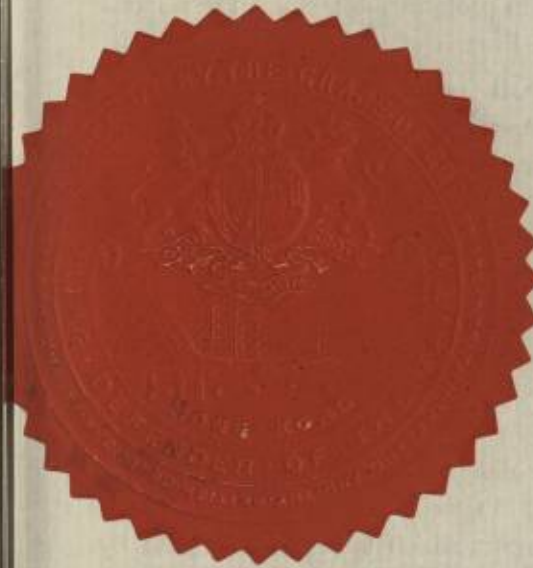

 Deputy Clerk of Councils.

(Secretariat 9/3231/52)

HONG KONG

No. 23 OF 1952.

I assent.



*Officer Administering the
Government.*

18th September, 1952.

An Ordinance to amend the Companies Ordinance, Chapter 32.

[19th September, 1952.]

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

1. This Ordinance may be cited as the Companies (Amendment) Ordinance, 1952. Citation.

2. Subsection (3) of section 131 of the principal Ordinance is hereby repealed and replaced as follows— Repeal and replacement of section 131 (3) of Cap. 32.

“(3) (a) The Registrar shall keep a list hereinafter referred to as “the authorized list” of the names of all persons who are authorized as hereinafter provided to perform the duties required by this Ordinance to be performed by an auditor.

- (b) The authorized list shall be in two parts: Part I thereof shall contain the names of all persons authorized to audit accounts kept in English and Part II the names of all persons authorized to audit accounts kept in Chinese: Provided that nothing herein shall be construed so as to prohibit the inclusion of a name both in Part I and Part II of the authorized list.
- (c) The Registrar shall publish the authorized list annually in the *Gazette* and shall from time to time publish in the *Gazette* the names of persons added to or erased from the authorized list.
- (d) Where the accounts of a company are kept in English, no person shall be appointed auditor unless his name appears in Part I of the authorized list, and where the accounts of a company are kept in Chinese, no person shall be appointed auditor unless his name appears in Part II of the authorized list. Every company which keeps its accounts partly in English and partly in Chinese shall have its accounts audited as to that part which is kept in English by a person whose name appears in Part I of the authorized list and as to that part which is kept in Chinese by a person whose name appears in Part II of the authorized list: Provided that nothing herein shall be deemed to require a second auditor for the daily summary in the English language referred to in the proviso in subsection (1) of section 121.
- (e) The name of every person who at the date of the enactment of this subsection was authorized by the Governor in Council to perform the duties required by this Ordinance to be performed by an auditor shall be entered in Part I or Part II as the case may be of the authorized list.
- (f) The Registrar shall of his own motion remove from the authorized list the name of any auditor who dies or who permanently leaves the Colony or ceases to perform the duties required by this Ordinance to be performed by an auditor."

3. The following sections shall be added immediately after section 131—

Addition
of new
sections
131A-131H
to Cap. 32.

"Authorized
Auditors
Board.

131A. (1) There shall be an Authorized Auditors Board (hereinafter referred to as "the Board") which shall consist of the Registrar, the Accountant General, a Legal Adviser who shall be a barrister or solicitor practising in the Colony and six other members appointed by the Governor of whom five shall be Authorized Auditors. Such members shall hold office for two years and may be removed or reappointed by the Governor at his pleasure. The Registrar shall be Chairman of the Board but in the absence of the Chairman from any meeting of the Board the members present shall appoint a Chairman from among themselves. The Chairman shall have a casting vote.

(2) On the inability to act or absence from the Colony of any member of the Board the Governor may appoint a suitable person temporarily or otherwise to fill the vacancy so caused.

(3) Five members of the Board shall form a quorum: Provided that for the purposes of an inquiry under subsection (2) of section 131B three members of the Board shall form a quorum.

Duties of
the Board.

131B. (1) It shall be the duty of the Board to inquire into the question whether any person desirous of performing the duties required by this Ordinance to be performed by an auditor is by reason of his professional qualifications, experience and competency and by reason of his character and reputation in all respects fit and suitable and to direct the entry in Part I or Part II of the authorized list of any person found by it to be fit and suitable after such inquiry.

(2) It shall also be the duty of the Board to inquire into all cases in which it is alleged that an auditor whose name appears in Part I or Part II of the authorized list has—

- (a) been convicted by a competent court of an offence punishable with imprisonment; or
 - (b) been censured by any judicial or other competent authority in relation to his professional conduct; or
 - (c) been guilty of professional misconduct.
- (3) Where after such inquiry the Board is satisfied that the allegation has been established, the Board may in its discretion—
- (a) order the name of the person concerned to be erased from the authorized list either permanently or for such period as it may think fit; or
 - (b) order the auditor concerned to be reprimanded; or
 - (c) declare that the matter is not of sufficient gravity to warrant the making of any order.
- (4) Any such allegation as is referred to in subsection (2) shall be made in the first instance to the Registrar who shall refer the same to a Penal Cases Committee consisting of the Legal Adviser to the Board and two other members appointed by the Board from time to time. The Penal Cases Committee shall, if satisfied that the allegation when made under the provisions of paragraph (a) or (b) of the said subsection is well founded, or in the case of an allegation made under the provisions of paragraph (c) of the said subsection is made in good faith, call upon the auditor concerned for any explanation he may have to offer.
- (5) The Penal Cases Committee shall if satisfied that there is a *prima facie* case notify the Board and the auditor concerned accordingly and shall furnish the Board with all documents relating to the allegation, including any explanation made by the auditor, which either party will be entitled, upon proper proof, to

use at the hearing as evidence. The parties shall also be supplied with copies of all documents supplied to the Board.

(6) The Board shall thereafter inquire into the allegation without the intervention save as hereinafter provided of any member of the Board who formed part of the Penal Cases Committee. The auditor concerned shall be entitled to appear at the inquiry, but if, after being notified of the time and place of the hearing, he fails to appear, the inquiry may be held in his absence.

(7) Nothing in this section shall be deemed to require the Board to inquire into the question whether the auditor concerned was properly convicted by a competent court but the Board may consider any record of the case in which such conviction was recorded and any other evidence which may be available and is relevant to showing the nature and gravity of the offence.

Power
to hear
evidence
on oath
and compel
attendance
of witness.

131C. The Board shall have power—

- (a) to receive evidence on oath, and, in its discretion, to require that the evidence, whether written or oral, of any witness other than the auditor concerned, shall be given on oath;
- (b) to summon any person in the Colony to attend any meeting of the Board in order 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; and
- (c) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so and does not excuse such failure to the satisfaction of the Board, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding one hundred Hong Kong dollars, such fine to be recoverable in the same manner as a fine imposed by a magistrate.

Procedure.

131D. (1) The Board shall make rules not inconsistent with the provisions of this Ordinance regulating the procedure for inquiries under section 131B and all such inquiries shall be conducted in accordance with such rules. All such rules shall require the prior approval of the Governor.

(2) If any inquiry is held in the absence of the Registrar the Board may at its request be assisted in the conduct of the inquiry by a legal officer appointed for the purpose by the Attorney General, as a judicial assessor.

(3) The complainant and the auditor concerned shall be entitled to appear and be represented by a legal practitioner at any inquiry under subsection (2) of section 131B: Provided that if the complainant does not appear the case shall be presented to the Board by the Legal Adviser and provided also that at the request of the complainant and with the consent of the Board the Legal Adviser may also present the case notwithstanding that the complainant appears.

Provisions relating to directions and orders of the Board.

131E. (1) In any case in which the Board has directed that the name of any person seeking to have his name entered in the authorized list shall not be entered therein or that any name therein shall be removed or that an auditor shall be reprimanded the Registrar shall cause a copy of any such direction or order to be served upon the person affected personally or by registered post addressed to his last known address.

(2) The Registrar shall not erase the name of an auditor from the authorized list until twenty-one days after service is effected or deemed to have been effected and until he has ascertained that no appeal under the provisions of section 131F has been lodged, or, where such an appeal has been lodged, until it is determined.

Appeals.

131F. (1) In any case to which subsection (1) of section 131E applies the person upon whom service of the direction or order is required to be effected may within twenty-one days of the date when service has been or is deemed to have been effected appeal to the Full Court. Upon any such appeal the Court may affirm reverse or vary the direction or order appealed against.

(2) The Chief Justice may make rules for regulating the practice in respect of appeals under the provisions of this section.

Restoration of name to list.

131G. An auditor whose name has been permanently erased from the authorized list may apply to the Board for the restoration of his name to the list and the Board may, in its absolute discretion, and after such inquiry as it may consider desirable, either allow or refuse the application, and, if it allows the same, the Registrar shall restore the name of the auditor to the authorized list.

Offence of wrongly pretending or implying that one is an authorized auditor. [cf. ss. 3 & 14 of Cap. 161].

131H. Any person not being an authorized auditor who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is authorized or recognized by law as authorized to perform the duties required by this Ordinance to be performed by an auditor, shall be guilty of an offence: Penalty: A fine of one thousand dollars. For the purposes of this paragraph, the taking or using by any person of the name, title, addition or description of 會計師 or 核數師 or 審計師 or of any words or characters implying specialization when used in conjunction with the afore-mentioned characters shall be deemed to be the taking or using of a name, title, addition or description implying that he is authorized or recognized by law as authorized to perform the duties required by this Ordinance to be performed by an auditor. For the purposes of this section "authorized auditor" means a person whose name is entered in the authorized list."

4. (1) Subsection (1) of section 250 of the principal Ordinance is hereby amended—

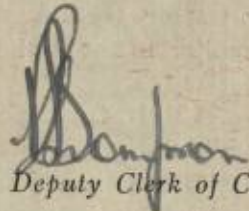
Amendment of section 250 of Cap. 32.

(a) in paragraph (b) thereof by the deletion from the sixth line of the words "three hundred" and the substitution therefor of the words "three thousand";

(b) in paragraph (c) thereof by the deletion from the second line of the words "one hundred" and the substitution therefor of the words "three thousand".

(2) The amendment affected by this section shall not apply in the case of a winding-up where the relevant date as defined by subsection (6) of section 250 of the principal Ordinance occurred before the commencement of this Ordinance and in such case the provisions relating to preferential payments which would have applied if this Ordinance had not been enacted shall be deemed to remain in full force.

Passed the Legislative Council of Hong Kong, this 17th day of September, 1952.

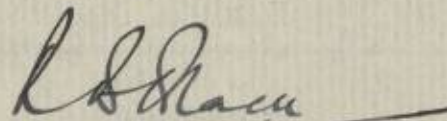

Deputy Clerk of Councils.

HONG KONG

No. 24 OF 1952.



I assent.


Officer Administering the
Government.

18th September, 1952.

An Ordinance to provide for vesting all lands and interests in land and the benefit and burden of contracts and covenants concerning land or such interests therein in successive holders of the office of Secretary of State for Air on behalf of the Crown and for other related matters.

[19th September, 1952.]

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

1. This Ordinance may be cited as the Secretary of State Short title, for Air (Vesting of Lands) Ordinance, 1952.

2. All lands and interests in land now or hereafter vested in the Secretary of State for Air for the time being on behalf of the Crown and the benefit and burden of any contract or covenant concerning the same which is vested in or imposed upon, or may hereafter be vested in or imposed upon, the

Vesting in successive holders of the office of Secretary of State for Air.

Secretary of State for Air for the time being on behalf of the Crown, shall, on his ceasing to hold such office and save in so far as they or any of them may have been divested or released or discharged during his tenure of that office, automatically, by virtue of this Ordinance, vest in or be imposed upon each succeeding holder of the office of Secretary of State for Air on behalf of the Crown.

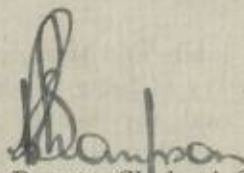
Provisions as to contracts, deeds and instruments.

