

Addition of
new section
52.

3. The principal Ordinance is amended by the addition, after section 51, of the following new section—

"Power of
Governor to
increase or
reduce.

52. (1) The Governor, in his absolute discretion, may, after having acted in pursuance of the provisions of sections 24 or 37, increase or reduce any area of Crown land set aside for the stated purposes.

(2) A notification of any increase or reduction shall be given in the *Gazette* by reference to a new map or plan or to an amendment of the map or plan held in the relevant office, whichever is more convenient, which new map or plan or amendment shall be signed by the Director of Public Works and deposited in the appropriate office as provided in subsection (2) of section 24 and subsection (2) of section 37."

Passed the Legislative Council of Hong Kong, this 22nd day of April, 1959.

Deputy Clerk of Councils.

(Secretariat CR3/4802/53)

HONG KONG

No. 11 OF 1959.

I assent.

Governor.

23rd April, 1959.

An Ordinance to validate undertakings for reclamation and other works over and upon unleased Crown foreshore and sea bed situate at Chai Wan, Kwun Tong Bay, Cheung Sha Wan and Tsuen Wan, and make provision for any claims for compensation arising either out of such works or out of works previously validated.

[24th April, 1959.]

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 Public Reclamations and Works (Chai Wan, Kwun Tong Bay, Cheung Sha Wan and Tsuen Wan) Ordinance, 1959.

Short title.

2. (1) All public and private rights of navigation or fishing and all public and private rights of access, user, possession or occupation and all other public or private rights (if any) in, upon and over the Crown foreshore, sea bed and land occupied by the undertakings (in progress) set out in the Schedule, and existing prior to the commencement of such undertakings shall be deemed to have been extinguished

Validation
of under-
taking and
extinguish-
ment of
rights.
Schedule.

and to have ceased to exist on such commencement; and such undertakings are validated for all purposes notwithstanding that such works may have been undertaken or commenced without regard to such rights (if any) and without the authority of any enactment extinguishing such rights.

(2) Save as is provided by this Ordinance, no claim shall at any time be made or action brought or continued in respect of the extinguishment under this section in whole or in part of any public or private right or the injurious affection of any land or other property resulting therefrom.

Claims for
compensation.

(16 of 1956).

3. (1) Any person having a claim of private right in respect of the undertakings validated under section 2, or in respect of the undertakings validated under section 2 of the Public Reclamations and Works (Chai Wan, Kun Tong Bay and Cheung Sha Wan) Ordinance, 1956, may within two months of the coming into operation of this Ordinance submit a claim for compensation in respect of the extinguishment of such private right.

(27 of 1956).

(2) The provisions of the Public Reclamations and Works Ordinance, 1956, shall apply in respect of such claims for compensation.

SCHEDULE.

Undertakings validated under section 2.

(a) A reclamation in Chai Wan of approximately 17 acres of Crown foreshore and sea bed bounded to the south by the high water mark of the Bay and to the north by a sea wall of approximately 1,800 feet in length in which there is an opening of 100 feet giving access to an anchorage of approximately 4½ acres enclosed by the sea wall and reclamation. The limits and extent of such reclamation are shown and delineated in red on a plan numbered P.1693A signed by the Director of Public Works and deposited in the Land Office.

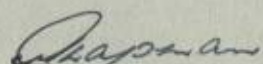
(b) A reclamation in Kwun Tong Bay of approximately 41.3 acres of Crown foreshore and sea bed bounded to the north by the existing reclamation, to the east by the nullah wall adjoining New Kowloon Inland Lot 3503, and to the south and westwards by a sea wall running in a westerly direction from the southern end of the nullah wall for approximately 1,300 feet and thence by a line in a north westerly direction for approximately 1,150 feet to join the existing reclamation. The limits and extent of such reclamation are shown and delineated in red on a plan numbered P.1694/Z signed by the Director of Public Works and deposited in the Land Office.

(c) Two reclamations at Cheung Sha Wan with a combined area of approximately 13.6 acres of Crown foreshore and sea bed, both reclamations being within the area whose reclamation was provisionally authorized by Ordinance No. 16 of 1956; the limits and extent of such reclamations being marked "C" and "D" respectively and delineated in red on a plan numbered P.2137 signed by the Director of Public Works and deposited in the Land Office.

(d) The enclosure at Tsuen Wan of approximately 137 acres of Crown foreshore and sea bed by a sea wall running in a north westerly direction from the northern corner of Tsuen Wan Inland Lot No. 25 for approximately 3,090 feet, and by a nullah wall running from there in a north easterly direction for approximately 1,680 feet to join the existing bridge on the Castle Peak Road.

The limits and extent of such nullah wall and sea wall are shown and delineated in red on the plan numbered P.1696, signed by the Director of Public Works and deposited in the Land Office.

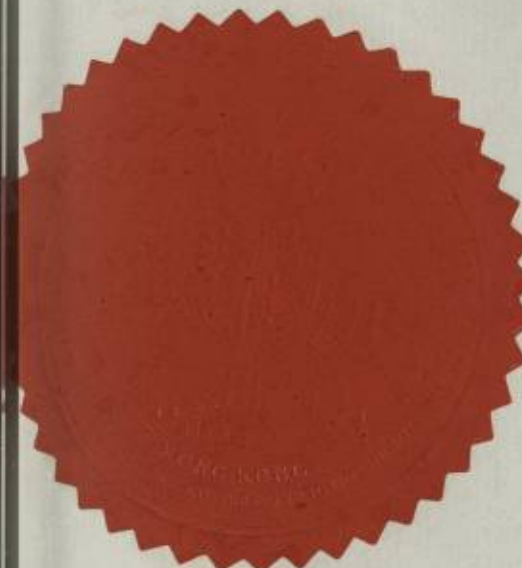
Passed the Legislative Council of Hong Kong, this 22nd day of April, 1959.


Deputy Clerk of Councils.

(Secretariat BL1/3151/53)

HONG KONG

No. 12 OF 1959.



I assent.

Governor.

7th May, 1959.

An Ordinance to remove doubt concerning the validity of the Vehicle and Road Traffic (Parking and Waiting) Regulations, 1958.

[8th May, 1959.]

WHEREAS the Vehicle and Road Traffic (Parking and Waiting) Regulations, 1958, are expressed to be made in exercise of the powers conferred by section 5 of the Road Traffic Ordinance, 1957: Preamble.

AND WHEREAS the said regulations should have been expressed to be made in exercise of the powers conferred by section 3 of the said Ordinance:

AND WHEREAS doubt has arisen as to the effect of this error on the validity of the said regulations:

AND WHEREAS it is desirable to remove such doubt:

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 Vehicle and Road Traffic (Parking and Waiting) Regulations, 1958, Validation Ordinance, 1959. Short title.

Validation,
(G.N.A.
77/58).

2. For the removal of doubt, it is hereby declared that the Vehicle and Road Traffic (Parking and Waiting) Regulations, 1958, shall have, and shall be deemed, as from the date of their enactment, to have had, the same force and effect as if they had been expressed to be made in exercise of the powers conferred by section 3 of the Road Traffic Ordinance, 1957.

(39 of 1957).

Passed the Legislative Council of Hong Kong, this 6th day of May, 1959.

(Secretariat GR2781/57)

Deputy Clerk of Councils.

HONG KONG

No. 13 OF 1959.

I assent.

Governor.

7th May, 1959.

An Ordinance to amend the Holidays Ordinance, Chapter 149.

[8th May, 1959.]

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 Holidays (Amendment) Ordinance, 1959.

2. The definition "school holiday" in section 2 of the Holidays Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of the date "1913" and the substitution therefor of the following—

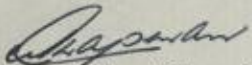
"1952".

3. Section 4 of the principal Ordinance is amended by the deletion of the word "Empire" and the substitution therefor of the following—

"Commonwealth".

Passed the Legislative Council of Hong Kong, this 6th day of May, 1959.

(Secretariat GR9/761/46)

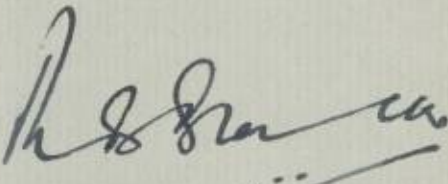

Deputy Clerk of Councils.



HONG KONG

No. 14 OF 1959.

I assent.


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Governor.

7th May, 1959.

An Ordinance to amend the Pearl Culture (Control) Ordinance, 1958.

[]

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 Pearl Culture (Control) (Amendment) Ordinance, 1959, and shall come into operation on the same day as the Pearl Culture (Control) Ordinance, 1958 (hereinafter referred to as the principal Ordinance).

Short title
and commen-
cement.
(26 of 1958).

2. Section 2 of the principal Ordinance is amended by the deletion of the definition "pearl oyster" and the substitution therefor of the following—

Amendment
of section 2.

"“pearl oyster” means an oyster of the genus *Pteria* commonly known as “Penguin” or “Wing” and an oyster of the genus *Pinctada* and any other genus or species of oyster which the Director declares by notice in the *Gazette* to be a genus or species of pearl oyster;”.

Amendment
of section 9.

3. Section 9 of the principal Ordinance is amended by—

- (a) the deletion of subsection (1) and the substitution therefor of the following—

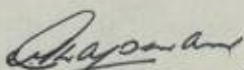
“(1) No person shall collect, sell or have in his possession or be a party to the collection or sale, of any pearl oyster:

Provided that nothing in this subsection shall apply to—

- (a) any oyster of the genus *Pteria* which measures sixty-five millimeters or more when measured through a plane drawn at right angles to the hinge;
 - (b) an oyster of the genus *Pinctada* where a person is in possession of a licence granted under section 6;
 - (c) the collection or sale of pearl oysters of any size which have been cultivated under a licence granted under section 6.”; and
- (b) the addition after subsection (2) of the following new subsection—

“(3) It shall be a defence to any proceedings for an offence against subsection (2) to prove that the pearl oysters in relation to which those proceedings are brought were not found within the waters of the Colony.”.

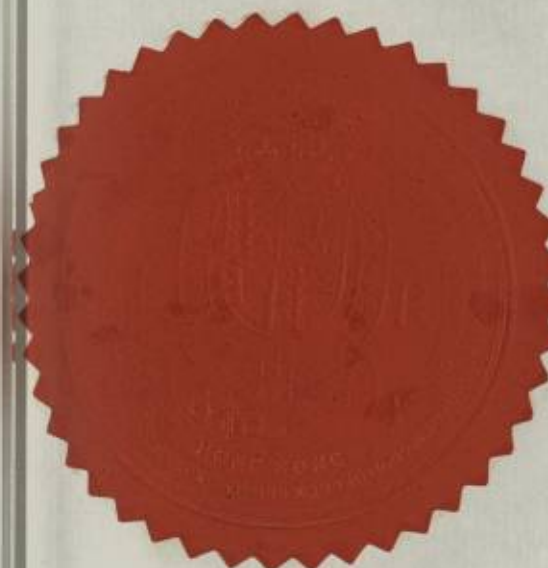
Passed the Legislative Council of Hong Kong, this 6th day of May, 1959.


Deputy Clerk of Councils.

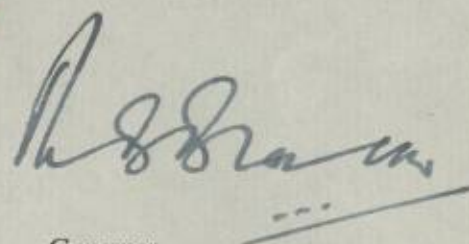
(Secretariat CR5/2586/56)

HONG KONG

No. 15 of 1959.



I assent.



Governor.

21st May, 1959.

An Ordinance to amend the Societies Ordinance, Chapter 151.

[22nd May, 1959.]

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

1. This Ordinance may be cited as the Societies (Amendment) Ordinance, 1959.

2. The Societies Ordinance is amended by the addition after section 24 of the following new section—

“Power of Registrar to authorize winding up.

24A. (1) Notwithstanding the rescission of the exemption from registration of a society under subsection (5) of section 5 or the cancellation of the registration of a society under subsection (6) of section 5 or the dissolution of a society under section 16, the Registrar or an assistant registrar, on the application of any person, may by writing

Addition
of new
section 24A.
(Cap. 151).

under his hand, authorize the doing of such things as he may consider necessary for the purpose of the winding up of the affairs of such society.

(2) The Registrar or an assistant registrar in such authorization may impose such terms and conditions as he may consider necessary.

(3) Any person who does any act in connexion with the winding up of any such society otherwise than in accordance with an authorization of the Registrar or an assistant registrar, or who contravenes any requirement, term or condition of any such authorization shall be guilty of an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for one year."

Passed the Legislative Council of Hong Kong, this 20th day of May, 1959.

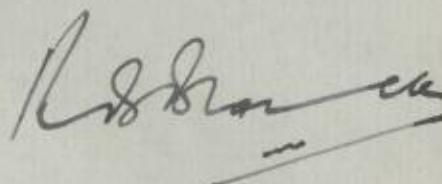

Deputy Clerk of Councils.

(Secretariat CR37/3231/47II)

HONG KONG

No. 16 OF 1959.

I assent.



Governor.

4th June, 1959.

An Ordinance to amend the Police Force Ordinance, Chapter 232.

[5th June, 1959.]

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 Police Force (Amendment) Ordinance, 1959.

2. The Police Force Ordinance is amended by the addition thereto, after section 58, of the following new section—

"Offence of making false report of commission of offence, etc.

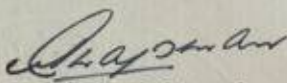
58A. Any person who knowingly—

- (a) makes or causes to be made to any police officer a false report of the commission of any offence; or
- (b) misleads any police officer by giving false information or by making false statements or accusations,

Addition of new section 58A.
(Cap. 232).

shall be guilty of an offence and shall be liable to a fine of one thousand dollars and to imprisonment for six months.”.

Passed the Legislative Council of Hong Kong, this 3rd day of June, 1959.


Deputy Clerk of Councils.

(Secretariat GR44/3231/50)

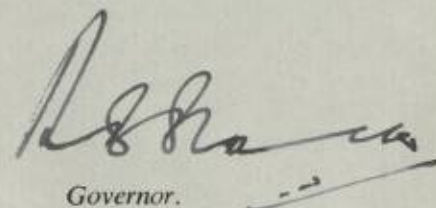


HONG KONG

No. 17 OF 1959.



I assent.


Governor.

4th June, 1959.

An Ordinance to amend the Fire Brigade Ordinance, 1954.

[5th June, 1959.]

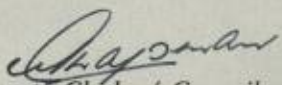
BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Fire Brigade (Amendment) Ordinance, 1959. Short title.

2. The Fire Brigade Ordinance, 1954, is amended by the addition thereto, after section 22, of the following new section— Addition of new section 22A. (32 of 1954).

"False alarms of fire. **22A.** Any person who knowingly gives or causes to be given a false alarm of fire to the fire brigade or to any member shall be guilty of an offence and shall be liable to a fine of one thousand dollars and to imprisonment for six months.”.

Passed the Legislative Council of Hong Kong, this 3rd day of June, 1959.


Deputy Clerk of Councils.

(Secretariat GR22/3231/52)



HONG KONG

No. 18 OF 1959.



I assent.

Governor.

4th June, 1959.

An Ordinance to amend the Dutiable Commodities Ordinance, Chapter 109.

[25th February, 1959.]

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 Dutiable Commodities (Amendment) Ordinance, 1959, and shall be deemed to have come into operation at 2 o'clock in the afternoon of the 25th day of February, 1959. Short title and commencement.
2. Section 3 of the Dutiable Commodities Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from subsection (1) of the comma and words “, proprietary medicines and toilet preparations”. Amendment of section 3. (Cap. 109).

3. Part VI of the principal Ordinance is repealed. Repeal of Part VI.

Passed the Legislative Council of Hong Kong, this 3rd day of June, 1959.

