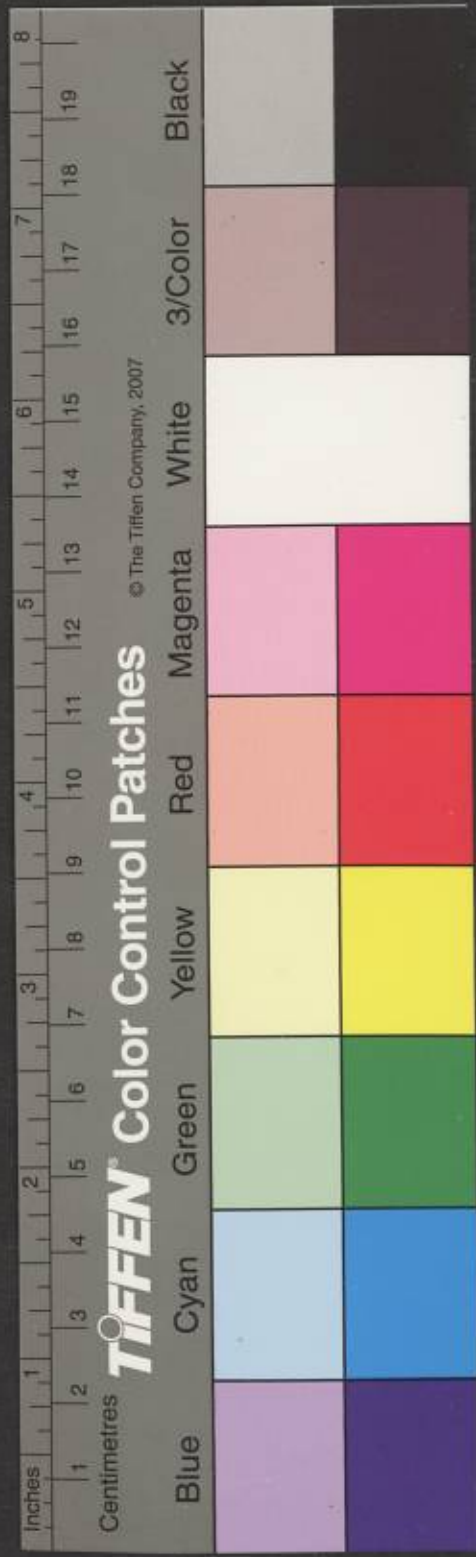


ORDS.
OF
H. K.

1972




Amendment of section 3.

3. Section 3 of the principal Ordinance is amended in the proviso by deleting "one thousand dollars" and substituting the following—
"fifty thousand dollars".

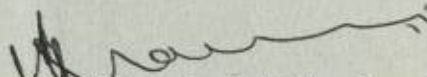
Amendment of section 4.

4. Section 4 of the principal Ordinance is amended by deleting "liable on summary conviction to a fine of one thousand dollars" and substituting the following—
"guilty of an offence and shall be liable on conviction to a fine of ten thousand dollars for each day during which the offence continues".

Passed by the Hong Kong Legislative Council this 19th day of January, 1972.


Clerk to the Legislative Council.

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

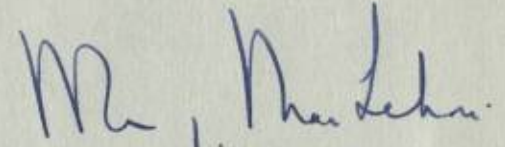

Clerk to the Legislative Council.

HONG KONG

No. 2 OF 1972



I assent.


Governor.

20th January, 1972.

An Ordinance to amend the Stamp Ordinance and to make other consequential amendments.

[21st January, 1972.]

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

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. This Ordinance may be cited as the Stamp (Amendment) Ordinance 1972. | Short title. |
| 2. Section 3 of the principal Ordinance is amended in the definition of "exempted institution" by deleting "ecclesiastical or educational" in both places where it occurs. | Amendment of section 3. (Cap. 117.) |
| 3. Section 5A of the principal Ordinance is amended— | Amendment of section 5A. |
| (a) in subsection (1) by deleting "head 19" and substituting the following—
"heads 19 and 53"; | |

- (b) by deleting subsection (2) and substituting the following—

<sup>**1930 c. 28,
s. 42(2).</sup>

(2) Subject to subsections (2A) and (2B), this section applies to any instrument in respect of which it is shown to the satisfaction of the Collector that the effect thereof is to convey or transfer a beneficial interest in property from one associated company to another such company.”; and

- (c) by inserting the following new subsections—

<sup>**1967 c. 54,
s. 27(3).</sup>

(2A) This section shall not apply to any instrument unless it is also shown to the satisfaction of the Collector that the instrument was not executed in pursuance of or in connexion with an arrangement under which—

- (a) the consideration, or any part of the consideration, for the conveyance or transfer was to be provided or received, directly or indirectly, by a person other than a company which at the time of the execution of the instrument was associated with either the transferor or the transferee (meaning respectively, the company from whom and the company to whom the beneficial interest was conveyed or transferred); or
- (b) the said interest was previously conveyed or transferred, directly or indirectly, by such a person; or
- (c) the transferor and the transferee were to cease to be associated within the meaning of this section by reason of a change in the percentage of the issued share capital of the transferee in the beneficial ownership of the transferor or a third company with limited liability.

(2B) Without prejudice to the generality of paragraph (a) of subsection (2A), an arrangement shall be treated as within that

paragraph if it is one under which the transferor or the transferee, or a company associated with either as there mentioned, was to be enabled to provide any of the consideration, or was to part with any of it, by or in consequence of the carrying out of a transaction or transactions involving, or any of them involving, a payment or other disposition by a person other than a company so associated.”.

4. Section 26 of the principal Ordinance is amended in subsection (11) by deleting “, pursuant to an exchange contract.”. Amendment of section 26.

5. Section 27 of the principal Ordinance is amended in subsection (1A) by inserting after “transfer” the following— Amendment of section 27.

“, including a letter of renunciation.”.

6. Section 30 of the principal Ordinance is amended— Amendment of section 30.

- (a) by deleting subsection (13) and substituting the following—

“(13) In this section—

“instrument of transfer” includes a letter of renunciation;

“sale or purchase” includes exchange;

“shares or marketable securities” means shares or marketable securities the transfer of which is required to be registered in the Colony.”; and

- (b) by inserting the following new subsection—

“(14) Where there is an exchange of an allotment of shares or marketable securities in a company for existing shares or marketable securities, a contract note shall be executed only in respect of the sale or purchase of the existing shares or marketable securities.”.

7. The Schedule to the principal Ordinance is amended— Amendment of Schedule.

- (a) by deleting head 14 and substituting the following—

“BOND as beneath.

14. (1) BOND to secure the pay- (a) 20 cents for every
ment or repayment of money. \$100 or part there-
of of the penalty
or maximum
amount payable.

(Cap. 78.)

14. (2) BOND executed under the Contracts for Overseas Employment Ordinance.

- (b) 30 days after execution.
- (c) All persons executing.
- (a) 20 cents for every \$100 or part thereof of the penalty or maximum amount payable.
- (b) 30 days after execution.
- (c) The employer on whose behalf the bond is furnished.”;
- (b) in head 18A by inserting after “consideration.” in paragraph (a) in the second column the following—
“Where the consideration consists of shares or marketable securities the value of the shares or marketable securities shall be taken at the date of the execution of the contract note.”;
- (c) in head 43 by inserting after paragraph (d) in the first column the following—
“(e) Power of attorney authorizing a third party to receive any refund made by or on behalf of the Government.”;
- (d) in head 44—
 - (i) by deleting paragraphs (j) to (n) in the first column and substituting the following—
“(j) Receipt given for a refund made by or on behalf of the Government.”; and
 - (ii) by deleting paragraph (q) in the first column; and
- (e) by deleting head 52 and substituting the following—
“VESTING ORDER as beneath.

(Cap. 352.)

52. (1) VESTING ORDER consequential upon an order for sale of property (including a vesting order consequential upon an order for sale made under the Partition Ordinance.)

52. (2) VESTING ORDER consequential upon an order for partition made under the Partition Ordinance.

- (a) As on a conveyance on sale.
- (b) Before the order is signed by the Registrar.
- (c) The person obtaining the order.
- (a) \$20 and *ad valorem* duty as on a conveyance

on sale on any sum paid or agreed to be paid for equality.

- (b) Before the order is signed by the Registrar.
- (c) The person obtaining the order.

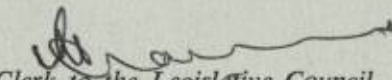
52. (3) VESTING ORDER of any kind not herein specifically mentioned.

- (a) \$20.
- (b) Before the order is signed by the Registrar.
- (c) The person obtaining the order.”.

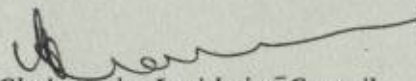
8. Section 8 of the Partition Ordinance is amended by deleting subsection (2).

Consequential amendment.
(Cap. 352.)

Passed by the Hong Kong Legislative Council this 19th day of January, 1972.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

HONG KONG

No. 3 of 1972



I assent.

M. S. S. S.
Governor.

20th January, 1972.

An Ordinance to amend the Bishop of Victoria Incorporation Ordinance.

[21st January, 1972.]

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 Bishop of Victoria Incorporation (Amendment) Ordinance 1972.

Short title.

2. The principal Ordinance is amended by adding after section 6 the following new section—

Addition of new section 6A.
(Cap. 1004.)

"Discharge of covenant in Crown lease relating to Inland Lot No. 76.

6A. (1) Subject to subsection (2), the piece or parcel of ground registered in the Land Office as Sections A and B and the Remaining Portion of Inland Lot No. 76 and intended to be surrendered to the Crown and regranted to the corporation and thereupon registered as Inland Lot No. 7360 (hereinafter in this section referred to as "the said premises") is vested in the corporation, for the unexpired residue

of the term of years created by a Crown lease dated the 26th September 1911 under which the said premises are held, subject to the payment of the rent and the performance of the covenants and conditions reserved by and contained in the said Crown lease of the same.

(2) The corporation is deemed to have been freed and discharged, with effect from the 6th March 1925, from the following covenant in the said Crown lease—

“AND FURTHER that the said Lessee his successors and assigns or any other person or persons shall not nor will, during the continuance of this demise, use, or allow to be used the said premises or any part thereof, for any other purpose whatever than for the promotion of the charitable designs and objects of Saint Paul's College as they may be from time to time legally established without the previous licence or consent of His said Majesty, His Heirs, Successors, or Assigns signified in writing by the Governor of the said Colony of Hong Kong, or other persons duly authorized in that behalf.”

and such covenant shall be deemed to have been wholly extinguished.

(3) The corporation shall hold the said premises and all profits arising therefrom upon trust—

- (a) for the training of men and women for the ordained and lay ministry of the Anglican Church in Hong Kong;
- (b) with the prior approval of the Hong Kong Bishopric Fund Trustees Incorporated, for the augmentation of the income of the holder for the time being of the office of Bishop of Victoria, by an amount not exceeding in any year the sum of sixty thousand dollars or such larger amount as the Governor, on the application of the said Trustees, may approve in respect of any period not exceeding five years;
- (c) for the promotion of welfare organizations concerned with the education, training and development of young people in Hong Kong;

(d) for providing office accommodation for the administrative work of the Diocese; and

(e) for such other purposes as may be sanctioned from time to time by the Governor.

(4) The Hong Kong Bishopric Fund Trustees Incorporated referred to in paragraph (b) of subsection (3) are the trustees registered in that name under the Registered Trustees Incorporation Ordinance and shall have power to act as trustees for the purposes of that paragraph.

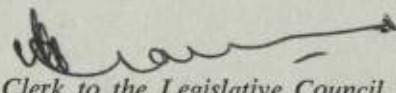
(Cap. 306.)

(5) In the event of the whole or any part of the said premises being sold, surrendered, mortgaged, exchanged for other premises, leased in consideration of a premium or otherwise alienated in consideration of a capital sum or in exchange for other premises, the trusts set forth in subsection (3) shall apply to such capital sum or exchanged premises and to the income and profits therefrom; and no person dealing with the corporation in the exercise of any of its powers set forth in section 3 in relation to the said premises or any part thereof shall be concerned to see that the said trusts are or have been observed.

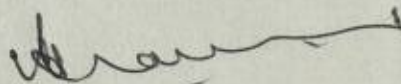
(6) Before the first day of June in each year the corporation shall submit audited accounts to the Colonial Secretary and the Attorney General in such form and in respect of such period as the Colonial Secretary may specify, and shall furnish such further information as he may require.

(7) Use made of the said premises or any part thereof and the income and profits therefrom prior to the commencement of the Bishop of Victoria Incorporation (Amendment) Ordinance 1972 shall be deemed to have been in accordance with the covenants and conditions contained in the said Crown lease of the said premises.”

Passed by the Hong Kong Legislative Council this 19th day of January, 1972.


Clerk to the Legislative Council.

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



Clerk to the Legislative Council.

under subsection (3), no order shall be made for the recovery of any increased rent or for the recovery of possession for non-payment thereof unless the landlord satisfies the court that one year has or will have elapsed between the date on which the first further increase under subsection (1) became effective and the date on which the second further increase under subsection (3) takes effect.

(8) Where a landlord proposes to increase the rent of a tenancy under this section he shall serve on the tenant not less than one month's notice in the specified form of the proposed increase, and shall lodge a copy of the notice with the Commissioner.

(9) For the purposes of this section rent shall be deemed to have been increased if the tenant has made any payments to the landlord other than regular payments of rent, and such additional payments have been made as a condition of the right to the occupation of the premises.

Further increase in rent of sub-tenancies.

14B. Where the rent of a tenancy is increased under section 14A, the principal tenant may increase the rent of any sub-tenancy by any percentage not exceeding the percentage by which the rent of the tenancy is increased thereunder; and subsections (2), (4), (5), (6), (7), (8) and (9) of section 14A shall apply as if references therein to section 9 or 11 included references to section 15 and with such other modifications as are required.

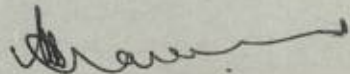
Adjustment of rents.

14C. Where an increase in rent under section 14A or section 14B would result in the new rent including a number of cents, the number of cents shall be disregarded and the new rent shall be such sum that remains after the number of cents has been disregarded."

5. Section 15 of the principal Ordinance is amended—
- (a) in subsection (1) by deleting "the provisions of this Ordinance" and substituting the following—
"section 9 or section 11";
 - (b) in subsection (7) by deleting "and 14" and substituting the following—
", 14 and 14A".

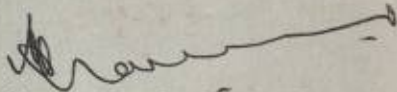
Amendment of section 15.