3. (1) In every contract, deed or other instrument relating to any land or interests in land to which the Secretary of State for Air is or hereafter becomes a party, it shall be sufficient that he is described by the title of Secretary of State for Air without naming him.

(2) Any such contract, deed or other instrument may be made, signed or executed by the person for the time being holding the office of Secretary of State for Air or by any person either by name or by designation of his office authorized thereunto in writing signed by the person who at the time of such authorization was the Secretary of State for Air and any such authorization may relate to the particular contract, deed or instrument or to contracts, deeds or instruments, generally, or to any specified class of contract, deed or instrument, and shall be subject to such restrictions or qualifications of the authority granted as may be specified in the authorization. Any such authorization may be revoked at any time in writing signed by the person who at the time of such revocation is the Secretary of State for Air.

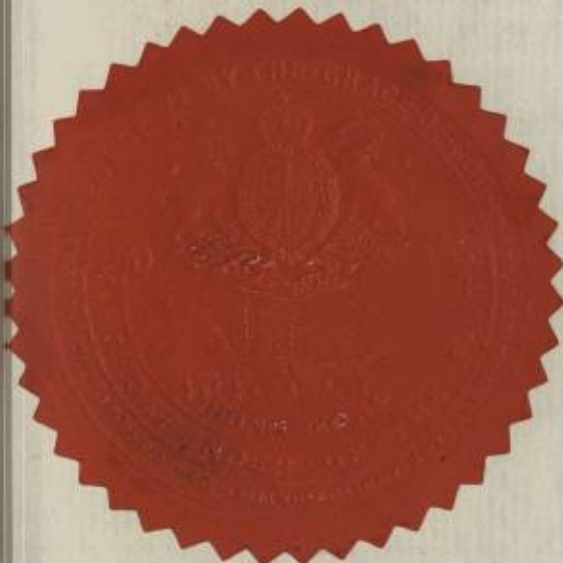
(3) The appointment of any person generally authorized under the provisions of this section shall be notified by publication in the *Gazette* and, in like manner, the revocation of any such appointment shall be so notified. Such notification shall be conclusive evidence of any such appointment or revocation.

Passed the Legislative Council of Hong Kong, this 17th day of September, 1952.

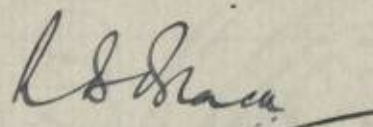

Deputy Clerk of Councils.

HONG KONG

No. 25 OF 1952.



I assent.


Officer Administering the Government.

18th September, 1952.

An Ordinance to amend the Societies Ordinance, Chapter 151.

[19th September, 1952.]

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

1. This Ordinance may be cited as the Societies (Amendment) (No. 2) Ordinance, 1952. Short title.

2. Section 11 of the principal Ordinance is hereby amended by the insertion of the word "money" between the word "pays" and "or" in the second line thereof. Amendment of section 11 of Cap. 151.

3. Section 14 of the principal Ordinance is hereby amended by substituting for subsection (3) thereof the following subsection— Amendment of section 14 of Cap. 151.

"(3) Upon proof that any place entered under any power conferred by section 19 was immediately before or at the time of such entry being used by or for the purposes of an unlawful

society, it shall until the contrary is proved be presumed that all persons found in such place upon such entry or during any search made upon such entry or found escaping therefrom immediately before or at the time of such entry or in the course of any such search are members of such society."

Passed the Legislative Council of Hong Kong, this 17th day of September, 1952.




[Signature]
Deputy Clerk of Councils.

HONG KONG

No. 26 OF 1952.

I assent.



[Signature]
Officer Administering the
Government.

18th September, 1952.

An Ordinance to amend the Girl Guides Association (Hong Kong Branch) Ordinance, Chapter 283.

[19th September, 1952.]

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

1. This Ordinance may be cited as the Girl Guides Association (Hong Kong Branch) (Amendment) Ordinance, 1952. Short title.

2. Section 9 of the principal Ordinance is hereby amended— Amendment of subsections (1) and (2) of section 9 of Cap. 283.
- (a) by the addition of the words “, the deputy colony commissioner” after the word “commissioner” in the first line of subsection (1) thereof;
 - (b) by the addition of the words “, deputy colony commissioner, assistant colony commissioner” after the word “commissioner” in the second line of subsection (2) thereof; and

- (c) by the addition of the words “, deputy colony commissioner or assistant colony commissioner” after the word “commissioner” in the seventh and eighth lines of subsection (2) thereof.

Passed the Legislative Council of Hong Kong, this 17th day of September, 1952.


Deputy Clerk of Councils.

HONG KONG

No. 27 OF 1952.



I assent.

Robert H. S. Ho

Governor.

6th November, 1952.

An Ordinance to amend the Pensions Ordinance, Chapter 89.

[7th November, 1952.]

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

1. This Ordinance may be cited as the Pensions (Amendment) (No. 2) Ordinance, 1952. Short title.

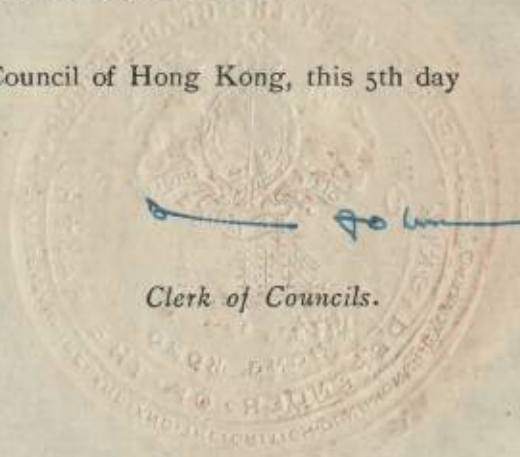
2. Paragraph (a) of subsection (1) of section 2 of the Pensions Ordinance is hereby amended— Amendment of paragraph (a) of subsection (1) of section 2 of Cap. 89.

- (a) by the addition of the word “or” at the end of subparagraph (ii) thereof; and

(b) by the addition thereto of the following sub-paragraph immediately after sub-paragraph (ii) thereof—

“(iii) by virtue of an Order made by the Governor in Council and published in the *Gazette* is declared to be deemed to have been a pensionable office; and any such Order may specify the period during which the office is deemed to have been a pensionable office.”


Passed the Legislative Council of Hong Kong, this 5th day of November, 1952.

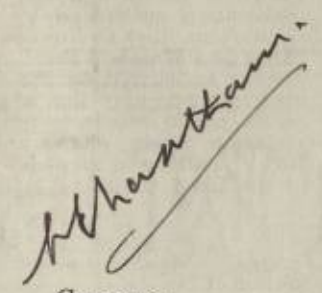

Clerk of Councils.

(Secretariat 4374/48)

HONG KONG

No. 28 OF 1952.


I assent.


Governor.

6th November, 1952.

An Ordinance to authorize an undertaking for reclamation and other works over and upon unleased Crown foreshore and sea bed situate at Causeway Bay, being an extension to the undertaking authorized by Ordinance 14 of 1951.

[7th November, 1952.]

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

1. This Ordinance may be cited as the Public Reclamation and Works (Causeway Bay) (Extension) Ordinance, 1952. Short title.

2. (1) The Director of Public Works is authorized to undertake the reclamation and works described in the First Schedule. Authority to construct extension to present authorized reclamation.

(2) Such reclamation and works shall be carried out in such manner as the Director may think fit, and the authority given by this Ordinance shall extend to all persons undertaking such reclamation or works with the consent of the Director of Public Works. First Schedule.

Variation of certain clauses and exception of remaining clauses of Ordinance No. 40 of 1936. Second Schedule.

3. Sections 6 to 11 of the Public Reclamations Validation and Clauses Ordinance, 1936, with the variations described in the Second Schedule hereto, shall apply to the undertaking authorized by this Ordinance and to claims in respect thereof as though such undertaking were an undertaking to which that Ordinance applied, but the provisions of such Ordinance other than such sections 6 to 11 as so varied are hereby expressly excepted.

FIRST SCHEDULE

[s. 2

(14 of 1951).

A reclamation of an area of approximately 64,200 square feet of Crown foreshore and sea bed situate to the north of a portion of the reclamation authorized by the Public Reclamation and Typhoon Shelter (Causeway Bay) Ordinance, 1951, bounded on the north east by Hing Fat Street and Whitfield Road, on the south east by the area of the reclamation already authorized, on the west by projected walls and a projected slipway upon an irregular line shewn on the plan hereinafter referred to, and on the north west by a projected quay wall, the limits and extent of such reclamation being shewn and delineated in red on a plan marked "Drawing No. P. 1202" and signed by the Director of Public Works and deposited in the Land Office.

SECOND SCHEDULE

[s. 3

Section of Ordinance 40 of 1936 varied.

Detail of variation.

Section 6. In the second line the words "upon the publication of such definitive approval" are deemed to be deleted.

Section 7. Subsection (1) is deemed to be deleted and the following substituted therefor—

"7. (1) No action shall at any time be brought or continued in respect of the extinguishment under section 6, in whole or in part, of any public or private right or the injurious affection of any land or other property resulting therefrom. But any person who shall have a claim of private right in respect thereof and who seeks to recover compensation in respect of any such extinguishment or injurious affection shall within six months of the coming into operation of the Public Reclamation and Works (Causeway Bay) (Extension) Ordinance, 1952, deliver to the Director of Public Works a statement of claim in writing setting forth with full particulars the nature of his claim and the amount of compensation which he seeks to recover."

Passed the Legislative Council of Hong Kong, this 5th day of November, 1952.

[Signature]

Clerk of Councils.

(Secretariat 7/3171/51)

HONG KONG

No. 29 OF 1952.



I assent.

[Signature]

Governor.

20th November, 1952.

An Ordinance to amend the Criminal Procedure Ordinance and to make consequential amendment to the Juvenile Offenders Ordinance.

[21st November, 1952.]

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

1. This Ordinance may be cited as the Criminal Procedure Short title. (Amendment) Ordinance, 1952.

2. The Criminal Procedure Ordinance (hereinafter referred to as the principal Ordinance) is hereby amended by the addition after section 72 of the following section—

Addition of new section 72A to Cap. 221.

"Limitation on imposition of death penalty. 11 & 12 Geo. 6, c. 58, s. 16.

72A. Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was under the age of 18 years; but in lieu thereof the Court shall sentence him to be detained during Her Majesty's pleasure; and

if so sentenced he shall be liable to be detained in such place and under such conditions as the Governor may direct."

Repeal of section 13 of Cap. 226.

3. Section 13 of the Juvenile Offenders Ordinance is hereby repealed.

Amendment of Second Schedule to Cap. 221.

4. The Second Schedule to the principal Ordinance is hereby amended by the deletion of the item "Cap. 212" together with all entries and marginal notes relating thereto, and by the substitution therefor of the following—

"Cap. 212 The Offences against ss. 26, 27, 43, 44 and 45 and, in the case of any offence involving bodily injury to a child or young person under the age of 16 years, any other enactment in the Ordinance. [cf. 8 Edw. 7, c. 67, s. 27 & 1st Sch. and 4 & 5 Geo. 5, c. 58, s. 28(3).]"

Passed the Legislative Council of Hong Kong, this 19th day of November, 1952.

Dempster
Deputy Clerk of Councils.



I assent.

W. Charvat

Governor.

20th November, 1952.

An Ordinance to authorize, provisionally and subject to the definitive approval of the Governor in Council, an undertaking for reclamation and other works of a public nature over and upon unleased Crown foreshore and sea bed situate at Kennedy Town.

[21st November, 1952.]

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

1. This Ordinance may be cited as the Public Reclamations and Works (Kennedy Town) Ordinance, 1952. Short title.

2. The Director of Public Works is authorized, provisionally and subject to the definitive approval of the Governor in Council in each case, to undertake the reclamations and works described in the Schedule.

Authority to undertake reclamations and works in Schedule.

SCHEDULE.

[s. 2.]

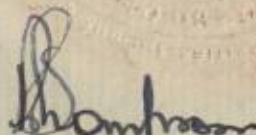
Reclamation 1.

A reclamation, with necessary ancillary works, of an area of approximately 3.28 acres of Crown foreshore and sea bed at the end of the existing sea wall at Kennedy Town, bounded on the south by Victoria Road or Crown land adjacent thereto, on the west and north by the harbour, and on the east by Crown land already reclaimed, the limits and extent of such reclamation being shewn and delineated in red on a plan numbered P 1186A signed by the Director of Public Works and deposited in the Land Office.

