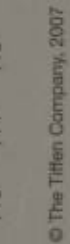


THE
ORDINANCES
OF
HONG KONG

1955



HONG KONG

No. 1 OF 1955.



I assent.

McHannan
Governor.

27th January, 1955.

An Ordinance to amend the Vehicle and Road Traffic Ordinance,
Chapter 220.

[28th January, 1955.]

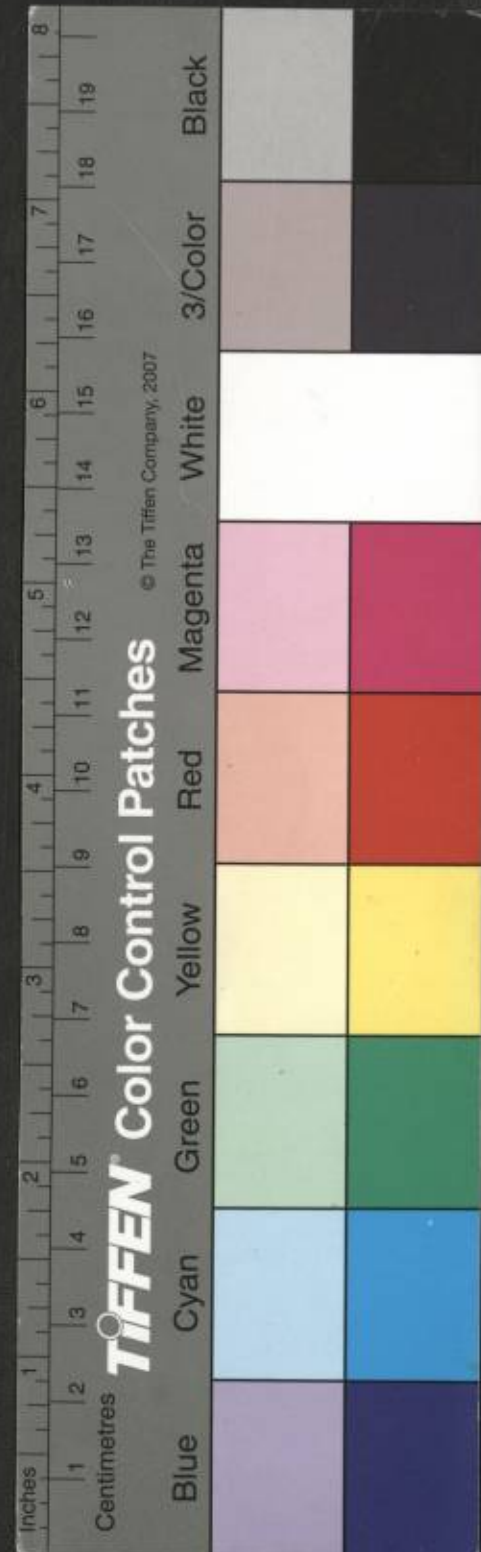
BE it enacted by the Governor of Hong Kong, with the advice
and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Vehicle and Road Short title.
Traffic (Amendment) Ordinance, 1955.

2. Section 5 of the Vehicle and Road Traffic Ordinance (hereinafter referred to as the principal Ordinance) is repealed
and replaced by the following section—

5. (1) Any person who when driving or
attempting to drive, or when in charge of a motor
vehicle on a road or other public place is under the

Repeal and
replacement
of section 5.
(Cap. 220).



the influence of
drink or
drugs.
20 & 21
Geo. 5,
c.43, s.15.

influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable—

(a) on summary conviction to a fine of one thousand dollars or to imprisonment for six months, and in the case of a second or subsequent conviction to a fine of two thousand dollars and to such imprisonment as aforesaid;

(b) on conviction on indictment to imprisonment for twelve months and a fine.

(2) A person convicted of an offence under this section shall, unless the court or magistrate for special reasons thinks fit to order otherwise and without prejudice to the power of the court or magistrate to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence to drive a motor vehicle."