Deputy Clerk of Councils.

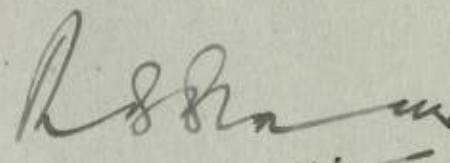
(Secretariat GR2517/45II)

HONG KONG

No. 19 OF 1959.



I assent.


Governor.

4th June, 1959.

An Ordinance to make provision for restricting pollution of the air and for matters connected therewith.

[]

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 Clean Air Ordinance, 1959, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.

2. In this Ordinance, unless the context otherwise requires—
“competent authority” means a competent authority appointed by the Governor in accordance with section 10;

Interpreta-
tion.

“dark smoke” means smoke which, if compared in the appropriate manner with a chart of the type known at the date of the enactment of this Ordinance as the Ringelmann Chart, would appear to be as dark as or darker than shade 2 on the chart;

“furnace” includes any kind of fireplace, grate or stove, whether open or closed;

"industrial plant" includes any still, melting pot or other plant used for industrial or trade purposes and also any incinerator used for or in connexion with any such purposes;

"oven" includes any form of retort or container used to subject solid fuel to any process involving the application of heat;

"premises" includes industrial plant;

"scheduled area" means any area declared by the Colonial Secretary to be a scheduled area under the provisions of this Ordinance;

"smoke" includes—

(a) noxious vapours, dust or fumes; and

(b) soot, ash, grit or gritty particles emitted in smoke or steam;

"smoke abatement officer" means an officer appointed by the Governor in accordance with section 10 to be a smoke abatement officer;

"smoke control area" means any area declared by the Colonial Secretary to be a smoke control area under the provisions of this Ordinance;

"smoke nuisance" means any emission of smoke which either alone or in conjunction with any other such emission is a nuisance to the inhabitants of the neighbourhood or imperils or is likely to imperil the safety of aircraft using or being about to use any airport within the Colony.

Application.

3. Nothing in this Ordinance shall apply to smoke emitted from any furnace used in any ship or vessel.

Notice to
abate smoke
nuisance.

4. (1) On any occasion when, in the opinion of a competent authority, a smoke nuisance exists or is imminent, the competent authority shall either personally or through a smoke abatement officer, as soon as practicable after he has become aware thereof, notify, either verbally or in writing, the existence or imminence, as the case may be, of the nuisance to the occupier of any premises in which any furnace, oven, chimney or industrial plant is, in his opinion, by the emission of smoke, causing or contributing to the existence or imminence of such nuisance.

(2) Such notification may require the occupier forthwith, or at some future time, and for so long as the notification specifies, or until it is withdrawn—

(a) to reduce to such extent as is specified in the notification the emission of smoke from such furnace, oven, chimney or industrial plant, as the case may be; or

(b) where such smoke nuisance imperils or is likely to imperil the safety of aircraft using or being about to use any airport within the Colony, to eliminate the emission of such smoke:

Provided that in any case to which paragraph (b) applies, the notification given under this section shall contain a declaration that it was given to preserve the safety of aircraft.

(3) If any notification under this section is given or withdrawn verbally, such notification or such withdrawal, as the case may be, shall be confirmed in writing so soon thereafter as circumstances permit:

Provided that nothing in this subsection shall be construed to sanction any failure or delay in compliance with any of the requirements of such verbal notification.

(4) In any case, except a case involving the safety of aircraft, in which a competent authority has reasonable grounds to believe that the existence or imminence of a smoke nuisance is due to the fact that any furnace, oven, chimney or industrial plant is creating a greater quantity of smoke than need be by reason of unsuitable design or defective construction or maintenance or excessive wear and tear, he shall instead of exercising his powers under this section exercise such powers under section 14 as may be appropriate to the circumstances of the case.

5. Where a notification given under section 4 contains a declaration that it is given to preserve the safety of aircraft, any person who considers himself aggrieved by any requirement of such notification, may within twenty-eight days after the notification is given, appeal by way of petition to the Governor or to the Governor in Council at the option of the appellant; and the Governor or the Governor in Council, as the case may be, whose decision shall be final, shall confirm, vary or annul such requirement:

Appeal to
Governor or
Governor in
Council
against certain
notifications.

Provided that notwithstanding any such appeal the requirements of the notification shall be complied with until either varied or annulled.

6. (1) Subject to the provisions of section 9, if any person to whom a notification under section 4 is given fails to comply with any of the requirements thereof he shall, in any case where such notification contains a declaration that it was given to preserve the safety of aircraft, be liable to a fine of ten thousand dollars and in any other case to a fine of two thousand dollars and in either case to a further fine of fifty dollars in respect of every one quarter of an hour during the whole or any part of which a smoke nuisance is knowingly or wilfully caused, continued or suffered by him.

Penalty for
failure to
abate smoke
nuisance.

(2) Notwithstanding any penalty incurred under subsection (1) any person who, being the occupier of premises not situate in a smoke control area, has been convicted on three separate occasions of offences under this section in relation to such premises, shall become liable to the restrictions provided for under section 8, subject to such modifications, exemptions or limitations as a competent authority may specify,

(34 of 1955).

in the same manner as if such premises were situated in a smoke control area; and, if such person is the occupier of a work place registered under section 7 of the Factories and Industrial Undertakings Ordinance, 1955, the registration thereof may be cancelled in the manner provided by subsection (3) of such section 7 of the Factories and Industrial Undertakings Ordinance, 1955.

Declaration of smoke control areas and scheduled areas.

7. (1) It shall be lawful for the Colonial Secretary by notification published in the *Gazette* to declare any area to be—

- (a) a smoke control area; or
- (b) a scheduled area,

under this Ordinance either unconditionally or subject to such conditions or exemptions as may be specified in such notification, and may in like manner amend, suspend or cancel any such declaration.

(2) Any person who objects to, or wishes to make recommendations relating to, any declaration, or to any amendment, suspension or cancellation thereof, made under subsection (1) may, within twenty-one days after the date of publication in the *Gazette* thereof, submit in writing addressed to the Colonial Secretary such objections or recommendations, as the case may be, together with the grounds therefor.

(3) The Governor in Council may, after considering any objections or recommendations made under subsection (2), modify or cancel the declaration either generally or in any particular case, by further notification to that effect published in the *Gazette*.

(4) Subject to any modification made under subsection (3), any declaration made under subsection (1) shall come into effect on the sixtieth day following the date of publication thereof in the *Gazette* or such later date as the Colonial Secretary or the Governor in Council, as the case may be, shall, by the same or some other notification in the *Gazette*, prescribe.

Restrictions applicable to furnace operators, etc. within a smoke control area.

8. Except in accordance with any condition or exemption made in his case by the Colonial Secretary or by the Governor in Council under section 7, an occupier of any premises which are situate in a smoke control area who—

- (a) installs or operates any furnace, oven or chimney which is not capable of being operated continuously without emitting smoke which if compared in the appropriate manner with a chart known at the date of the commencement of this Ordinance as the Ringelmann Chart would appear to be darker than shade 1 on the chart; or
- (b) operates any furnace, oven or chimney in such a manner that any dark smoke is emitted for more than six minutes in any period of four hours or for more than three minutes continuously at any one time,

shall be guilty of an offence and shall be liable to a fine of two thousand dollars and in addition shall be liable to a fine of fifty dollars for every quarter of an hour during the whole or any part of which such offence is knowingly and wilfully continued.

9. In any proceedings for an offence against section 6 or against paragraph (b) of section 8, except where a notification given under section 4 contains a declaration that it is given to preserve the safety of aircraft using or being about to use any airport within the Colony, it shall be a good defence to the occupier of—

Special defences in the case of smoke nuisances.

(a) any premises situate in a scheduled area to prove—

(i) that the furnace, oven, chimney or industrial plant in question complied with and was, at all material times, operated in accordance with the provisions of any regulation made under this Ordinance relating thereto; and

(ii) that such furnace, oven, chimney or industrial plant was, at all material times, maintained in good order and condition; and

(iii) that such furnace, oven, chimney or industrial plant was, at all material times, operated in such a manner as to produce the minimum quantity of smoke commensurate with the design thereof; and

(iv) that, in the case of a furnace, such furnace was, at all material times, supplied with fuel which was—

(I) not a prohibited fuel; and

(II) a fuel which, when burned in the furnace in question, produced the minimum quantity of smoke commensurate with the design of such furnace; or

(b) any premises situate otherwise than in a scheduled area to prove—

(i) in the case of a furnace, that the contravention complained of was solely due to the lighting up of such furnace which was cold and that all practicable steps had been taken to prevent or minimize the emission of dark smoke; or

(ii) in the case of a furnace, that the contravention complained of was solely due to the use of unsuitable fuel, that suitable fuel was unobtainable, that the least unsuitable fuel which was available was used and that all practicable steps had been taken to prevent or minimize the emission of dark smoke as the result of the use thereof; or

(iii) that the contravention complained of was solely due to failure of a furnace, oven, chimney or industrial plant or of apparatus used in connexion therewith and that that failure could not reasonably have been foreseen, or if foreseen, could

not reasonably have been provided against, and that the contravention could not reasonably have been prevented by action taken after the failure occurred; or

(iv) that the contravention complained of was due to the combination of two or more of the causes specified in sub-paragraphs (i) to (iii) and that the other conditions specified in those sub-paragraphs are satisfied in relation to those causes respectively.

Appointment of competent authorities and smoke abatement officers.

10. (1) For the purpose of carrying out the provisions of this Ordinance—

- (a) the Governor may appoint any public officer by name or office to be a competent authority; and
- (b) the Governor may appoint any public officer by name or office to be a smoke abatement officer.

(2) Any appointment made under this section shall be published in the *Gazette*.

Information about furnaces and fuel consumers.

11. (1) For the purpose of enabling a competent authority to perform his functions under this Ordinance, such competent authority may, by notice in writing served on the occupier of any premises, require such occupier to furnish within fourteen days or such longer period as may be specified in the notice, such information as to the furnaces, ovens, chimneys or industrial plant situate on such premises and the fuel or waste burned in any furnaces or subjected to any process in any ovens as he may reasonably require for that purpose.

(2) Any person who, having been duly served with a notice under this section, fails to comply with the requirements thereof within the time limited or who furnishes any information in reply thereto which he knows to be false in any material particular, or does not believe to be true, shall be guilty of an offence and shall be liable to a fine of one thousand dollars.

Powers of entry and inspection.

12. (1) For the purpose of ascertaining the source of any smoke nuisance or whether there is or has been on or in connexion with any premises any contravention of any of the provisions of this Ordinance, any competent authority or any smoke abatement officer may—

- (a) inspect any furnace, oven, chimney or industrial plant;
- (b) require the production of and inspect any records or documents (if any) relating to any furnace, oven, chimney or industrial plant, whether or not the same are required to be kept under this Ordinance; and
- (c) seize, carry away and detain any article or thing, or any records or documents which appear to him to provide evidence of any contravention of the provisions of this Ordinance.

(2) For the purposes of subsection (1), any competent authority or any smoke abatement officer may enter, if need be by force, any premises or place without warrant by day or by night, together with such assistants as he may consider necessary:

Provided that no part of any premises which are used solely for dwelling purposes shall be entered or searched under the provisions of this section except by virtue of a warrant issued by a magistrate, where such magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Ordinance, or any regulations made thereunder, has been, is being or is about to be committed in such part of the premises or that there is in such part of the premises anything likely to be or to contain evidence of such offence.

(3) Any person who resists or obstructs any competent authority or any smoke abatement officer or any assistant referred to in subsection (2) in the exercise of his duties under this section shall be guilty of an offence and shall be liable to a fine of five thousand dollars.

13. (1) For the purpose of encouraging reduction of smoke, a competent authority may give advice either generally in the form of codes or particularly in writing or orally to any person operating or maintaining any furnace, oven, chimney or industrial plant relating to the construction, maintenance or manner of using the same or as to fuel to be consumed therein.

Issue of codes and advice.

(2) Failure on the part of any person to observe the provisions of any such code or to accept any such advice shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings under this Ordinance be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

(3) Any code which may be issued in accordance with the provisions of subsection (1) shall be made available to the public free of charge.

14. (1) Where it appears to a competent authority that any furnace, oven, chimney or industrial plant is by reason of unsuitable design or defective construction or maintenance or excessive wear and tear or any other cause creating a greater quantity of smoke than need be, such competent authority may cause a notice to be served upon the occupier of the premises upon which such furnace, oven, chimney or industrial plant is situate—

Power to require modification or replacement or repair, etc. of furnaces, ovens, chimneys and industrial plants.

- (a) requiring him, within such time, not being less than twenty-eight days, as is specified in the notice, to modify, replace,

clean or repair such furnace, oven, chimney or industrial plant or to take such other steps as are specified in the notice to ensure the elimination of unnecessary smoke; or

- (b) prohibiting him from burning in such furnace or oven, after such time not being less than fourteen days, as is specified in the notice, such fuel or mixture of fuels as is specified in the notice.

(2) If any person fails to comply with any of the requirements of a notice duly served upon him under subsection (1), he shall be guilty of an offence and shall be liable to a fine of five thousand dollars, and a daily penalty of fifty dollars:

Provided that in the event of an appeal being made under subsection (3), no offence shall be deemed to have been committed until after such appeal be determined or abandoned.

(3) Any person who considers himself aggrieved by the service of a notice under subsection (1), may, within fourteen days after the service thereof, appeal to the Governor or the Governor in Council by way of petition, and the Governor or the Governor in Council, whose decision shall be final, shall confirm, vary or cancel such notice or extend the time for compliance with all or any of the requirements thereof.

Power of
Governor
in Council
to make
regulations.

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

- (a) methods to be used for the measurement of the density of smoke emitted from any furnace, oven, chimney or industrial plant for the purposes of any proceedings under this Ordinance;
- (b) the provision of apparatus for indicating the density of smoke emitted from any furnace, oven, chimney or industrial plant;
- (c) the modification or replacement of or prohibition of the use of any furnace, oven or chimney or any class thereof, either generally or in any particular case;
- (d) the prohibition of the installation of any furnace, oven or chimney after the coming into operation of this Ordinance without the approval of a competent authority;
- (e) the adoption of precautions against the emission of smoke from any furnace, oven, chimney or industrial plant, or any class thereof;
- (f) the employment of competent persons to be in charge of the operation of any furnace or oven or any class thereof;
- (g) the making of orders prohibiting the use of any particular fuel or class or mixture of fuels in any furnace or oven or any class thereof;

- (h) the keeping of records or statistics relating to the emission of smoke from any furnace, oven, chimney or industrial plant or the quantity or quality of smoke emitted by the burning of any particular types or qualities of fuel in any furnace or oven or any class thereof;

- (i) such other matters as the Governor in Council may consider necessary for the carrying out of the provisions of this Ordinance.

(2) Regulations made under this section may be of general application or limited to any particular area or district or to any particular furnace, oven, chimney or industrial plant or any class or type thereof.

(3) Regulations made under this section may provide that the contravention of any of the provisions thereof shall constitute an offence and may prescribe penalties therefor not exceeding a fine of five thousand dollars and in addition in the case of a continuing offence a daily penalty of a fine not exceeding fifty dollars.

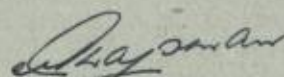
16. No matter or thing done by any public officer, *bona fide* for the purpose of giving effect to the provisions of this Ordinance or any regulations made thereunder, shall subject such officer personally to any action, liability, claim or demand whatsoever.

Protection
of public
officers.

17. The Air Navigation (Abatement of Smoke Nuisances) Ordinance, 1955, and paragraph (19) of section 17 of the Public Health (Sanitation) Ordinance, 1935, are repealed.

Repeals.
(11 of 1955).
(15 of 1935).

Passed the Legislative Council of Hong Kong, this 3rd day of June, 1959.