Passed by the Hong Kong Legislative Council this 9th day of February, 1972.



Clerk to the Legislative Council.

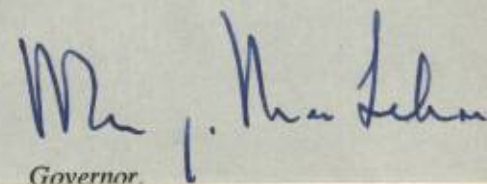
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

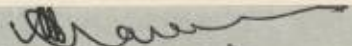


Clerk to the Legislative Council.

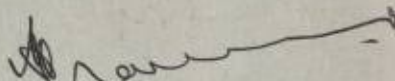


I assent.


Governor.


Clerk to the Legislative Council.

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

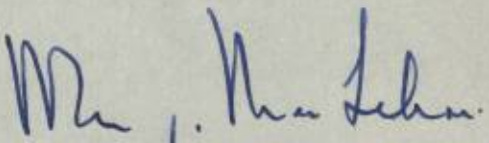

Clerk to the Legislative Council.

HONG KONG

No. 4 OF 1972



I assent.


Governor.

10th February, 1972.

An Ordinance to amend the Rent Increases (Domestic Premises)
Control Ordinance.

[11th February, 1972.]

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 Rent Increases
(Domestic Premises) Control (Amendment) Ordinance 1972.

Short title.

2. Section 6 of the principal Ordinance is amended by
deleting subsection (4) and substituting the following—

Amendment of
section 6.
(Cap. 338.)

“(4) Notwithstanding the expiration of this Ordinance
under section 24 this section together with section 7 shall
continue to apply to any tenancy or sub-tenancy the rent of
which is increased—

- (a) under section 9 or section 11, for a period of two
years from the date of such increase;
- (b) under section 14A or 14B, for a period of one year
from the date of such increase.”.

Amendment of section 7.

3. Section 7 of the principal Ordinance is amended in subsection (3) by deleting "displayed" and substituting the following—

"posted".

Addition of new sections 14A, 14B and 14C.

4. The principal Ordinance is amended by adding, after section 14, the following—

"Further increases in rent.

14A. (1) Where the rent of a tenancy has been increased under section 9 or section 11, a landlord may further increase the rent by an amount not exceeding five *per cent* of the rent.

(2) An increase in the rent of a tenancy under subsection (1) shall not take effect before the expiration of a period of two years from the date on which any increase in the rent of that tenancy under section 9 or section 11 became effective.

(3) Where the rent of a tenancy has been further increased under subsection (1), a landlord may, subject to subsection (4), further increase the rent by an amount not exceeding five *per cent* of the rent.

(4) An increase in the rent of a tenancy under subsection (3) shall not take effect before the expiration of a period of one year from the date on which any increase in the rent of that tenancy under subsection (1) became effective.

(5) Where a landlord has increased the rent of a tenancy under subsection (3), no further increase in the rent of that tenancy may be made under this section.

(6) Where the rent of a tenancy has been increased under section 9 or section 11 and further increased under subsection (1), no order shall be made for the recovery of any increased rent or for the recovery of possession for non-payment thereof unless the landlord satisfies the court that two years have or will have elapsed between the date on which the first increase became effective and the date on which the further increase under subsection (1) takes effect.

(7) Where the rent of a tenancy has been increased under subsection (1) and further increased

HONG KONG

No. 5 OF 1972



I assent.

Mary M. New Schen
Governor.

10th February, 1972.

An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March 1971.

[11th February, 1972.]

WHEREAS it has become necessary to make further provision for the public service of the Colony for the financial year ended the 31st day of March 1971, in addition to the charge upon the revenue and other funds of the Colony authorized by the Appropriation Ordinance 1970:

Preamble.

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

1. This Ordinance may be cited as the Supplementary Appropriation (1970-71) Ordinance 1972.

Short title.

2. A sum of one hundred and thirteen million, six hundred and sixty-nine thousand nine hundred and forty dollars is hereby charged upon the revenue and other funds of the Colony for the service of the financial year ended the 31st day of March 1971, the appropriation of the sum so charged being approved as specified in the Schedule.

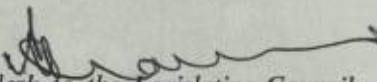
Appropriation from general revenue and other funds.

Schedule.

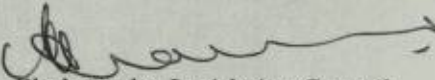
SCHEDULE

Number of vote	Head of Expenditure	Amount of vote
		\$
23.	Audit Department	60,194
25.	Civil Aviation Department	132,840
27.	Colonial Secretariat: London Office	78,224
30.	Defence: Hong Kong Auxiliary Air Force	1,351,452
34.	Defence: Civil Aid Services	129,983
37.	Education Department	14,544,592
39.	Government Supplies Department	11,007,673
40.	Immigration Department	762,842
46.	Labour Department: Mines Division	15,004
49.	Medical and Health Department	7,339,676
50.	Miscellaneous Services	7,653,171
52.	Pensions	6,115,857
55.	Post Office	9,112,088
56.	Printing Department	276,365
60.	Public Works Department	2,181,364
62.	Public Works Non-recurrent: Headquarters	643,586
64.	Public Works Non-recurrent: Engineering	29,158,573
65.	Public Works Non-recurrent: Waterworks	20,793,781
69.	Registry of Trade Unions	8,229
73.	Social Welfare Department	707,129
81.	Urban Services Department: Cultural Services Division	54,111
85.	Legal Aid Department	1,543,206
	TOTAL	\$113,669,940

Passed by the Hong Kong Legislative Council this 9th day of February, 1972.


Clerk to the Legislative Council.

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

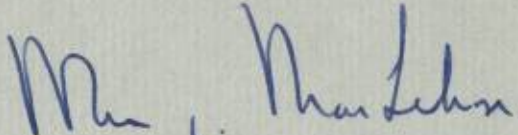

Clerk to the Legislative Council.

HONG KONG

No. 6 OF 1972



I assent.


Governor.

10th February, 1972.

An Ordinance to amend the Public Transport Services (Hong Kong Island) Ordinance.

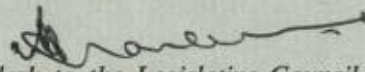
[11th February, 1972.]

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 Transport Services (Hong Kong Island) (Amendment) Ordinance 1972. Short title.

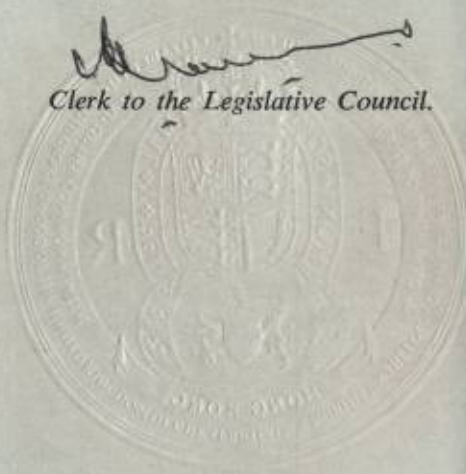
2. Section 21 of the principal Ordinance is amended— Amendment of section 21. (Cap. 317.)
(a) by deleting "and members of the armed forces of the Crown in uniform" in subsection (1); and
(b) by deleting subsection (3).

Passed by the Hong Kong Legislative Council this 9th day of February, 1972.


Clerk to the Legislative Council.

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

[Signature]
Clerk to the Legislative Council.



HONG KONG

No. 7 OF 1972



I assent.

[Signature]
Governor.

10th February, 1972.

An Ordinance to amend the Tramway Ordinance.

[11th February, 1972.]

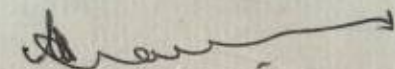
Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

- 1. This Ordinance may be cited as the Tramway (Amendment) Ordinance 1972. Short title.
- 2. Section 46 of the principal Ordinance is repealed. Repeal of section 46. (Cap. 107.)

Passed by the Hong Kong Legislative Council this 9th day of February, 1972.

[Signature]
Clerk to the Legislative-Council.

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



Clerk to the Legislative Council.

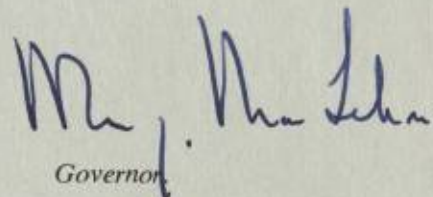


HONG KONG

No. 8 OF 1972



I assent.



Governor

2nd March, 1972.

An Ordinance to amend the Fatal Accidents Ordinance.

[3rd March, 1972.]

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 Fatal Accidents (Amendment) Ordinance 1972.

Short title.

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

Amendment of section 9. (Cap. 22.)

¹1971 c. 43, section 4(1).

(4) In assessing damages payable to a widow in respect of the death of her husband in any action under this Ordinance or under the Carriage by Air (Overseas Territories) Order 1967 there shall not be taken into account the remarriage of the widow or her prospects of remarriage.”.

Passed by the Hong Kong Legislative Council this 1st day of March, 1972.

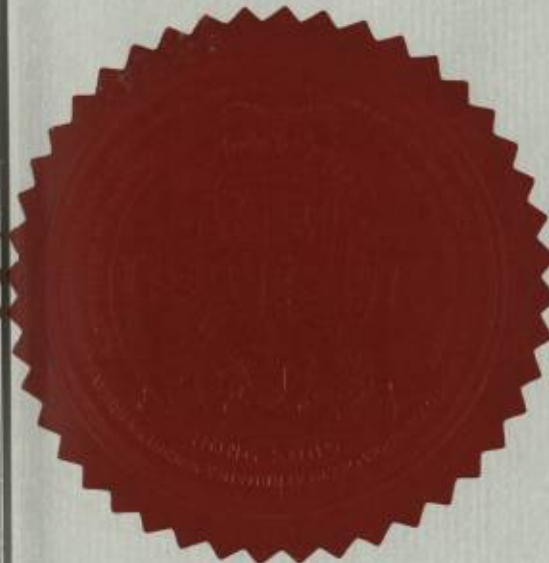
[Handwritten signature]
Clerk to the Legislative Council.

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

[Handwritten signature]
Clerk to the Legislative Council.

HONG KONG

No. 9 OF 1972



I assent.

[Handwritten signature]

Governor.

16th March, 1972.

An Ordinance to amend the Limitation Ordinance.

[1st April, 1972.]

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 Limitation (Amendment) Ordinance 1972 and shall come into operation on the 1st April 1972.

Short title and commencement.

2. Section 27 of the principal Ordinance is amended—
(a) by deleting subsection (3) and substituting the following—

Amendment of section 27. (Cap. 347.) Cf. 1971, c. 43, s. 1.]

“(3) The requirements of this subsection are fulfilled in relation to a cause of action if it is proved that the material facts relating to that cause of action were or included facts of a decisive character which were at all times outside the knowledge (actual or

1971, c. 43,
s. 1(1)(a).

constructive) of the plaintiff until a date which was not earlier than three years before the date on which the action was brought.”; and

(b) by deleting subsection (4).

Repeal and
replacement of
section 29.

[cf. 1971, c. 43,
s. 2(1).]

3. Section 29 of the principal Ordinance is repealed and replaced by the following—

“Extension
of time
limits for
certain
actions
brought
after death
of injured
person.

1971, c. 43,
Sch. 1.
(Cap. 271.)

(Cap. 22.)

29. (1) The provisions of this section shall have effect in relation to—

- (a) any such action as is mentioned in subsection (2) of section 27, being an action in respect of one or more causes of action surviving for the benefit of the estate of a deceased person by virtue of section 2 of the Law Reform (Miscellaneous Provisions) Ordinance; and
- (b) any action brought by virtue of the Fatal Accidents Ordinance for damages in respect of a person’s death,

and, in relation to an action falling within paragraph (a) of this subsection, shall have effect to the exclusion of sections 27 and 28 of this Ordinance.

(2) Subsection (1) of section 4 shall not afford any defence to an action falling within paragraph (a) or (b) of subsection (1) of this section, in so far as it relates to a cause of action in respect of which—

- (a) the court has, whether before or after the commencement of the action, granted leave for the purposes of this subsection; and
- (b) the requirements of subsection (1) of section 29B are fulfilled.

(Cap. 22.)

(3) So much of section 8 of the Fatal Accidents Ordinance as requires actions under that Ordinance to be commenced within three years after the death of the deceased shall not afford any defence to an action falling within paragraph (b) of subsection (1) of this section, in so far as it relates to a cause of action in respect of which—

- (a) the court has, before the commencement of the action, granted leave for the purposes of this subsection; and
- (b) the requirements of subsection (2) of section 29B are fulfilled.

(4) Nothing in subsection (2) or (3) of this section shall be construed as excluding or otherwise affecting—

- (a) any defence which, in any action falling within paragraph (a) or (b) of subsection (1) of this section, may be available by virtue of any enactment other than subsection (1) of section 4 or so much of section 8 of the Fatal Accidents Ordinance as aforesaid (whether it is an enactment imposing a period of limitation or not) or by virtue of any rule of law or equity; or
- (b) the operation of any enactment or rule of law or equity which, apart from those subsections, would enable such an action to be brought after the end of the period of three years from the date on which the cause of action accrued or the death of deceased, as the case may be.

(Cap. 22.)

(5) In the application of sections 27 to 33 to an action brought by virtue of the Fatal Accidents Ordinance—

(Cap. 22.)

- (a) any reference to a cause of action to which an action relates shall be construed as a reference to a cause of action in respect of which it is claimed that the deceased could (but for his death) have maintained an action and recovered damages; and
- (b) any reference to establishing a cause of action shall be construed as a reference to establishing that the deceased could (but for his death) have maintained an action and recovered damages in respect thereof.

(6) In this section and section 29B “the deceased” means the person referred to in paragraph (a) or (b) of subsection (1) of this section, as the case may be.

Applica-
tions for
leave of
court for
purposes of
section 29.
1971, c. 43,
Sch. 1.

29A. (1) Any application for the leave of the court for the purposes of subsection (2) or (3) of section 29 shall be made *ex parte*, except in so far as rules of court may otherwise provide in relation to applications which are made for the purposes of subsection (2) of that section after the commencement of the relevant action.

(2) Where such application is made for the purposes of subsection (2) of section 29 before the commencement of any relevant action, or for the purposes of subsection (3) of that section, the court shall grant leave in respect of any cause of action to which the application relates if, but only if, on evidence adduced by or on behalf of the plaintiff it appears to the court that, if such an action were brought forthwith and the like evidence were adduced in that action, that evidence would, in the absence of any evidence to the contrary, be sufficient—

- (a) to establish that cause of action, apart from any defence under subsection (1) of section 4 or so much of section 8 of the Fatal Accidents Ordinance as is mentioned in the said subsection (3); and
- (b) to fulfill the requirements of subsection (1) or, as the case may be, of subsection (2) of section 29B in relation to that cause of action.