Reclamation 2.

A reclamation, with necessary ancillary works, of an area of approximately 3.97 acres of Crown foreshore and sea bed, bounded on the south in part by Crown land adjacent to Victoria Road, Kennedy Town, and in part by Inland Lots 1703, 2082, 1299 and 1891 or Crown land adjacent to such lots, on the west and north by the harbour, and on the east by the western end of the works referred to above as reclamation 1, the limits and extent of such reclamation being shewn and delineated in green on the plan above referred to.

Passed the Legislative Council of Hong Kong, this 19th day of November, 1952.

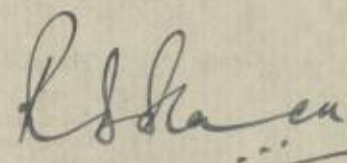

Deputy Clerk of Councils.

HONG KONG

No. 31 OF 1952.



I assent.


Governor's Deputy.

4th December, 1952.

An Ordinance to make provision for adapting the Japanese Treaty of Peace Order, 1952, to the circumstances of the Colony.

[5th December, 1952.]

WHEREAS by Article 20 of the Japanese Treaty of Peace Order, 1952, it was provided that in its application to any part of Her Majesty's dominions except as therein mentioned the said Order should be subject to such modifications as might be made by the legislatures of those parts for adapting to the circumstances thereof the provisions of the said Order : (G.N.A. 135/52).

AND WHEREAS it seems desirable that in its application to Hong Kong the said Order should be subject to certain modifications :

NOW, THEREFORE, in pursuance of Article 20 of the Japanese Treaty of Peace Order, 1952, 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 Japanese Treaty of Peace Order, 1952, (Application to Hong Kong) Ordinance, 1952.

Modified application of Order. **2.** The Japanese Treaty of Peace Order, 1952, shall apply to Hong Kong with the modifications contained in the Schedule hereto.

SCHEDULE.

Article 5 (2). The following paragraph shall be substituted for paragraph (2).

"(2) The Administrator shall be treated as and shall have the powers of, a trust corporation (Cap. 29). for all the purposes of the Trustee Ordinance."

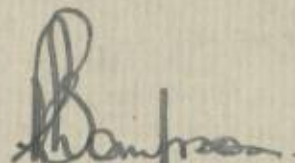
Article 10 (3). Substitute for the words and figures "by the High Court under the Trustee Act, 1925," the words "by the Supreme Court under the Trustee Ordinance".

Article 19. The following Article shall be substituted—

"19 (1) Accounts shall be prepared by the Administrator in such form and at such time as the Governor may direct of the sums received and the sums paid to him in pursuance of the Japanese Treaty of Peace Order, 1952, or any direction given to him thereunder and the Director of Audit shall examine and certify every such account.

(2) Copies of every such certified account, together with the report of the Director of Audit thereon, shall be laid before the Legislative Council."

Passed the Legislative Council of Hong Kong, this 3rd day of December, 1952.

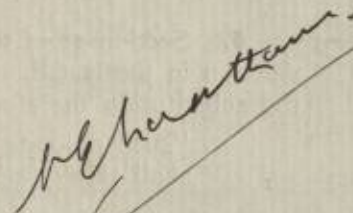

Deputy Clerk of Councils.

HONG KONG

No. 32 OF 1952.



I assent.


Governor.

18th December, 1952.

An Ordinance to amend the Jury Ordinance.

[19th December, 1952.]

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 Jury (Amendment) Ordinance, 1952. Short title.

2. Section 7 of the Jury Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 7 of Cap. 3.

(a) by the deletion in the second and seventeenth lines of subsection (1) and in the second line of subsection (2) of the expression "section 3" and the substitution therefor of the following—

"section 4";

(b) by the deletion in the third line of subsection (1) and in the third line of subsection (2) of the expression "section 4" and the substitution therefor of the following—

"section 5".

Amendment
of section
12 of the
principal
Ordinance.

3. Section 12 of the principal Ordinance is amended—
- (a) by the deletion in the second line of subsection (1) of the expression "section 9" and the substitution therefor of the following—
"section 8";
 - (b) by the deletion in the third line of subsection (1) of the expression "section 32" and the substitution therefor of the following—
"section 34".

Amendment
of section
15 of the
principal
Ordinance.

4. Section 15 of the principal Ordinance is amended by the deletion in the first line of subsection (2) of the expression "section 9" and the substitution therefor of the following—
"section 8".

Amendment
of section
31 of the
principal
Ordinance.

5. Section 31 of the principal Ordinance is amended by the deletion in the last line of the words "five hundred dollars" and the substitution therefor of the following—
"such amount not exceeding five hundred dollars as he shall think fit".

Passed the Legislative Council of Hong Kong, this 17th day of December, 1952.

Deputy Clerk of Councils.

HONG KONG

No. 33 OF 1952.



I assent.

Governor.

18th December, 1952.

An Ordinance to promote education in the Colony, and to consolidate and amend the law relating to the supervision and control of schools and the teaching therein, and for purposes connected therewith.

[19th December, 1952.]

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

PART I.

INTRODUCTORY.

- 1. This Ordinance may be cited as the Education Ordinance, 1952. Short title.

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

(i) "books and documents" includes any text-book, exercise-book, accounts, counterfoils, pamphlet, publication, newspaper, poster, drawing, sketch, film, film-strip, slide, gramophone record and other printed, written or recorded matter, whether relating to instruction, recreation, school management or otherwise;

"building" includes part of a building;

"Director" means the Director of Education;

"functions" includes powers and duties;

"inclusive fee" means the total sum of money charged in respect of the education of a pupil in a school and includes all incidental charges;

"manager" means a person who administers or takes any part in the administration or management of any school and in the case of any person or body of persons giving instruction by means of correspondence delivered by hand or through the postal services, the authors, editors, business managers and examiners employed in issuing lessons or in examining the work of pupils, and includes a supervisor;

"principal" means the headmaster of a school;

"register of managers", "register of schools" and "register of teachers" mean the respective registers maintained by the Director under section 7, and "registered" means entered upon one of such registers;

"school" means an institution or place which provides or where there is provided for ten or more persons kindergarten, primary, secondary, post-secondary or further education or other educational course, and in the case of instruction given by means of correspondence delivered by hand or through the postal services, the institution or place where the instruction is prepared or where the work of the pupils is examined;

"school premises" includes school playing fields and playgrounds;

"supervisor" means that manager recommended by the managers and approved by the Director as such under section 14;

"teacher" includes principal;

(ii) "kindergarten education" means education suitable to the requirements of children who have not attained the standard of primary education;

"primary education" means such as would normally be suitable for pupils of average intelligence between the approximate ages of six years and twelve years;

"secondary education" means such as would normally be suitable for pupils who have advanced beyond the standard of primary education up to the standard suitable for pupils of average intelligence of the approximate age of eighteen years;

"post secondary education" means education beyond the stage of secondary education;

"further education" includes education of any type or standard given to adults.

3. (1) Subject to any general or special directions of the Governor, the Director of Education shall be charged with the superintendence of matters relating to education in the Colony.

Director to promote education in the Colony.

(2) It shall be the duty of the Director to promote the education of the people of the Colony and subject to the directions of the Governor to control and direct educational policy.

4. The functions of the Director under the provisions of this Ordinance and the regulations may be exercised and discharged by the Deputy Director of Education and such other officers of the Education Department as may be authorized by the Director in that behalf.

Delegation of Director's powers.

5. (1) There shall be a Board of Education which shall have power to advise the Governor upon educational matters.

Board of Education.

(2) The Governor shall by notification in the *Gazette* appoint as chairman and members of the Board persons in his opinion qualified to represent the views of the community on educational matters, who shall hold office from the date of appointment until the 31st day of December in that year. The Board shall regulate its own procedure.

(3) Such officers of the Education Department as the Director may nominate shall attend the meetings of the Board.

(4) The secretary to the Board who shall be provided by the Director shall forward a record of every meeting to the Director who shall transmit a copy to the Governor together with any observations he may wish to make thereon.

Exemption of certain schools and further power to exempt.

6. (1) The following schools shall, except in such case as the Governor in Council may by order in the *Gazette* specify, be exempted from the provisions of this Ordinance—

- (a) any school entirely maintained and controlled by Government, or entirely maintained and controlled by the authorities of Her Majesty's forces;
- (b) any school in which the education is solely religious;
- (c) any school exempted from the Education Ordinance, 1913, by notification in the *Gazette*, such exemption not having been withdrawn prior to or after the commencement hereof.

(26 of 1913.)

(2) The Governor in Council may by order in the *Gazette* exempt either wholly or in part from the provisions of this Ordinance or of the regulations, and either absolutely or subject to such conditions as he may think fit to impose, any school or class or category of school.

(3) The Director may, by order under his hand, exempt (either wholly or in part) from the provisions of this Ordinance or of the regulations, and either absolutely or subject to such conditions as he may think fit to impose, any school in which the education provided consists only of short series of lectures or short courses of instruction in individual subjects or topics or in which the hours of instruction in each week total less than five.

(4) Nothing in this Ordinance shall apply to the University (Cap. 319.) of Hong Kong established by the University Ordinance.

Registers to be maintained.

7. (1) The Director shall cause to be maintained—

- (a) a register of schools in which shall be entered the name and address of every registered school;
- (b) a register of managers in which shall be entered the name and address of every registered manager and the name of the school of which he is manager; and

(c) a register of teachers in which shall be entered the name of every registered teacher.

(2) There may be entered in such registers such other particulars as the Director may deem necessary.

PART II.

REGISTRATION OF SCHOOLS.

8. Subject to the provisions of section 6, every school shall be registered under this Ordinance.

All schools to be registered.

9. An application for registration of a school shall be made to the Director in the prescribed form and shall be accompanied by the documents therein specified and may be made by any person desirous of becoming a manager of such school.

Application for registration. Form 1.

10. (1) Upon due application for the registration of a school, the Director shall, subject to the provisions of section 11 and after such inquiry as may be necessary, either register such school or state the conditions upon compliance with which such school shall be registered.

Registration of school.

(2) The name in which a school is registered shall be one approved by the Director who shall not, except with the prior sanction of the Governor in Council, approve any name containing the word "University" or the Chinese words "大學堂" or "學院".

(3) Upon registration of a school, the Director shall issue to the supervisor thereof a certificate of registration in the prescribed form, and the supervisor shall cause such certificate to be kept exhibited in a conspicuous place in the place.

Form 2.

11. The Director may refuse to register a school if it appears to him—

Grounds for refusal to register a school.

- (a) that the proposed school premises constitute a dangerous building or are or are likely to be structurally unsuitable to contain a school; or
- (b) that the fire precautions in the proposed school premises are or are likely to be inadequate; or

- (c) that the proposed school premises are or are likely to be insanitary or for reasons of health unsuitable to contain a school; or
- (d) that the school does not conform to the regulations; or
- (e) that the proposed inclusive fee is excessive having regard to the cost of maintaining and conducting the proposed school and the standard of education to be provided; or
- (f) that the qualifications and experience of the proposed teachers are not adequate to ensure the efficient conduct of the school; or
- (g) that the proposed salaries of the teachers are not adequate to ensure the efficient performance of their duties; or
- (h) that the proposed school premises or equipment will not allow of efficient tuition in the subjects to be taught in the school; or
- (i) that adequate educational facilities already exist in the area in which it is proposed to open the school; or
- (j) that the constitution of the proposed management committee is not such as is likely to ensure the efficient administration of the school; or
- (k) that the supervisor recommended by the proposed managers is not a fit and proper person to act as supervisor; or
- (l) that the proposed school has previously been refused registration or the registration thereof has been cancelled either under the Education Ordinance, 1913, or under this Ordinance; or
- (m) that the proposed school is affiliated to or connected with or in any way controlled by any foreign government or department thereof or by any organization or group of a political nature; or
- (n) that in the application for registration a statement has been made or information has been furnished which is false in a material particular or by reason of the omission of a material particular.

(26 of 1913.)

Grounds for cancellation of registration of a school.