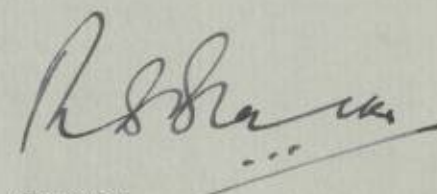
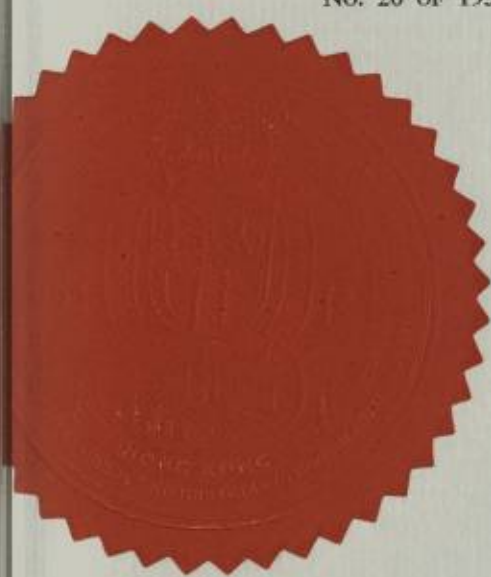

Deputy Clerk of Councils.

(Secretariat GR22/3231/56)

HONG KONG

No. 20 OF 1959.

I assent.



Governor.

9th July, 1959.

An Ordinance further to amend the Interpretation Ordinance, Chapter 1.

[10th July, 1959.]

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 Interpretation (Amendment) Ordinance, 1959. Short title.

2. Subsection (1) of section 3 of the Interpretation Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 3. (Cap. 1).

(a) by the deletion from the definition "Colonial Secretary" of the semicolon and the substitution therefor of the following—
"Principal Assistant Colonial Secretaries and Assistant Colonial Secretaries";

(b) by the deletion of the definition "imprisonment".

3. Section 8 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 8.

"Coming into operation of enactments and publishing in *Gazette*."

8. (1) Where an enactment is not expressed to come into operation on a particular day it shall come into operation immediately on the expiration of the day before the date of publication of the enactment in the *Gazette*.

(2) Where an enactment makes provision for the coming into operation thereof on a particular day, whether such day is named in the enactment or is to be appointed, fixed or ascertained in any other manner, such provision shall be construed as bringing the enactment into operation immediately on the expiration of the day before that particular day."

Amendment
of section 9.

4. Section 9 of the principal Ordinance is amended by the deletion of subsection (2) and the substitution therefor of the following—

"(2) Where any enactment repeals any former enactment and substitutes other provisions therefor or re-enacts such former enactment, with or without modification, the enactments and instruments made or prescribed by or under the earlier enactment shall, insofar as they are in force at the commencement of the enactment so repealing or re-enacting, and are not inconsistent therewith, have the like effect for all purposes as if they had been made or prescribed by or under the enactment so repealing or re-enacting."

Repeal and
replacement
of section 18.

5. Section 18 of the principal Ordinance is repealed and replaced by the following—

"Exercise
of powers
between
passing and
coming into
operation of
enactment.

18. Where an enactment which is not to come into operation immediately on the passing or making thereof confers power—

- (a) to make or issue any enactment;
- (b) to make appointments;
- (c) to hold elections;
- (d) to prescribe forms;
- (e) to make orders;
- (f) to give directions;
- (g) to issue proclamations;
- (h) to issue schemes;
- (i) to give notices; or
- (j) to do any other act or thing whatsoever,

such power may be exercised, for the purpose of making the enactment effective upon its coming into operation, at any time after the enactment is passed or made:

Provided that, except in so far as it may be necessary or expedient for such purpose, no enactment made by virtue of any power set out above shall have effect until the coming into operation of the enactment conferring such power."

6. Section 19A of the principal Ordinance is amended—

Amendment
of section
19A.

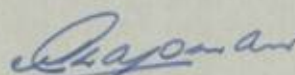
(a) by the insertion after the words "Legislative Council for" of the following—

"the payment of the emoluments of";

(b) by the deletion of the words "has left the Colony" and the substitution therefor of the following—

"is".

Passed the Legislative Council of Hong Kong, this 8th day of July, 1959.

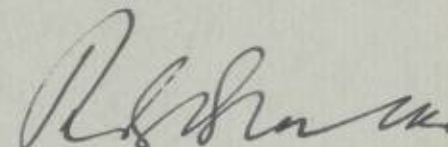
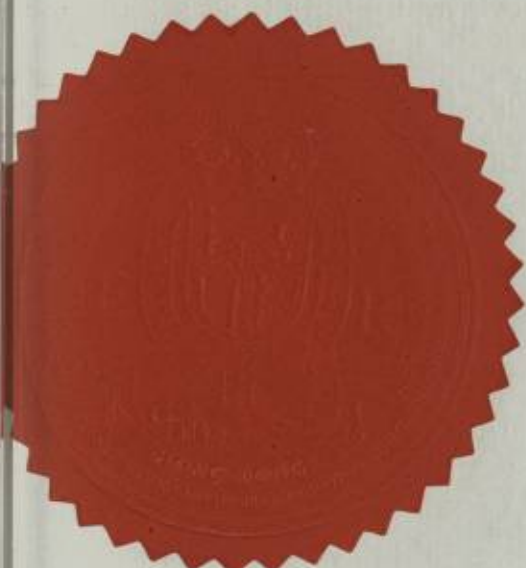

Deputy Clerk of Councils.

(Secretariat GR85/3231/47)

HONG KONG

No. 21 OF 1959.

I assent.



Governor.

9th July, 1959.

An Ordinance to amend the District Court Ordinance, 1953.

[10th July, 1959.]

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 District Court (Amendment) Ordinance, 1959. Short title.

2. Section 14 of the District Court Ordinance, 1953, is amended— Amendment of section 14. (1 of 1953).

(a) by being renumbered subsection (1) of section 14;

(b) by the addition thereto of the following new subsections—

“(2) The District Court, as regards any cause for the time being within its jurisdiction as provided by subsection (1), shall in any proceedings before it—

(a) grant such relief, redress or remedy or combination of remedies, either absolute or conditional; and

- (b) give such and the like effect to every ground of defence or counterclaim equitable or legal (subject to the provisions of section 18),

as ought to be granted or given in the like case by the Supreme Court and in as full and ample a manner.

- (3) In the application of subsection (2) the rules of equity shall prevail in all matters in which there was formerly or is any conflict or variance between the rules of equity and the rules of the common law."

Passed the Legislative Council of Hong Kong, this 8th day of July, 1959.

Deputy Clerk of Councils.

(Secretariat GR20/3231/52)

HONG KONG

No. 22 OF 1959.

I assent.

Governor.

9th July, 1959.

An Ordinance to make provision touching the jurisdiction of the Supreme Court and the District Court respectively in relation to proceedings under section 7 of the Land Transactions (Enemy Occupation) Ordinance, Chapter 256.

[10th July, 1959.]

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 Land Transactions (Enemy Occupation) (Jurisdiction) Ordinance, 1959.

2. (1) It is hereby declared that the Supreme Court has power to transfer to the District Court proceedings under subsections (1) and (2) of section 7 of the Land Transactions (Enemy Occupation) Ordinance; and it is further declared for the purposes of paragraph 3 of the First Schedule to the District Court Ordinance, 1953, that all proceedings transferred by the Supreme Court under the aforesaid power shall be within the civil jurisdiction of the District Court.

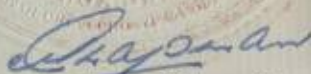
Jurisdiction of the Supreme Court and the District Court under section 7 of Chapter 256. (1 of 1953).

(2) The Supreme Court shall be deemed always to have had power, prior to the commencement of the District Court Ordinance, 1953, to transfer, from the original jurisdiction register to the register of civil actions in the summary jurisdiction of the Supreme Court, any proceedings commenced by way of petition under subsection (2) of section 7 of the Land Transactions (Enemy Occupation) Ordinance.

(3) Subsection (1) shall be deemed to have had effect as from the 18th day of February, 1953, being the date of commencement of the District Court Ordinance, 1953.

(4) Anything which was done before the commencement of this Ordinance in purported exercise of any such powers as are mentioned in subsections (1) and (2), and which would have been lawfully done if this Ordinance had been in operation at the time such thing was done, shall be deemed to have been lawfully done.

Passed the Legislative Council of Hong Kong, this 8th day of July, 1959.

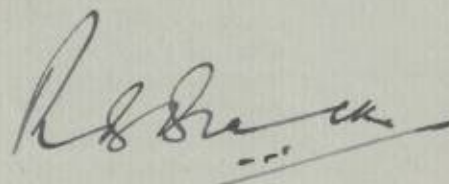

Deputy Clerk of Councils.

(Secretariat BL4/741/52)

HONG KONG

No. 23 OF 1959.

I assent.


Governor.

9th July, 1959.

An Ordinance to prevent circumvention and evasion of the Societies Ordinance, Chapter 151, and to provide for measures to be taken with respect to companies registered under the Companies Ordinance, Chapter 32, and companies to which Part XI of the Companies Ordinance applies which would, if they were societies registered under the Societies Ordinance, be liable to have their registration under that Ordinance cancelled by the Registrar of Societies on any of the grounds specified in subsection (5) of section 5 of that Ordinance, and for purposes connected with the matters aforesaid.

[10th July, 1959.]

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 Companies (Prevention of Short title.
Evasion of the Societies Ordinance) Ordinance, 1959.

2. In this Ordinance "Official Receiver" means the Official Receiver in Bankruptcy. Interpretation.

Power of Governor in Council to order Registrar of Companies to refuse registration under the Companies Ordinance if satisfied that a company is being formed to evade the Societies Ordinance. (Cap. 32). (Cap. 151).

3. If the Registrar of Companies suspects that the memorandum and articles of association of a company delivered to him in accordance with section 15 of the Companies Ordinance relate to a company which is being formed with the object of circumventing—

- (a) the refusal of the Registrar of Societies to register a society under the Societies Ordinance; or
- (b) the cancellation by the Registrar of Societies of the registration of a society registered under the Societies Ordinance; or
- (c) the rescission by the Registrar of Societies of an order made by him exempting a society from registration under the Societies Ordinance; or
- (d) an order of the Governor in Council dissolving a society exempted or registered under the Societies Ordinance,

or for the purpose of otherwise evading or defeating the provisions of the Societies Ordinance or anything done thereunder, it shall be lawful for him to withhold registration of the same pending the receipt of the instructions of the Governor in Council with respect thereto. In the event of the Governor in Council being satisfied that the company is being formed with any such object or for any such purpose, he may order the Registrar of Companies to refuse registration of the memorandum and articles, and upon receipt of such order, the Registrar of Companies shall, notwithstanding the provisions of section 15 of the Companies Ordinance, refuse registration of the memorandum and articles.

Power of Governor in Council to order company engaging in undesirable activities to be struck off. (Cap. 32). (Cap. 151).

4. (1) If the Governor in Council is satisfied that a company formed and registered under the Companies Ordinance or any former Companies Ordinance would, if it were a society registered under the Societies Ordinance, be liable to have its registration under that Ordinance cancelled by the Registrar of Societies on any of the grounds specified in subsection (5) of section 5 of the Societies Ordinance, the Governor in Council may order the Registrar of Companies to strike such company off the register of companies.

(2) The Registrar of Companies shall thereupon strike the name of the company off the register, and shall publish notice thereof in the *Gazette*, and on such publication the company shall be dissolved:

Provided that the liability, if any, of every director, officer and member of the company shall continue and may be enforced as if the company had not been dissolved.

(3) A copy of such notice shall be sent to such company, and may either be sent by post or be delivered by hand addressed to the company at its registered office, or if no office has been registered, addressed to the care of some director or officer of the company, or if there is no director or officer of the company whose name and address are known

to the Registrar of Companies, the notice may be sent or delivered to each of the persons who subscribed the memorandum of association, addressed to him at the address mentioned in that memorandum, but if none of such addresses is available or if for any other reason the Registrar of Companies considers it unlikely that any notice sent in pursuance of this subsection will come to the knowledge of the addressee, it shall be sufficient compliance with this subsection that notice in the *Gazette* shall have been published in accordance with subsection (2).

5. Section 275, subsection (6) of section 276, and section 277 of the Companies Ordinance shall not apply in the case of a company struck off the register under section 4.

Certain sections of Companies Ordinance not to apply. (Cap. 32).

6. (1) Where a company is struck off the register and dissolved under section 4, all property and rights whatsoever vested in or held on trust for the company immediately before its dissolution (including leasehold property but not including property held by the company on trust for any other person) shall vest in the Official Receiver.

Vesting and disposal of property of company struck off.

(2) The Official Receiver shall with all due dispatch wind up the affairs of the company, and after realizing the said property and rights shall apply the sum so realized—

First, in paying all fees, costs, charges and expenses properly incurred in preserving, realizing or getting in the said property and rights.

Next, in paying all necessary fees, costs, charges and expenses incurred by the Official Receiver in and upon the winding up of the affairs of the company.

Next, in paying to the Government a sum equal to the fees which the Official Receiver could lawfully have charged if he had acted as liquidator of the company in a winding up thereof by the court under the Companies Ordinance.

(Cap. 32).

Next, in paying the creditors of the company who shall have proved their debts within such time as shall have been limited by him, not being less than one month from the date of publication of notice thereof in the *Gazette* and two or more local newspapers of which at least one shall be a Chinese newspaper, according to their respective rankings and priorities if the company had been a company being wound up by the court under the Companies Ordinance by virtue of a winding up order dated the day of its dissolution under section 4.

Next, in paying or distributing the surplus to or among the persons entitled thereto under the company's memorandum and articles of association.

Provisions applicable to winding up of company struck off under section 4.

7. The provisions contained in sections 8 to 14 shall apply to the winding up by the Official Receiver of the affairs of a company struck off the register of companies under section 4.

Certain sections of Companies Ordinance to apply. (Cap. 32).

8. Sections 155 to 160, 175, 196, 206, 248 to 262, 266 to 268 and 270 of the Companies Ordinance shall apply *mutatis mutandis* as if on the day of the dissolution of the company under section 4 an order had been made for the winding up of the company by the court under the Companies Ordinance and as if the Official Receiver were the liquidator thereof under that Ordinance.

Calls on contributories.

9. The Official Receiver shall have the same rights and powers to settle a list of the contributories of the company, to make and enforce calls on the contributories on the list so settled, and to compromise calls and liabilities to calls, as if the company were being wound up by the court and he were the liquidator thereof.

Continuation of pending legal proceedings.

10. Where any legal proceeding instituted by or against a company is pending at the date of its dissolution, such proceeding may be continued by or against the Official Receiver as representing such company.

Obstruction of Official Receiver.

11. Every person who—

- (a) without lawful excuse refuses to hand over to the Official Receiver or any person authorized by him in that behalf any key, safe, document, account book, or other thing of any nature whatsoever belonging to the company of which he may have the custody or possession; or
- (b) without lawful excuse in any way obstructs the Official Receiver or any person authorized by him in that behalf in taking possession of any premises occupied by the company prior to its dissolution,

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

Control of Official Receiver.

12. (1) Subject to the provisions of this Ordinance, the Official Receiver shall conform to any directions which may be given to him by the Governor.

(2) The Official Receiver shall with the permission of the Governor be entitled to apply by originating summons to the court for directions on any matter arising out of the winding up.

(3) Any such application shall be heard and determined in such manner as the court may direct, and it shall be lawful for the court to hear such parties and persons as it may think fit. Without prejudice to the generality of this subsection the court may if it sees fit direct that the proceedings or any part thereof be heard in camera.

(4) If any person is aggrieved by any act or decision of the Official Receiver, that person may apply by originating summons to the court, and the court may confirm, reverse or modify the act or decision complained of, and make such order in the premises as it thinks just.