(Cap. 22.)

(3) Where such an application is made for the purposes of subsection (2) of section 29 after the commencement of a relevant action, the court shall grant leave in respect of any cause of action to which the application relates if, but only if, on evidence adduced by or on behalf of the plaintiff it appears to the court that, if the like evidence were adduced in that action, that evidence would, in the absence of any evidence to the contrary, be sufficient—

- (a) to establish that cause of action, apart from any defence under subsection (1) of section 4; and
- (b) to fulfill the requirements of subsection (1) of section 29B in relation to that cause of action,

and it also appears to the court that, until after the commencement of that action, it was outside the knowledge (actual or constructive) of the plaintiff that the matters constituting that cause of action had occurred on such a date as (apart from section 29) to afford a defence under subsection (1) of section 4.

(4) In this section “relevant action”, in relation to an application for the leave of the court means any action in connexion with which the leave sought by the application is required.

Require-
ments
referred to
in ss. 29
and 29A.
1971, c. 43,
Sch. 1.

29B. (1) The requirements of this subsection are fulfilled in relation to a cause of action if—

- (a) it is proved that the material facts relating to that cause of action were or included facts of a decisive character which were outside the knowledge (actual or constructive) of the deceased at all times until his death or until a date less than three years before his death; and
- (b) either—
- (i) the action was brought not later than three years after the death of the deceased; or
- (ii) it is proved that the said facts of a decisive character were at all times outside the knowledge (actual or constructive) of each relevant person until a date which was not earlier than three years before the date on which the action was brought.

(2) The requirements of this subsection are fulfilled in relation to a cause of action if it is proved that the material facts relating to that cause of action were or included facts of a decisive character which were at all times outside the knowledge (actual or constructive) of each relevant person until a date which was not earlier than three years before the date on which the action was brought.

(3) In subsection (1) of this section, in its application to an action falling within paragraph (a) of subsection (1) of section 29, “relevant person” means any person who is or has been a personal representative of the deceased, including an executor who has not proved the will (whether or not he has renounced probate); and for the purposes of that subsection regard must be had to any knowledge acquired by any such person while a personal representative or previously.

(4) In subsection (1) of this section in its application to an action falling within paragraph (b) of subsection (1) of section 29 and in subsection (2) of this section, “relevant person” means, subject to subsection (5) of this section, any person for whose benefit the action is brought.

(5) Where, in determining whether the requirements of subsection (1) or (2) of this section are fulfilled in the case of an action falling within paragraph (b) of subsection (1) of section 29 (whether on an action under section 29A or when that question subsequently falls to be determined), it appears to the court that those requirements would be fulfilled if any person had not been included among those for whose benefit the action is brought, the court shall—

- (a) determine that question as if he had not been so included; but
- (b) direct that, in so far as the action is brought for the benefit of that person, subsection (2) or, as the case may be, subsection (3) of section 29 shall not operate to displace any defence there mentioned,

and those subsections shall have effect accordingly.”.

4. Section 31 of the principal Ordinance is amended by inserting after “subsection (1) of section 4”, the following—

“1971, c. 43, s. 2(2).
(Cap. 22.) or so much of section 8 of the Fatal Accidents Ordinance as requires actions under that Ordinance to be commenced within three years after the death of the deceased”.

5. The Schedule to this Ordinance shall have effect as respects the application of this Ordinance in relation to causes and rights of action which accrued before the 1st April 1972.

SCHEDULE

[s. 5.]

TRANSITIONAL PROVISIONS

1. Subject to the provisions of this Schedule, this Ordinance shall have effect in relation to causes of action which accrued before, as well as causes of action which accrue after, the 1st April 1972 and shall have effect in relation to any cause of action which accrued before the 1st April 1972 notwithstanding that an action in respect thereof has been commenced and is pending at the commencement of this Ordinance.

2. In the application of section 28 of the principal Ordinance to an action which is pending at the 1st April 1972, subsection (3) of that section shall have effect with the deletion of the words from “and it also appears” to the end.

3. In their application to an action which is pending at the 1st April 1972—

- (a) section 29 of the principal Ordinance, as set out in section 3 of this Ordinance, shall have effect with the deletion in subsection (3)(a) of “before the commencement of the action”;

Amendment of section 31.
1971, c. 43, s. 2(2).1

Transitional provisions.
1971, c. 43, s. 3.
Schedule.

1971, c. 43,
Sch. 2.

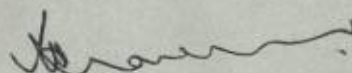
(b) section 29A of the principal Ordinance, as set out in section 3 of this Ordinance, shall have effect—

(i) with the deletion in subsection (1) of “for the purposes of subsection (2) of that section” and in subsection (3) of the words from “and it also appears” to the end; and

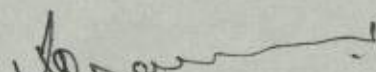
(ii) as if subsection (3) applied (subject to the necessary modifications) to an application made for the purposes of subsection (3) of the said section 29 as well as to an application made for the purposes of subsection (2) of that section.

4. For the purposes of this Schedule an action shall not be taken to be pending at any time after a final order or judgment has been made or given therein, notwithstanding that an appeal is pending or that the time for appealing has not expired; and accordingly sections 2, 3 and 4 of this Ordinance shall not have effect in relation to a cause of action in respect of which a final order or judgment has been made or given before the 1st April 1972.

Passed by the Hong Kong Legislative Council this 15th day of March, 1972.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.



I assent.

Wm. A. Seabrook

Governor.

HONG KONG

No. 10 OF 1972



I assent.

Governor.

16th March, 1972.

An Ordinance to amend the Corporal Punishment Ordinance.

[17th March, 1972.]

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 Corporal Punishment (Amendment) Ordinance 1972. Short title.

2. Section 5 of the principal Ordinance is amended in subsection (1) by deleting paragraph (g) and substituting the following— Amendment of section 5. (Cap. 222.)

“(g) the caning shall be carried out—

(i) if the offender is apparently of or above the age of sixteen years, in a prison;

(ii) if the offender is apparently under the age of sixteen years, either in a prison or in the premises of a court, as the court may order after consultation with the Commissioner of Prisons;

(iii) if the offender is apparently under the age of sixteen years, in the presence of a parent, guardian, relative or other person in charge of the offender who wishes to be present.”.

Passed by the Hong Kong Legislative Council this 15th day of March, 1972.

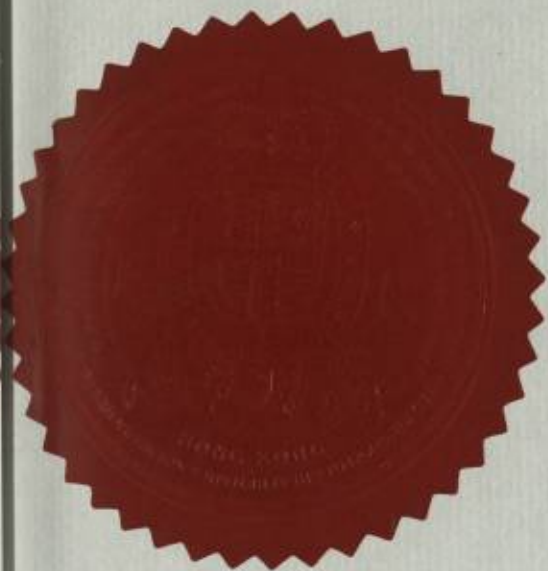
[Signature]
Clerk to the Legislative Council.

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

[Signature]
Clerk to the Legislative Council.

HONG KONG

No. 11 OF 1972



I assent.

[Signature]

Governor.

16th March, 1972.

An Ordinance to amend the Matrimonial Causes Ordinance.

[1st April, 1972.]

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 Matrimonial Causes (Amendment) Ordinance 1972 and shall come into operation on the 1st April 1972.
- 2. The principal Ordinance is amended by adding after section 54 the following new Part—

Short title and commencement.

Addition of new Part IX. (Cap. 179.)

“PART IX

RECOGNITION OF OVERSEAS DIVORCES AND LEGAL SEPARATIONS

Recognition in Hong Kong of overseas divorces and legal separations. 1971, c.53, s.2

55. (1) Sections 56 to 58 shall have effect, subject to section 61, as respects the recognition in Hong Kong of the validity of overseas divorces and legal separations.

(2) For the purposes of subsection (1) “overseas divorces and legal separations” means divorces and legal separations which—

- (a) have been obtained by means of judicial or other proceedings in any country outside Hong Kong; and
- (b) are effective under the law of that country.

Grounds for recognition.
1971, c.53, s.3.

56. (1) The validity of an overseas divorce or legal separation shall be recognized if, at the date of the institution of the proceedings in the country in which it was obtained—

- (a) either spouse was habitually resident in that country; or
- (b) either spouse was a national of that country.

(2) In relation to a country the law of which uses the concept of domicile as a ground of jurisdiction in matters of divorce or legal separation, subsection (1)(a) shall have effect as if the reference to habitual residence included a reference to domicile within the meaning of that law.

(3) In relation to a country comprising territories in which different systems of law are in force in matters of divorce or legal separation, the provisions of subsections (1) and (2) (except those relating to nationality) shall have effect as if each territory were a separate country.

Cross-proceedings and divorces following legal separations.
1971, c.53, s.4.

57. (1) Where there have been cross-proceedings, the validity of an overseas divorce or legal separation obtained either in the original proceedings or in the cross-proceedings shall be recognized if the requirements of paragraph (a) or (b) of section 56(1) are satisfied in relation to the date of the institution either of the original proceedings or of the cross-proceedings.

(2) Where a legal separation the validity of which is entitled to recognition by virtue of the provisions of section 56 or of subsection (1) of this section is converted, in the country in which it was obtained, into a divorce, the validity of the divorce shall be recognized whether or not it would itself be entitled to recognition by virtue of those provisions.

Proof of facts relevant to recognition.
1971, c.53, s.5.

58. (1) For the purpose of deciding whether an overseas divorce or legal separation is entitled to recognition by virtue of this Part, any finding of fact made (whether expressly or by implication) in the proceedings by means of which the divorce or legal

separation was obtained and on the basis of which jurisdiction was assumed in those proceedings shall—

- (a) if both spouses took part in the proceedings, be conclusive evidence of the fact found; and
- (b) in any other case, be sufficient proof of that fact unless the contrary is shown.

(2) In this section “finding of fact” includes a finding that either spouse was habitually resident or domiciled in, or a national of, the country in which the divorce or legal separation was obtained; and for the purposes of subsection (1)(a), a spouse who has appeared in judicial proceedings shall be treated as having taken part in them.

Certain existing rules of recognition to continue in force.
1971, c.53, s.6.

59. This Part is without prejudice to the recognition of the validity of divorces and legal separations obtained outside Hong Kong—

- (a) by virtue of any rule of law relating to divorces or legal separations obtained in the country of the spouses’ domicile or obtained elsewhere and recognized as valid in that country;
- (b) by virtue of any Act;

but, save as aforesaid, no such divorce or legal separation shall be recognized as valid in Hong Kong except as provided in this Part.

Non-recognition of divorce by third country no bar to re-marriage.
1971, c.53, s.7.

60. Where the validity of a divorce obtained in any country is entitled to recognition by virtue of this Part or of any rule or enactment preserved by section 59, neither spouse shall be precluded from re-marrying in Hong Kong on the ground that the validity of the divorce would not be recognized in any other country.

Exceptions from recognition.
1971, c.53, s.8.

61. (1) The validity of a divorce or legal separation obtained outside Hong Kong shall not be recognized in Hong Kong if it was granted or obtained at a time when, according to the law of Hong Kong (including its rules of private international law and the provisions of this Part), there was no subsisting marriage between the parties.

(2) Subject to subsection (1), recognition by virtue of this Part or of any rule preserved by section 59 of the validity of a divorce or legal separation

obtained outside Hong Kong may be refused if, and only if—

(a) it was obtained by one spouse—

(i) without such steps having been taken for giving notice of the proceedings to the other spouse as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken; or

(ii) without the other spouse having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to the matters aforesaid, he should reasonably have been given; or

(b) its recognition would manifestly be contrary to public policy.

(3) Nothing in this Part shall be construed as requiring the recognition of any findings of fault made in any proceedings for divorce or separation or of any maintenance, custody or other ancillary order made in any such proceedings.

62. (1) In this Part "country" includes a colony or other dependent territory of the United Kingdom but for the purposes of this Part a person shall be treated as a national of such a colony or dependent territory only if it has a law of citizenship or nationality separate from that of the United Kingdom and he is a citizen or national of that colony or dependent territory under that law.

(2) The provisions of this Part relating to overseas divorces and legal separations and other divorces and legal separations obtained outside Hong Kong apply to a divorce or legal separation obtained before the 1st April 1972 as well as to one obtained on or after that date and, in the case of a divorce or legal separation obtained before that date—

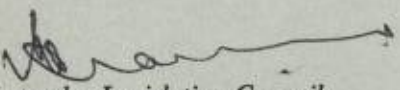
(a) require, or, as the case may be, preclude, the recognition of its validity in relation to any time before that date as well as in relation to any subsequent time; but

(b) do not affect any property rights to which any person became entitled before that date

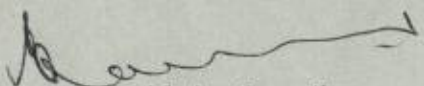
Interpreta-
tion and
transitional
provisions.
1971, c.53,
s.10(3) & (4).

or apply where the question of the validity of the divorce or legal separation has been decided by the court before that date."

Passed by the Hong Kong Legislative Council this 15th day of March, 1972.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

HONG KONG

No. 12 OF 1972



I assent.

Governor.

16th March, 1972.

An Ordinance to provide for the detention of young offenders and for matters incidental thereto or connected therewith.

[]

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 Detention Centres Ordinance 1972 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

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

Interpretation.

“Commissioner” means the Commissioner of Prisons;

“detainee” means a person against whom a detention order is in force;

“detention” means detention in a detention centre;

“detention centre” means a place or building appointed by the Governor under section 3;

"detention order" means an order of detention made under section 4(1);

"recall order" means an order made under section 6(1) requiring a person to return to a detention centre;

"relevant offence" means an offence punishable by imprisonment otherwise than for non-payment of a fine, but not an offence the sentence for which is fixed by law;

"supervision order" means an order for supervision made under section 5(1);

"training centre" means an institution established as a training centre under section 3 of the Training Centres Ordinance;

"young offender" means an offender of or over fourteen and under twenty-one years of age.

(Cap. 280.)

Detention centres.

3. The Governor may, by order published in the *Gazette*, appoint a place or building to be a detention centre, in which young offenders may be detained in custody.

Detention order.