- 12.** (1) The Director may cancel the registration of any school—
- (a) on any of the grounds on which he would have been entitled to refuse registration as set out in section 11 other than in paragraph (i) thereof; or

- (b) if an offence against this Ordinance or against the regulations has subsequent to the registration of the school been committed by any manager; or
 - (c) if it appears to him that the school has ceased to exist; or
 - (d) if the supervisor has failed to comply with a direction addressed to him in accordance with section 42; or
 - (e) if it appears to him that the management committee is not efficiently administering the school.
- (2) If the registration of all the managers of a school has been cancelled, the Director shall cancel the registration of such school.

PART III.

MANAGEMENT, AND REGISTRATION OF SUPERVISORS AND MANAGERS.

13. (1) Every school shall be administered by a management committee which shall consist of all the managers thereof: Provided that if any school has only one manager the duties to be discharged by the management committee shall be discharged by that manager.

Management committee.

(2) No school shall, except with the approval of the Director, have more than five managers.

(3) The management committee shall be responsible for ensuring that the provisions of this Ordinance and of the regulations are complied with.

14. (1) The management committee shall recommend for the Director's approval one of their members to be the supervisor.

Appointment and cancellation of appointment of supervisor and certain of his duties.

(2) The Director may withhold his approval if he is not satisfied that the person recommended is a fit and proper person to act as supervisor for the purposes of this Ordinance.

(3) If at any time it appears to the Director that the supervisor approved by him is no longer a fit and proper person to act as supervisor he may withdraw his approval and such person shall cease to be supervisor.

(4) All correspondence concerning the administration of the school shall be conducted through the supervisor.

(5) If any manager ceases to act as such the supervisor shall forthwith notify the Director in writing.

(6) The supervisor shall forthwith report to the Director in writing any change in the salaries paid to the teachers and also the appointment or termination of appointment of any teacher and any change of principal.

Absence from duty etc. of supervisor.

15. (1) In the event of the Director withholding or withdrawing his approval of the supervisor recommended by the management committee or in the event of the supervisor approved by the Director ceasing to act as such by reason of resignation, illness, absence, cancellation of his registration as manager or other cause, or in the event of the supervisor approved by the Director being no longer acceptable as such to the majority of the management committee, the management committee shall forthwith recommend for the Director's approval another of their members as supervisor.

(2) If at any time for any cause there is no supervisor or the supervisor has ceased for any cause to act as such, then pending approval of a supervisor or of another person as supervisor, all the duties and responsibilities of the supervisor under this Ordinance and the regulations shall be discharged by and be vested in the management committee and if there be only one manager and he for any cause be unable to perform the duties then in the principal.

Appointment of additional managers by Director.

16. If at any time it shall appear to the Director that any school is not being satisfactorily administered, the Director, without prejudice to any other power, may appoint additional managers for such time as he shall consider necessary who shall be members of the management committee and shall be deemed to be registered managers of the school and shall have power at all reasonable times to enter the premises thereof: Provided that no person appointed as a manager by the Director under this section shall participate in any of the profits of the school.

Managers to be registered.

17. (1) Every manager, other than one appointed by the Director under section 16, shall be registered.

Form 3.

(2) An application for registration shall be made to the Director in the prescribed form.

Registration of manager.

18. Upon due application for registration as a manager of a school the Director shall, subject to the provisions of section 19 and after such inquiry as may be necessary, register the applicant as a manager of the school of which he seeks to be a manager and shall inform the manager in writing thereof.

19. The Director may refuse to register a person as a manager if it appears to him that such applicant—

Grounds for refusal to register a manager.

- (a) is not resident in the Colony for at least nine months in each year; or
- (b) has not established that he is a person of good character; or
- (c) has been convicted of a criminal offence; or
- (d) has previously been refused registration as a manager or as a teacher or has been refused permission to teach as an unregistered teacher either under this Ordinance or under the Education Ordinance, 1913, or having been so registered or given permission to teach has had his registration or permission cancelled; or
- (e) has not established that he possesses suitable qualifications or experience or has not established that he has a special interest in the school of which he desires to be a manager; or
- (f) cannot or will not carry out satisfactorily the duties of a manager by reason of other commitments or for any other cause; or
- (g) has attained the age of seventy years; or
- (h) in making application for the registration of a school or as a manager or a teacher or to be given permission to teach as an unregistered teacher either under this Ordinance or under the Education Ordinance, 1913, has made any statement or furnished any information to the Director which is false in any material particular or by reason of the omission of any material particular,

(26 of 1913.)

or that the registration of the applicant as a manager would result in there being more than five managers of the school or in the majority of the managers being qualified only by reason of a special interest in the school.

20. (1) The Director may cancel the registration of any manager—

Grounds for cancellation of registration of a manager.

- (a) on any of the grounds on which he would have been entitled to refuse registration as set out in paragraph (a), (c), (d), (g) or (h) of section 19; or
- (b) if it appears to the Director that he has ceased to act as a manager or to perform the duties of a manager satisfactorily or wishes to resign; or

- (c) if he has contravened any of the provisions of this Ordinance or of the regulations; or
 - (d) if having qualified as a manager by reason of a special interest in the school of which he is manager such special interest ceases.
- (2) If the registration of a school has been cancelled, the Director shall cancel the registration of the managers as managers of that school.

PART IV.

REGISTRATION OF TEACHERS.

Prohibition of teaching by unauthorized persons. Application for registration. Form 4.

21. (1) No person shall teach or be employed as a teacher in a school other than a school exempted from the provisions of this Ordinance unless he is either a registered teacher or is authorized to teach under section 25.

(2) Application for registration as a teacher shall be made to the Director in the prescribed form and be accompanied by the documents therein specified.

Registration of teacher. Form 5.

22. The Director shall, upon receipt of an application for registration as a teacher, subject to the provisions of section 23 and after such inquiry as may be necessary, register the applicant and shall issue to him a certificate of registration in the prescribed form.

Grounds for refusal to register a teacher.

23. The Director may refuse to register a person as a teacher if it appears to him that such applicant—

- (a) has not established that he is a person of good character; or
- (b) has been convicted of a criminal offence; or
- (c) has previously been refused registration as a manager or a teacher or has been refused permission to teach as an unregistered teacher either under this Ordinance or under the Education Ordinance, 1913, or having been so registered or given permission to teach has had his registration or permission cancelled; or
- (d) is medically unfit; or
- (e) has attained the age of sixty-five years; or
- (f) in making application for registration as a manager or teacher or to be given permission to teach as an unregistered teacher has made any statement or furnished any information which is false in any material particular or by reason of the omission of a material particular; or
- (g) does not possess the prescribed qualifications.

- 24.** The Director may cancel the registration of any teacher—
- (a) on any of the grounds on which he would have been entitled to refuse registration as set out in section 23; or
 - (b) if it appears to the Director that such teacher has been guilty of professional misconduct; or
 - (c) if he has contravened any of the provisions of this Ordinance or of the regulations.

Grounds for cancellation of registration of teacher.

PART V.

EMPLOYMENT OF UNREGISTERED TEACHERS.

25. (1) An unregistered teacher may teach only if an authority has been issued under section 26, and may teach only in the school specified in such authority and subject to any limitations which may be specified in such authority.

Written authority needed to employ unregistered teacher.

(2) An unregistered teacher shall not be employed unless at the time of application for an authority to employ him there is no suitable registered teacher available for employment in the school in which he is to be authorized to teach.

26. (1) If the supervisor or person who applies for registration of a school is of opinion that there is not available a suitable registered teacher for employment in the school whereof he is supervisor or in the proposed school, he may make application in the prescribed form to the Director for authority to employ a person who is not registered as a teacher.

Method of application and limitations to be applied.

Form 6.

(2) Subject to the provisions of section 27 and after such inquiry as may be necessary, the Director shall issue to the applicant an authority in writing in the prescribed form and shall issue to the unregistered teacher a copy thereof.

Form 7.

(3) Such authority shall prescribe the school in which such unregistered teacher may be employed and may in the discretion of the Director impose limitations as to the subjects and classes which he may teach.

27. The Director may refuse to authorize an unregistered teacher to teach—

Grounds for refusal to authorize unregistered teacher.

- (a) on any of the grounds on which he would have been entitled to refuse to register a person as a teacher as set out in paragraphs (a) to (f) of section 23; or

- (b) if the person in respect of whom application is made has not the prescribed qualifications; or
- (c) if in his opinion there is available for employment in the school concerned a suitable registered teacher.

Grounds for cancellation of authority to teach.

28. (1) The Director may cancel the authority to teach of any unregistered teacher on any of the grounds on which he would be entitled to cancel the registration of a teacher as set out in section 24.

(2) The Director shall cancel the authority to teach of any unregistered teacher whose employment is terminated in the school in which authority has been given for him to teach.

PART VI.

PROCEDURE GENERALLY ON REGISTRATION.

Medical examination of teacher.

29. Before registering a person as a teacher or granting authority for an unregistered teacher to teach, the Director may require such person to submit to a medical examination.

General power on any application for registration.

30. Whenever any application is made for the registration of a school or for registration as a manager or as a teacher or for authority to employ an unregistered teacher, the Director may—

- (a) require an interview with the applicant;
- (b) require an interview with any unregistered teacher it is sought to employ,

or may require the applicant or such unregistered teacher to make such further declaration or supply such further particulars as may seem necessary, and any statement so made or information so furnished shall be deemed to be embodied in the application under consideration.

Procedure upon refusal to register, cancellation of registration, etc. Appeals.

31. (1) Whenever the Director has come to a decision in the exercise of his discretion under section 11, 12, 14, 19, 20, 23, 24, 27 or 28, he shall serve notice in writing thereof upon each person who as applicant, supervisor, manager, teacher or unregistered teacher appears to him to be directly and adversely affected by his decision, stating the grounds for such decision, and shall supply to each such person a copy of this section, of section 32, and of sections 33 to 35 hereof.

(2) Any person who as applicant, supervisor, manager, teacher or unregistered teacher is adversely affected by such

decision may within ten days of the service of such notice appeal by notice in writing to the Appeals Board constituted under Part VII.

(3) An adverse decision of the Director shall not be carried out other than as provided in section 32 and in subsection (1) hereof until any appeal relating thereto has been determined or the prescribed time for notice thereof has elapsed.

32. (1) A supervisor, manager or teacher who receives notice under subsection (1) of section 31 of an adverse decision of the Director under section 14, 20 or 24 respectively, and an unregistered teacher who receives such notice in respect of an adverse decision of the Director under section 28, shall be suspended from duty with effect from the date of service of such notice: Provided that the Director in his discretion and subject to such conditions as he may think fit may by notice in writing withhold such suspension until the determination of any appeal.

Suspension in certain cases of supervisor, manager, teacher, etc. and closure of school. Withholding suspension during appeal. Certificates, etc.

(2) A school in respect of which registration is cancelled under section 12 shall cease to be carried on with effect from the date of service of notice under subsection (1) of section 31: Provided that the Director in his discretion and subject to such conditions as he may think fit may by notice in writing to the supervisor permit such school to carry on until the determination of any appeal from such cancellation.

(3) A supervisor, manager or teacher who receives notice under subsection (1) of section 31 of an adverse decision of the Director under section 12, 14, 20, 24 or 28 shall deliver to the Director any certificate of registration or any authority to teach or copy thereof issued to him under the provisions of this Ordinance, whether or not notice of appeal under section 31 has been given and before any such notice is given.

PART VII.

APPEALS, AND POWERS OF GOVERNOR IN COUNCIL.

33. (1) The Governor shall by notification in the *Gazette* appoint an Appeals Board which shall hold office for two years and shall consist of a chairman and not less than eight other members, of whom three at least shall be registered teachers.

Constitution of Appeals Board.

(2) Five members shall form a quorum: Provided that an appeal which concerns the registration of a teacher or cancellation thereof shall not proceed unless two of the members present are registered teachers.

(3) The Appeals Board may, subject to the provisions of section 34, regulate its own procedure, and in the absence of the chairman may from amongst its members appoint a temporary chairman.

(4) The Appeals Board may at its request be assisted in the conduct of an appeal by a legal officer appointed by the Attorney General to act as legal assessor.

(5) The Governor shall appoint a person to act as secretary to the Appeals Board.

Procedure
of Appeals
Board.

34. (1) A person wishing to appeal under subsection (2) of section 31 (hereinafter referred to as the appellant) shall within the period prescribed in that subsection deliver to the Director a statement in English (in duplicate) giving notice of his appeal and stating the grounds therefor, which shall be referred by the Director forthwith to the secretary of the Appeals Board. As soon as may be after receipt thereof the secretary shall give to the appellant and the Director at least fourteen days notice of the date for hearing the appeal.