13. (1) The accounts of the Official Receiver with respect to the winding up shall be audited in such manner as the Governor may direct, and the cost of such audit shall be charged as an expense of the winding up.

Audit of Official Receiver's accounts.

(2) In the event of the accounts being audited by a public servant there shall be paid to the Government in respect of such audit a sum equal to the fee which would have been chargeable on the audit of the Official Receiver's accounts if the winding up had been a winding up by the court under the Companies Ordinance.

(Cap. 32).

14. (1) The Official Receiver shall not incur any personal liability in respect of the winding up of any company under this Ordinance.

Protection of Official Receiver.

(2) No legal proceeding of any kind whatsoever, civil or criminal, shall without the permission of the Governor be brought against the Official Receiver in respect of any act or omission connected in any manner whatsoever with any winding up under this Ordinance.

15. If the Governor in Council is satisfied that a company to which Part XI of the Companies Ordinance applies would, if it were a society registered under the Societies Ordinance, be liable to have its registration under that Ordinance cancelled by the Registrar of Societies on any of the grounds specified in subsection (5) of section 5 of that Ordinance, the Governor in Council may order the company to cease to carry on business within the Colony, and such company shall thereupon cease to carry on business within the Colony and shall be deemed to be an unlawful society within the meaning of and for the purposes of the Societies Ordinance:

Companies to which Part XI of the Companies Ordinance applies. (Cap. 32). (Cap. 151).

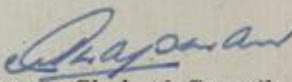
Provided that a person shall not be liable to prosecution for an offence against the Societies Ordinance by reason only that he is a member of a company which has been ordered to cease to carry on business under this section.

Duration.

16. This Ordinance shall continue in force until and including the 31st day of December, 1959:

Provided that it shall be lawful for the Legislative Council by resolution to extend the duration of this Ordinance for such term, not exceeding one year at a time, as may be specified in such resolution.

Passed the Legislative Council of Hong Kong, this 8th day of July, 1959.

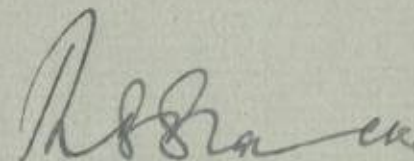

Deputy Clerk of Councils.

(Secretariat CR7/3231/59)

HONG KONG

No. 24 OF 1959.

I assent.



Governor.

23rd July, 1959.

An Ordinance to extend, with retrospective effect, the period of appointment of Brigadier Lindsay Tasman Ride, Commander of the Most Excellent Order of the British Empire, as Commandant of the Royal Hong Kong Defence Force and to validate acts done by him in that capacity.

[24th July, 1959.]

WHEREAS—

Preamble.

- (i) on the 1st day of March, 1949, the Governor, in exercise of the powers then conferred by the Hong Kong Defence Force Regulations, 1949, appointed Brigadier (then Colonel) Lindsay Tasman Ride, Commander of the Most Excellent Order of the British Empire, to be Commandant of the Royal Hong Kong Defence Force (then known as the Hong Kong Defence Force); (G.N.A. 74/49).
- (ii) by operation of the law the said appointment expired on the 28th day of February, 1953;
- (iii) the said Brigadier Lindsay Tasman Ride has, subsequent thereto, continued and still continues with the authority of the Governor to be Commandant of the said Force and has exercised and continues to exercise the powers and functions appertaining to the said appointment;

- (iv) doubt has arisen whether the said appointment has, since the 28th day of February, 1953, been extended in the manner prescribed by law;
- (v) it is desirable to remove the doubt aforesaid and to extend the said appointment as from the 1st day of March, 1953, until the 28th day of February, 1961, and to validate as from the 1st day of March, 1953, acts done by the said Brigadier Lindsay Tasman Ride in purported exercise of the powers and functions of the office of Commandant of the said Force.

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

Short title.

1. This Ordinance may be cited as the Royal Hong Kong Defence Force (Extension of Appointment and Validation) Ordinance, 1959.

Extension of appointment of Brigadier Ride as Commandant.
(Vol. X, p. 428).
(G.N.A. 153/51).

2. The appointment of Brigadier Lindsay Tasman Ride, Commander of the Most Excellent Order of the British Empire, as Commandant of the Royal Hong Kong Defence Force is deemed to have been extended in accordance with the provisions of regulation 5 of the Royal Hong Kong Defence Force Regulations, 1951, for further successive periods of two years each from the 1st March, 1953, the last of such periods to expire on the 28th February, 1961.

Validation of acts performed as Commandant.

3. Anything which was done by the said Brigadier Lindsay Tasman Ride, subsequent to the 28th day of February, 1953, in purported exercise of any of the powers or functions of the Commandant of the Royal Hong Kong Defence Force and which would have been lawfully done if this Ordinance had been in operation at the time when such thing was done shall be deemed to have been lawfully done.

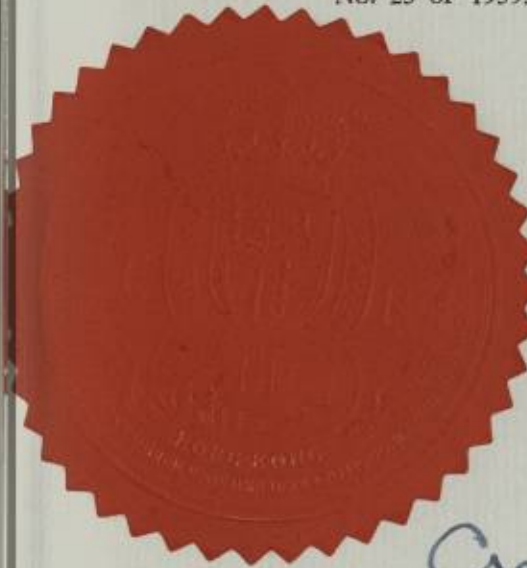
Passed the Legislative Council of Hong Kong, this 22nd day of July, 1959.

[Signature]
Deputy Clerk of Councils.

(Secretariat CR18/1486/59)

HONG KONG

No. 25 OF 1959.



I assent.

[Signature: Claude Burgess]
Officer Administering the Government.

20th August, 1959.

An Ordinance to amend the Hong Kong Tourist Association Ordinance, 1957.

[21st August, 1959.]

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 Hong Kong Tourist Association (Amendment) Ordinance, 1959. Short title.

2. The Hong Kong Tourist Association Ordinance, 1957, is amended by the addition thereto of the following new section and Schedule—

"Prohibition of possession and use of badge or emblem.

24. (1) No person shall, except with the authority of the Association—

(a) have in his possession any badge of the Association, which badge is portrayed in the Schedule; or

(b) use for any purpose—

(i) any badge or other device containing the words "Hong Kong Tourist Association", or

Addition of new section 24 and new Schedule.
(29 of 1957).

(ii) any device which so closely resembles the badge or emblem of the Association as to be capable of being understood as referring to such badge or emblem.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of one thousand dollars.

SCHEDULE.



Passed the Legislative Council of Hong Kong, this 19th day of August, 1959.

[Signature]
Deputy Clerk of Councils.

(Secretariat GR5/2091/57)

HONG KONG

No. 26 OF 1959.

I assent.

[Signature]
Officer Administering the Government.

20th August, 1959.

An Ordinance to amend the Housing Ordinance, 1954.

[21st August, 1959.]

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 Housing (Amendment) Short title. Ordinance, 1959.

2. Section 11 of the Housing Ordinance, 1954 (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following section—

"Incorporation of the Hong Kong Housing Authority.

11. (1) The Chairman and members for the time being of the Hong Kong Housing Authority are hereby established as a corporation by name of the Hong Kong Housing Authority, (hereinafter referred to as the Authority), and shall have perpetual succession and an official seal, and for the purposes of this Ordinance, may—

(a) sue and be sued;

Repeal and replacement of section 11.

- (b) acquire and hold property of all descriptions, and subject to the terms and conditions upon which the same is held and to any by-laws in that behalf, dispose of any such property;
- (c) take gifts of property of all descriptions, whether subject to any special trust or not; and
- (d) do all such other acts necessary or expedient to be done for the discharge of the functions of the Authority.

(2) In the discharge of any function the Authority shall be deemed to act in its corporate capacity, and the word "Authority" in this Ordinance shall be construed as a reference to the corporation established by this section."

Property,
rights and
liabilities.

3. All property, rights, obligations and liabilities vested in, acquired or incurred by the Chairman in his capacity as a corporation sole or by the Authority prior to its incorporation under section 2 or by any member thereof acting in that behalf are transferred to and vested in the Authority in its corporate capacity, in the same manner as if such corporation had been in existence at the time when such property, right, obligation or liability were vested, acquired or incurred.

Certain
phrases
changed in
Ordinance.

4. The principal Ordinance is amended by the deletion wherever they occur of the phrases "property vested in the Chairman or placed under his control", "property vested in the Chairman", "property held by the Chairman" and "property vested in or controlled by the Chairman" and the substitution therefor of the following—

"property vested in or placed under the control of the Authority".

Repeal and
replacement
of section 12.

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

"Execution
and
authentic-
ation of
documents.

12. (1) All deeds executed on behalf of the Authority shall be sealed with the seal of the Authority and signed by the Chairman or by such person as he may from time to time delegate for such purpose. A deed shall be deemed to have been duly executed by the Authority in accordance with the requirements of this section and shall have effect accordingly, if it bears the seal of the Authority and the signature of the Chairman, or his delegate and attested by the Secretary for the time being of the Authority.

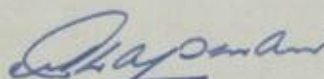
(2) Any agreement or other document not under seal executed on behalf of the Authority shall be signed by the Chairman, or by such person as he may from time to time delegate for such purpose. Any such agreement or other document shall be deemed to have been duly executed in

accordance with this section and shall have effect accordingly, if it bears the signature of the Chairman or his delegate and attested by the Secretary for the time being of the Authority."

6. Section 13 of the principal Ordinance is repealed.

Repeal of
section 13.

Passed the Legislative Council of Hong Kong, this 19th day of August, 1959.


Deputy Clerk of Councils.

(Secretariat BL1/18/736/50)

HONG KONG

No. 27 OF 1959.

I assent.

Claude Burgess
Officer Administering the Government.

20th August, 1959.

An Ordinance to amend the Indecent Exhibitions Ordinance,
Chapter 150.

[21st August, 1959.]

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 Indecent Exhibitions Short title.
(Amendment) Ordinance, 1959.

2. The Indecent Exhibitions Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition after section 1 of the following new section—

Addition of
new section
1A.
(Cap. 150).

<sup>"Interpreta-
tion.</sup>

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

“film” includes cinematograph film, photographic slides
and transparencies.”.

3. Section 2 of the principal Ordinance is amended by—
(a) the deletion of the words “in or near any public place”; and

Amendment
of section 2.

- (b) the insertion after the word "picture," of the following—
"film,".

Amendment
of section 6.

4. Section 6 of the principal Ordinance is amended in subsection (1) by—

- (a) the insertion after the word "picture," in the first and second place where it occurs of the following—
"film,"; and

- (b) the substitution of a comma for the full stop at the end thereof and by the insertion thereafter of the following—
"together with any apparatus used for projecting or showing any such picture, film or other thing.".

Amendment
of section 7.

5. Section 7 of the principal Ordinance is amended—

- (a) in subsection (1) by—

- (i) the insertion after the word "picture," of the following—
"film,"; and

- (ii) the insertion after the word "thing," of the following—
"or any apparatus,";

- (b) in subsection (2) by—

- (i) the insertion after the word "picture," of the following—
"film,"; and

- (ii) the substitution of a comma for the full stop at the end thereof and by the insertion thereafter of the following—

"together with any apparatus used for projecting or showing any such picture, film or other thing, whether such written or printed matter, or such picture, film, figure, apparatus or such other thing was taken possession of under any warrant issued under the provisions of section 6, or otherwise.".

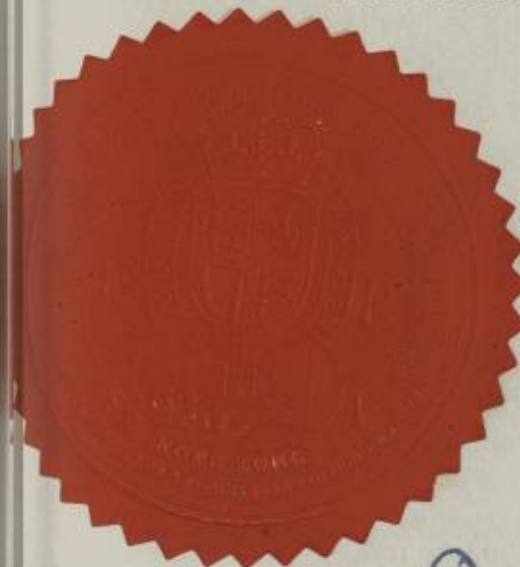
Passed the Legislative Council of Hong Kong, this 19th day of August, 1959.

Shapour
Deputy Clerk of Councils.

(Secretariat GR23/3231/49)

HONG KONG

No. 28 OF 1959.



I assent.

Claude Burgess

Officer Administering the Government.

20th August, 1959.

An Ordinance to provide for the reversion to the Crown of certain land situated at Chai Wan in the Colony, for the payment of compensation in respect of rights or interests extinguished thereby and of loss or damage suffered in consequence thereof, for the determination of questions as to who is the person entitled to recover such compensation and for matters connected with the purposes aforesaid.

[21st August, 1959.]

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

PART I.

Preliminary.

1. This Ordinance may be cited as the Crown Lands Resumption Short title. (Chai Wan) Ordinance, 1959.

Interpreta-
tion.

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

“Class A claimant” means a person who is, under the provisions of subsection (1) of section 5, entitled to recover compensation;

“Class B claimant” means a person who is, under the provisions of subsection (2) of section 5, eligible to recover compensation;

“Compensation Board” means the Chai Wan Land Compensation Board established by subsection (1) of section 15;

“Director” means the Director of Public Works;

“land” includes all buildings thereon;

“Land Tribunal” means the Chai Wan Land Tribunal established by subsection (2) of section 15;

“reversion land” means the pieces or parcels of land specified in the Schedule.

Schedule.

PART II.

Reversion of certain land to Crown and making and determination of claims for compensation consequent thereon.

Reversion
to Crown
of land
specified
in Schedule.

3. Without prejudice to any right which may at the date on which, by virtue of the provisions of this section, the same are deemed to have reverted to the Crown have been vested in the Crown, or to the fact that, at the said date, the same or any part thereof may already have reverted to the Crown by operation of law or otherwise, all those pieces or parcels of land specified in the Schedule shall be deemed to have reverted to the Crown—

- (a) in the case of the pieces or parcels of land specified in Part I of the Schedule, on the 6th day of June, 1958;
- (b) in the case of the pieces or parcels of land specified in Part II thereof, on the 6th day of April, 1959; and
- (c) in the case of the pieces or parcels of land specified in Part III thereof, on the 13th day of June, 1959,

and, on the said dates, all the rights of the owners, their assigns or representatives, and of any other persons, in or over the said pieces or parcels of land shall be deemed to have ceased absolutely.

4. No action or suit, other than a claim to recover compensation made under and in accordance with the provisions of this Ordinance, shall lie against the Crown or any other person in respect of any loss or damage suffered by any person in consequence of the reversion to the Crown of any of the reversion land.

Barring of
claims other
than claims
for compensa-
tion.

5. (1) Save as otherwise provided in this Ordinance, any person who—

Persons who
are or may
be entitled
to recover
compensa-
tion.

(a) had a lawful right or interest in or over any of the reversion land which has been extinguished in consequence of the reversion of the same to the Crown under the provisions of section 3; or

(b) has, in consequence of the reversion to the Crown as aforesaid of any of the reversion land, suffered any loss or damage—

(i) by being disturbed in the enjoyment of any lawful right or interest in or over such land; or

(ii) by reason of the removal from such land of his business, being a lawful business which was permitted to be carried on thereon by the Crown lease under which such land was held; or

(iii) by reason of the severance of such land, being land to which he was lawfully entitled, from other land to which he was also lawfully entitled,

shall be entitled to recover compensation as a Class A claimant.