4. (1) Where a person who is apparently a young offender is found guilty of a relevant offence the court may, if it is of the opinion that in the circumstances of the case and having regard to his character and previous conduct it is in his interest and the public interest that he should undergo a period of detention in a detention centre, in lieu of imposing any other sentence, make a detention order against him.

(2) A detainee shall be detained in a detention centre for such period, not less than one month and not more than six months, from the date of such order as the Commissioner may determine, having regard to the health and conduct of such person, and shall then be released.

(3) A detention order shall not be made against a person who has previously served a sentence of imprisonment or of detention in a training centre or a detention centre.

(4) A court shall not make a detention order against a young offender unless the Commissioner has informed the court that in his opinion the young offender is suitable for detention and that a place is available for him in a detention centre.

(5) A court may, after conviction of a young offender, remand him in the custody of the Commissioner for such period, not exceeding three weeks, as the court thinks necessary to enable the Commissioner to form an opinion as to whether or not the young offender is suitable for detention.

5. (1) The Commissioner may make a supervision order against a person who is released from a detention centre.

Supervision order.

(2) A supervision order shall contain conditions that—

(a) for a period of six months from the date of his release, the person released shall be subject to supervision by such organization or person as may be specified therein; and

(b) the person released shall, while under such supervision, comply with such requirements, including requirements as to residence, as may be specified therein.

(3) The Commissioner may at any time vary or cancel a supervision order.

(4) A person who fails to comply with a condition of a supervision order which has been made against him shall be guilty of an offence and liable on conviction to a fine of five thousand dollars and to imprisonment for twelve months.

6. (1) The Commissioner may, if he is satisfied that a person against whom a supervision order is in force has failed to comply with any requirement of the order, make a recall order against such person requiring him to return to a detention centre, and thereupon such person may be arrested and taken to a detention centre.

Recall order.

(2) A person taken to a detention centre under subsection (1) may be detained until the expiration of six months from the date of the detention order, or three months from the date of his being arrested under the recall order, whichever is the later.

(3) The Commissioner may at any time release a person in respect of whom a recall order is in force, and a supervision order shall not be made in respect of such person.

7. If a person in respect of whom a detention order, a supervision order or a recall order is in force is sentenced to detention in a training centre or to imprisonment, the detention order, supervision order or recall order shall lapse.

Imprisonment of detained person, etc.

8. (1) A police officer may, if he reasonably suspects that a detention order or a recall order is in force against a person and that such person is unlawfully at large, arrest such person and take him to a detention centre.

Arrest etc. of persons unlawfully at large.

(2) Any period during which a person against whom a detention order or a recall order is in force is unlawfully at large shall

be disregarded in calculating the period for which he may be detained under the detention order or recall order, unless the Governor otherwise directs in a particular case.

Visitors.

9. (1) The Governor may appoint visitors for the purpose of visiting detention centres.

(2) A detention centre shall be visited by two visitors together at least once a month.

(3) Visitors shall exercise and perform the powers and duties conferred on visiting justices and visiting committees under the Prisons Ordinance.

(Cap. 234.)

Application
of Prisons
Ordinance.
(Cap. 234.)

10. Subject to any regulations made under section 11 of this Ordinance, sections 9 to 12 inclusive, 17 to 21 inclusive and 24 of the Prisons Ordinance, and the Prisons Rules, shall apply to a detention centre and to the staff thereof and to detainees in like manner as if the detainees were prisoners and a detention centre were a prison, and such provisions shall be read with such verbal alterations and modifications not affecting their substance as are necessary to render the same applicable:

Provided that in the event of conflict between this Ordinance and the Prisons Ordinance, this Ordinance shall prevail.

Regulations.

11. The Governor in Council may make regulations for all or any of the following matters—

- (a) the regulation and management of detention centres;
- (b) the treatment, employment, discipline, control and welfare of persons detained in detention centres;
- (c) forms required for the purposes of this Ordinance; and
- (d) generally for the better carrying out of the purposes of this Ordinance.

Power of
Governor
to give
directions.

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

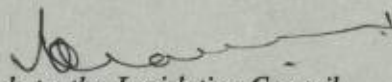
(2) The Commissioner shall, in the exercise or performance of his powers, functions and duties under this Ordinance, comply with any directions given by the Governor under subsection (1).

Amendment
of Mental
Health
Ordinance.
(Cap. 136.)

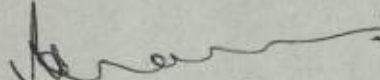
13. Section 52(5) of the Mental Health Ordinance is amended by deleting "a training centre or an addiction treatment centre" and substituting the following—

"a detention centre, a training centre or an addiction treatment centre."

Passed by the Hong Kong Legislative Council this 15th day of March, 1972.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

HONG KONG

No. 13 OF 1972



I assent.

[Handwritten signature]
Governor.

29th March, 1972.

An Ordinance to apply a sum not exceeding three thousand six hundred and fifty-six million, eight hundred and seventy-eight thousand, four hundred and twenty dollars to the Public Service of the financial year ending the 31st day of March 1973.

[1st April, 1972.]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March 1973, has been estimated at the sum of three thousand six hundred and fifty-six million, eight hundred and seventy-eight thousand, four hundred and twenty dollars:

Preamble.

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

1. This Ordinance may be cited as the Appropriation Ordinance 1972. Short title.

Appropriation from the general revenues and other funds.

Schedule.

2. A sum not exceeding three thousand six hundred and fifty-six million, eight hundred and seventy-eight thousand, four hundred and twenty dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st day of April 1972, and ending on the 31st day of March 1973, and the said sum so charged may be expended in the manner expressed in the Schedule.

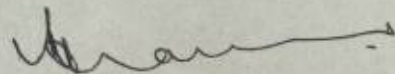
SCHEDULE

[s. 2.]

<i>Number of vote</i>	<i>Head of Expenditure</i>	<i>Amount of vote</i>
		\$
21.	His Excellency the Governor's Establishment	1,218,700
22.	Agriculture and Fisheries Department	21,992,900
23.	Audit Department	2,822,000
24.	Census and Statistics Department	5,889,000
25.	Civil Aviation Department	15,116,800
26.	Colonial Secretariat	30,228,800
27.	Colonial Secretariat: London Office	2,833,100
28.	Commerce and Industry Department	27,380,200
29.	Defence: Royal Hong Kong Regiment (The Volunteers)	3,491,600
30.	Defence: Royal Hong Kong Auxiliary Air Force	5,131,700
31.	Defence: Essential Services Corps and Directorate of Manpower	384,300
32.	Defence: Auxiliary Fire Service	234,600
33.	Defence: Auxiliary Medical Service	1,871,300
34.	Defence: Civil Aid Services	3,552,100
35.	Defence: Miscellaneous Measures	107,727,000
36.	Education Department	519,265,400
37.	Fire Services Department	45,568,000
38.	Government Supplies Department	13,887,900
39.	Hong Kong Polytechnic	697,500
40.	Immigration Department	16,771,500
41.	Information Services Department	10,994,100
42.	Inland Revenue Department	24,449,700
43.	Judiciary	16,020,700
44.	Kowloon-Canton Railway	14,128,700
45.	Labour Department: Labour Division	10,246,900
46.	Labour Department: Mines Division	3,131,900
47.	Legal Department	5,586,500
48.	Legal Aid Department	3,110,700

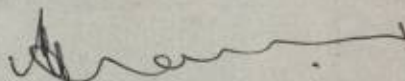
<i>Number of vote</i>	<i>Head of Expenditure</i>	<i>Amount of vote</i>
		\$
49.	Marine Department	47,060,400
50.	Medical and Health Department	215,184,100
51.	Miscellaneous Services	85,273,600
52.	New Territories Administration	22,975,400
53.	Office of Unofficial Members of Executive and Legislative Councils	637,100
54.	Pensions	82,173,000
55.	Police: Royal Hong Kong Police Force	232,709,500
56.	Police: Royal Hong Kong Auxiliary Police Force	5,187,100
57.	Post Office	106,793,000
58.	Printing Department	17,013,900
59.	Prisons Department	28,597,600
60.	Public Debt	5,015,220
61.	Public Services Commission	251,700
62.	Public Works Department	192,225,700
63.	Public Works Recurrent	166,452,000
64.	Public Works Non-recurrent: Headquarters	21,057,900
65.	Public Works Non-recurrent: Buildings	232,921,500
66.	Public Works Non-recurrent: Engineering	241,042,000
67.	Public Works Non-recurrent: Waterworks	345,565,000
68.	Radio Hong Kong	8,103,300
69.	Rating and Valuation Department	6,960,200
70.	Registrar General's Department	8,354,900
71.	Registration of Persons Office	2,845,100
72.	Registry of Trade Unions	501,500
73.	Resettlement Department	83,900,600
74.	Royal Observatory	6,603,500
75.	Secretariat for Home Affairs	10,296,400
76.	Social Welfare Department	46,073,600
77.	Subventions: Medical	123,006,900
78.	Subventions: Social Welfare	19,995,400
79.	Subventions: Miscellaneous	38,653,100
80.	Transport Department	4,594,600
81.	Treasury	7,890,600
82.	Universities	145,657,400
83.	Urban Services Department and Urban Council	156,666,100
84.	Urban Services Department: Housing Division	24,870,900
85.	World Refugee Year Schemes	35,000
	TOTAL	3,656,878,420

Passed by the Hong Kong Legislative Council this 29th day of March, 1972.



Clerk to the Legislative Council.

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



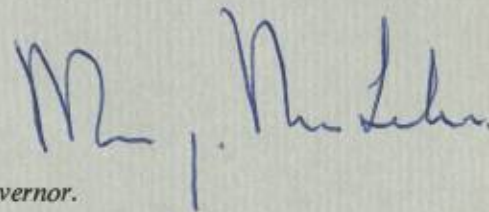
Clerk to the Legislative Council.

HONG KONG

No. 14 OF 1972



I assent.



Governor.

29th March, 1972.

An Ordinance to amend the Merchandise Marks Ordinance.

[1st July, 1972.]

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 Merchandise Marks (Amendment) Ordinance 1972 and shall come into operation on the 1st July 1972.

Short title and commencement.

2. The principal Ordinance is amended by adding after section 2 the following new section—

Addition of new section 2A.
(Cap. 41.)

"Special provisions applicable to gold-ware.

2A. (1) Without prejudice to the generality of the definition of "trade description" in section 2, a mark on any article which indicates or purports to indicate the proportion of gold contained in the article is an indication or description falling within the scope of paragraph (d) of the definition of "trade description".

(2) Without prejudice to the generality of the definition of "false trade description" in section 2,—

(a) a description of any article as gold shall be a false trade description unless the article consists solely of gold alloy and—

(i) contains not less than 8 carats of gold; or

(ii) bears a mark clearly indicating in carats, by number, or by number and the letters "k", "c" or "ct", the relative purity of the gold content;

(b) a mark calculated to be taken as an indication of the relative purity of gold and affixed to an article—

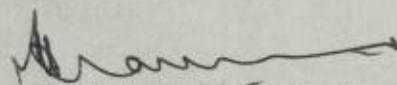
(i) which is plated with or encased in gold alloy or gilded; or

(ii) to which gold alloy is soldered or otherwise affixed,

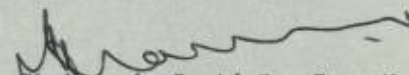
shall be a false trade description, unless it is manifest from the appearance of the article that the mark refers solely to the part of the article which consists of gold alloy.

(3) Any number on an article which indicates or purports to indicate the relative purity in carats of its gold content shall be a false trade description unless the article contains at least the same proportion of pure gold as the proportion which the number bears to 24."

Passed by the Hong Kong Legislative Council this 29th day of March, 1972.


Clerk to the Legislative Council.

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

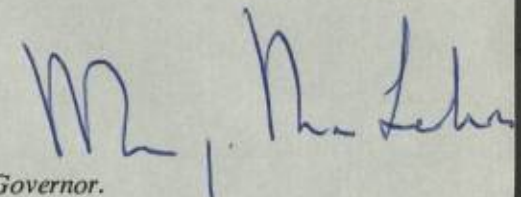

Clerk to the Legislative Council.

HONG KONG

No. 15 OF 1972



I assent.


Governor.

29th March, 1972.

An Ordinance to amend the Offences against the Person Ordinance.

[30th March, 1972.]

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

1. This Ordinance may be cited as the Offences against the Person (Amendment) Ordinance 1972.

Short title.

2. The principal Ordinance is amended by adding after section 47 the following new section—

Addition of new section 47A.
(Cap. 212.)

"Medical termination of pregnancy."
1967 c. 87, s. 1.

47A. (1) Subject to this section, a person shall not be guilty of an offence under section 46 or section 47 when a pregnancy is terminated by a medical practitioner if two medical practitioners are of the opinion, formed in good faith, that the continuance of the pregnancy would involve risk to the life of the pregnant woman or of injury to the physical or mental health of the pregnant woman, greater than if the pregnancy were terminated.

(2) In determining whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in subsection (1), account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(3) Except as provided by subsection (4), any treatment for the termination of pregnancy must be carried out in a hospital or clinic maintained by the Crown or declared by the Director of Medical and Health Services by notice published in the *Gazette* to be an approved hospital or clinic for the purposes of this section.

(4) Subsection (3) shall not apply to the termination of a pregnancy by a medical practitioner if two medical practitioners are of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman.

1967 c. 87, s. 2.

(5) The Governor in Council may make regulations—

- (a) requiring any such opinion as is referred to in subsection (1) to be certified by the medical practitioners concerned, in such form and within such time as may be prescribed and requiring the preservation and disposal of certificates made for the purposes of the regulations;
- (b) requiring a registered medical practitioner who terminates a pregnancy to give notice of the termination, and such other information relating to the termination as may be prescribed, to the Director of Medical and Health Services;
- (c) prohibiting the disclosure, except to such persons or for such purposes as may be prescribed, of notices given or information furnished pursuant to the regulations.

1967 c. 87, s. 4.

(6) Subject to subsection (7), no person shall be under any duty, whether by contract or by any statutory or other legal requirement, to participate in any treatment authorized by this section to which he has a conscientious objection, but in any legal

proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it.

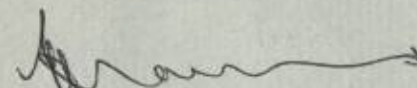
(7) Nothing in subsection (6) shall affect any duty to participate in treatment which is necessary to save the life, or to prevent grave permanent injury to the physical or mental health, of a pregnant woman.

1967 c. 87,
s. 5(2).

(8) For the purposes of sections 46 and 47, anything done with intent to procure the miscarriage of a woman is unlawfully done unless authorized by virtue of the provisions of this section.

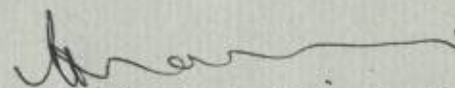
(9) This section shall expire on the 31st day of March, 1974 or on such other date as the Legislative Council may determine by resolution."