Amendment
of section 7.

3. Section 7 of the principal Ordinance is amended by—

- (a) the deletion from the first line of subsection (1) of the brackets and number "(1)";
- (b) the deletion from the second line of subsection (1) of the comma after the number "4", and of the number "5";
- (c) the insertion after the number "6," in the second line of subsection (1) of the following—

"or under any regulation made under this Ordinance relating to the maximum speed at which motor vehicles may be driven"; and

- (d) the deletion of subsection (2).

Amendment
of section 8.

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

"(1) Any person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be liable—

- (a) on summary conviction to a fine of one thousand dollars or to imprisonment for six months;
- (b) on conviction on indictment to imprisonment for twelve months and a fine;

Provided that, if on summary proceedings under this section the magistrate, or on proceedings under this section in the District Court the District Judge, or on proceedings under this section on indictment the jury is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would in the circumstances of the case have given his consent, if he had been asked therefor, the accused shall not be liable to be convicted of the offence."

Passed the Legislative Council of Hong Kong, this 26th day of January, 1955.



Deputy Clerk of Councils.

(Secretariat 3/2781/48)

HONG KONG

No. 2 OF 1955.



I assent.

Albino
Governor.

27th January, 1955.

An Ordinance further to amend the Magistrates Ordinance,
Chapter 227.

[28th January, 1955.]

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 Magistrates Short title.
(Amendment) Ordinance, 1955.

2. Subsection (3) of section 19 of the Magistrates Ordinance (hereinafter referred to as the principal Ordinance) is rescinded and replaced by the following subsection—

Amendment
of section
19.
(Cap. 227).

"(3) If the magistrate convicts a defendant or makes an order against him, he shall thereupon make a minute or memorandum of such adjudication (for which no fee shall be paid), and he shall cause the same to be lodged with the magistrates' clerk, who shall register the same as hereinafter provided."

Amendment
of section
28.

3. Section 28 of the principal Ordinance is amended by the addition thereto of the following new subsection—

"Summary
Jurisdiction
Rules, 1915,
r. 53.

(3) Such convictions and orders shall not be drawn up unless for an appeal or some other legal purpose."

Amendment
of section
34.

4. Subsection (1) of section 34 of the principal Ordinance is amended by the deletion from the side-note thereof of the following—

"Rules. Form 60."

Repeal and
replace-
ment of
section 98.

5. Section 98 of the principal Ordinance is repealed and replaced by the following section—

"Imprison-
ment for
non-pay-
ment of a
pecuniary
penalty or
amends
awarded
for an
offence
under the
Ordinance
or any
other en-
actment.

98. Whenever a magistrate awards a pecuniary penalty or amends for an offence under this or any other enactment and the same is not paid forthwith, the magistrate may, in the absence of express provision to the contrary in any such enactment, commit the offender to prison with or without hard-labour in accordance with the provisions of section 67:

Provided that where the enactment creating the offence lays down a term of imprisonment either in addition to any pecuniary penalty or in lieu thereof, the period of imprisonment awarded under this section shall not exceed such a term."

Repeal and
replace-
ment of
section 110.

6. Section 110 of the principal Ordinance is repealed and replaced by the following section—

"Compelling
magistrate
to state
or amend
a case.
[cf. 15 & 16
Geo. 6 &
1 Eliz. 2
c. 55,
s. 87(6)].

110. Where a magistrate refuses to state a case or amend the case stated, the judge of the court may, on the application of the person who applied for a case to be stated or the case stated to be amended, make an order of *mandamus* requiring the magistrate to state a case or amend the case stated."

Amendment
of section
116.

7. Section 116 of the principal Ordinance is amended by the deletion from the last line of paragraph (c) in subsection (1) of the words "for the case of persons awaiting trial".