(2) Any person who—

(a) had any right or interest in or over any of the reversion land, being a right or interest which, however defeasible or invalid in law, was acquired by him, or was acquired by him in accordance with the law from some other person who had acquired the same or who had acquired a greater right or interest in or over such land, in good faith and in reliance upon and in accordance with any custom as to the manner of assigning or otherwise dealing in or with land which the Land Tribunal may find to prevail or to have prevailed, notwithstanding that such custom is or was contrary to law, which has been extinguished in consequence of the reversion of such land to the Crown under the provisions of section 3; or

- (b) would have been entitled under the provisions of subsection (1) to recover compensation had he taken steps to enforce his right or interest in or over any of the reversion land or to complete his title thereto; or
- (c) had any right or interest in or over any of the reversion land, being a right or interest which, however defeasible or invalid in law, was acquired by him as the successor of any person who acquired such right or interest, or who acquired such right or interest in accordance with the law from any person who acquired the same, in good faith and in reliance upon and in accordance with any custom as to the manner of assigning or otherwise dealing in or with land which the Land Tribunal may find to prevail or to have prevailed, notwithstanding that such custom is or was contrary to law, which has been extinguished in consequence of the reversion of such land to the Crown under the provisions of section 3; or
- (d) has, in consequence of the reversion to the Crown under the provisions of section 3 of any of the reversion land, suffered any loss or damage by reason of the removal of his business, being a lawful business which was permitted to be carried on thereon by the Crown lease by which such land was originally demised, from any such land, being land which was acquired by him or by some other person, or was acquired by him or by some other person in accordance with the law from any other person who acquired the same, in good faith and in reliance upon and in accordance with any custom as to the manner of assigning or otherwise dealing in or with land which the Land Tribunal may find to prevail or to have prevailed, notwithstanding that such custom is or was contrary to law.

shall be eligible to recover compensation as a Class B claimant and shall, if, under the provisions of subsection (5) or (6) of section 8, the Land Tribunal so orders, be entitled to recover compensation or some part thereof according to the order of the Tribunal.

6. (1) Any person who considers that he is entitled or eligible under the provisions of this Ordinance to recover compensation, whether as a Class A claimant or as a Class B claimant, shall make a claim therefor in writing to the Director within six weeks of the commencement of this Ordinance.

(2) Where, upon receipt of any such claim, the Director is of opinion that—

- (a) there is or may be a doubt or dispute as to whether or not the claimant is a person who is entitled or eligible under the provisions of this Ordinance to recover compensation; or

Claims for compensation and procedure thereon in certain cases.

- (b) there is or may be some other person who is or may be entitled under the provisions of this Ordinance, whether as a Class A claimant or as a Class B claimant, to recover compensation in respect of any right or interest in the same part of the reversion land of the same or substantially the same nature as that to which such claim relates,

the Director shall refer the claim to the Land Tribunal by notice served upon the clerk to the Land Tribunal specifying the part of the reversion land to which such claim relates and the name of the claimant and specifying also the reason on account of which the same has been referred to the Land Tribunal.

7. (1) Where, under the provisions of subsection (2) of section 6, the Director has referred a claim for compensation to the Land Tribunal—

Procedure where claims for compensation referred to Land Tribunal.

- (a) he shall serve on the claimant a copy of the notice served upon the clerk to the Land Tribunal; and
- (b) he shall cause to be published in the *Gazette* and in two issues of two daily newspapers published in the Chinese language a notice declaring that the claim has been referred to the Land Tribunal, and specifying the part of the reversion land to which the same relates, and calling upon any person who considers that he is entitled under the provisions of this Ordinance to recover compensation in respect of any right or interest in the same part of the reversion land, whether as a Class A claimant or as a Class B claimant, to lodge a claim in writing with the clerk to the Land Tribunal within such time as may be specified in such notice, being not less than thirty days after the day on which such notice was published in the *Gazette*.

(2) Where, under the provisions of paragraph (b) of subsection (1), a claim is lodged with the clerk to the Land Tribunal, the claimant shall notify the Director of the lodging of the same.

(3) Where, under the provisions of subsection (2) of section 6, the Director has referred more than one claim for compensation in respect of the same part of the reversion land to the Land Tribunal, the provisions of paragraph (b) of subsection (1) shall be deemed to have been complied with in respect of each such claim if they have been complied with in respect of any of the same.

8. (1) The Land Tribunal shall conduct an inquiry into and determine every claim made by any person to be entitled or eligible under the provisions of this Ordinance to recover compensation which is referred to it under the provisions of subsection (2) of section 6 or made under and in accordance with the provisions of paragraph (b) of subsection (1) of section 7 or of subsection (2) of this section.

(2) If, at any time during its inquiry into any claim, the Land Tribunal considers that any person who has not made a claim to be entitled under the provisions of this Ordinance to recover compensation is or may be so entitled to recover compensation in respect of the part of the reversion land to which such claim relates, whether as a Class A claimant or as a Class B claimant, the Tribunal may direct that a notice shall, as soon as practicable, be published in the *Gazette* and in two issues of two daily newspapers published in the Chinese language, specifying the part of the reversion land in respect of which such person is or may be entitled to recover compensation and the name or a description of such person, and calling upon such person to lodge a claim in writing with the clerk to the Land Tribunal within such time as the Land Tribunal may specify.

(3) In determining any claim, the Land Tribunal shall determine first of all, whether or not the person who has made the same is, under the provisions of this Ordinance, entitled as a Class A claimant or eligible as a Class B claimant to recover compensation, and then whether or not there is any other person who is, under the provisions of this Ordinance, so entitled or so eligible to recover compensation in respect of that part of the reversion land to which such claim relates, notwithstanding that such other person has not made a claim to be entitled under the provisions of this Ordinance to recover compensation.

(4) Notwithstanding any other provisions of this Ordinance, where the Land Tribunal is satisfied that any right or interest in respect of which any person is entitled or eligible under the provisions of this Ordinance to recover compensation was acquired by that person by fraud, deceit, common law cheat or any other like wrongful act on his part, the Land Tribunal shall order that such person shall not be entitled to recover compensation in respect of that right or interest.

(5) Where the Land Tribunal has determined that some person is, under the provisions of this Ordinance, entitled as a Class A claimant or eligible as a Class B claimant to recover compensation and that

there is no other person who is, under the provisions of this Ordinance, so entitled or so eligible in respect of any right or interest in the same part of the reversion land of the same or substantially the same nature as that in respect of which the Land Tribunal has determined that such first-mentioned person is so entitled or so eligible, as the case may be, the Land Tribunal shall, save as provided in subsection (4), order that such person shall be entitled to recover the whole of the compensation.

(6) (a) Where the Land Tribunal has determined that more than one person is, under the provisions of this Ordinance, so entitled or so eligible to recover compensation in respect of a right or interest in the same part of the reversion land of the same or substantially the same nature, the Land Tribunal shall, having regard to the conduct of each of such persons, determine whether one of such persons only shall be entitled to recover compensation or whether some or all of such persons shall each be entitled to recover part of the compensation, and shall, as the case may be and save as provided in subsection (4), order that such person only shall be entitled to recover compensation and that the other persons shall not be entitled to recover compensation or shall order that such persons as it has so determined shall each be entitled to recover part of the compensation and that the other persons, if any, shall not be entitled to recover compensation.

(b) Where the Land Tribunal has so ordered that two or more persons shall each be entitled to recover part of the compensation, the Land Tribunal shall determine what fraction of the compensation recoverable by him each of such persons shall be entitled to recover, so however that the aggregate of the fractions of the compensation so determined to be recoverable by each of such persons shall not be more than unity.

(7) Without prejudice to any other matters to which the Land Tribunal considers it proper to have regard, the Land Tribunal shall, in considering, for the purposes of subsection (6), the conduct of any person, have regard to—

- (a) any acquiescence by any person in the acquisition by any other person of any right or interest in or over any of the reversion land;
- (b) any laches or other delay or failure on the part of any person to take any act, proceedings or other step which was available to him;
- (c) the knowledge on the part of any person of the fraudulent nature of any transaction or other dealing in or with any of the reversion land; and
- (d) the good or bad faith of each of the persons concerned.

Procedure consequent upon certain orders of Land Tribunal and claims by certain persons ordered by Land Tribunal to be entitled to recover compensation.

9. (1) Where the Land Tribunal has ordered that a person who made a claim under the provisions of this Ordinance to recover compensation shall not be entitled to recover compensation, the Director shall forthwith serve on such person notice of the order of the Land Tribunal and shall by such notice reject his claim for compensation accordingly.

(2) Where the Land Tribunal has ordered that a person who has not made a claim under the provisions of this Ordinance to recover compensation shall be entitled to recover compensation or part thereof, the Director shall forthwith serve on such person, if he can be found or ascertained, notice in writing of the order of the Land Tribunal.

(3) A person who has, pursuant to the provisions of subsection (2), been notified by the Director of the order of the Land Tribunal may, within thirty days from the date of the service of the notice, make a claim for the compensation which in accordance with the order of the Land Tribunal he is entitled to recover, and any person in respect of whom the Land Tribunal has made an order that he shall be entitled to recover compensation or part thereof who, by reason of the fact that he could not be found or ascertained, has not pursuant to the provisions of subsection (2) been notified of the order of the Land Tribunal, may within one year from the date of the order make a claim for the compensation which he is so entitled to recover.

10. (1) Where—

- (a) the Director has received a claim for compensation made under and in accordance with the provisions of subsection (1) of section 6 and he is of opinion that the claimant is a Class A claimant and that there is no other person who, under the provisions of this Ordinance, is or may be entitled, whether as a Class A claimant or as a Class B claimant, to recover compensation or part thereof in respect of any right or interest in the part of the reversion land to which such claim relates of the same or substantially the same nature as the right or interest to which such claim relates; or
- (b) the Land Tribunal has, under the provisions of subsection (5) or (6) of section 8, ordered that a person who, under and in accordance with the provisions of subsection (1) of section 6 or of paragraph (b) of subsection (1) of section 7 or of subsection (2) of section 8, made a claim for compensation shall be entitled to recover compensation or part thereof; or
- (c) the Director has received a claim for compensation made under and in accordance with the provisions of subsection (3) of section 9,

Procedure on certain claims under section 6, and on claims under section 9, and consequent upon certain orders of Land Tribunal.

the Director shall—

(i) forthwith assess, in accordance with the rules contained in section 24, the amount of any compensation which, in his opinion, is, or would, but for the order of the Land Tribunal that the claimant or such person, as the case may be, shall be entitled to recover part only of the compensation, be, recoverable by the claimant or such person, as the case may be, and shall thereupon serve on him notice in writing of the amount of compensation, if any, so assessed, and, where the Land Tribunal has so ordered that the claimant or such person shall be entitled to recover part only of the compensation, shall specify therein the actual amount of compensation which he is entitled to recover in accordance with the order of the Land Tribunal; or

(ii) forthwith make such other offer by way of compensation, other than an offer of the payment of money, as he considers proper.

(2) Where, under the provisions of paragraph (ii) of subsection (1), the Director has made some offer by way of compensation, other than an offer of the payment of money, and such offer is rejected, the Director shall forthwith proceed in accordance with the provisions of paragraph (i) of subsection (1) as if such offer had not been made.

11. (1) Where, under the provisions of paragraph (i) of subsection (1) of section 10, the Director has notified any claimant or any person of the amount of compensation, if any, which, in his opinion, the claimant or such person is entitled to recover, and the claimant or such person agrees in writing to accept such amount in full settlement of his claim, that amount, together with such interest as may, under the provisions of subsection (2) of section 12, be payable thereon, may be paid to the claimant or such person in accordance with the provisions of section 12.

Settlement of claims for compensation and procedure in event of certain disputes in relation thereto.

(2) Where any dispute arises as to—

- (a) whether compensation is payable under the provisions of this Ordinance; or
- (b) the amount of any such compensation,

the dispute shall be determined by the Compensation Board.

(3) For the purposes of this section, a dispute shall be deemed to have arisen when a claimant or any such person or the Director, as the case may be, has served, upon all other parties to the dispute, notice of intention to refer the dispute to the Compensation Board.

(4) The party to any such dispute who has, under the provisions of subsection (3), served notice of intention to refer the dispute to the Compensation Board shall, within two months thereafter, refer the

dispute to the Compensation Board by notice served upon the clerk thereto giving particulars of the matter in dispute between the parties, and shall serve on all other parties to the dispute a copy of that notice.

Payment of compensation.

12. (1) When the amount of any compensation has been finally determined, either by agreement or otherwise, the Director shall serve on the person who is entitled to recover the same notice in writing specifying the day on, and the place at, which the same will be paid.

(2) Interest, calculated at the rate of four per cent per annum, shall be paid on all sums payable by way of compensation under the provisions of this Ordinance from the date on which that part of the reversion land in respect of which such compensation is payable reverted to the Crown under the provisions of section 3 to the date specified in a notice served pursuant to the provisions of subsection (1) as the date on which the compensation will be paid.

(3) All sums paid by way of compensation under the provisions of this Ordinance and any interest which is paid thereon shall be paid out of the general revenue.

Payment to one or more members of a class to be complete discharge of obligations of Crown in certain cases.

13. Where a class of persons is entitled under the provisions of this Ordinance to recover compensation or part thereof and the Director has, being unable to find or ascertain any other members of the class or whether or not there are any other members of the class, paid the amount of such compensation to one or more members of the class in accordance with the provisions of this Ordinance, such payment shall be a complete discharge of the obligations of the Crown under the provisions of this Ordinance to such class of persons:

Provided that nothing in this section shall be deemed to prejudice or affect in any way the right of any other member of the class to recover from the member or members thereof to whom such compensation was paid any part of such compensation to which he may be entitled.

Review by Land Tribunal of any determination.

14. (1) On the application of the Crown, the Land Tribunal shall, on production of fresh evidence, review any order which it has made and may, after hearing such evidence and such other evidence as it may consider necessary and after considering such of the evidence previously adduced to the Land Tribunal as it may also consider necessary, confirm, reverse or vary such order.

(2) An application under the provisions of subsection (1) may be made at any time.

(3) The Director shall serve upon each of the persons concerned, if they can be found, notice in writing of the determination of the Land Tribunal upon any review under the provisions of subsection (1).

PART III.

Establishment of Compensation Board and Land Tribunal, powers and proceedings thereof, and matters connected therewith.

15. (1) For the purposes of determining any dispute which may arise in relation to either of the matters mentioned in subsection (2) of section 11, there is hereby established a board, to be known as the Chai Wan Land Compensation Board, which shall consist of—

Establishment of Compensation Board and Land Tribunal.

(a) a judge of the Supreme Court or the District Court appointed by the Chief Justice, who shall be the chairman; and

(b) two other members appointed by the Governor, one of whom at least shall be a person who is not employed full time in any office of emolument under the Crown and one of whom at least shall be selected from persons appearing to the Governor to be qualified as having had experience in the valuation of land and buildings.

(2) For the purpose of determining, in the event of doubts or disputes in relation thereto, the person, if any, who is entitled under the provisions of this Ordinance to recover compensation or part thereof, there is hereby established a tribunal, to be known as the Chai Wan Land Tribunal which shall consist of a judge of the Supreme Court or the District Court, appointed by the Chief Justice.

(3) Where any person who has been appointed to the Compensation Board or the Land Tribunal becomes, for any reason, unable or unwilling to continue to act, the Governor or the Chief Justice, as the case may be, may appoint some other person in his stead.

(4) The Governor shall appoint a clerk to the Compensation Board and a clerk to the Land Tribunal and shall determine their remuneration, if any.