Passed by the Hong Kong Legislative Council this 29th day of March, 1972.



Clerk to the Legislative Council.

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



Clerk to the Legislative Council.



I assent.

M. M. Lehn

Governor.

29th March, 1972.

An Ordinance to establish a tribunal having limited civil jurisdiction

HONG KONG

No. 16 OF 1972



I assent.

Governor.

29th March, 1972.

An Ordinance to establish a tribunal having limited civil jurisdiction, to be known as the Labour Tribunal, and to make provision for the jurisdiction, procedure, and practice thereof and for matters connected therewith.

[]

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

PART I

PRELIMINARY

1. This Ordinance may be cited as the Labour Tribunal Ordinance 1972 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.

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

“authorized officer” means a public officer who has been authorized by the Commissioner under section 6(5) to assist in conciliation under this Ordinance;

“claim” means a proceeding before the tribunal between a claimant and a defendant;

"claimant" means a person seeking relief other than—

- (a) a defendant entering a counterclaim; and
- (b) a person who is being represented in a representative claim;

"Commissioner" means the Commissioner of Labour;

"conciliation" means a discussion or action initiated or undertaken by an authorized officer for the purpose of reaching a settlement of a claim;

"contract of employment" means—

- (a) an agreement, whether express or implied by law, whereby one person agrees to employ another and that other agrees to serve his employer as an employee whether payment is to be on a price, task or time basis and wherever the services are to be rendered; and
- (b) a contract of apprenticeship;

"defendant" means a person against whom relief is sought by a claimant other than—

- (a) a claimant against whom relief is sought by way of counterclaim;
- (b) a person who is being represented in a representative claim;

"employee" means a person who has agreed to serve as an employee under a contract of employment;

"party" means a claimant or defendant and any person joined as a third party;

"presiding officer" means a presiding officer appointed under section 4;

"registrar" means the Registrar of the Labour Tribunal;

"representative claim" means a claim brought in the name of one claimant on behalf of himself and one or more other claimants;

"tribunal" means the Labour Tribunal established by section 3 and a presiding officer appointed under section 4;

"tribunal officer" means a tribunal officer appointed under section 5.

PART II

CONSTITUTION OF TRIBUNAL

3. (1) There is hereby established a tribunal to be known as the Labour Tribunal which shall be a court of record with such

Establishment
of tribunal.

jurisdiction and powers as are conferred on it by this and any other Ordinance.

(2) All proceedings in the tribunal shall be heard and determined by a presiding officer sitting alone.

(3) The tribunal shall have a seal of a design approved by the Chief Justice, and all awards, summonses, and other processes of the tribunal shall be sealed therewith.

4. (1) The Governor may appoint one or more presiding officers, who shall constitute the tribunal.

Appointment
of presiding
officers.

(2) Subject to subsection (3), an appointment made under subsection (1) may be given retrospective effect.

(3) No person appointed as presiding officer shall discharge any judicial function before the date of the instrument by which he is appointed or before the requirements of section 2 of the Promissory Oaths Ordinance have been fulfilled.

(c.f. Dist. Ct. Ord.
Sec. 4.)

(Cap. 90.)

5. The Governor may appoint such number of tribunal officers as he may think fit, who shall exercise such powers and perform such duties as are conferred on them by this and any other Ordinance.

Tribunal
officers.

6. (1) There shall be attached to the tribunal a registrar and such number of deputy or assistant registrars, bailiffs, clerks, interpreters and other officers as the Governor may consider necessary.

Officers of
the tribunal.

(2) In addition to the powers and duties conferred or imposed by this and any other Ordinance, the registrar, any deputy or assistant registrar, bailiff, clerk, interpreter and other officer attached to the tribunal may exercise such powers and perform such duties, insofar as the same are applicable to the business of the tribunal, as those exercised or performed by the Registrar, deputy registrar, assistant registrar, bailiff, clerk, interpreter or other officer attached to the Supreme Court under section 18(1) of the Supreme Court Ordinance.

(Cap. 4.)

(3) Any act which under this or any other enactment is required or authorized to be done by the registrar may be performed by a deputy registrar or assistant registrar of the tribunal and any process of the tribunal may be executed by any bailiff thereof notwithstanding that it may have been directed personally to some other bailiff.

(4) In exercise of his powers and performance of his duties under this Ordinance, a person to whom this section applies shall be subject to the same liabilities and penalties and have the benefit of the same protection as attached by virtue of the

Supreme Court Ordinance to a person exercising or performing similar powers or duties under that Ordinance.

(5) The Commissioner may authorize any public officer to assist in conciliation under this Ordinance.

PART III JURISDICTION

7. (1) The tribunal shall have jurisdiction to inquire into, hear and determine the claims specified in the Schedule.

(2) Save as is provided in this Ordinance, no claim within the jurisdiction of the tribunal shall be actionable in any court in Hong Kong.

8. The Legislative Council may, by resolution, amend the Schedule.

9. (1) Subject to subsection (2), the tribunal shall not have jurisdiction to inquire into or determine a claim or part of a claim if the cause of action arose more than six months before the date on which the claim is filed, unless the parties to the claim, by a memorandum signed by them and filed with the registrar, have agreed that the tribunal shall have jurisdiction.

(2) When the cause of action in a claim arose partly before and partly after the six month period of limitation prescribed by subsection (1), the tribunal may, with the consent of the parties, sever that part of the claim over which it has no jurisdiction and hear and determine the part over which it has jurisdiction.

(3) Nothing in this section shall preclude the institution of proceedings in the Supreme Court or in the District Court in respect of a claim which, by reason of the expiration of the limitation period prescribed by subsection (1), is not actionable in accordance with this Ordinance.

10. (1) The tribunal may, at any stage of proceedings, if it is of the opinion that for any reason the claim should not be heard and determined by it, decline jurisdiction.

(2) The tribunal may, when it declines jurisdiction under subsection (1), transfer the claim to the Supreme Court or the District Court, in such manner as may be prescribed.

PART IV COMMENCEMENT OF PROCEEDINGS

11. (1) A proceeding in the tribunal shall be commenced by filing a claim with the registrar.

Jurisdiction
of tribunal.
Schedule.

Power to amend
Schedule.

Limitation.

Declining
jurisdiction.

Filing claims.

(2) Subject to subsection (3), a claim shall be in writing in the prescribed form, in either the English or Chinese language, and shall be signed by the claimant.

(3) The registrar may permit a claim to be made orally and shall cause it to be reduced to writing, in the language in which it is made, and shall supply a copy thereof to the claimant.

(4) Subject to subsection (5), a claim shall be signed by each claimant and person represented as being correct to the best of his knowledge and belief.

(5) In any joint or representative claim—

(a) the registrar may permit the claim to be filed if it has not been signed by all the claimants or persons represented named therein on condition that all such claimants or persons will do so before the date of hearing; and

(b) the name of a claimant or person who has not so signed the claim before it is heard may, if the presiding officer so directs, be struck out of the claim and the amount of the claim reduced accordingly.

12. A claim shall contain—

(a) the name and address of each claimant, and, in the case of a representative claim, the name and address of each person represented;

(b) the name and address of each defendant;

(c) the sum of money claimed by each claimant or person represented;

(d) such particulars of the claim as shall be reasonably sufficient to inform the defendant of the grounds for the claim and of the manner in which the amount claimed by each claimant or person represented has been calculated.

13. (1) The registrar shall, when a claim has been filed—

(a) fix a place and date for hearing of the claim which shall, unless the parties otherwise agree, be not earlier than ten days nor later than thirty days from the filing of the claim; and

(b) cause a copy of the claim, together with a notice in the prescribed form of the date and place of hearing, to be served on every defendant to the claim in the manner prescribed under subsection (2).

(2) Service of a copy of the claim and of a notice of hearing—

(a) shall be carried out by such person as may be appointed by the registrar for this purpose; and

Contents of
claims.

Service of
claim and
notice of
hearing.

(b) shall be effected—

- (i) by delivering them personally to the defendant;
- (ii) by leaving them with some person for him at his last known place of residence or at his place of business; or
- (iii) in such other manner as may be directed by the registrar.

(3) The registrar shall, if the presiding officer has specified a period under section 14(2)(b) or (c), and the registrar has been notified, fix a new date of hearing to take account of that period and notify the defendant of the new date of hearing in the manner prescribed by subsection (2).

Inquiries by
tribunal officer.

14. (1) When a claim has been filed, the registrar shall forward a copy thereof to a tribunal officer, who shall prepare a summary of facts relating to the claim.

(2) The tribunal officer shall, if he is unable to complete the inquiries necessary for the preparation of the summary of facts relating to the claim within ten days from the filing of the claim, forthwith so inform the presiding officer, who shall, subject to section 16, direct the tribunal officer to—

- (a) cease to inquire further into the facts of the claim and prepare the summary of facts;
- (b) complete the inquiries within such further period as may be specified by the presiding officer; or
- (c) continue his inquiries and report thereon to the presiding officer within such period as may be specified by the presiding officer,

and shall notify the registrar of any period specified by him under paragraph (b) or (c).

(3) A summary of facts prepared by a tribunal officer shall, in addition to any other information which he considers will be of assistance to the tribunal, set out such facts as appear to him to be agreed by all or any of the parties and such facts as appear to him to be in dispute between any of the parties.

(4) For the purpose of preparing a summary of facts, a tribunal officer shall have power to—

- (a) interview at any reasonable time any person, including a party, and record a statement from him;
- (b) enter and inspect at any reasonable time any premises in which a party is or has been employed and to

examine any part of the premises and any machinery, fittings or equipment therein; and

(c) require any person to produce at any reasonable time any records, books of account or other documents which the tribunal officer may reasonably consider to be relevant to the claim, and to examine and make copies of such records, books of account or other documents.

(5) A person who is interviewed by a tribunal officer shall not be compelled to make a statement or to answer any question put to him but the tribunal officer shall record in his summary of facts if any person has refused to be interviewed or to answer any question put to him.

(6) A person who makes a statement to a tribunal officer shall be entitled to read such statement or, if he is illiterate or if the statement is written in a language which he does not understand, to have the statement read out to him in a language which he does understand and to correct any errors therein.

(7) A statement made to a tribunal officer may be admitted as evidence of all matters therein if it is produced before the tribunal by the tribunal officer who recorded it and contains a statement by him that subsection (6) was complied with at the time when the statement was recorded.

15. (1) The tribunal shall not hear a claim until a certificate in the prescribed form signed by a tribunal officer or an authorized officer is filed or produced to the effect that—

Conciliation
certificate to
be filed.

- (a) one or more of the parties has refused to take part in conciliation;
- (b) conciliation has been attempted but no settlement has been reached;
- (c) conciliation is unlikely to result in a settlement being reached; or
- (d) conciliation may prejudice the interests of a party.

(2) A certificate under subsection (1) shall be filed with or produced to the tribunal not later than twenty-four hours before the date fixed for the hearing of the claim.

(3) During the hearing of a claim the tribunal may, subject to sections 16 and 30, adjourn the claim and notify the Commissioner in the prescribed form the adjournment and the reason therefor if—

- (a) the tribunal is of the opinion that there is a reasonable likelihood of a settlement of the claim; and

- (b) all parties to the claim have agreed to an adjournment for the purpose of conciliation.
- (4) The Commissioner may, when he has been notified of an adjournment pursuant to subsection (3), hold conciliation between such of the parties to the claim as are willing to take part.
- (5) The Commissioner may, if after such conciliation the parties reach a settlement of the claim or if he is of the opinion that there is no reasonable likelihood of such a settlement, so advise the tribunal in the prescribed form.
- (6) The Commissioner shall, unless he has earlier advised the tribunal under subsection (5), advise the tribunal as to what, if any, progress has been made in the conciliation not less than 24 hours before the date to which the claim has been adjourned.
- (7) If a settlement of a claim is reached, whether as a result of conciliation or not, the terms of the settlement shall be reduced to writing in the prescribed form and signed by the parties to the settlement.
- (8) A settlement, which has been reduced to writing and signed by the parties thereto, shall be filed in the tribunal.
- (9) A settlement filed under subsection (8) shall be treated for all purposes as if it were an award of the tribunal.

PART V

PRACTICE AND PROCEDURE

Presiding officers etc. to prevent delay to the prejudice of claimant.

16. Every presiding officer, registrar, deputy or assistant registrar, tribunal officer and authorized officer shall ensure that there is no avoidable delay in the determination of a claim and shall have regard to any proceedings in any other court which may result in judgments to the prejudice of the claimant.

Place of hearing.

17. A presiding officer shall sit for the disposal of the business of the tribunal at such places and times as, having regard to the convenience of the parties and witnesses, he may think fit.

Hearing to be in public unless otherwise ordered.

18. The hearing of a claim shall be conducted in public unless the presiding officer considers that in the interests of justice the hearing or any part thereof should be in private, in which case he shall order accordingly.

Language of the tribunal.

19. (1) The hearing of a claim or other matter ancillary thereto shall be conducted in such language as the tribunal may think fit, having regard to the language of the parties.

(2) The presiding officer shall keep a summary of the evidence, submissions or statements made or given and of any point of law raised at the hearing and of his decision on such point of law.

20. (1) The hearing of a claim shall be conducted in an informal manner.

Hearing to be informal.

(2) The presiding officer may subpoena witnesses, order the production of any document, record, book of account or other exhibit and put to a party or witness such questions as he may think fit.

(3) The presiding officer shall investigate any matter which he may consider relevant to the claim, whether or not it has been raised by a party.

21. If a defendant who has been duly served with a copy of the claim and a notice of hearing fails to appear at the hearing, by himself or by a person authorized by the tribunal to appear on his behalf, the tribunal may, if it is of the opinion that the facts relating to the claim are sufficiently established, hear and determine the claim and make such award or order as it may think fit, notwithstanding the absence of the defendant.

Hearing of claim in absence of defendant.

22. (1) The presiding officer shall deliver his determination of a claim and make such award or order thereon as he may think fit as soon as possible after the conclusion of the hearing of the claim.

Decision to be announced at conclusion of hearing if possible.

(2) The reasons for an award or order may be given orally or in writing as the presiding officer may think fit.

(3) A presiding officer shall, when he has made an award or order orally, reduce it to writing as soon as possible, and in any case not later than fourteen days after the date of the award or order.

(4) Every party to the proceedings shall be entitled to a copy of the written award or order.

23. (1) The following persons shall have a right of audience before the tribunal—

Right of audience.

(a) a claimant or defendant;

(b) a tribunal officer;

(c) an authorized officer;

(d) an officer or servant of an unincorporated or incorporated company or a member of a partnership, if the company or partnership is a party; and

(e) with the leave of the tribunal, an office bearer of a registered trade union or of an association of employers who is authorized in writing by a claimant or defendant to appear as his representative.