(2) At the hearing of the appeal the appellant or his duly authorized representative and the Director or any person duly appointed by him for such purpose shall be entitled to be present and to be heard.

(3) The Appeals Board shall have the powers of commissioners conferred by section 3 of the Commissioners Powers Ordinance.

(4) The Appeals Board may determine the appeal in the absence of the Director or the appellant provided that due notice of its meeting has been given to both parties.

(5) The onus of proving that the grounds stated by the Director under section 31 for his decision are not correct or do not justify such decision shall be upon the appellant.

(6) Save with the consent of the Appeals Board, neither the Director nor the appellant may at the hearing rely upon any grounds other than those stated by the Director in accordance with section 31 or by the appellant in accordance with subsection (1) hereof.

Decision of
Appeals
Board
and notifi-
cation
thereof.

35. (1) The Appeals Board may confirm, set aside or modify the Director's decision.

(2) Its decision shall be communicated to the Director together with the reasons therefor and it shall be the duty of the Director to supply forthwith to the appellant a copy of such decision and such reasons.

(3) Unless the decision is wholly in favour of the appellant and the Director does not intend to appeal further the Director shall at the same time supply to the appellant a copy of section 36 hereof.

36. (1) The Director or the appellant may make further appeal to the Governor in Council from a decision of the Appeals Board by delivering to the Clerk of Councils within fourteen days of such decision, a concise statement in writing in the English language of the grounds for such further appeal, and shall within two days of lodgment thereof deliver a copy thereof to the other party to the appeal.

Further
appeal to
Governor
in Council.

(2) Such further appeal shall be in accordance with the Administrative Appeals Rules save that at the hearing the Director shall be entitled to be present and to be heard.

(Cap. 1,
rules.)

37. (1) Notwithstanding any other provision of this Ordinance, if it shall appear to the Governor in Council that it would be prejudicial to the security of the Colony or of the Commonwealth or to public safety or to public order or morals that any school, manager or teacher should be registered or continue to be registered or that any person should be authorized or continue to be authorized to teach as an unregistered teacher, the provisions of this section shall apply.

Special
powers of
Governor
in Council
for pur-
pose of
security,
safety or
morals.

(2) The Governor in Council may cause to be served upon the supervisor or proposed supervisor of such school, or upon such manager or proposed manager, such teacher or such person, a notice in writing referring to this section and calling upon him to shew cause why the registration of such school, manager or teacher or the authority for such person to teach as an unregistered teacher should not be refused or cancelled.

(3) The Governor in Council may in his discretion effect the closure of such school or suspend from duty such manager, teacher or other person by stating in the notice served under subsection (2), that until determination of any proceedings under this section the registration of any such school, manager or teacher or the authority for such person to teach shall be deemed to be cancelled.

(4) Any supervisor or proposed supervisor, manager or proposed manager, teacher or other person called upon to shew cause as aforesaid shall be entitled to appear in person and to hear the grounds upon which it is proposed to take the course specified and to make such representations as he may wish against such course being taken.

(5) The Governor in Council may in his discretion appoint a committee consisting of members of Executive Council to hear such representations and to advise him as to the decision that should be made: Provided that the Governor in Council shall not be bound to follow the advice given by such committee.

(6) If, after opportunity for appearance and for making representations has been afforded under subsection (4), the Governor in Council is satisfied that any school, manager or teacher should not be registered or that such registration should be cancelled or that an authority for an unregistered teacher to teach should be refused or cancelled he shall order accordingly, and such order shall be put into effect by the Director.

(7) An order made under subsection (6) may, in the absolute discretion of the Governor, be suspended by him for such time or subject to such conditions as he may deem fit, and may if so recommended by the Governor be revoked by the Governor in Council.

Effect of closure of school upon managers and teachers.

38. (1) If any person registered as a manager of a school at the time of service of notice in respect of such school under subsection (2) of section 37 is also registered as a manager of another school or schools, the registration of such person as a manager shall be cancelled in respect of all such schools upon cancellation of registration of the school to which such notice refers.

(2) The registration or authority to teach of every teacher who shall at the time of service of notice under subsection (2) of section 37 be employed at the school to which such notice refers shall be cancelled upon cancellation of the registration of such school.

(3) A manager or a teacher adversely affected by the operation of this section may within fourteen days of an order for cancellation of registration of a school under subsection (6) of section 37 appeal to the Governor in Council under section 36 as though such order were a decision of the Appeals Board referred to in such section, and the provisions of that section as to delivery of a statement in writing and as to the other procedure relating to such appeal shall apply.

(4) Upon the cancellation under subsection (1) or (2) of registration of a manager or teacher or of an authority for a teacher to teach, unless an appeal under this section has been successful, such manager or teacher shall not thereafter be

registered either as a manager or as a teacher at any school nor be given authority to teach as an unregistered teacher: Provided that the Governor may in his discretion in the case of any particular manager or teacher waive the provisions of this subsection either permanently or for such period or subject to such conditions as he may deem fit.

PART VIII.

INSPECTION ETC.

39. The Governor may appoint by name or office, by notification in the *Gazette*,—

Appointments. Persons deemed to be inspectors.

- (a) any officer of the education department to be a senior inspector of schools, an inspector of schools, or a sub-inspector of schools; and
- (b) any medical officer to be a medical officer of schools; and
- (c) any health inspector to be a health inspector of schools, each of whom for the purpose of this Ordinance shall be deemed to be an inspector of schools.

40. The Director may inspect personally or cause to be inspected by an inspector any school for the purpose of ascertaining whether the provisions of this Ordinance and the regulations are being complied with and whether such school is being properly and efficiently conducted.

Inspection of schools.

41. For the purposes of section 40 the Director or any inspector shall have power—

Powers of inspectors.

- (a) at all reasonable times to enter the premises of any school;
- (b) to enter any premises upon which he has reason to suspect that an offence against this Ordinance or the regulations has been or is being committed;
- (c) to require any manager or teacher to produce any books and documents or other article relating to the administration or management of or teaching in the school or to furnish any information relating to such administration, management or teaching;
- (d) to remove for further examination any books and documents or other article which he has reason to suspect is evidence of the commission of an offence against this Ordinance or the regulations or of a ground for cancellation of registration of any nature hereunder or for the cancellation of the authority of an unregistered teacher to teach; and

- (e) to do such other things as are necessary for the purposes of inspection.

Power to direct remedial measures.

42. (1) If it appears to the Director that any provisions of this Ordinance or of the regulations have not been complied with in any school or that any school is not being properly or efficiently conducted, he may, without prejudice to any other powers vested in him, by notice in writing addressed to the supervisor direct him to take within a time to be stated in the notice such measures as are in the notice specified in order that such provision may be complied with or that the school may be properly or efficiently conducted.

(2) The Director may in his discretion in any particular case cause a copy of any such notice to be sent to each of the other managers of the school.

PART IX.

REGULATIONS, OFFENCES, NOTICES, INDEMNITY, REPEAL ETC.

Power to make regulations. Second Schedule.

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

- (a) the structure, hygienic character and sanitation of schools and school premises;
- (b) the precautions to be taken against fire or other peril likely to endanger the lives or health of the pupils, and any such regulations may authorize officers of the fire brigade to enter and inspect school premises and buildings in which schools are situate and premises in the neighbourhood thereof;
- (c) the health inspection of schools and school premises;
- (d) the medical examination of teachers and pupils and standards of medical fitness for teachers;
- (e) the temporary exclusion from any school of any teacher or pupil and any other measures necessary or desirable to preserve the health and well-being of teachers and pupils;
- (f) the size of classes;
- (g) the control of instruction given in schools, including limitation upon the subjects taught and the books and documents which may be upon school premises or which may be used in schools, and the preparation and contents of the syllabus to be used in any school or schools;

- (h) the prohibition of political or subversive or tendentious activities or propaganda in schools or amongst masters or pupils;
- (i) the adequacy, suitability and use of school equipment, school laboratories and workshops;
- (j) the methods and the hours of instruction;
- (k) holidays;
- (l) the control of the use to which school premises may be put and of the persons who may enter thereon;
- (m) the constitution and duties of management committees;
- (n) the keeping of school registers, time-tables and books of account;
- (o) amount and method of payment and disclosure of fees and other charges and the prohibition of any further subscriptions and charges or of any specified subscriptions or charges;
- (p) the specification of an inclusive fee and the notification of such fees in the *Gazette* and prohibition of variation thereof without consent;
- (q) general matters of school administration;
- (r) the appointment and duties of principals;
- (s) the qualifications of registered teachers, unregistered teachers and those that shall be held by teachers of various classes and subjects;
- (t) the control of salaries paid to teachers;
- (u) discipline in schools and the methods of enforcement thereof and the conduct and dress of teachers and pupils;
- (v) carrying into effect generally the provisions of this Ordinance in relation to any matter, whether similar or not to those in this subsection mentioned, as to which it may be convenient to make regulations.

(2) Any regulation may provide for the closure of any school or for prohibition of the use of any building or part of a building if such closure or prohibition is in the opinion of the Director necessary on grounds relating to—

- (a) medical or health reasons;
- (b) structural danger;
- (c) risk of fire;
- (d) obstruction of access or egress,

and may provide that such closure or such prohibition shall continue until remedial measures to the approval of the Director have been carried out.

(3) Any regulation made under this section may provide that acts shall only be performed if the Director consents thereto and may prohibit the performance of acts without the consent of the Director and may authorize the Director to require acts to be performed or to prohibit their performance and may require acts to be done to the satisfaction of the Director or with the approval of the Director.

(4) Any regulation may provide that a contravention of any regulation shall be an offence and prescribe a penalty therefor: Provided that no penalty so prescribed shall exceed a fine of two thousand dollars or imprisonment for one year.

(5) The Director may in respect of any particular school by notice in writing to the supervisor waive or modify the requirements of any regulation if he is satisfied that compliance therewith is undesirable or impracticable in such school.

44. (1) For the purpose of maintaining the provident fund existing upon the coming into operation of this Ordinance in respect of teachers in schools to which grants in aid are made by the Legislative Council, the Governor in Council may by rules prescribe or provide for—

- (a) the objects and method of control and management and investment of such fund;
- (b) the persons or classes who shall be eligible for membership, and the persons or classes who shall be compulsory contributors;
- (c) the contributions and the method of payment;
- (d) the method of dealing with any contribution which shall be made by government to such fund;
- (e) the constitution of a reserve fund to deal with all or a portion of fluctuation in value of investments and for the allocation thereto if necessary of any investment income of the provident fund;
- (f) the method of, conditions precedent for, and authority for withdrawals and benefits and the permissible amount of withdrawals and benefits;
- (g) the appointment of trustees if such should be considered necessary, and their powers and duties,

and generally for the purpose of the maintenance of such fund whether *ejusdem generis* with the items enumerated in paragraphs (a) to (g) hereof or not.

(2) There shall be charged on the general revenue all such sums as may be necessary to meet the contributions payable by Government in accordance with such rules.

(3) Subject to the provisions of such rules no contribution, donation, dividend or interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatsoever.

(4) Upon the death of a contributor to such provident fund, if there is an amount not exceeding two thousand five hundred dollars payable out of his account in respect of such death, such amount shall be deemed to be an amount in respect of which the Accountant General, on being satisfied of the expediency of dispensing with probate or administration, may under section 59 of the Probate and Administration Ordinance authorize payment to such person or persons as he may consider entitled thereto without requiring the production of probate or administration.

(Cap. 10.)

45. (1) For the purpose of maintaining the building depreciation fund existing upon the coming into operation of this Ordinance for the replacement of school buildings which become unfit for use as a result of age or other deterioration in respect of schools to which grants in aid are made by the Legislative Council, the Governor in Council may by rules prescribe or provide for—

Power to make rules for building depreciation fund for grant schools.

- (a) the objects and method of control and management and investment of such fund;
- (b) the schools which shall be entitled to participation in such fund;
- (c) the method of dealing with any contribution which shall be made by government to such fund;
- (d) the method of, conditions precedent for, and authority for payments out from such fund;
- (e) the appointment of trustees if such should be considered necessary, and their powers and duties,

and generally for the purpose of maintenance of such fund whether *ejusdem generis* with the items enumerated in paragraphs (a) to (e) hereof or not.