(5) The remuneration of any member of the Compensation Board shall be at a rate according to the amount of work, the time occupied and the magnitude of the interests involved and shall be determined in each case by the chairman of the Compensation Board:

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

16. (1) For the purposes of carrying out their respective functions, the Compensation Board and the Land Tribunal shall have all such powers as are vested in the Supreme Court in relation to—

Powers and functions of Compensation Board and Land Tribunal and certain duties of clerks thereto.

(a) enforcing the attendance of witnesses and examining them upon oath or otherwise;

(b) compelling the production of documents;

- (c) punishing persons behaving in an insulting manner or using any threatening or insulting expression to or concerning or in the presence of the Compensation Board or the Land Tribunal, as the case may be;
- (d) ordering an inspection of premises; and
- (e) entering upon and viewing premises.

(2) Proceedings before the Compensation Board and the Land Tribunal shall be heard in public.

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

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

(4) Any decision of the Compensation Board or, save as provided in section 14, of the Land Tribunal shall be final:

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

(5) No determination of the Compensation Board or the Land Tribunal shall be set aside for irregularity or error in matter of form.

(6) The Compensation Board may, in its discretion, award costs, either for or against the Crown or for or against any party to any proceedings before the Compensation Board.

(7) The Land Tribunal may, in its discretion, award costs, either for or against the Crown or for or against any party to any proceedings before the Land Tribunal, including any review under the provisions of section 14.

(8) Costs awarded by the Compensation Board or the Land Tribunal may include an amount in respect of any remuneration to the clerk thereto and, in the case of costs awarded by the Compensation Board, may also include an amount in respect of any remuneration to any member of the Compensation Board.

(9) Any costs awarded by the Compensation Board or the Land Tribunal shall, if the Crown or any other party so requests, be taxed by the Registrar of the Supreme Court on such scale as the Compensation Board or the Land Tribunal, as the case may be, shall prescribe.

(10) The clerk to the Land Tribunal shall notify the Director and any person whose claim for compensation has been referred to the Land Tribunal under the provisions of subsection (2) of section 6 and any person who has made a claim for compensation under and in accordance with the provisions of paragraph (b) of subsection (1) of section 7 or of subsection (2) of section 8 of the date and time fixed for the hearing of the claim, including any adjourned hearing thereof, and of the date and time at which the Land Tribunal will deliver its findings.

(11) The clerk to the Compensation Board shall notify each of the parties to any dispute which has been referred to the Compensation Board under the provisions of subsection (4) of section 11 of the date and time fixed for the hearing of the dispute, including any adjourned hearing thereof, and of the date and time at which the Compensation Board will deliver its findings.

17. The conduct of every inquiry by the Land Tribunal shall be in the hands of the Land Tribunal and, save with the permission of the Land Tribunal, no person may call any witness or examine or cross-examine any witness or address the Land Tribunal either himself or by counsel or a solicitor on his behalf.

Conduct of inquiry by Land Tribunal and right to call witnesses and to address Land Tribunal.

18. The Compensation Board may, if the chairman thinks fit, hear, at the same time, more than one claim for compensation referred to it under the provisions of subsection (4) of section 11, and the Land Tribunal may, if it thinks fit, hear, at the same time, more than one claim referred to it under and in accordance with the provisions of subsection (2) of section 6 or made under and in accordance with the provisions of paragraph (b) of subsection (1) of section 7 or of subsection (2) of section 8.

Power of Compensation Board and Land Tribunal to hear more than one claim at same time.

19. In any inquiry by the Land Tribunal into any claim by any person to be entitled under the provisions of this Ordinance to recover compensation, the burden of proof shall lie on such person.

Onus of proof in proceedings before Land Tribunal.

20. Save in so far as provision is made therefor in this Ordinance, the practice and procedure in and in connexion with any proceedings before the Compensation Board and the Land Tribunal shall be such as the chairman of the Compensation Board or the Land Tribunal, as the case may be, may, from time to time, determine.

Practice and procedure of Compensation Board and Land Tribunal.

21. Where the Crown is represented in any proceedings before the Land Tribunal, the Crown shall not be deemed to be appearing solely in its capacity as landlord.

Provisions as to capacity in which Crown appears before Land Tribunal.

Land Tribunal to take no account of certain other proceedings.

22. Where, on or after the day on which this Ordinance receives its first reading in the Legislative Council, any proceedings in which the question for the determination of the court is a question as to the title of any person to any of the reversion land are instituted in any court, the Land Tribunal shall not, in making any determination or order, take any account of the fact that such proceedings have been instituted or are being heard nor of any judgment, order or finding which may have been made or given by the court in any such proceedings.

PART IV.

Supplementary and miscellaneous.

Admissibility in criminal proceedings of evidence given before Land Tribunal.

23. Any evidence given by any person in and for the purposes of any inquiry by the Land Tribunal shall be admissible in evidence in any criminal proceedings which may be instituted against such person in respect of or arising out of any transaction in relation to, or any dealing in or with, any of the reversion land.

Rules for assessment of compensation.

24. In assessing compensation, the Director and, in the case of any dispute, the Compensation Board, shall act in accordance with the following rules—

- (1) The value of any land shall, subject as hereinafter provided, be taken to be the amount which the land, if sold in the open market, might be expected to realize.
- (2) No allowance shall be made on account of the fact that the reversion is compulsory.
- (3) No compensation shall be given in respect of any use of the land which is not in accordance with the terms of the Crown lease under which the land is held.
- (4) No compensation shall be given in respect of any expectancy or probability of the grant or renewal or continuance, by the Crown or any other person, of any licence, permission, lease or permit whatsoever:

Provided that this rule shall not apply to any case in which the grant or renewal or continuance of any licence, permission, lease or permit could have been enforced as of right if the land had not, under the provisions of section 3, reverted to the Crown.

- (5) Where the Compensation Board is satisfied by evidence that—
 - (a) the rental of any buildings or premises in respect of which compensation is claimed was enhanced by reason of the same being used as a brothel, or as a gaming house, or for any illegal purpose;

- (b) such buildings or premises were, at the date on which the pieces or parcels of land on which they were erected reverted to the Crown under the provisions of section 3, in such a condition as to be a nuisance within the meaning of any Ordinance relating to buildings or to public health, or were not in reasonably good repair; or
- (c) such buildings or premises were at such date unfit, and not reasonably capable of being made fit, for human habitation,

the compensation shall—

- (i) in the first case, so far as the same is based on rental, be based on the rental which would have been obtainable if the buildings or premises had not been occupied as a brothel, or as a gaming house, or for any illegal purpose;
 - (ii) in the second case, be the amount estimated as the value of the buildings or premises if the nuisance had been abated or if they had been put into reasonably good repair, after deducting the estimated expense of abating the nuisance or putting them into such repair, as the case may be; and
 - (iii) in the third case, be the value of the land and of the materials of the buildings thereon.
- (6) The Compensation Board may take into consideration the nature and existing condition of the property, and the probable duration of the buildings in their existing state, and the state of repair thereof.

25. Wherever in this Ordinance provision is made for the service upon any person of any notice, it shall be sufficient service if a copy of such notice is—

Service of notices.

- (a) delivered to the person upon whom it is to be served; or
- (b) sent by registered post to the last known place of residence or business of such person; or
- (c) published in the *Gazette*.

26. The Governor may entertain any moral claim in respect of any loss or damage suffered by any person in consequence of the reversion to the Crown under the provisions of section 3 of any of the reversion land, and may, on any such claim, order the payment out of the general revenue to any such person, by way of *ex gratia* compensation, of such amount as he thinks fit, but, save as aforesaid and save under the provisions of paragraph (a) of subsection (1) of section 10, no compensation shall be recoverable in respect of any of such land by any person other than a person in respect of whom the

Moral claims for compensation, etc.

Land Tribunal has, under and in accordance with the provisions of this Ordinance, made an order that he shall be entitled to recover compensation or part thereof.

Crown Lands
Resumption
Ordinance
not to apply
in respect of
reversion
land.
(Cap. 124).

27. All claims for compensation in respect of any of the reversion land shall be made and determined under and in accordance with the provisions of this Ordinance and not under the Crown Lands Resumption Ordinance, notwithstanding any order, act, claim, appointment or other thing made or done or purported to have been made or done under the Crown Lands Resumption Ordinance for the purpose of the resumption of, or the determination of compensation in respect of, the said land.

SCHEDULE.

[section 3.]

PART I.

Chai Wan Lots Nos. 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645 and 646 at Chai Wan, Hong Kong.

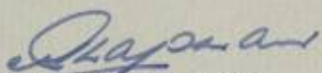
PART II.

Chai Wan Lots Nos. 65, 66, 67, 68, 83, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 144, 145, 147, 149, 150, 151, 152, 153, 154, 159, 159/1, 160, 160/1, 161, 166, 167, 168, 196, 197, 197/1, 198, 199, 200, 201, 202, 203, 204, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 258, 277, 278, 279, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302 and R.B.L. 122 at Chai Wan, Hong Kong.

PART III.

Chai Wan Lots Nos. 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 260, 261, 262, 263, 269, 270, 271, 272, 273, 274, 275, 276, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 382, 383, 384, 385, 386, 387, 388, 389, 390, 390/1, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 512/1, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 598/1, 599, 600, 601, 602, 603, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 656/1, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674 and 675 at Chai Wan, Hong Kong.

Passed the Legislative Council of Hong Kong, this 19th day of August, 1959.


Deputy Clerk of Councils.

(Secretariat GR L/M 390/50)

HONG KONG

No. 29 OF 1959.

I assent.

Clarence Burgess

Officer Administering the Government.

20th August, 1959.

An Ordinance to repeal and to re-enact with amendment the Dentists Registration Ordinance, Chapter 156.

[]

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 Dentists Registration Ordinance, 1959, and shall come into operation on a day to be appointed by the Governor by Proclamation in the *Gazette*.

Short title
and com-
mencement.

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

Interpreta-
tion.

“certificate of registration” means a certificate of registration or a duplicate certificate of registration issued under section 10;

“Council” means the Dental Council of Hong Kong established under section 4;

(Cap. 134). "dangerous drugs" means any drug to which the Dangerous Drugs Ordinance applies;

"Director" means the Director of Medical and Health Services;

"due inquiry" means an inquiry by the Council conducted substantially in accordance with the procedure prescribed by regulations made under paragraph (f) of section 29;

(25 of 1957). "Medical Council" means the Medical Council of Hong Kong established under section 3 of the Medical Registration Ordinance, 1957;

"prescribed" means prescribed by regulations made under section 29;

"register" means the register of dentists kept in accordance with section 7;

"registered" means admitted to the register in accordance with section 9;

"registered address" means the address appearing upon the certificate of registration issued under section 10;

"registered dentist" means a person whose name appears for the time being on the register;

"Registrar" means the Registrar of Dentists as provided for under section 6;

(Cap. 156). "repealed Ordinance" means the Dentists Registration Ordinance repealed by section 32.

(2) A person shall be deemed to practise dentistry within the meaning of this Ordinance, who, for the sake of gain or otherwise, holds himself out, whether directly or by implication, as practising or being prepared to practise dentistry, or treats or attempts to treat or professes to treat, cure, relieve or prevent lesions or pain of the human teeth or jaws; or performs or attempts to perform any operation thereon, or inserts or attempts to insert any artificial teeth or appliances for the restoration, regulation or improvement of the teeth or accessory structures.

Dentists
to be
registered.

3. (1) Subject to the provisions of any regulations made under paragraph (i) of section 29, any person, not being a registered dentist, who practises dentistry within the Colony shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months.

(2) Nothing in this section shall operate to prevent the extraction of teeth for the relief of pain, or the application of remedies for such purposes, by a medical practitioner registered under the Medical Registration Ordinance, 1957.

(25 of 1957).

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

Establish-
ment and
composition
of Dental
Council.

(2) The Council shall consist of—

- (a) the Director;
- (b) the Government Senior Dental Specialist;
- (c) two medical practitioners to be appointed by the Governor; and
- (d) four dental surgeons qualified to be registered under paragraph (a) or (b) of section 8 to be appointed by the Governor.

(3) Members of the Council appointed under paragraphs (c) and (d) of subsection (2) shall hold office for a period of three years but shall be eligible for re-appointment from time to time:

Provided that the first appointments made under this Ordinance shall be as follows—

- (i) of the members of the Council appointed under paragraph (c) of subsection (2) one member shall be appointed for one year only;
- (ii) of the members of the Council appointed under paragraph (d) of subsection (2) one member shall be appointed for one year only, and two members shall be appointed for two years only.

(4) If the place of a member of the Council appointed under paragraph (c) or (d) of subsection (2) becomes vacant before the expiration of his term of office, the vacancy may be filled by appointment by the Governor, and any person so appointed shall hold office so long only as the member in whose place he is appointed would have held office.

(5) The Director shall be President of Dental Council and shall be Chairman of all meetings at which he is present, and in his absence the members present shall elect one of the members appointed under paragraph (d) of subsection (2) to be Chairman.

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

Meetings of
the Council.

5. (1) The Council shall meet at such times and such places as the President may appoint, and the Council shall also meet at the request in writing of at least four members, addressed to the President.

(2) At any meeting of the Council four members, including not less than one member appointed under paragraph (d) of subsection (2) of section 4, shall be a quorum.

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

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

(5) The Chairman at any meeting of the Council shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote except in an inquiry under section 9 or section 18 at which he shall have only an original vote.

Registrar of
Dentists.

6. (1) For the purposes of this Ordinance, there shall be a Registrar of Dentists, who shall perform such duties in connexion with the register of dentists as may be prescribed.

(2) The Director shall be the Registrar.

Keeping of
register.

7. (1) The Registrar shall cause a register of dentists to be kept in the form prescribed and he shall be responsible for the maintenance and custody thereof.

(2) The register kept under section 6 of the repealed Ordinance existing immediately before the commencement of this Ordinance shall continue in existence and shall be deemed to have been kept under this section, and every person whose name appears thereon shall be deemed to have been registered under section 9.

(3) In respect of any person who is registered by virtue of paragraph (d) of section 8, the register shall indicate the paragraph of section 7 of the repealed Ordinance under which such person was first registered.

Persons who
are qualified
to be
registered.

8. Subject to the provisions of this Ordinance, the following persons and no others shall be qualified to be registered under this Ordinance—

- (a) any person who holds a degree, diploma or other document of any examining body in the Commonwealth or in any foreign country which is recognized by the General Dental Council of the United Kingdom as registrable in the Dentists Register of the United Kingdom;

- (b) any person who holds a degree, diploma or other document of any examining body which may from time to time be recognized by the Council as qualifying the holder thereof to be registered under this Ordinance;

- (c) any person who shall by reason of his academic qualification, professional experience and skill, satisfy the Council that he is a fit person to be registered under this Ordinance;

Provided that every person applying for registration under this paragraph shall furnish such evidence of good character as shall satisfy the Council;

- (d) any person who was at any time registered under the repealed Ordinance.

9. (1) Any person qualified to be registered may apply to the Registrar for registration. Every such application shall be made in such manner and shall be accompanied by such documents, photographs and particulars as may be prescribed.

Application
for
registration.

(2) Where such person has complied with the provisions of subsection (1) and with any regulations relating thereto, and has paid the prescribed fee, he shall, subject to the provisions of subsection (3), be admitted by the Council to the register.

(3) If, after due inquiry, the Council is satisfied that any applicant for registration—

- (a) has been convicted in the Colony or elsewhere of any offence punishable with imprisonment; or
- (b) has been guilty of unprofessional conduct; or
- (c) is the subject of an existing order made under paragraph (i) or (ii) of subsection (1) of section 17 of the repealed Ordinance,

the Council may, in its discretion, order that the name of the applicant be not entered upon the register.

(4) Such of the provisions of section 18 as are capable of application to an inquiry held for the purposes of this section shall apply to such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it conveniently applicable.

Certificate of
registration.