(2) No barrister or solicitor, unless he is acting on his own behalf as a claimant or a defendant, shall have a right of audience before the tribunal.

Claims may be joined.

24. (1) If two or more claims are filed and it appears to the tribunal that—

- (a) a common question of law or fact arises in both or all of them;
- (b) the claims arise out of the same cause of action; or
- (c) it would be in the interests of justice,

the tribunal may order that such claims be joined:

(2) The power conferred by this section may be exercised notwithstanding that an inquiry into or hearing of one or more of the claims has been commenced.

Representative claims.

25. (1) Subject to subsection (2), if two or more persons have claims against the same defendant, such claims may be brought in the name of one of such persons as the representative of some or all of them.

(2) The tribunal may, if at any stage of the proceedings, it considers that the bringing of a representative claim may prejudice the defendant, order that the claims of all or any of the persons represented shall be inquired into separately.

(3) Each person represented in a representative claim shall be deemed to have authorized the representative on his behalf to—

- (a) call and give evidence and make submissions to the tribunal on any matter arising during the inquiry into the claim;
- (b) file affidavits, statements or other documents;
- (c) agree to a summary of facts prepared by a tribunal officer;
- (d) agree to an adjournment or change of venue;
- (e) agree to the holding of and to take part in conciliation;
- (f) agree to a settlement of the claim on such terms as he may think fit;
- (g) consent to the tribunal having jurisdiction over a claim pursuant to section 9;

(h) amend the claim in respect of all or any of the individual claims or to abandon the claim; and

(i) act generally in as full and free a manner as such claimant could act himself.

(4) The authority deemed to be given to a representative by subsection (3) shall not be withdrawn save by leave of the tribunal.

(5) In making an award in respect of a representative claim the tribunal may allocate such part of the award to each person represented as it thinks fit and the amount so allocated shall, for the purposes of section 38 of the Bankruptcy Ordinance and section 265 of the Companies Ordinance (which provide for prior payment in bankruptcy and winding-up of certain debts), be considered as a separate award.

(Cap. 6.)
(Cap. 32.)

(6) The tribunal may, at any time before making an award, grant leave to any person to join as a person represented in a claim on such terms as it may think fit.

(7) The tribunal may cause public notice to be given, in such manner as it may think fit, of the particulars of a representative claim which has been filed and of the date and place which have been fixed for the hearing of the claim.

26. (1) If two or more persons are defendants to a claim, as partners or otherwise, it shall be sufficient to serve any of them with process and an award may be obtained and execution issued against any person so served notwithstanding that any other persons jointly liable may not have been served or been a party or may not be within the jurisdiction of the tribunal.

Joint defendants.

(2) If an award is made against a person in accordance with subsection (1) and is satisfied by that person, he shall be entitled to recover in the tribunal contribution from any other person jointly liable with him.

(3) An award obtained against a person in respect of his liability jointly with any other person shall not release such other person from liability under the award.

(4) A person who is sued in respect of his liability jointly with any other person may set up any defence or counterclaim which he would have been entitled to set up if all the persons liable had been made defendants.

(5) If two or more persons are joined as defendants, the claimant may obtain an award against any one or more of the defendants and may enforce the award without prejudice to his right to proceed with the action against any other defendant.

Evidence.

27. (1) The tribunal may at any time during the hearing of a claim allow a witness or a party to give evidence on oath or unsworn.

(2) The rules of evidence shall not apply to proceedings in the tribunal, which may receive any evidence which it considers relevant.

Costs.

28. (1) Subject to subsection (2), the tribunal may award to a party costs and expenses, which may include—

- (a) any reasonable expenses necessarily incurred and any loss of salary or wages suffered by that party; and
- (b) any reasonable sum paid to a witness for the expenses necessarily incurred and any loss of salary or wages suffered by him,

in attending a hearing of the tribunal or in being interviewed by a tribunal officer.

(2) In making an award of costs under this section, the tribunal shall include a direction as to the amount to be paid by each party who is so liable to pay costs.

(3) An award of costs shall be enforceable in the same way as any other award made by the tribunal.

Frivolous or vexatious claims.

29. The tribunal may at any time dismiss a claim which it considers to be frivolous or vexatious on such terms as to payment of costs as it may think fit.

Adjournments.

30. The tribunal may, if it is of the opinion that an adjournment of the hearing of a claim may result in prejudice to a party because of the disposal or loss of control of assets by a defendant, grant an adjournment only on payment into the tribunal of such sum of money, or the giving of such other security for the payment of the amount of any award, as the tribunal may think sufficient.

PART VI

REVIEW AND APPEAL

Review of awards and orders.

31. (1) Except where a party has filed a notice of appeal and does not agree to withdraw the appeal, a presiding officer may, within fourteen days from the date of an award or order given or made by him, review the award or order and on such review may re-open and re-hear the claim wholly or in part and may call or hear fresh evidence and may confirm, vary or reverse his previous award or order.

(2) The power conferred by subsection (1) may be exercised—

- (a) by a presiding officer of his own motion, on notice in the prescribed form to all parties;
- (b) on the application of a party within seven days, on notice in the prescribed form to all other parties.

(3) The exercise of the power conferred by subsection (1) shall not operate as a bar to appeal by a party against the award or order or thereafter against the determination of the review.

(4) On the application of a party for a review of an award or order, the presiding officer, having regard to the possibility of assets which may be available to satisfy an award being disposed of to the prejudice of any party, may make such order regarding payment into the tribunal, giving of security or otherwise as he may think fit.

(5) A presiding officer may transfer the hearing and consideration of a review to another presiding officer who shall have all the powers and functions which he would have if he had originally heard the claim and had prepared the record of proceedings.

32. (1) A party may appeal to the District Court against a determination by the tribunal on the grounds that such determination is erroneous in point of law or is outside the jurisdiction of the tribunal.

Appeal to District Court on point of law.

(2) An appeal under this section shall be brought by lodging with the registrar, within seven days of the determination, a notice of appeal in the prescribed form which shall set out the point of law in question and the grounds upon which the determination is challenged.

(3) The decision of the District Court on an appeal under this section shall be final.

33. (1) A party may appeal to the District Court against a determination by the tribunal on the grounds that such determination was wrong in that—

Appeal to District Court on ground of perjury.

- (a) a witness gave evidence which he knew to be false; and
- (b) such evidence was accepted by the presiding officer as true and was material to his determination.

(2) An appeal under this section shall be brought by filing with the registrar, within seven days of the determination, a notice of appeal in the prescribed form which shall set out a summary

of the evidence which is alleged to be false and the grounds for such allegation.

(3) The decision of the District Court on an appeal under this section shall be final.

Appeal may be transferred to Full Court.

34. The District Court may, before or during the hearing of an appeal under this Ordinance, if it considers that the appeal raises issues of such importance that they should be decided by the Full Court, transfer it to the Full Court in such manner as may be prescribed.

Powers of District Court or Full Court on appeal.

35. (1) On an appeal under this Ordinance the District Court or Full Court may—

- (a) order a new inquiry by the tribunal on such terms as it may think fit;
- (b) confirm, vary or set aside the award or order; or
- (c) make such award or order in substitution for the award or order made by the tribunal as it may think fit.

(2) On an appeal under this Ordinance the District Court or Full Court may reverse or vary any determination made by the tribunal on questions of fact, notwithstanding that the appeal is on a point of law, or any determination on point of law, notwithstanding that the appeal is on a question of fact.

(3) On an appeal under this Ordinance the District Court or Full Court may—

- (a) draw any inference of fact;
- (b) receive further evidence;
- (c) make such order as to costs and expenses as it may think fit; and
- (d) generally exercise such powers as the tribunal may exercise in the determination of a claim under this Ordinance.

Procedure on appeal.

36. An appeal from the tribunal shall be brought in such manner and shall be subject to such conditions as shall be prescribed.

Stay of execution on appeal or review.

37. Neither a decision by a presiding officer to exercise his power of review under section 31 nor the filing of a notice of appeal under section 32 or 33 shall operate as a stay of execution of an award or order unless the presiding officer otherwise orders and any stay of execution may be subject to such conditions as to costs, payment into the tribunal, the giving of security or otherwise as the presiding officer may think fit.

PART VII

MISCELLANEOUS

38. A final award or order of the tribunal may be registered, in such manner as may be prescribed, in the District Court and shall, on such registration, become for all purposes a judgment of the District Court and, subject to section 40, may be enforced accordingly, notwithstanding that the amount for which an award or order has been given is beyond the jurisdiction of the District Court.

Awards and orders may be registered in District Court.

39. (1) The tribunal may include in the amount of an award interest at such rate as may be prescribed on the whole or any part of the amount claimed for the whole or any part of the period between the date when the cause of action arose and the date of the award.

Interest on claims and awards.

(2) The powers conferred by subsection (1) may be exercised—

- (a) whether or not interest is expressly claimed;
- (b) at any time after the date of the award if it appears to the tribunal that the failure to claim or to award interest was through inadvertence; and
- (c) if an award is made *ex parte* against the defendant.

(3) An award shall carry interest at such rate as may be ordered by the tribunal on the aggregate amount thereof, or on such part thereof as for the time being remains unsatisfied, from the date of the award until satisfaction.

40. (1) In a joint or representative claim the amount of an award or order shall be paid into the tribunal and shall be allocated amongst such parties to the claim and in such amounts as a presiding officer, who shall where possible be the presiding officer who heard the claim, may think fit.

Payment of award.

(2) When money is paid into the tribunal by a defendant, in full or part discharge of an award or order made against him, the defendant shall be deemed to have satisfied his liability under the award or order to the extent of the amount so paid and shall not be liable to any claimant as to the manner in which such money is allocated by the tribunal.

41. (1) No person shall by threats, persuasion or otherwise induce a witness or a party not to give evidence in any hearing before the tribunal.

Interference with witness and perjury.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and on conviction before a judge in the District Court shall be liable to a fine of five thousand dollars and to imprisonment for six months.

(3) If in any proceedings before the tribunal, it appears to the presiding officer that—

- (a) a person has acted in contravention of subsection (1); or
- (b) a witness or party has wilfully given false testimony,

the presiding officer may order such person, witness or party to appear before a judge in the District Court and to be dealt with by him—

- (i) in accordance with subsection (2) in the case of a person ordered to appear under paragraph (a); and
- (ii) in accordance with section 18 of the District Court Ordinance in the case of a witness or party ordered to appear under paragraph (b).

(Cap. 5.)

Insulting
behaviour.

42. (1) Any person who, in any hearing before the tribunal,—

- (a) uses a threatening or insulting expression to or concerning or in the presence of a presiding officer; or
- (b) behaves in an insulting manner or wilfully interrupts the proceedings,

shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for two months.

Punishment of
witness for
non-attendance
and of person
for non-
production of
document.

43. Any person who, without reasonable excuse, fails to comply with—

- (a) a subpoena served on him under section 20(2) to appear before the tribunal as a witness; or
- (b) an order under section 20(2) to produce any document, record, book of account or other exhibit,

shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars.

Punishment for
refusal to
comply with
request by
tribunal officer
to produce
document and
for obstruction
of tribunal
officer.

44. Subject to section 14(5), any person who—

- (a) refuses, without reasonable excuse, to comply with a lawful request made by a tribunal officer for the production to him of any records, books of account or other documents; or
- (b) wilfully obstructs a tribunal officer in the carrying out of any duty under section 14,

shall be guilty of an offence and shall be liable on summary conviction to a fine of five thousand dollars.

45. The Chief Justice may make rules—

Chief Justice
may make
rules.

- (a) regulating the procedure for applying for and the hearing of applications for review, of appeals against awards, orders or determinations of the tribunal;
- (b) regulating the transfer of proceedings to the District Court or Supreme Court;
- (c) providing for matters of procedure which are not provided for in this Ordinance;
- (d) prescribing anything which is to be or may be prescribed;
- (e) prescribing the fees and costs applicable to proceedings in the tribunal;
- (f) specifying what evidence shall or shall not be admissible in proceedings before the tribunal and in what manner any evidence may be proved;
- (g) generally for the better carrying out of the provisions of this Ordinance.

46. In any matter of procedure for which no provision is made by this Ordinance or by rules made pursuant to section 45 the procedure applicable shall be such as the presiding officer may determine.

Procedure
generally.

47. The Ordinance shall expire on the 31st December 1975.

Duration of
Ordinance.

48. The District Court Ordinance is amended in section 29 by deleting the fullstop at the end thereof and substituting the following—

Amendment of
Cap. 5.

“and any such offences as it may deal with pursuant to section 41 of the Labour Tribunal Ordinance 1972.”

SCHEDULE

[s. 7.]

1. A claim for a sum of money which arises from—
 - (a) the breach of a term, whether express or implied, of a contract of employment, whether for performance in Hong Kong or under an overseas contract as defined in the Contracts for Overseas Employment Ordinance; or
 - (b) the failure of a person to comply with the provisions of the Employment Ordinance or the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance.

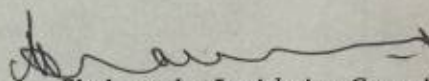
(Cap. 78.)

(Cap. 57.)
(Cap. 333.)

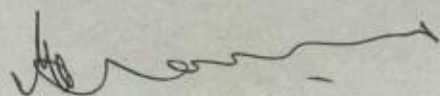
2. A claim for contribution under section 26(2).

3. Notwithstanding paragraphs 1 and 2, the tribunal shall not have jurisdiction to hear and determine a claim for a sum of money, or otherwise in respect of a cause of action, founded in tort whether arising from a breach of contract or a breach of a duty imposed by a rule of common law or by any enactment.

Passed by the Hong Kong Legislative Council this 29th day of March, 1972.


Clerk to the Legislative Council.

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

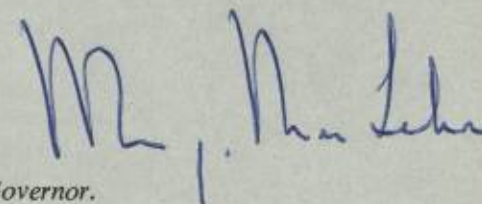

Clerk to the Legislative Council.

HONG KONG

No. 17 OF 1972



I assent.



Governor.

29th March, 1972.

An Ordinance to amend the Telecommunication Ordinance.

[1st April, 1972.]

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 Telecommunication (Amendment) Ordinance 1972, and shall come into operation on the 1st April 1972.

Short title and commencement.

2. Section 8(4) of the principal Ordinance is amended—

Amendment of section 8. (Cap. 106.)

- (a) in paragraph (a), by deleting "or";
- (b) in paragraph (b) by deleting the full stop at the end thereof and substituting a semicolon; and
- (c) by inserting after paragraph (b) the following new paragraphs—
 - "(c) any television receiver; or
 - (d) any material or component part of a television receiver."