(2) There shall be charged on the general revenue all such sums as may be necessary to meet the contributions payable by Government in accordance with such rules.

Power to make rules for provident fund for teachers in grant schools. Third Schedule.

(3) No annual or other grant to such fund or interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatsoever.

Contents of Schedules. First Schedule.

46. (1) The forms in the First Schedule are prescribed for use hereunder and may be added to, amended, cancelled or replaced by regulations of the Governor in Council.

Second, Third and Fourth Schedules.

(2) The regulations in the Second Schedule and the rules in the Third and Fourth Schedules shall be deemed to have been made under sections 43, 44 and 45 respectively.

Offences and penalties.

47. Any person who—

- (a) is the owner or a manager of or teacher in a school which is not registered in accordance with section 8; or
- (b) is not registered as a manager of a school of which he is a manager as defined in section 2; or
- (c) teaches in a school unless he is a registered teacher or an unregistered teacher authorized under section 25 to teach in that school; or
- (d) employs or permits a person to teach in contravention of paragraph (c) or (m) hereof; or
- (e) makes any statement or furnishes any information, whether such statement or information be verbal or in writing, which is false in a material particular or by reason of the omission of a material particular, which he either knows or has reason to believe to be false or which he makes recklessly—
 - (i) in an application for registration of any nature hereunder; or
 - (ii) in an application for authority to employ or to be employed as an unregistered teacher; or
 - (iii) as to the character or qualifications of any person desirous of becoming a registered manager, a registered teacher or of being authorized to teach as an unregistered teacher; or
 - (iv) at a meeting of the Appeals Board upon the hearing of an appeal; or
- (f) acts as a supervisor without lawful authority; or

- (g) being a supervisor fails without reasonable excuse to notify the Director in accordance with section 14 that a manager has ceased to act as such or to notify him of the appointment or termination of appointment of a teacher or of a change in salary paid to a teacher; or
- (h) is a member of a management committee which fails to recommend the appointment of a supervisor in accordance with section 14, 15 or 50; or
- (i) obstructs, resists or impedes the Director or an inspector when carrying out an inspection of a school or a manager appointed under section 16 in carrying out his duties; or
- (j) being a manager or a teacher refuses to produce any books or documents or to furnish any information upon being so required under section 41 or furnishes information which is false in a material particular or by reason of the omission of a material particular and which he either knows to be false or has reason to believe is false or which he furnishes recklessly; or
- (k) being a supervisor fails to comply with a notice addressed to him under section 42; or
- (l) being the supervisor of a school deemed under section 50 to have been registered, or being the person discharging such duties, or being a manager or teacher deemed under that section to have been registered, fails to comply with a notice to furnish particulars issued under subsection (2) thereof, or furnishes any particular which is false in a material particular or by reason of the omission of a material particular and which he either knows to be false or has reason to believe is false or which he furnishes recklessly; or
- (m) discharges the duties of supervisor, manager or teacher when suspended from duty under section 32 or 37; or
- (n) is the owner or acts as a manager or teacher of a school which is carried on when closed under the provisions of this Ordinance or the regulations,

shall be guilty of an offence and shall be liable to a fine of five thousand dollars and imprisonment for two years.

48. Whenever in this Ordinance or in the regulations provision is made for service upon any person of a notice in writing, it shall be sufficient service if such notice is served personally or sent by registered post to the last known address of such person, and whenever the person to be served is a supervisor and cannot readily be found it shall be sufficient service if the notice is affixed to the school premises.

Service of notices.

No legal liability to arise from approval, inspection, etc.

49. No legal liability whatever shall rest upon Government or the Director or upon any Government officer by reason of the fact that under this Ordinance any school or school premises has been or may hereafter be erected or carried out upon designs or plans consented to or approved by any Government officer or by reason of the fact that under this Ordinance any such works or buildings or any methods or places of instruction are subject to the approval or inspection of any Government officer, or that the conduct or staffing of any school is subject to such approval or inspection hereunder.

Repeal and saving. Transitional provisions. (26 of 1913.)

50. (1) The Education Ordinance, 1913, and all regulations made thereunder are repealed: Provided that—

- (a) any school, manager or teacher registered under the Education Ordinance, 1913, shall be deemed to be registered under this Ordinance; and
- (b) any teacher who at the commencement of this Ordinance was permitted to teach in a specified school under section 8A of the Education Ordinance, 1913, shall be deemed to be authorized under section 25 hereof to teach at such school as an unregistered teacher, and the supervisor of such school shall be deemed to have authority hereunder to employ such teacher.

(2) Where any school is deemed to be registered by virtue of subsection (1)—

- (a) the management committee shall forthwith recommend to the Director for his approval the appointment of a supervisor and pending approval by the Director all the functions and responsibilities of the supervisor shall be discharged by and vested in the persons specified in subsection (2) of section 15; and
- (b) the Director may by notice in writing require the supervisor of such school to furnish any particulars which he would be entitled to require if application for registration of such school were made under section 9.

(3) Where any manager or teacher is deemed to be registered by virtue of subsection (1), or an unregistered teacher is deemed to have authority thereunder to teach, the Director may require to be furnished any particulars which he would have been entitled to require if application for registration or for authority to teach had been made under section 17, 21 or 26.

THE EDUCATION ORDINANCE, 1952.

Application for registration of a school.

Address

Date

Director of Education,
Education Department,
HONG KONG.

1. I wish to open a school particulars of which are set out below and request that it may be registered and a certificate of registration be issued.

2. Particulars—

- (a) Proposed name of school (in English)
- (b) Proposed name of school (in Chinese)
- (c) Proposed address of school
- *(d) Whether (i) day school,
(ii) night school, or
(iii) correspondence course.
- *(e) Whether (i) for boys,
(ii) for girls, or
(iii) coeducational.
- *(f) Whether (i) kindergarten school,
(ii) primary school,
(iii) secondary school,
(iv) post secondary school, or
(v) other school.
- *(g) Whether (i) grant in aid school,
(ii) subsidy school, or
(iii) private school.
- (h) Particulars of teachers it is desired to employ—

	Name	Whether registered	Proposed salary
(i)			
(ii)			
(iii)			
(iv)			
(v)			
(vi)			
(vii)			
(viii)			

- (i) Sources of revenue (other than fees)
- (j) Name and address of lessee of school premises

- (k) Rent of school premises
- (l) Proposed regular holidays
- (m) Inclusive fee (per year) is made up as follows—

	Kinder- garten	Primary	Secondary	Post Secondary	Other Courses
Tuition					
Fees.					
Incidentals.					

†3. (a) I attach applications from the following persons for registration as managers of the school—

- (i)
- (ii)
- (iii)
- (iv)

(b) Mr. is recommended for approval as supervisor. (This must be one of the managers given in para. 3).

‡4. I attach applications to employ the following persons as un-registered teachers—

- (i)
- (ii)
- (iii)
- (iv)

5. I attach plan or diagram of the school premises (with dimensions).

6. I attach the proposed syllabus of each class.

7. I attach the proposed weekly time-table of each class.

8. The contents of this application are true to the best of my knowledge information and belief.

(Signed)

* Note 1. delete whichever is not applicable.

† Note 2. to be completed on Form 3.

‡ Note 3. to be completed on Form 4.

FORM 2

[s. 10(3).

THE EDUCATION ORDINANCE, 1952.

Certificate of registration of school.

This is to certify that the undermentioned school has been registered under the Education Ordinance, 1952.

Registered name of school
(in English)

Registered name of school
(in Chinese)

Address

.....
Director of Education.

Hong Kong, 19.....

FORM 3

[s. 17.

THE EDUCATION ORDINANCE, 1952.

Application for registration as a manager of a school.

Address

Date

Director of Education,
Education Department,
HONG KONG.

School

Address

1. I submit particulars of myself and request you to register me as a manager of the School.

2. Particulars—

- (a) Name
- (b) Address
- (c) Date of birth
- (d) Occupation
- (e) Educational qualifications
- (f) Experience in or knowledge of educational matters
- (g) Special interest in the above School
- (h) Any other schools of which a registered manager

*3. The following persons may be referred to as to my character and suitability to become a manager—

- (a) Name Address
- (b) Name Address

†4. I declare that—

- (a) I am normally resident in the Colony for at least nine months in each year;
- (b) I am a person of good character;
- (c) I have never previously been refused registration as a manager of any school or as a teacher or been refused permission to teach or having been so registered or given permission had my registration or permission cancelled;
- (d) I am able to carry out the duties of a manager of the School and that I am familiar with the provisions of the Education Ordinance, 1952, and the regulations.

5. The contents of this application are true to the best of my knowledge, information and belief.

(Signed)

* Note 1. Two referees are required. They must be persons of standing e.g. members of Executive or Legislative Council, Justices of the Peace, barristers-at-law, solicitors, ministers of religion, chartered or incorporated accountants, persons on the special jury list, or registered doctors or dentists, and should normally have known the applicant well for at least three years.

† Note 2. If applicant has ever been convicted of a criminal offence affecting his character or refused registration etc., the full circumstances must be disclosed.

‡ Note 3. Fill in name of school of which applicant desires to become a manager.

THE EDUCATION ORDINANCE, 1952.

* Application for registration as a teacher.

Address

Date

Director of Education,
Education Department,
HONG KONG.

1. I submit particulars of myself and request you to register me as a teacher and to issue me with a certificate of registration.

2. Particulars—

(a) Name in English

(b) Name in Chinese

(c) Aliases

(d) Sex

(e) Whether married or single

(f) Date of birth

(g) Place of birth

(h) Where educated with dates—

School or University	From	To

(i) Educational qualifications

(j) Previous teaching experience—

School	Classes taught	Subjects taught

†3. The following persons may be referred to as to my character—

(a) Name Address

(b) Name Address

4. I attach—

(a) two signed photographs of myself;

(b) medical certificate;

‡ (c) educational certificates.

§5. I declare that—

(a) I am a person of good character;

(b) I have never previously been refused registration as a manager of any school or as a teacher or been refused permission to teach or having been so registered or given permission to teach had my registration or permission cancelled.

6. The contents of this application are true to the best of my knowledge, information and belief.

(Signed)

* Note 1. This form is appropriate only in the case of persons who possess the qualifications set out in regulation 67 of the regulations.

† Note 2. Two referees are required. They must be persons of standing e.g. members of Executive or Legislative Council, Justices of the Peace, barristers-at-law, solicitors, ministers of religion, chartered or incorporated accountants, persons on the special jury list, or registered doctors or dentists, and should normally have known the applicant well for at least three years.

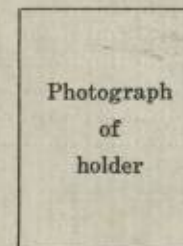
‡ Note 3. If educational certificates are not available at the time of the application, (c) should be deleted and applicant may be required to produce them later for inspection.

§ Note 4. If applicant has been convicted of a criminal offence affecting his character or refused registration etc., the full circumstances must be disclosed.

THE EDUCATION ORDINANCE, 1952.

Certificate of registration of teacher.

This is to certify that whose photograph is affixed hereto has been registered as a teacher under the Education Ordinance, 1952.



.....
Director of Education.

Hong Kong, 19.....

FORM 6

[s. 26(1).

THE EDUCATION ORDINANCE, 1952.

Application for authority to employ an unregistered teacher.

Part I.

(To be completed by the supervisor of the school in which it is desired to employ a person as an unregistered teacher or if the application is made at the same time as application for registration of the school by the person applying for registration of the school).

Address

Date

Director of Education,
Education Department,
HONG KONG.

1. I hereby apply request authority to employ—

Name in English

Name in Chinese

as an unregistered teacher at the School.

2. In my opinion there is no suitable registered teacher available for employment.

3. Set out at Part II of this form are full particulars as supplied by which I have checked to the best of my ability.

(Signed)

(Supervisor, or applicant for registration of a School).

Part II.

(To be completed by the person it is desired to employ as an unregistered teacher).

1. Name in English

2. Name in Chinese

3. Aliases

4. Sex

5. Whether married or single

6. Date of birth

7. Place of birth

8. Where educated with dates—

School or University	From	To

9. Educational qualifications

10. Previous teaching experience—

School	Classes taught	Subjects taught

*11. The following persons may be referred to as to my character—

(a) Name Address

(b) Name Address

12. I attach—

(a) two signed photographs of myself;

(b) medical certificate;

† (c) educational certificates.