10. (1) When a person has been registered, the Council shall issue to him a certificate of registration in such form as may be prescribed.

(2) A registered dentist who requires a certified copy of his certificate of registration in order to comply with the provisions of subsection (1) of section 14 shall apply in writing to the Registrar enclosing one passport size photograph and stating the address of the premises at which he proposes to practise, and the Registrar may thereupon issue to the registered dentist a certified copy of his certificate of registration.

- (3) (a) The registered address appearing upon the certificate of registration shall be the principal address at which the registered dentist carries on his practice;
- (b) every registered dentist shall report to the Registrar every address at which he carries on the practice of dentistry for gain;
- (c) every registered dentist shall report to the Registrar any change of his registered address or the change of any other address at which he carries on the practice of dentistry for gain within two months of such change;
- (d) upon a report of any change of a registered address being made to the Registrar in accordance with paragraph (c) the Registrar shall cause the registered address upon the certificate of registration or upon any certified copy thereof or upon both such certificate of registration and upon such certified copy thereof as the case may be to be amended accordingly;
- (e) any registered dentist who fails to make a report in accordance with paragraph (b) or (c) shall be guilty of an offence and shall be liable, on summary conviction, to a fine of five hundred dollars.
- (4) If a certificate of registration has been lost, destroyed or defaced, the registered dentist may apply in writing to the Registrar to issue to him a duplicate certificate of registration and the Registrar upon being satisfied as to such loss, destruction or defacement, shall issue to the registered dentist a duplicate certificate of registration in the same form as is prescribed for a certificate of registration, marked on the face thereof with the word "duplicate".
- (5) If it appears to the Registrar that a certificate of registration or a certified copy of a certificate of registration is defaced or that the photograph thereon is not a reasonable likeness of the registered dentist to whom the certificate of registration relates the Registrar by notice in writing may require the registered dentist to lodge his certificate of registration or certified copy, as the case may be, with the Registrar and to apply for the issue of a duplicate certificate of registration or of another certified copy, and any registered dentist who on being so

required fails to do so within seven days of the service of such notice shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one hundred dollars.

11. (1) Every registered dentist shall be entitled to recover in due course of law reasonable charges for professional aid, advice and visits and the value of any medicine or any dental or medical appliances rendered, made or supplied by him to his patients. Privileges of
registered
dentists.

(2) No person shall be entitled to recover in any court any such charges as are referred to in subsection (1) unless at the date when such charges accrued he was a registered dentist.

12. (1) A body corporate may carry on the business of dentistry if— Dental
companies.
- (a) it carries on no business other than dentistry or some business ancillary to the business of dentistry; and
 - (b) a majority of the directors and all persons practising dentistry are registered dentists:

Provided that a body corporate which was carrying on the business of dentistry before the date of commencement of this Ordinance shall not be disqualified from carrying on the business of dentistry under this section by reason only that it carries on some business other than dentistry or a business ancillary to that business, if that other business is a business which the body was lawfully entitled at the date of coming into operation of this Ordinance to carry on.

(2) Save as aforesaid it shall not be lawful for any body corporate to carry on the business of dentistry, and any body corporate which carries on the business of dentistry in contravention of the provisions of this section and every director and manager thereof shall, unless he proves that the offence was committed without his knowledge, be guilty of an offence and shall be liable, on summary conviction, to a fine of two thousand dollars for each offence.

(3) Every body corporate carrying on the business of dentistry shall within seven days of the 1st day of January in every year transmit to the Registrar a statement in the prescribed form containing the names and addresses of all persons who are directors or managers of the company, or who perform dental operations in connexion with the business of the company, and, if any such body corporate fails so to do, it shall be deemed to be carrying on the business of dentistry in contravention of the provisions of this section.

(4) Nothing in this section shall prevent the carrying on of the business of dentistry by the operating staff of any hospital of any description (including an institution for out-patients only), or of any dental school, which is approved for the purposes of this section by the Governor in Council.

Publication of register and evidence of registration.

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

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

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

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

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

Exhibition of certificate of registration.

14. (1) Every registered dentist shall cause to be exhibited in a conspicuous place in any premises in which he practises dentistry for gain the certificate of registration issued to him under subsection (1) of section 10 or a certified copy of such certificate issued under subsection (2) of that section and any registered dentist who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and, in the case of a continued non-compliance, to a fine of fifty dollars for every day during which such non-compliance continues.

(2) Any person who displays or causes or permits to be displayed in any premises a certificate of registration or a certified copy of a certificate of registration bearing his name or photograph at any time when his name does not appear on the register shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars.

Correction of register.

15. (1) The Registrar shall from time to time insert in the register any alteration or addition which may come to his knowledge in the name, addresses or qualifications of any person registered.

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

(3) The Council may order the removal from the register of the name of any person who—

- (a) is deceased; or
- (b) is not practising dentistry in the Colony; or
- (c) has not supplied to the Registrar an address in the Colony at which all notices from the Council may be served on him:

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

16. (1) It shall be lawful for any public officer thereunto authorized by the Council to enter and inspect any premises used or proposed to be used for the practice of dentistry. Such officer shall produce, on demand, a written authority, signed by the President of the Council authorizing such entry and inspection.

Inspection of premises used for the practice of dentistry.

(2) Any person wilfully obstructing or resisting an officer duly authorized by the Council in the inspection of premises used or proposed to be used for the practice of dentistry shall be guilty of an offence, and shall be liable, on summary conviction, to a fine of five hundred dollars.

17. No registered dentist shall practice dentistry in premises or under conditions which are unsuitable for such practice.

Premises unsuitable for the practice of dentistry.

18. (1) If, after due inquiry, the Council is satisfied that any registered dentist—

- (a) has been convicted in the Colony or elsewhere of any offence punishable with imprisonment; or
- (b) has been guilty of unprofessional conduct; or
- (c) has obtained registration by fraud or misrepresentation; or
- (d) was not at the time of his registration qualified to be registered; or
- (e) has contravened the provisions of section 17,

Disciplinary inquiries by the Council.

the Council may, in its discretion—

- (i) order the name of the registered dentist to be removed from the register; or
- (ii) order the name of the registered dentist to be removed from the register for such period as it may think fit; or
- (iii) order the registered dentist to be reprimanded; or

- (iv) postpone judgment on the case for a period, or periods in the aggregate, not exceeding two years,

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

(Cap. 227).

(2) For the purposes of subsection (1), "unprofessional conduct" means an act or omission of a registered dentist which would be reasonably regarded as disgraceful or dishonourable by registered dentists of good repute and competency.

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

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

(5) Within one month after the expiry of the time within which an appeal against an order made by the Council in accordance with the provisions of subsection (1) may be made to the Full Court in accordance with the provisions of section 23, or if such appeal has been made, within one month after the decision of the Full Court affirming or varying such order, the Council shall cause the order, or the order as so varied, as the case may be, to be published in the *Gazette* and may cause an account of the proceedings at the inquiry at which such order was made to be so published. There shall also be published in the *Gazette* together with such order sufficient particulars to acquaint the general public of the nature of the offence to which the order relates.

19. (1) For the purposes of an inquiry under section 9 or section 18 the Council shall have the following powers—

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

Powers of Council with regard to obtaining evidence and the conduct of proceedings.

- (c) to admit or exclude the public or any member of the public from the inquiry;

- (d) to admit or exclude the press from the inquiry;

- (e) to award any person summoned to attend the inquiry such sum or sums as in the opinion of the Council may have been reasonably expended by him by reason of his attendance.

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

20. Any person who being summoned to attend as a witness or produce a book, document or any other thing at any inquiry under section 9 or section 18 refuses or neglects to do so or to answer any question put to him by or with the concurrence of the Council shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months:

Penalty for failure to give evidence.

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

21. The complainant in any inquiry under section 9 or section 18 and the person whose conduct is the subject of such inquiry shall be entitled to be represented by counsel or a solicitor throughout the inquiry.

Appearance of counsel, etc.

22. (1) The Registrar shall cause a copy of any order made under subsection (3) of section 9 or subsection (1) of section 18 to be served forthwith upon the person concerned, either personally or by registered post addressed to his registered address.

Provisions relating to orders of the Council.

(2) The Registrar shall not remove the name of a registered dentist from the register before the expiry of one month after the date of service of an order of the Council made under subsection (1) of section 18 on the person concerned and in the case of an appeal shall await the decision of the Full Court.

(3) Any person whose name has been removed from the register under the provisions of this Ordinance, or whose name prior to the commencement of this Ordinance had been removed or erased under the provisions of the repealed Ordinance from the register kept in accordance with the provisions of that Ordinance may apply to the Council for the restoration of his name to the register, and the Council, in its absolute discretion and after such inquiry and subject to such conditions as it may consider desirable, may either allow or refuse the application, and, if it allows the same, shall order the Registrar to restore the name of the applicant to the register, and thereupon the Registrar shall restore the name accordingly.

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

Appeals.

23. (1) Any person whose name has been ordered not to be entered upon the register under subsection (3) of section 9 or any registered dentist who is aggrieved by any order made in respect of him under section 15 or section 18 may appeal to the Full Court and the Full Court may thereupon affirm, reverse or vary the order appealed against.

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

(Cap. 4).

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

Provided that the Full Court shall not have power to hear any appeal against an order made under section 9 or section 18 unless notice of such appeal was given within one month of the service of the order in accordance with subsection (1) of section 22.

Penalty for fraudulent registration.

24. Any person who fraudulently procures or attempts to procure himself or any other person to be registered under this Ordinance shall be guilty of an offence and shall be liable, on summary conviction, to a fine of ten thousand dollars and to imprisonment for two years.

Penalty for falsely pretending to be or taking or using the name or title of a dentist.

25. Any person not registered as a dentist under this Ordinance who wilfully or falsely pretends to be or takes or uses the name or title of a dentist, dental surgeon, qualified dentist, doctor of dental surgery, professor of dentistry, surgeon dentist, or any name, title, addition or description implying, whether in itself or in the circumstances in which it is used, that such person is a dentist or that such person is qualified to heal or treat dental disorders or derangements, whether by dentistry or any other means of any kind or description whatsoever, shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months.

Penalty for registered dentist falsely describing his vocation.

26. A registered dentist not qualified to be registered under paragraph (a) or (b) of section 8 shall not make use, in describing his vocation, of any name, title, addition, description or term other than that of "registered dentist" (註冊牙醫) or the abbreviated form "dentist" (牙醫). Any such registered dentist who wilfully or falsely pretends to be or takes or uses the name or title of a dental surgeon, surgeon dentist, qualified dentist, doctor of dental surgery, professor of dentistry or any name, title or description implying in itself or in the circumstances in which it issued that such registered dentist possesses or holds any qualification to practise other than that he is registered as a dentist shall be guilty of an offence and shall be liable, on summary

conviction, to a fine of one thousand dollars and to imprisonment for six months:

Provided that, notwithstanding the foregoing provisions of this section, the Council may, by writing under the hand of the Secretary, authorize a registered dentist not qualified to be registered under paragraph (a) or (b) of section 8 to use such title or titles associated with his academic qualifications as the Council may think fit.

27. Any registered dentist who practises dentistry in premises in which an unregistered person practises dentistry shall be guilty of an offence and shall be liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months. Covering.

28. (1) Where a person has been convicted of an offence against subsection (1) of section 3, a magistrate may, on application made on behalf of the Crown, order that all dental materials and equipment in the possession or under the control of such person shall be forfeited to the Crown. Forfeiture.

(2) Upon the making of an order for forfeiture under this section, the materials and equipment to which such order relates shall be deemed to be the property of the Crown free from the rights of any person.

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

- (a) the procedure to be adopted at meetings of the Council;
- (b) the duties of the Registrar;
- (c) the form of the register and the mode in which it shall be kept;
- (d) the fees to be paid in respect of proceedings, and in respect of certificates issued, under this Ordinance;
- (e) the manner in which applications for registration shall be made;
- (f) the procedure to be followed—
 - (i) in relation to preliminary investigation of complaints touching the conduct of registered dentists; and
 - (ii) in relation to inquiries held by the Council under the provisions of section 9 or section 18;
- (g) any certificate, form or other document required for carrying out the purposes of this Ordinance;
- (h) the duties of the Legal Adviser to the Council;

- (i) the establishment of classes of ancillary dental workers to undertake dental work amounting to the practice of dentistry within the meaning of subsection (2) of section 2, and in particular—

(i) the qualifications for becoming a member of such a class;

(ii) the dental work which a member of such a class may undertake and the conditions, if any, under which he may undertake it;

(iii) the establishment of a roll or record of such classes; and

(iv) the title to be used by a member of such a class indicating his membership thereof;

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

Exemptions
from sections
9, 10 and 14.

30. (1) All dentists in the public service of the Colony who possess any of the qualifications mentioned in paragraph (a), (b) or (c) of section 8 shall, while in the discharge of their duties, be exempt from the provisions of section 10 and section 14, and shall be exempt from payment of fees in accordance with section 9.

(2) All dentists of Her Majesty's Navy, Army or Air Force residing in the Colony who possess any of the qualifications mentioned in paragraph (a), (b) or (c) of section 8 shall, while in the discharge of their duties, be deemed to be registered and shall be exempt from the provisions of sections 9, 10 and 14:

Provided that such exemptions shall not apply to any such dentist practising dentistry privately within the Colony.

Exemptions.

31. (1) Nothing in this Ordinance shall operate to prevent the practice of medicine or surgery by a medical practitioner registered under the Medical Registration Ordinance, 1957.

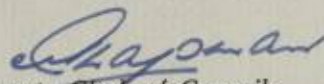
(2) Nothing in this Ordinance shall operate to prevent the training of medical and dental students and dental nurses in the practice of dentistry under the supervision of a registered dentist in a hospital, clinic or dental school approved for the purposes of this subsection by the Governor in Council.

(3) Nothing in this Ordinance shall operate to prevent the performance by dental nurses employed in the public service of minor dental work of such a character as may be authorized in writing by the Government Senior Dental Specialist.

Repeal.
(Cap. 156).

32. The Dentists Registration Ordinance is repealed.

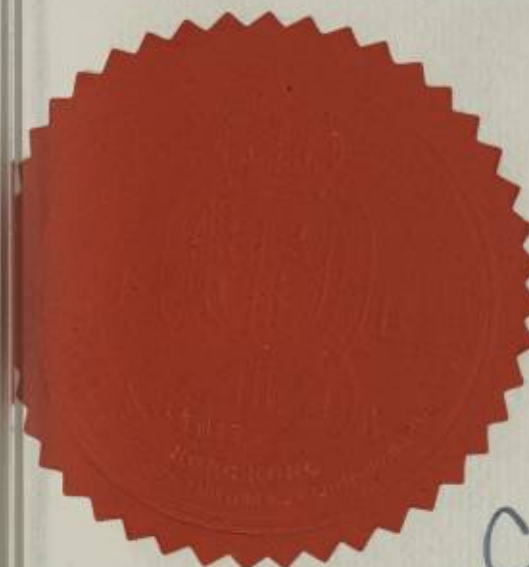
Passed the Legislative Council of Hong Kong, this 19th day of August, 1959.


Deputy Clerk of Councils.

(Secretariat GR37/3231/49)

HONG KONG

No. 30 OF 1959.



I assent.

Claude Burgess
Officer Administering the Government.

3rd September, 1959.

An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March, 1959.

[4th September, 1959.]

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, 1959, in addition to the charge upon the revenue of the Colony authorized by the Appropriation (1958-59) Ordinance, 1958:

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 (1958-59) Ordinance, 1959. Short title.

2. A sum of thirty million, nine hundred and forty-one thousand, two hundred and seven dollars is hereby charged upon the revenue of the Colony for the service of the financial year ended the 31st day of March, 1959, the appropriation of the sum so charged being approved as specified in the Schedule. Appropriation from general revenue.
Schedule.

SCHEDULE.

[s. 2.]