Amendment of section 20.

- 3. Section 20 of the principal Ordinance is amended—
 - (a) in subsection (1), by deleting “Save as provided in subsection (2), any” and substituting the following—
“Any”; and
 - (b) by deleting subsection (2).

Amendment of section 23A.

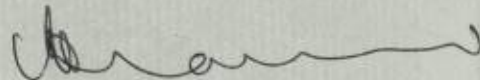
- 4. Section 23A of the principal Ordinance is amended by inserting after “by means of a sound broadcast receiving apparatus” the following—
“or a television receiver”.

Passed by the Hong Kong Legislative Council this 29th day of March, 1972.



Clerk to the Legislative Council.

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



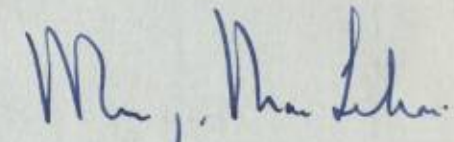
Clerk to the Legislative Council.

HONG KONG

No. 18 OF 1972



I assent.



Governor.

13th April, 1972.

An Ordinance to amend the Criminal Procedure Ordinance.

[14th April, 1972.]

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

1. This Ordinance may be cited as the Criminal Procedure (Amendment) Ordinance 1972. Short title.

2. The principal Ordinance is amended in Part IV by adding after section 81 the following heading and sections— Addition of heading and sections 81A, 81B and 81C. (Cap. 221.)

“Review of sentence on the application of the Attorney General

Application by Attorney General for review of sentence.
cf. s. 383 of the Crimes Act 1961 of N.Z.

81A. (1) The Attorney General may, with the leave of the Full Court, apply to the Full Court for the review of any sentence (other than a sentence which is fixed by law) passed by any court, other than the Full Court, on the grounds that the sentence is not authorized by law, is wrong in principle or is manifestly excessive or manifestly inadequate.

- (2) An application under subsection (1) shall—
- (a) be in writing signed by the Attorney General;
 - (b) be accompanied by the record of the case, or a copy thereof;
 - (c) be filed with the Registrar within 14 days, or within such further time as the Full Court may allow, after the date on which the sentence was passed.

(3) The Full Court may order a respondent to be detained in custody until an order has been made under section 81B(1).

(4) The Full Court may, if it seems fit, on the application of a respondent, admit the respondent to bail pending the hearing of the application.

(5) The Full Court may, if it refuses an application, award against the Attorney General such amount of costs as it may determine, save that the amount shall not, if the respondent is legally aided, exceed the total of the contributions which he is liable to make.

(6) In this section and sections 81B and 81C—
“respondent” means a person on whom a sentence has been passed;

“sentence” includes any method of disposing of a case following a conviction and an order under section 36 of the Magistrates Ordinance.

81B. (1) Upon the hearing of the application the Full Court may, by order—

- (a) if it thinks that the sentence was not authorized by law, was wrong in principle or was manifestly excessive or manifestly inadequate, quash the sentence passed by the court and pass such other sentence (whether more or less severe) warranted in law in substitution therefor as it thinks ought to have been passed;
- (b) in any other case, refuse to alter the sentence.

(2) The Attorney General and the respondent shall have the right to be heard on the hearing of the review of a sentence.

(Cap. 227.)

Review of
sentence
by Full
Court,
cf. s. 81(4)(a)
of the Criminal
Procedure
Ordinance.

(3) For the purposes of this section the Full Court may exercise any of the powers conferred by section 81(9).

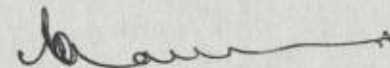
81C. (1) The Full Court shall not review a sentence under section 81B if the respondent has—

- (a) appealed under section 81, unless the appeal has been withdrawn;
- (b) applied under section 104 of the Magistrates Ordinance to a magistrate to review his decision, unless the application has been withdrawn or disposed of; or
- (c) applied under section 105 of the Magistrates Ordinance to a magistrate to state a case, unless the application has been withdrawn or disposed of.

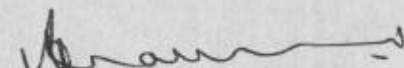
(2) Nothing in section 81B shall prejudice the exercise of a right of appeal conferred on a convicted person by this or any other Ordinance.

(3) This section, and sections 81A and 81B, shall expire on the 30th day of April 1975 or on such other date as the Legislative Council may determine by resolution.”

Passed by the Hong Kong Legislative Council this 12th day of April, 1972.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

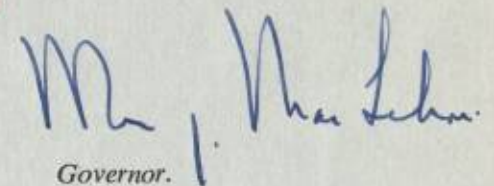
Limitation
on review
of sentence
by Full
Court under
section 81B.
(Cap. 227.)

HONG KONG

No. 19 OF 1972



I assent.


Governor.

13th April, 1972.

An Ordinance to amend the Drug Addicts Treatment and Rehabilitation Ordinance.

[]

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

1. This Ordinance may be cited as the Drug Addicts Treatment and Rehabilitation (Amendment) Ordinance 1972 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 2 of the principal Ordinance is amended by deleting the full stop at the end of the definition of "visitor" and substituting a semicolon and by adding after the definition of "visitor" the following definition—

Amendment of section 2. (Cap. 326.)

“ “young person” means a person who has not attained the age of nineteen years.”.

Amendment of
section 7.

3. Section 7 of the principal Ordinance is amended—
- (a) in subsection (1)—
- (i) by deleting “person under the age of sixteen years” and substituting the following—
“young person”; and
- (ii) by inserting after “, and if he” the following—
“, or in the case of a young person, his parent or guardian on his behalf.”;
- (b) in subsection (2)—
- (i) by inserting after “six months” in sub-paragraph (i) of paragraph (a) the following—
“or, in the case of a young person, twelve months”;
and
- (ii) by inserting after “person” in sub-paragraph (iv) of paragraph (a) the following—
“and at such times”; and
- (iii) by inserting after “not exceeding six months” in paragraph (b) the following—
“or, in the case of a young person, for a period not exceeding twelve months”.

Amendment of
section 8.

4. Section 8 of the principal Ordinance is amended by inserting after “six months” the following—
“or, in the case of a patient who is a young person, for the remainder of the period of twelve months”.

Amendment of
section 10.

5. Section 10 of the principal Ordinance is amended—
- (a) by inserting after “six months” the following—
“or, in the case of a young person, twelve months”;
and
- (b) by deleting “twenty-eight” and substituting the following—
“ninety”.

Amendment of
section 13.

6. Section 13 of the principal Ordinance is amended—
- (a) in subsection (2) by deleting “under the age of sixteen years” and substituting the following—
“who is a young person”;
- (b) in subsection (3) by deleting “under the age of sixteen years” and substituting the following—
“who is a young person”; and

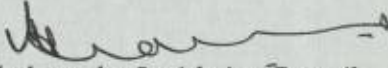
- (c) in subsection (4) by deleting “twenty-eight” wherever it occurs and substituting the following—
“ninety”.

7. Section 16 of the principal Ordinance is amended in subsection (1) by deleting “If any patient, or in the case of a patient under the age of sixteen years his parent or guardian, is aggrieved by his detention or the detention of the patient, as the case may be, in a centre in accordance with the provisions of this Ordinance, the patient or his parent or guardian” and substituting the following—


Amendment of
section 16.

“If a patient, or in the case of a patient who is a young person his parent or guardian, is aggrieved by his detention or the detention of the young person, as the case may be, in a centre in accordance with the provisions of this Ordinance, the patient or the parent or guardian of the patient who is a young person”.

Passed by the Hong Kong Legislative Council this 12th day of April, 1972.


Clerk to the Legislative Council.

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


Clerk to the Legislative Council.

HONG KONG

No. 20 OF 1972



I assent.

Michael M. S. Leung
Governor.

27th April, 1972.

An Ordinance to amend and consolidate the law relating to oaths and declarations, to make provision for matters connected therewith, and to exercise the power conferred by section 2 of the Colonial Affidavits Act 1859.

[28th April, 1972.]

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

PART I

PRELIMINARY

1. This Ordinance may be cited as the Oaths and Declarations Ordinance 1972. Short title.
2. In this Ordinance, unless the context otherwise requires—
“commissioner” means a commissioner for oaths duly appointed by the Chief Justice under any enactment in force in Hong Kong; Interpretation.
“notary” means a notary public duly registered by the Registrar of the Supreme Court under section 40 of the Legal Practitioners Ordinance; (Cap. 159.)

"person acting judicially" means a tribunal, commission or other person having by law power to receive evidence on oath.

PART II

OATHS AND DECLARATIONS IN GENERAL

3. A court and a person acting judicially may administer an oath to a witness who is lawfully called or voluntarily comes before it or him.

4. (1) The Legislative Council and any committee thereof may administer an oath to a witness examined before the Council or committee, and for that purpose shall have the same powers, rights and privileges as are possessed or exercisable by the House of Commons of the United Kingdom or any committee for enforcing the attendance of witnesses and punishing persons guilty of contempt.

(2) An oath may be administered by the presiding member of the Council or any committee thereof.

5. (1) An oath may be administered and taken in the following form and manner—

The person taking the oath shall hold the New Testament, or, in the case of a Jew, the Old Testament, in his uplifted hand, and shall say or repeat after the officer administering the oath the words "I swear by Almighty God that _____", or "本人謹對全能上帝(天主)宣誓, _____", followed by the words of the oath prescribed by law.

(2) The officer shall, unless the person about to take the oath objects thereto, or is physically incapable of so taking the oath, administer the oath in the form and manner aforesaid:

Provided that, in the case of a person who is neither a Christian nor a Jew, the oath may be administered in any manner which is appropriate to his religious belief.

(3) In this section, "officer" means a person authorized to administer an oath.

6. If an oath has been duly administered and taken, the fact that the person to whom the oath was administered had, at the time of taking the oath, no religious belief, shall not for any purpose affect the validity of the oath.

7. (1) A person, upon objecting to being sworn, shall be permitted to make his affirmation instead of taking an oath for any purpose for which an oath is required by law.

Who may administer oaths.

Inf. 1851 c. 99, s. 16.]

Powers of Legislative Council as to examination of witness.

Inf. 1871 c. 83, s. 1.]

Normal manner of administration of oaths.

Inf. 1909 c. 39, ss. 2, 3.]

Validity of oath not affected by absence of religious belief.

1888 c. 46, s. 3.

Affirmation in lieu of oath.

Inf. 1888 c. 46, s. 1.]

(2) A person who is neither a Christian nor a Jew shall be permitted to make his affirmation instead of taking an oath for any purpose for which an oath is required by law.

(3) An affirmation shall commence—

Inf. 1888 c. 46, s. 2.]

(a) "I, _____, solemnly, sincerely, and truly declare and affirm", or

(b) "本人, _____, 謹以至誠, 據實聲明及確認",

and then proceed with the words of the oath prescribed by law, omitting any words of imprecation or calling to witness.

(4) An affirmation in writing shall commence—

Inf. 1888 c. 46, s. 4.]

(a) "I, _____, of _____, solemnly and sincerely affirm", or

(b) "本人, _____, 現居於 _____, 謹以至誠確認",

and end—

(i) "Affirmed at _____ this _____ day of _____ 19 _____, Before me _____",

or
(ii) "此項確認係於一九 _____ 年 _____ 月 _____ 日在 _____, 及在本人面前提出, _____".

(5) An affirmation shall be of the same force and effect as an oath in the usual form.

(6) Subsections (1), (3) and (4) shall apply in relation to a person to whom it is not reasonably practicable without inconvenience or delay to administer an oath in the manner appropriate to his religious belief as it applies in relation to a person objecting to being sworn.

Inf. 1961 c. 21, s. 1.]

(7) A person who may be permitted under this section to make his affirmation may also be required to do so.

Inf. 1961 c. 21, s. 1.]

8. If a person taking an oath or making an affirmation is unfamiliar with the English language the oath or affirmation shall be interpreted to him by a sworn interpreter.

Interpretations of oaths and affirmations.

9. (1) No person shall administer or receive an oath, affidavit or affirmation relating to any matter or thing in respect of which that person has no jurisdiction by some enactment.

Unlawful administration of oaths.
Inf. 1835 c. 62, s. 13.]

(2) Any person who wilfully contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

(3) Nothing in this section shall extend to an oath, affidavit or affirmation before a justice—

(a) relating to the maintenance of public order, or the prosecution, trial, or punishment of offences; or

- (b) relating to any proceedings before the Legislative Council or before any committee thereof; or
- (c) for the purpose of legal proceedings in any foreign country; or
- (d) required by the law of any foreign country to give validity to any document designed to be used in that country.

(4) Nothing in this section shall extend to an oath, affidavit or affirmation before a notary required by the law of any foreign country to give validity to any document designed to be used in that country.

10. An oath, affidavit, affirmation and notarial act administered, sworn, affirmed, or done under section 6 of the Commissioners for Oaths Acts 1889 and 1891 shall be as effectual as if duly administered, sworn, affirmed, or done by or before any lawful authority in Hong Kong.

11. A person appointed by a court or other judicial authority of a foreign country shall have power in Hong Kong to administer oaths or take affidavits for the purpose of taking evidence for use in proceedings, not being criminal proceedings, carried on under the law of that country.

PAR III

STATUTORY DECLARATIONS

12. A justice, notary, commissioner or other person authorized by law to administer an oath may take and receive the declaration of any person made before him in the manner provided by section 14.

13. If by law a person is authorized or required to make a declaration or a statutory declaration, that declaration shall be made and signed in the manner provided by section 14.

14. (1) A declaration shall be in one of the forms set out in the First Schedule.

(2) If the declarant is unfamiliar with the English language, the declaration shall be in the form set out in Part II of the First Schedule and the interpreter shall first make a declaration or take an oath in the form set out in Part III of the First Schedule.

Admissibility of notarial acts done before British diplomatic and consular officers.
[cf. 1889 c. 10, s. 6(1).]
1891 c. 50, s. 2.]

Evidence for foreign civil proceedings.
[cf. 1963 c. 27, s. 1.]

Taking and receiving declarations.
[cf. 1835 c. 62, s. 18.]

Manner of making declarations.
[cf. 1835 c. 62, s. 20.]

Form of declaration.
First Schedule.
[cf. 1835 c. 62, s. 18.]

15. An attesting witness to the execution of a will, deed or document, and any other competent person, may verify and prove the signing, sealing, publication or delivery of the will, deed or document by a declaration made in the manner provided by section 14.

Declaration in writing sufficient to prove execution of will etc.
[cf. 1835 c. 62, s. 16.]