8. Section 120 of the principal Ordinance is amended by the deletion from the fifth line in subsection (2) of the words "a person awaiting trial" and the substitution therefor of the following—

Amendment
of section
120.

"(Schedule an appellant under rule 209 of the Prison Rules, to Ordinance No. 17 of 1954)".

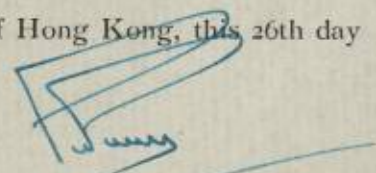
9. Section 124 of the principal Ordinance is amended by being re-numbered subsection (1) of section 124 and by the addition of the following new subsections—

Amendment
of section
124.

"(2) In any action under this section it shall be a good defence that the act complained of was not done maliciously and without reasonable and probable cause, and the onus of proving the same shall rest with the magistrate.

(3) Save under and in accordance with the provisions of this section no action shall lie in any civil court against a magistrate for any act done in a matter over which by law he has no jurisdiction or in which he has exceeded his jurisdiction."

Passed the Legislative Council of Hong Kong, this 26th day of January, 1955.


Deputy Clerk of Councils.

(Secretariat 9/3231/53)

HONG KONG

No. 3 OF 1955.



I assent.

[Signature]
Governor.

27th January, 1955.

An Ordinance to amend the Deportation of Aliens Ordinance,
Chapter 240.

[28th January, 1955.]

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 Deportation of Short title,
Aliens (Amendment) Ordinance, 1955.

2. Section 8 of the Deportation of Aliens Ordinance (here-
inafter referred to as the principal Ordinance) is amended by the
deletion of subsections (3), (4), (5) and (6). Amend-
ment of
section 8
(Cap. 240).

3. Section 13 of the principal Ordinance is amended by the
deletion in the last line of subsection (10) of the figures "51" and
the substitution therefor of the following— Amend-
ment of
section 13.

"47".

Repeal and
replace-
ment of
section
17A.

4. Section 17A of the principal Ordinance is repealed and replaced by the following section—

"Rescis-
sion of
deportation
orders.
(58 of
1948).

17A. (1) The Governor in Council may by order rescind any deportation order made under the provisions of section 3 or of section 8 as substituted by the Deportation of Aliens (Amendment) Ordinance, 1948, now repealed.

(44 of
1949).

(2) The Governor may by order rescind any deportation order made under the provisions of section 8 as substituted by the Deportation of Aliens (Amendment) Ordinance, 1949.

(3) Any order made under the provisions of this section may be conditional on the person who is subject to such order appearing before a magistrate within a period to be stipulated in such order and entering into a recognizance with or without sureties to keep the peace and to be of good behaviour for a period not exceeding three years, and in any sum not exceeding in all five hundred dollars.

(4) In the event of such person being convicted of any offence within the period during which the recognizance is enforceable, the recognizance may be forfeited and the sureties if any compelled to pay the sums for which they are respectively bound as if such recognizance had been entered into in accordance with the provisions of section 60 of the Magistrates (Cap. 227). Ordinance."

Amend-
ment of
First
Schedule.

5. The First Schedule to the principal Ordinance is amended—

- (a) by the deletion of Forms 10 and 11;
- (b) by the deletion in the second line of paragraph 1 of Form 12 of the brackets and figure "(3)".

Passed the Legislative Council of Hong Kong, this 26th day of January, 1955.

Deputy Clerk of Councils.

(Secretariat 14/3231/51)

HONG KONG

No. 4 OF 1955.



I assent.

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

27th January, 1955.

An Ordinance to amend the Secretary for Chinese Affairs Incorporation Ordinance, Chapter 310.

[28th January, 1955.]

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 Secretary for Chinese Affairs Incorporation (Amendment) Ordinance, 1955. Short title.

2. Section 3 of the Secretary for Chinese Affairs Incorporation Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from the first and second lines of subsection (2) of the words "by deed under its seal". Amend-
ment of
section 3.
(Cap. 310).