<i>Number of vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of vote.</i>
		\$
4.	Broadcasting Department	84,859
9.	Defence:	
	J—Miscellaneous Measures	905,592
19.	Miscellaneous Services	27,665,324
20.	New Territories, District Administration	193,729
23.	Post Office	719,558
24.	Printing Department	192,890
26.	Public Debt	880
28.	Public Services Commission	7,702
32.	Quartering	830,054
38.	Secretariat for Chinese Affairs:	
	A—Secretariat for Chinese Affairs	22,432
39.	Social Welfare Department	318,187
	TOTAL	\$30,941,207

Passed the Legislative Council of Hong Kong, this 2nd day of September, 1959.

Raymond
Deputy Clerk of Councils.

(Secretariat GR2/2311/58)

HONG KONG

No. 31 OF 1959.

I assent.

Claude Burgess
Officer Administering the Government.

3rd September, 1959.

An Ordinance to amend the Hong Kong Auxiliary Police Force Ordinance, 1959.

[4th September, 1959.]

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 Hong Kong Auxiliary Police Force (Amendment) Ordinance, 1959. Short title.

2. Section 6 of the Hong Kong Auxiliary Police Force Ordinance, 1959, is amended by the deletion of subsection (1) and the substitution thereof of the following— Amendment
of section 6.
(2 of 1959).

“(1) The Governor, on the recommendation of the Commissioner, may grant honorary membership of the Force, with honorary rank equivalent to the substantive rank held at the date of retirement, to—

(a) any member who holds the rank of auxiliary superintendent of police or above, on retirement from the Force; and

(b) any person who retired from the Hong Kong Police Reserve established under the Police Reserve Ordinance, or from the Special Constabulary established under the Emergency (Special Constabulary) Regulations, 1950 between the 18th September, 1957 and the date of coming into operation of this Ordinance and who, at the date of such retirement, held a rank equivalent to that of auxiliary superintendent of police or above;

and who, in the opinion of the Governor, has rendered distinguished service in the Force or in the Hong Kong Police Reserve or in the Special Constabulary as the case may be."

Passed the Legislative Council of Hong Kong, this 2nd day of September, 1959.

Deputy Clerk of Councils.

(Secretariat CR72/1484/57)

HONG KONG

NO. 32 OF 1959.

I assent.

Claude Buzess
Officer Administering the Government.

3rd September, 1959.

An Ordinance to amend the Industrial and Reformatory Schools Ordinance, Chapter 225.

[4th September, 1959.]

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 Industrial and Reformatory Schools (Amendment) Ordinance, 1959. Short title.

2. Section 13 of the Industrial and Reformatory Schools Ordinance (hereinafter referred to as the principal Ordinance) is repealed and replaced by the following— Repeal and replacement of section 13.

13. The Governor in Council may by rules provide for the following matters in connexion with reformatory schools established under this Ordinance— (Cap. 225).

(a) all matters relating to the regulation and management of a reformatory school and the maintenance of order and discipline therein;

"Rules by Governor in Council for reformatory schools."

- (b) discharge of youthful offenders under section 20;
- (c) the duties to be performed and powers to be exercised by—
 - (i) the superintendent and other officers including medical officers appointed under section 12; and
 - (ii) visitors appointed under section 14.”.

Amendment of section 15. 3. Section 15 of the principal Ordinance is amended by the insertion in subsection (1) after the words “Supreme Court” of the following—

“or District Court”.

Amendment of section 17. 4. Section 17 of the principal Ordinance is amended by the deletion of subsections (1), (2), (3) and (4) and the substitution thereof of the following—

“(1) When a youthful offender is convicted before any court of an offence punishable, in the case of an adult by a fine or by imprisonment, the court may, in lieu of any such sentence of fine or imprisonment, order such offender to be detained in a reformatory school; and such order shall take effect as a sentence of detention for a period of not less than two years and not more than five years, and in any case not longer than until such offender attains the age of eighteen years, and the powers conferred under section 20 shall be exercisable upon the expiry of the said period of two years.

(2) Before a sentence of detention is passed, the court shall consider any report or representations made by or on behalf of the Director of Social Welfare on the youthful offender's physical and mental condition and his suitability for such sentence; and for such purpose the court may remand the said offender in custody by order made under subsection (6).”.

Addition of new section 25A. 5. The principal Ordinance is amended by the addition after section 25 of the following new section—

“Incorrigibles.

25A. (1) On an application being made on behalf of the Director of Social Welfare in respect of an incorrigible, a court or magistrate may order that such incorrigible be detained in a training centre or may commute the unexpired part of his period of detention to such term of imprisonment as it may see fit not exceeding the said unexpired period of detention.

(2) For the purpose of determining which order, if any, would be the more expedient for the reformation of the youthful offender and for the prevention of crime, the

court may conduct such inquiry as it may see fit, including the hearing of the youthful offender.

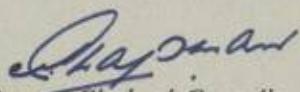
(No. 5 of 1953).

(3) An Order for the detention of a youthful offender in a training centre shall take effect as if it had been made under the provisions of the Training Centres Ordinance, 1953.

(4) For the purposes of this section an incorrigible means a youthful offender over the age of fourteen years in respect of whom the Director of Social Welfare has certified in writing that in his opinion the youthful offender is an incorrigible by reason of any of the following—

- (a) absconding;
- (b) persistent refusal to conform to the rules of the Reformatory School;
- (c) wilful insubordination against the discipline of such school;
- (d) such other conduct as renders him a bad influence on the other youthful offenders detained in such school.”.

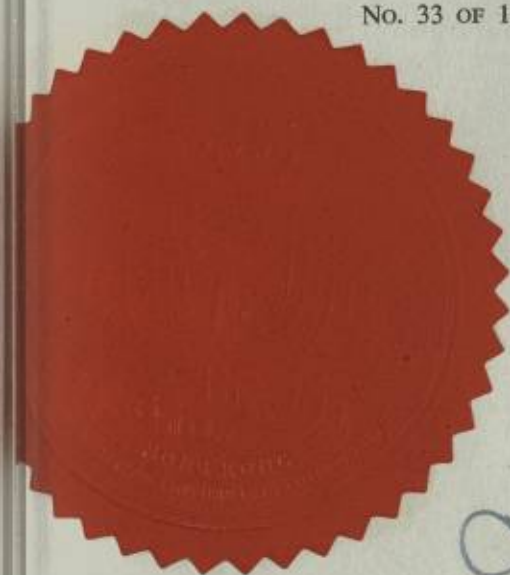
Passed the Legislative Council of Hong Kong, this 2nd day of September, 1959.


Deputy Clerk of Councils.

(Secretariat GR3/3231/58)

HONG KONG

No. 33 OF 1959.



I assent.

Claude Burgess

Officer Administering the Government.

24th September, 1959.

An Ordinance further to amend the Commissioners Powers Ordinance,
Chapter 86. [25th September, 1959.]

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 Commissioners Powers Short Title.
(Amendment) (No. 2) Ordinance, 1959.

2. Section 2 of the Commissioners Powers Ordinance is Amendment
amended— of section 2.
(Cap. 86).

(a) by the re-numbering of paragraph (c) as paragraph (d);

(b) by the addition after paragraph (b) of the following new
paragraph—

“(c) to appoint a legal adviser to such Commissioners, at
such salary or remuneration as he may think fit,
and”.

Passed the Legislative Council of Hong Kong, this 23rd day of
September, 1959.

Deputy Clerk of Councils.

(Secretariat CR1/4576/58)

HONG KONG

No. 34 OF 1959.

I assent.

Charles Burgess

Officer Administering the Government.

24th September, 1959.

An Ordinance to amend the Wild Birds and Wild Mammals Protection Ordinance, 1954.

[25th September, 1959.]

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 Wild Birds and Wild Mammals Protection (Amendment) Ordinance, 1959. Short title.

2. Section 2 of the Wild Birds and Wild Mammals Protection Ordinance, 1954 (hereinafter referred to as the principal Ordinance) is amended by the deletion of the definitions of "forest officer" and "licensing authority". Amendment of section 2. (8 of 1954).

3. The principal Ordinance is amended by the addition after section 2 of the following new section— Addition of new section 2A.

"Licensing Authority.

2A. The Director of Agriculture, Fisheries and Forestry shall be the licensing authority for the purpose of this Ordinance."

Amendment
of section 9.

4. Section 9 of the principal Ordinance is amended by the insertion after the words "police force" of the following—
"or revenue officers".

Amendment
of section 12.

5. Section 12 of the principal Ordinance is amended by the deletion of subsections (1) and (2) and the substitution therefor of the following—

Sixth
Schedule,
Forms 1 & 2.

"(1) The licensing authority on application made in the form prescribed in Form 1 of the Sixth Schedule may at his discretion issue a game licence in the form and on payment of the fee prescribed in Form 2 thereof.

(2) The licensing authority may require an applicant for a game licence to undergo tests as to his ability to identify game."

Repeal and
replacement
of section 14.

6. Section 14 of the principal Ordinance is repealed and replaced by the following—

"Game
Wardens.

14. The Governor may appoint fit and proper persons to be game wardens and honorary game wardens for the purpose of assisting in carrying out the provisions of this Ordinance and all such appointments shall be notified in the *Gazette*."

Repeal and
replacement
of section 15.

7. Section 15 of the principal Ordinance is repealed and replaced by the following—

"Powers of
inspection
and arrest.

15. (1) If any justice of the peace, game warden, or honorary game warden has reasonable grounds for believing that any person has been hunting or is about to hunt, he may require such person to produce for inspection any mammal or bird or any part thereof in his possession and any game licence issued to him under the provisions of this Ordinance.

(2) If any justice of the peace, game warden, or honorary game warden has reasonable grounds for believing that any person has committed an offence against this Ordinance, he may—

- (a) arrest such person;
- (b) seize any mammal or bird or any part thereof in his possession;
- (c) seize any nets, gins, snares, poison or poisoned weapons, bird lime or traps of any kind or any other appliances for hunting mammals or birds whether in the possession of such person or not.

(3) Where any justice of the peace, game warden or honorary game warden arrests any person under the provisions of subsection (2) he shall forthwith take such person to the nearest police station and shall there hand him over to the custody of a police officer and thereupon the provisions of section 47 of the Police Force Ordinance shall apply."

(Cap. 232).

8. Section 17 of the principal Ordinance is amended by the deletion of subsection (1) and the substitution therefor of the following—

Amendment
of section 17.

"(1) Any person who wilfully resists or obstructs a justice of the peace, game warden or honorary game warden in the exercise of his powers under section 15 or who, without lawful excuse, fails to comply with a requirement of a justice of the peace, game warden or honorary game warden under the provisions of that section shall be guilty of an offence and liable to a fine of two hundred and fifty dollars."

9. Section 19 of the principal Ordinance is repealed and replaced by the following—

Repeal and
replacement
of section 19.

"Forfeiture.

19. Where a person is convicted of an offence against this Ordinance, the court before which he is convicted shall have power to order that—

- (a) any mammal, bird, nest or egg; or
- (b) any net, gin, snare, poison or poisoned weapon, bird lime or trap of any kind,

in relation to which the offence was committed be forfeited to the Crown."

10. The Sixth Schedule of the principal Ordinance is repealed and replaced by the following—

Repeal and
replacement
of the Sixth
Schedule.

"SIXTH SCHEDULE.

[sec. 12.]

FORM 1.

THE WILD BIRDS AND WILD MAMMALS PROTECTION ORDINANCE, 1954.

(No. 8 of 1954).

Form of Application for a Game Licence.

I,
of
herewith make application for the issue of a Game Licence.

I will, when required, take a test on the recognition of game.

Signature

Date

*Certified that A. the applicant is in possession of an Arms Licence.

B. I am prepared to grant an Arms Licence should he be issued with a Game Licence.

Stamp or Signature

Date

Commissioner of Police,
Hong Kong.

* Delete whichever is inapplicable.

FORM 2.

THE WILD BIRDS AND WILD MAMMALS PROTECTION ORDINANCE, 1954.

(No. 8 of 1954).

GAME LICENCE.

(Section 12).

This game licence is issued to
..... of
..... and entitles him to hunt the
following mammal and the following birds during the shooting seasons prescribed
below, and subject to such restrictions as may be imposed under the Ordinance.

Mammal.

Deer

Shooting Season.

from the 1st October to the 31st January,
both days inclusive.

Resident Birds.

The Chinese Francolin

(Partridge)

Dove

} from the 1st November to the 14th
February, both days inclusive.

Migratory Birds.

Snipe

Woodcock

Plover

Teal

Wild Duck (all species)

Wild Geese

Quail (other than quail
bred in captivity)

} from the 1st August to the 30th April,
both days inclusive.

Doves

from the 1st November to the 14th
February, both days inclusive.

CONDITIONS.

(i) This licence is valid from
to

(ii) The licensee must carry this licence with him when engaged on or
setting out for or returning from any shooting expedition, and must produce it
when required to do so by any magistrate, justice of the peace, police officer,
game warden or honorary game warden.

(iii) This licence is not transferable.

Fee \$50.

Hong Kong,, 19.....

Signature of Holder.

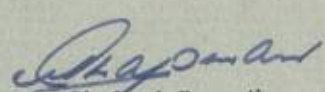
Licensing Authority.

RECEIVED the sum here
stated in printed figures

Code	Reference No.
G	

The attention of the licensee is drawn to the provisions of the Wild Birds
and Wild Mammals Protection Ordinance, 1954 (No. 8 of 1954)."

Passed the Legislative Council of Hong Kong, this 23rd day of
September, 1959.


Deputy Clerk of Councils.

(Secretariat GR13/3231/53)

HONG KONG

No. 35 OF 1959.

I assent.

Charles Burgess

Officer Administering the Government.

8th October, 1959.

An Ordinance further to amend the Corporal Punishment Ordinance, 1954.

[9th October, 1959.]

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 Corporal Punishment (Amendment) Ordinance, 1959. Short title.

2. The Corporal Punishment Ordinance, 1954, is amended by the deletion therefrom (and from the marginal notes thereto) of the words "whipped" and "whipping" wherever they occur therein and the substitution therefor of the words "caned" and "caning" respectively. Amendment of Corporal Punishment Ordinance. (39 of 1954).

3. The Ordinances specified in the first column of the Schedule are amended to the extent and in the manner set out in the second column. Consequential amendments.

SCHEDULE.

[s. 3.]

CONSEQUENTIAL AMENDMENTS.

Short Title	Amendment
Juvenile Offenders Ordinance. (Chapter 226).	Section 18 is amended by the deletion from paragraph (g) thereof of the word "whipped" and the substitution therefor of the word "caned".
Magistrates Ordinance. (Chapter 227).	Sections 92, 93 and 116 (and the marginal notes thereto) are amended by the deletion therefrom of the words "whipped", "whipping" and "flogging" wherever they occur therein and by the substitution of the word "caned" for the word "whipped" and of the word "caning" for the words "whipping" and "flogging", as the case may be.

Passed the Legislative Council of Hong Kong, this 7th day of October, 1959.

Raymond
Deputy Clerk of Councils.

(Secretariat GR7/2611/4611)

HONG KONG

No. 36 OF 1959.

I assent.

Anna Burgess
Officer Administering the Government.

22nd October, 1959.

An Ordinance to amend the law as to the liability of occupiers and others for injury or damage resulting to persons or goods lawfully on any land or other property from dangers due to the state of the property or to things done or omitted to be done there, and for purposes connected therewith.

[1st April, 1960.]

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

1. (1) This Ordinance may be cited as the Occupiers Liability Ordinance, 1959.

Short title
and com-
mencement.

(2) This Ordinance shall come into operation on the 1st day of April, 1960.

Liability in tort.

2. (1) The rules enacted by sections 3 and 4 shall have effect, in place of the rules of the common law, to regulate the duty which an occupier of premises owes to his visitors in respect of dangers due to the state of the premises or to things done or omitted to be done on them.

Preliminary.