PART IV

PROMISSORY OATHS

16. The Oaths referred to in this Ordinance as—

- (a) the Oath of Allegiance;
- (b) the Judicial Oath;
- (c) the Oath of Fidelity;
- (d) the Official Oath; and
- (e) the Oath of Secrecy,

Forms of Oaths.
[cf. 1868 c. 72, ss. 2, 3, 4.]

shall be in the respective forms set out in Parts I to V of the Second Schedule.

Second Schedule.

17. Each of the judicial officers specified in the Third Schedule shall take the Oath of Allegiance and the Judicial Oath, which shall be tendered in the manner specified in that Schedule as soon as possible after his appointment.

Oaths of judicial officers.
Third Schedule.
[cf. 1868 c. 72, s. 6.]

18. (1) A member of the Executive Council shall take the Oath of Allegiance and the Oath of Fidelity as soon as possible after his appointment.

Oaths of Executive Councillors.
[cf. 1868 c. 72, s. 5.]

(2) An *ex officio* member of the Executive Council shall also take the Official Oath as soon as possible after his appointment.

(3) The Oaths taken by members of the Executive Council shall be tendered by the Governor, or other member presiding.

19. A member of the Legislative Council shall, as soon as possible after his appointment, take the Oath of Allegiance, which shall be tendered by the Governor, or other member presiding.

Oath of Legislative Councillors.

20. The Clerk of Councils and the Deputy Clerk of Councils shall, as soon as possible after appointment, each take the Oath of Allegiance and the Oath of Secrecy, which shall be tendered by the Colonial Secretary.

Oaths of Clerk and Deputy Clerk of Councils.

21. Any person who declines or neglects to take an oath duly tendered which he is required to take by this Part, shall—

Consequence of non-compliance.
[cf. 1868 c. 72, s. 7.]

- (a) if he has already entered on his office, vacate it, and

(b) if he has not entered on his office, be disqualified from entering on it.

When Oaths need not be repeated.
Third Schedule.
1cf. 1868 c. 72, s. 7.]

22. (1) No judicial officer specified in the Third Schedule shall be required to take the Oath of Allegiance or the Judicial Oath, if he has taken it upon previous appointment to the same office.

(2) No member of the Executive Council or the Legislative Council shall be required to take the Oath of Allegiance, if he has taken it upon previous appointment to either Council.

(3) No member of the Executive Council shall be required to take—

(a) the Oath of Fidelity, if he has taken it upon previous appointment to the Council; or

(b) the Official Oath, being an *ex officio* member, if he has taken it upon previous appointment to the same office.

(4) Neither the Clerk of Councils nor the Deputy Clerk of Councils shall be required to take the Oath of Allegiance or the Oath of Secrecy, if he has taken it upon previous appointment to either office.

PART V

GENERAL

Use of English or Chinese.

23. An oath, affidavit, affirmation or declaration may be administered, sworn, affirmed, declared, made, taken or received either in English or in Chinese at the option of the witness, deponent, affirmant, declarant or the person taking an oath.

Repeal and amendment.
(Cap. 8.)

24. (1) Section 21 and Part V of the Evidence Ordinance are repealed.

(Cap. 11.)
(Cap. 90.)

(2) The Statutory Declarations Ordinance and the Promissory Oaths Ordinance are repealed.

(1835 c. 62.)

(3) Sections 15 and 17 of the Statutory Declarations Act 1835 are repealed.

Fourth Schedule.

(4) The Ordinances specified in the Fourth Schedule are amended in the manner specified therein.

FIRST SCHEDULE

PART I

[s. 14.]

Declaration

I, A.B., of _____, solemnly and sincerely declare that [Insert facts.]

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance 1972.

(Signed) A.B.

Declared at _____ in the Colony of Hong Kong
this _____ day of _____ 19 _____

Before me,

[Signature and designation, *i.e.*, Justice of the Peace/Notary Public/Commissioner for Oaths.]

OR

聲明

本人，某甲，現居於 _____，
謹以至誠聲明：（填寫所聲明之事實。）

本人謹根據一九七二年宣誓及聲明條例衷誠提出此項聲明，並確信其為真實無訛。

（簽署）某甲

此項聲明係於一九 _____ 年 _____ 月 _____ 日在香港 _____，
及在本人面前提出。

（簽署及叙明簽署人之身份，即：
太平紳士／公證人／監督官。）

PART II

[s. 14.]

Declaration by person who is unfamiliar with the English language

I, A.B., of _____, solemnly and sincerely declare that [Insert facts.]

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Ordinance 1972.

(Signed) A.B.

Declared at _____ in the Colony of Hong Kong
this _____ day of _____ 19____, through the interpretation of
[Insert name of interpreter] of [Insert address and occupation], the said
interpreter having been also first declared [or sworn, as the case may be]
that he had truly, distinctly, and audibly interpreted the contents of this
document to the declarant, and that he would truly and faithfully interpret
the declaration about to be administered to him.

Before me,

[Signature and designation, *i.e.*, Justice
of the Peace/Notary Public/Commis-
sioner for Oaths.]

PART III [s. 14.]

Declaration or oath by interpreter

I, C.D., of _____, solemnly and sincerely
declare* that I well understand the English and [state foreign language]
languages and that I have truly, distinctly, and audibly interpreted the
contents of this document to the declarant [Insert name], and that I will
truly and faithfully interpret the declaration about to be administered
to him.

*In case of an oath
substitute "swear"
for "solemnly and
sincerely declare".

(Signed) C.D.

Interpreter.

Declared at _____ in the Colony of Hong Kong
this _____ day of _____ 19____.

Before me,

[Signature and designation, *i.e.*, Justice
of the Peace/Notary Public/Commis-
sioner for Oaths.]

SECOND SCHEDULE

PART I

Oath of Allegiance [ss. 16, 17, 18,
19, 20.]

I, _____, swear that I will be faithful and
bear true allegiance to Her Majesty Queen Elizabeth the Second, Her
Heirs and Successors, according to law. So help me God.

OR

效忠宣誓

本人, _____, 謹遵法律宣誓: 本人必竭誠向女皇伊利沙伯二世
陛下及其繼位人效忠, 此誓。

PART II [ss. 16, 17.]

Judicial Oath

I, _____, swear that I will well and truly
serve Our Sovereign Lady Queen Elizabeth the Second in the office
of _____, and I will do right to all manner of
people after the laws and usages of this Colony, without fear or favour,
affection or ill will. So help me God.

OR

司法宣誓

本人, _____, 謹此宣誓: 本人奉委為
並為女皇伊利沙伯二世陛下效力, 當必盡忠職守, 努力服務, 並遵行香港法律與習
俗, 以不懼、不偏、無私、無欺之精神, 為全體民衆主持正義, 此誓。

PART III [ss. 16, 18.]

Oath of Fidelity

I, _____, being chosen and admitted of Her
Majesty's Executive Council in this Colony, swear that I will, to the best
of my judgment, at all times when thereto required, freely give my counsel
and advice to the Governor for the good management of the public
affairs of this Colony; that I will not, except with the authority of the
Governor, directly or indirectly reveal the business or proceedings of the
Executive Council or the nature or contents of any document com-
municated to me as a Member of the Council or any matter coming to
my knowledge in my capacity as a Member of the Council, and that
in all things I will be a true and faithful Councillor. So help me God.

OR

盡職宣誓

本人, _____, 奉委為女皇陛下在香港所設行政局之議員, 謹此
宣誓: 本人當必隨時依照所需, 及根據本人之判斷, 盡將本人之意見與建議, 向總
督提出, 務求香港之公眾事務, 均有良好之管理; 又本人除獲得總督之授權外, 決
不直接或間接將行政局之事務或議程, 或將本人以該局議員身份而接獲之任何文
件, 或獲知之任何事情等之性質或內容, 加以洩露, 並在一切事務而言, 本人自當
盡職為一真實忠誠之議員, 此誓。

PART IV [ss. 16, 18.]

Official Oath

I, _____, swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of _____ . So help me God.

OR

受任宣誓

本人， _____，謹此宣誓：本人奉委為 _____，並為女皇伊利沙伯二世陛下效力，當必盡忠職守，努力服務，此誓。

PART V [ss. 16, 20.]

Oath of Secrecy

I, _____, having been appointed Clerk of Councils (or Deputy Clerk of Councils) in the Colony, swear that I will not, except with the authority of the Governor, directly or indirectly reveal the business or proceedings of the Executive Council or the nature or contents of any document communicated to me as Clerk of Councils (or Deputy Clerk of Councils) or any matter coming to my knowledge in my capacity as Clerk of Councils (or Deputy Clerk of Councils). So help me God.

OR

保密宣誓

本人， _____，奉委為香港行政立法兩局秘書（或兩局副秘書），謹此宣誓：本人除獲得總督之授權外，決不直接或間接將行政局之事務或議程，或將本人以行政立法兩局秘書（或兩局副秘書）身份而接獲之任何文件，或獲知之任何事情等之性質或內容加以洩露，此誓。

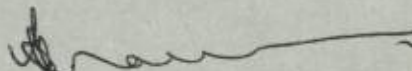
THIRD SCHEDULE [s. 17.]

Judge of the Supreme Court (other than a Commissioner thereof appointed under section 13A(1) of the Supreme Court Ordinance)	The Oaths to be tendered by the Governor.
Commissioner of the Supreme Court	The Oaths to be tendered by a Judge.
District Judge	The Oaths to be tendered by a Judge.
Magistrate	
Justice of the Peace	The Oaths to be tendered by a Magistrate.

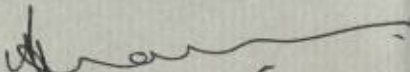
FOURTH SCHEDULE [s. 23.]

Interpretation and General Clauses Ordinance.	Section 3 is amended by deleting paragraph (a) in the definition of "statutory declaration" and substituting the following— “(a) in Hong Kong, means a declaration under the repealed Statutory Declarations Ordinance or the Oaths and Declarations Ordinance 1972;”.	(Cap. 1.)
Supreme Court Ordinance.	Section 12(3) is amended by deleting "section 2 of the Promissory Oaths Ordinance" in the proviso and substituting the following— "section 17 of the Oaths and Declarations Ordinance 1972".	(Cap. 4.)
District Court Ordinance.	Section 4(3) is amended by deleting "section 2 of the Promissory Oaths Ordinance" in the proviso and substituting the following— "section 17 of the Oaths and Declarations Ordinance 1972".	(Cap. 5.)
Cremation Ordinance.	Section 7(1) is amended by deleting "Statutory Declarations Ordinance;" in paragraph (d) and substituting the following— "Oaths and Declarations Ordinance 1972;”.	(Cap. 133.)
Magistrates Ordinance.	Section 5(6) is amended by deleting "section 2 of the Promissory Oaths Ordinance" in the proviso and substituting the following— "section 17 of the Oaths and Declarations Ordinance 1972".	(Cap. 227.)
Motor Vehicles Insurance (Third Party Risks) Ordinance.	Section 2 is amended by deleting the definition of "statutory declaration".	(Cap. 272.)

Passed by the Hong Kong Legislative Council this 26th day of April, 1972.


Clerk to the Legislative Council.

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

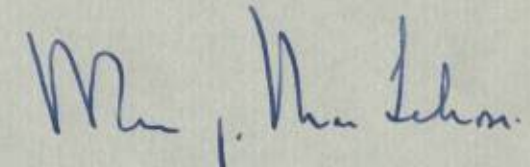

Clerk to the Legislative Council.

HONG KONG

No. 21 OF 1972



I assent.


Governor.

27th April, 1972.

An Ordinance to amend the Estate Duty Ordinance.

[]

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

1. This Ordinance may be cited as the Estate Duty (Amendment) Ordinance 1972 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 3 of the principal Ordinance is amended in subsection (1) by deleting the following from the definition of "Commissioner"—

Amendment of section 3. (Cap. 111.)

“, and includes any person appointed by the Governor to be deputy Commissioner of estate duty”.

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

Addition of section 3A.

“Exercise of powers and duties.

3A. (1) Where under this Ordinance any power is conferred or any duty is imposed on the Commissioner and it is not provided that the power or duty

shall be exercised or performed by the Commissioner personally, such power may be exercised or such duty may be performed by a deputy commissioner of estate duty or an assistant commissioner of estate duty.

(2) Except where this Ordinance provides that a power or duty shall be exercised or performed by the Commissioner personally, the Commissioner may, subject to such limitations as he may think fit, authorize in writing any public officer to exercise any power or perform any duty conferred or imposed upon him by this Ordinance.”

Amendment of section 14.

4. Section 14 of the principal Ordinance is amended in subsection (6) by deleting “Every” and substituting the following—
“Subject to section 14A, every”.

Addition of section 14A.

5. The principal Ordinance is amended by adding after section 14 the following new section—

“Exemption of executors of small estates.

14A. (1) If the Commissioner is satisfied—

- (a) that an executor has, to the best of his knowledge and belief, disclosed in such manner as the Commissioner may determine—
(i) all of the property belonging to a deceased; and
(ii) all of the property held by the deceased as trustee for another person;
(b) that the principal value of the property belonging to the deceased does not exceed one hundred thousand dollars; and
(c) that no estate duty is payable on the death of the deceased,

the commissioner may, subject to any conditions which he may specify, exempt the executor from subsection (6) of section 14.

(2) Where the Commissioner exempts any executor under subsection (1) he shall issue to the executor a certificate of exemption in such form as he may determine.

(3) If, at any time after he has issued to an executor a certificate of exemption under subsection

(2), the Commissioner has reasonable grounds for believing—

- (a) that the principal value of the property belonging to the deceased exceeds one hundred thousand dollars; or
(b) that estate duty is payable on the death of the deceased,

the Commissioner may withdraw the exemption granted to the executor under subsection (1) and cancel the certificate of exemption, whereupon this Ordinance shall apply as if the exemption had not been granted.”

6. Section 23 of the principal Ordinance is amended by inserting after subsection (2) the following subsection—

Amendment of section 23.

“(3) Where the Commissioner has granted exemption to an executor under subsection (1) of section 14A—

- (a) there shall be annexed to the probate or letters of administration the certificate of exemption issued to the executor under subsection (2) of section 14A; and
(b) the penalties referred to in subsection (1) of this section shall apply to any person who, without lawful authority or reasonable excuse, in any way deals with any property—
(i) belonging to a deceased; or
(ii) held by a deceased in trust for another person, which was not disclosed to the Commissioner under subsection (1) of section 14A.”

7. Section 24 of the principal Ordinance is amended—

Amendment of section 24.

- (a) in subsection (1), by deleting “Every” and substituting the following—
“Subject to subsection (3A), every”;
(b) in subsection (2), by deleting “Every” and substituting the following—
“Subject to subsection (3A), every”;
(c) in subsection (3), by deleting “Every” and substituting the following—
“Subject to subsection (3A), every”; and