‡13. I declare that—

(a) I am a person of good character.

(b) I have never previously been refused registration as a manager of any school or as a teacher or been refused permission to teach or having been so registered or given permission to teach had my registration or permission cancelled.

14. I am aware that this is an application to teach at the School only.

15. The contents of Part II of this form are true to the best of my knowledge, information and belief.

Signature

(Unregistered teacher).

Date

* Note 1. Two referees are required. They must be persons of standing, e.g. members of Executive or Legislative Council, Justices of the Peace, barristers-at-law, solicitors, ministers of religion, chartered or incorporated accountants, persons on the special jury list, or registered doctors or dentists, and should normally have known the applicant well for at least three years.

† Note 2. If educational certificates are not available at the time of completion or if the person has none (c) should be deleted.

‡ Note 3. If person completing Part II has been convicted of a criminal offence affecting his character or refused registration etc. the full circumstances must be disclosed.

FORM 7

[s. 26(2).

THE EDUCATION ORDINANCE, 1952.

Authority to employ an unregistered teacher.

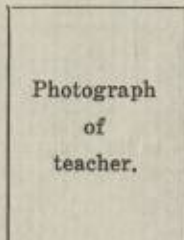
The supervisor,

..... School.

(Copy to the teacher)

Authority is hereby given you to employ
 whose photograph is affixed hereto as an unregistered
 teacher at School.

Limitations (if any) as to subjects and classes.



.....
 Director of Education.

Hong Kong, 19.....

SECOND SCHEDULE.

[s. 43.]

The Education Regulations, 1952.

Citation

1. These regulations may be cited as the Education Regulations, 1952.

PART I

Introductory.

Interpreta-
 tion.

2. In these regulations—
 “approved plan” means the plan or diagram submitted upon application for registration or under section 50, or if the Director shall subsequently have approved a plan or diagram under these regulations, it shall mean such plan or diagram;
 “boarding school” means a school in connexion with which hostels, dormitories or other rooms or premises are provided for the housing or lodging of some or all of the pupils of that school out of school hours, whether such hostels, dormitories, or other rooms or premises are in or part of the same building or group of buildings as the classrooms or not;
 “boarders” means the pupils of a boarding school for whom housing or lodging accommodation is provided;
 “class room” means any room used for teaching purposes;
 “dormitory” means any room provided as sleeping accommodation for boarders;
 “infectious disease” has the same meaning as in the Quarantine and Prevention of Disease Ordinance;
 “school workshop” means any place in a school where instruction is given in the use of tools or machinery or where tools or machines are used for the repair, adjustment or manufacture of articles, or for training students for any trade or commercial occupation;

(Cap. 141)

[2nd Sch., contd.]

“science laboratory” means any place in a school where practical experiments or demonstrations in science subjects are carried out. For the purpose of these regulations a science laboratory shall include any place where instruction is given in domestic science or homecraft.

3. The Supervisor of every school shall on demand supply the Director with a plan or diagram, with dimensions, of the approved school premises.

Supervisor to furnish plan of school premises.

4. The erection of a new school, the adaptation of an existing building for school purposes, and alterations or additions to a school are in all cases subject to any necessary consent of the Building Authority.

Building Authority's consent.

PART II

School Premises and Structural Requirements.

5. Except in the case of schools the premises of which are entirely situated on the ground floor, school buildings shall be constructed of fire resistant material throughout.

Schools to be of fire resistant material.

6. (1) All school premises shall at all times be kept in a satisfactory state of repair.

Repair.

(2) The Director may by notice to the Supervisor in writing order the closure of any school or school building which appears to him to be structurally unsafe or in need of repairs until such time as it has been made structurally safe or the necessary repairs have been carried out and upon the delivery of such notice to the school no pupil shall be allowed to enter such school or school building.

7. No school premises or any part thereof shall be situated—

Schools not to be over godowns, shops, etc.

(a) over any godown; or

(b) over any shop, store or factory unless the Director is satisfied that situation over such shop store or factory would not constitute a danger or hazard or would not be detrimental to the health or well-being of the pupils.

8. (1) All school buildings and all floors of school buildings shall be provided with a minimum of two independent satisfactory means of egress. The Director may require additional means of egress from any school which has accommodation for over 500 pupils.

Egress from schools.

(2) No exit door shall open immediately upon a step or steps, but a landing of at least 3 feet in depth shall be provided between the step or steps and the door. For the purposes of this regulation, a difference in levels of approximately one inch shall not constitute a step.

9. Every room accommodating over 500 persons shall have a minimum of two independent satisfactory means of exit.

Exits from rooms.

10. (1) The exits from every floor which accommodates more than 100 but less than 300 persons shall be not less than 4 feet in width.

Width of exits.

(2) The exits from every floor which accommodates 300 or more persons shall be not less than 5 feet in width.

11. No corridor or staircase shall be of less width than that of the exit which it serves.

Width of corridors.

12. Stairs shall have treads not less than 10 inches in width and risers not more than 6 inches nor less than 3 inches in height.

Stairs.

Maximum height of schools.

13. No portion of any school premises except the parapet wall round a roof-playground shall be situated more than 50 feet above the ground level.

Minimum height of parapets and window openings.

14. The height of all parapets and window openings shall unless such parapet or window opening is satisfactorily guarded by bars be at least 3 feet 6 inches measured from the level of the floor immediately adjoining.

Ventilation and lighting.

15. (1) All school premises shall be adequately ventilated and lighted.

(2) No cubicle or partition which obstructs the free passage of light or air shall be erected in any classroom.

(3) The ceiling of every classroom shall not be less than 11 feet above the floor.

Structural alterations.

16. (1) Except with the consent in writing of the Director there shall not be made—

(a) any structural alterations to the school premises as shown in the approved plan;

(b) any alteration to the latrine accommodation or the sanitary arrangements of any school or in the ventilation or lighting of a classroom as shown in the approved plan.

(2) No additions shall be made to school premises and no premises shall be used for any school purposes whatsoever other than the premises as shown on the approved plan without the written consent of the Director.

(3) When any additions to school premises are approved by the Director the Supervisor shall submit a new plan incorporating such additions.

Minimum number of classrooms.

17. Schools shall normally contain the following minimum numbers of suitable adjacent classrooms in the same building—

(a) secondary schools—3 classrooms;

(b) primary schools—4 classrooms;

(c) kindergarten schools—2 classrooms.

PART III.

Roof Playgrounds.

Approval for roof playgrounds.

18. No roof, verandah or balcony shall be used for physical education or recreational purposes without the written approval of the Director.

Structural requirements.

19. (1) Roof playgrounds shall satisfy the following structural requirements—

(a) the roof shall be situated on premises constructed of reinforced cement concrete;

(b) there shall be a minimum of two suitable staircases, leading from the roof to a satisfactory open air exit at ground level, each staircase being of a minimum width of 3 feet 6 inches and being fitted with continuous handrails on both sides;

(c) at the head of each staircase there shall be landings leading to the roof, each landing being of width equal to the width of the staircase and of a minimum depth of 5 feet;

(d) the external walls surrounding the playground shall be continued upwards so as to form a continuous parapet wall around the playground of a height of 3 feet 6 inches. Above such parapet there shall be a continuous chain link or similar metal fence, the top of which shall bend inwards in a semicircular arch of 12 inches diameter. The total height of the parapet wall and metal fence shall be 12 feet;

(e) there shall be a strong ledge 2 feet wide surrounding the exterior of the parapet walls at roof level.

(2) No roof, verandah or balcony shall be deemed to be suitable for use as a playground unless a certificate of stability shall have been given by an architect that the roof is suitable for such use. Such certificate shall specify the maximum number of pupils who may be allowed to use the playground at any one time.

20. No pupil shall be allowed on any roof playground, verandah or balcony unless under the direct supervision of a teacher.

Pupils using roof playgrounds to be under supervision.

21. (1) There shall not be more than 60 pupils upon any roof playground under the charge of one teacher at any one time.

(2) The total number of pupils allowed on any roof playground, verandah or balcony shall not be greater than one for every 20 square feet of superficial area.

Number of pupils allowed on a roof playground.

(3) A certificate by an inspector of schools that he has examined the architect's certificate stating the maximum number of pupils allowed upon any approved roof playground, verandah or balcony shall be exhibited in a conspicuous place on the school premises.

22. If any roof playground, verandah or balcony is used in contravention of the regulations, the Director may by notice in writing addressed to the Supervisor prohibit the use thereof until such time as he may specify in such notice.

Limitation of activities on roof playgrounds.

PART IV.

School Workshops and Science Laboratories.

23. (1) The provisions of regulations 13 and 14 of the Factories and Workshops Regulations shall be complied with in respect of school workshops as though the words "school workshops" were substituted for the word "factory" wherever it occurs in such regulations.

Safety precautions. (Cap. 59)

(2) The Supervisor shall ensure that all necessary safety precautions are adopted in school workshops and school science laboratories and shall modify or extend those precautions as the Director may require.

(3) The Supervisor and principal shall ensure that no instruction is given in the use of tools or the operation of machines or in science experiments except by a responsible teacher.

24. No machinery or machine tools shall be installed in a school workshop except in accordance with the written consent of the Director.

Consent for installation.

25. Wherever it is desired to install any machinery or machine tools in a school workshop the Supervisor shall submit to the Director a plan of the proposed layout of the workshop.

Plan of layout.

26. The Director may limit the number of pupils who may at any one time receive instruction in any school workshop or science laboratory.

Limit on number of pupils.

27. In any school workshop in which machinery is installed there shall also be installed remote control switches whereby the teacher may stop all machines.

Master switches.

28. All machinery, machine tools, hand tools and other equipment in a school workshop or science laboratory shall be suitable for the courses and shall be maintained in proper working order.

Maintenance and suitability.

29. No pupil shall be permitted to enter any school workshop or science laboratory unless a teacher is present.

Presence of teacher.

30. Not more than 20 pupils may be taught in a school workshop at the same time by any one teacher without the approval of the Director.

Number of pupils.

- Workshops.** 31. Every school workshop in which power machinery is installed shall contain windows on opposite sides of the workshop and the total area of such windows shall be not less than $\frac{1}{8}$ th of the floor space of the workshop.
- Lighting.** 32. Machines and work-benches shall be in such positions that they are adequately lighted.
- Poisons and dangerous chemicals, storage.** 33. All poisonous substances or dangerous chemicals must be under the charge of a responsible teacher and, except for such small quantities as are necessary for practical science experiments, must be stored in a locked room or cupboard to which no pupil shall have access.
- Containers and marking thereof.** 34. All poisonous substances or dangerous chemicals must be contained in suitable containers clearly marked with the name of the substance and labelled "*Dangerous*" or with some similar designation.

PART V

Fire Precautions.

- Fire precautions.** 35. Officers of the fire brigade shall be permitted at all reasonable times to enter and inspect any school premises and any building in which any school is situated or any part thereof and any building in the neighbourhood from which it may appear a risk of fire to the school may arise.
- Reports thereon.** 36. Officers of the fire brigade shall report to the Director on the fire precautions available and may make recommendation as to any further precaution necessary to preclude danger from fire.
- Notice requiring safety equipment against fire.** 37. The Director may by notice in writing require the installation of any apparatus or equipment necessary as a safeguard against fire or the implementation of any other steps recommended by the officers of the fire brigade and within a period to be specified in such notice the Supervisor shall comply therewith.
- Fire drills, Exits.** 38. (1) The principal of every school shall draw up a practical scheme for the evacuation of the building in case of fire, shall ensure that fire drill is carried out by the teachers and pupils at least once in every month, and shall keep a written record of all such drills in a school log book. The written record shall record the time taken to evacuate the building during the monthly fire drill.
(2) The principal of every school shall ensure that exits from all classrooms and the building are free from obstruction at all times.
- Extinguishers.** 39. The principal of every school shall ensure that all fire extinguishers are kept in good condition and re-charged annually.
- Fire service installation.** 40. School premises shall be provided with a standard type suitable fire service installation.

PART VI

Health and Sanitation.

- Floor space, desks, etc.** 41. In every class room—
(a) a floor space of at least 5 feet in width extending along the whole length of the wall in front of the pupils shall be reserved for the teacher;
(b) after making the provision in paragraph (a) the floor space for each pupil shall be at least 10 square feet;
(c) for the purpose of calculating the number of pupils permitted in a classroom any area or areas which for any reason appear to the Director to be unsuitable shall be omitted in calculating the area of the floor of such classroom;

- (d) pupils' desks and seats shall be so distributed as to permit each pupil to be seated as far from his neighbour as possible;
- (e) provided that such arrangement is not otherwise detrimental to the children's eyesight the pupils' desks shall be arranged so that the main source of light falls upon the left of the pupils and so that they are able to read what is written on the blackboard;
- (f) blackboards shall be adequately illuminated, shall be so placed as to cause least eyestrain to the pupils, and shall not have a surface which reflects light.
42. All schools shall be provided with an adequate area for open-air recreation. Space for recreation.
43. (1) Every school shall be provided with latrine accommodation and sanitary arrangements of a type approved by the Director, which shall conform with the requirements of the Appendix. Latrines, etc.
(2) Every room used for latrine accommodation shall—
(a) be provided with an opening or openings into the external air having a total area of at least $\frac{1}{10}$ th of the area of the floor of the room;
(b) at all times be kept in a clean and sanitary condition;
(c) not be used for any other purposes;
(d) have its floor and its walls to a height of not less than 3 feet rendered in cement, mortar or other suitable impervious material.
(3) In any school in which water closets are installed no other type of latrine accommodation shall be used.
(4) In every latrine not fitted with a flush system—
(a) every pan shall have a capacity of at least 3 gallons; and
(b) every urinal vessel shall have a capacity of at least 4 gallons.
(5) In every co-educational school separate latrines and adequately screened approaches thereto shall be provided for each sex.
44. The Supervisor shall carry out such alterations and improvements to the sanitary arrangements in the school as may be required by the Director by notice in writing within a period specified in such notice. Improvements to sanitation.
45. An adequate and wholesome supply of water shall be provided in every school. Water supply.
46. All schools shall be provided with adequate washing and bathing arrangements for pupils and teachers. Ablutions.
47. Every shop, canteen, dining-room, kitchen or other place on the school premises where food or drink is prepared, provided or consumed shall be maintained in a clean and hygienic condition. Refreshment places.
48. (1) All school premises shall be maintained in a clean and sanitary condition. Cleanning and colour washing.
(2) The Supervisor shall, if so required in writing by the Director, cause the whole or any part of the school premises to be suitably colour-washed or repainted.
49. All schools shall be provided with adequate and suitable furniture and equipment. Furniture and equipment.
50. Text-books used in schools shall contain print of such a type and size as is calculated not to strain the eyes of pupils. Print in text-books.
51. (1) No smoking shall be permitted in any classroom during school hours. Smoking and spitting.

(2) Spitting is prohibited on school premises.

Medical examination of pupils.

52. (1) A medical officer of schools or school nurse shall be permitted to examine the person and clothing of any pupil upon the school premises.

(2) If on such examination a medical officer of schools is of the opinion that the person or clothing of any pupil is infected with vermin or is in a foul or filthy condition, he may require the Supervisor to exclude such pupil from the school forthwith until such time as the person and clothing of the pupil have been cleansed to the satisfaction of a medical officer of schools.

Infectious diseases.

53. (1) If a medical officer of schools certifies that any teacher, pupil, or employee should be excluded from school by reason of suffering or having recently suffered from any infectious disease or by reason of having been in contact with or living in the same house as a person suffering from an infectious disease, the Supervisor shall, if so required in writing by the medical officer in charge of the school health services, cause such teacher, pupil, or employee to be excluded from school for such period as shall seem necessary.

(2) The principal shall immediately report to a medical officer of schools any suspected or known case of infectious disease amongst teachers, pupils or employees of a school, or when he suspects or knows that any such person has been in contact with a case of infectious disease.

(3) If it is considered necessary to safeguard the teachers, pupils or employees of a school from the contraction of any infectious disease, either because there has been reported or found a case of infectious disease amongst the teachers, pupils or employees of that school or for any other reason, the Director may on the advice of a medical officer of schools order the closure of that school for such period as he may consider necessary for the purpose aforesaid.

Medical examination of teachers, pupils and employees.

54. (1) The Director may require any person employed in a school as well as any teacher to submit to medical examination.

(2) The Director shall have power to require every teacher to submit to an X-Ray examination by a government radiologist once every year and may issue directions to teachers accordingly.

(3) The Director may require any pupil to submit to a medical examination.

First aid.

55. (1) There shall be provided in every school at least one first aid box.

(2) At least two teachers in every school shall be trained in administering first aid.

(3) First aid boxes must be fitted outside and adjacent to all science laboratories and school workshops. All science teachers, workshop instructors and their assistants must be familiar with the contents and their use.

(4) First aid boxes shall be maintained fully equipped at all times.

(5) The Director may require the provision of a suitable room for medical inspection and first aid in any school which has more than 100 pupils.

Boarding schools.

56. (1) In every board school a superficial dormitory area of at least 40 square feet shall be provided for each boarder and the ceiling of every dormitory shall be at least 10 feet above the floor.

(2) Every boarding school shall have a suitable room set aside for sole use as a sanatorium or sick room.

(3) No dormitory shall be in a tenement-house.

(4) In every boarding school—

(a) the dormitory accommodation;

(b) the washing and bathing arrangements;

(c) the messing and kitchen accommodation;

(d) the latrine accommodation and sanitary arrangements; and

(e) the area provided for open air recreation,

shall be of adequate standard and properly maintained to the satisfaction of the Director.

(5) The latrine accommodation of every boarding school shall consist of water closets or of water closets and urinals connected to a flush system.

(6) The Supervisor of every boarding school shall, if so required by the Director in writing, appoint a matron to be in charge of the boarders.

57. (1) The Supervisor of every boarding school shall ensure that every boarder is medically examined at least once in every 6 months.

(2) The examination shall be conducted by a government medical officer or by a registered medical practitioner, who shall report in writing to the Supervisor on the general health of the boarders. The report shall also give the names of any of the boarders whose state of health is such as to demand special treatment and shall briefly state the nature of the treatment required.

(3) A copy of such report shall be transmitted forthwith by the Supervisor to the Director.

Medical examination in boarding schools.

PART VII.

Discipline.

58. (1) Corporal punishment of girls is forbidden.

Corporal punishment.

(2) Corporal punishment of boys shall be administered with a light cane on the palms of the hands or on the buttocks over the clothing. No other form of corporal punishment shall be administered.

(3) Where there is more than one teacher corporal punishment shall be inflicted by the principal only, or under his express authority.

PART VIII.

Fees and Collections.

59. (1) The Supervisor of every school shall submit to the Director when required by him particulars of the inclusive fee.

Fees and collections.

(2) Upon receipt of such particulars the Director shall cause the name of the Supervisor, the name and address of the school, and the particulars of the inclusive fee to be published in the *Gazette*.

60. No supervisor, manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fees as published in the *Gazette*: Provided that additional fees for entrance examinations and registration may be charged if previously approved by the Director in writing and if such approval is displayed upon the school notice board or at some other public place at the school.

Fees other than inclusive fee prohibited.

61. Unless otherwise permitted in writing by the Director, the inclusive fee shall be collected either—

Method of payment.

(a) in 12 equal monthly payments to be made at the beginning of each of the months September to August inclusive; or

(b) in 10 equal instalments payable on or after the first school day of each of the months September to June inclusive:

Provided that supervisors may if they wish require pupils to register for the new school year by paying their September instalment not earlier than the 1st August.

Formal receipts.

62. The payment of every sum of money by or on behalf of a pupil to a Supervisor, manager or teacher shall be forthwith acknowledged in writing by such Supervisor, manager or teacher on a proper form of receipt.

Accounts.

63. The Supervisor of every school shall keep proper books of account. Such account books and vouchers for each item shall be available at all reasonable times for inspection by the Director or any inspector.

Approval for change in fee.

64. No change in the inclusive fee shall be made without the written approval of the Director.

Subscriptions prohibited without consent. Certificate of inclusive fee.

65. No Supervisor, manager or teacher shall appeal to pupils for subscriptions or make or allow to be made collections among the pupils for presents or gratuities or any other purpose without the previous written permission of the Director.

66. In every classroom there shall be kept conspicuously exhibited a certificate, signed by the Director, setting out the inclusive fee for that class. There shall be included in such certificate the following in both English and Chinese—

"No Supervisor, manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fee as above stated."

PART IX.

Educational Requirements for Registered and Unregistered Teachers, Principals and Teachers of English.

Educational requirements for entry in the register of teachers.

67. Only persons possessing one of the following qualifications will be eligible to have their names entered in the register of teachers—

- (a) a degree of the University of Hong Kong together with an approved teacher's diploma;
- (b) a degree in education of the University of Hong Kong;
- (c) a degree of the University of Hong Kong and 3 years approved teaching experience in Hong Kong;
- (d) a teacher's certificate from the Northcote Training College, Grantham Training College or Rural Training College;
- (e) a Hong Kong Government normal school certificate and 5 years approved teaching experience in Hong Kong;
- (f) a Hong Kong evening institute teacher's certificate and 5 years approved teaching experience in Hong Kong;
- (g) a certificate of status as "Qualified Teacher" issued by the Hong Kong education department to a teacher who has completed a prescribed course of training and passed a written and practical test, provided that such teacher has 5 years approved teaching experience in Hong Kong schools;
- (h) in lieu of a degree or certificate as set out above a degree or certificate of a university or teacher's training college or other educational institution within the Commonwealth or other training approved by the Director as being the equivalent.

Educational requirements for unregistered teachers.

68. No person will be given permission to teach as an unregistered teacher unless he possesses a school certificate issued by the Hong Kong education department or other certificate of education which in the opinion of the Director is at least its equivalent.

Educational requirements for permission to teach English.

69. The Director may withhold permission to teach English in any school unless such person has passed the Hong Kong school certificate examination in English and oral English or satisfies the Director in other ways that he possesses a knowledge of English of at least Hong Kong school certificate standard.

PART X.

Principals.

70. The managers of every school shall appoint a fit, proper and responsible teacher to be the principal in such school who shall be responsible for the teaching and discipline of the school and shall, subject to the directions of the Supervisor, have authority over the other teachers and pupils of the school for such purpose. Such principal shall also be responsible as far as within his power for ensuring that the provisions of the principal Ordinance and of these regulations are observed.

Appointment of head teachers.

71. The name of the teacher appointed to be principal shall be communicated by the Supervisor without delay to the Director.

Report of appointment of principal.

72. Upon any principal retiring or ceasing to act as such or upon any other teacher being appointed either in the place of or to act in the place of the principal, the Supervisor shall, within 20 days of such principal retiring or ceasing to act or of such other teacher commencing to act, report such event in writing to the Director.

Cessation of appointment.

PART XI.

School Management Committees and Supervisors.

73. (1) The Director may, by notice in writing to the Supervisor, require the managers of any school to prepare, execute and submit to him for his approval a written constitution in accordance with which the school shall be managed, and within a time to be specified in such notice the Supervisor shall comply therewith.

Constitution of school management committees.

(2) Every such constitution shall, unless the Director otherwise directs—

- (a) define the powers and duties of the managers, specify the times and places at which meetings of the managers shall be held, and provide for the voting and procedure at such meetings, the keeping of minutes and records thereof and any quorum which may be required;
- (b) define the powers and duties of the Supervisor and of each other manager and of the principal;
- (c) provide for the holding and administration of the property of the school, the collection, banking and administration of its revenue and the keeping and audit of accounts; and
- (d) provide for such other matters in relation to the management of the school and the administration of the property and revenues of the school as the Director may specify in such notice.

(3) The Director may require by notice to the Supervisor any such constitution to be altered or amended, in such manner as he may specify, and such constitution shall be altered or amended accordingly by the managers.

(4) Every such constitution when approved by the Director shall be binding upon the school and the managers and teachers thereof and shall not be altered or amended without the prior approval in writing of the Director.

74. The number of members of a school management committee qualified as managers by reason of educational knowledge and experience shall exceed the number of members of the committee who are qualified as managers only by reason of special interest in the school.

Qualifications of managers.

75. The appointment and dismissal of any member of the teaching staff or of the principal of any school shall be determined by a majority vote of all the members of the management committee of that school.

Majority vote in certain cases.