Insertion
of new
section 7A.

3. The principal Ordinance is hereby amended by the insertion therein after section 7 of the following new section—

"Power to
accept
other trusts.

7A. For the avoidance of doubt, it is hereby declared that it shall be lawful for the corporation to accept trusts other than those mentioned in section 7 if the corporation first obtains the approval of the Governor."

Passed the Legislative Council of Hong Kong, this 26th day of January, 1955.



Deputy Clerk of Councils.

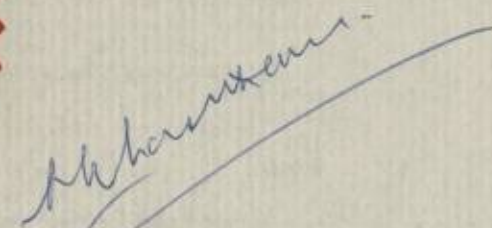
(Secretariat 1/1966/54)

HONG KONG

No. 5 OF 1955.



I assent.



Governor.

27th January, 1955.

An Ordinance to authorize an undertaking for the reclamation of an area of sea bed.

[28th January, 1955.]

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

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

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 Public Reclamation (Kowloon Bay) Ordinance, 1955.

Director of Public Works given provisional authority to construct certain public works.

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

SCHEDULE.

A reclamation in Kowloon Bay of approximately 240 acres of Crown foreshore and sea bed extending from the south-west corner of Kai Tak Airport a distance of approximately 8,350 ft. in a south-east direction towards Channel Rock, bounded on the north-west by Crown Land, and on the three remaining sides by pitched slopes, the limits and extent of such reclamation being shown and delineated in red on a plan numbered 5222 signed by the Director of Public Works and deposited in the Land Office.

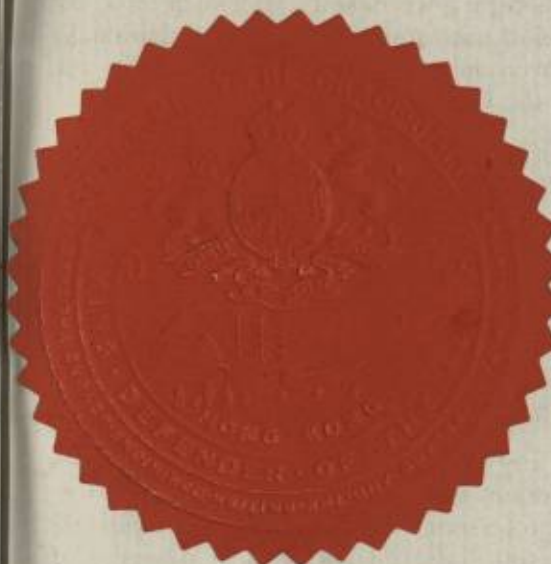
Passed the Legislative Council of Hong Kong, this 26th day of January, 1955.

Deputy Clerk of Councils.

(Secretariat 3/3151/54)

HONG KONG

No. 6 OF 1955.



I assent.

Signature of Governor
Governor.

10th February, 1955.

An Ordinance to amend the Jury Ordinance, Chapter 3.

[11th February, 1955.]

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

1. This Ordinance may be cited as the Jury (Amendment) Short title. Ordinance, 1955.

2. Section 5 of the Jury Ordinance (hereinafter referred to as the principal Ordinance) is amended—

Amendment
of section 5.
(Cap. 3).

(a) by the addition in the seventh line of paragraph (b) after the words "Hong Kong Police Reserve" of the following—

"or of the Essential Services Corps which expression shall include the Civil Aid Services, the Auxiliary Medical Services and the Auxiliary Fire Service";

- (b) by the deletion of paragraph (c) and the substitution therefor of the following—

“(c) consuls, vice-consuls, and officers of equivalent status, of foreign governments and such salaried functionaries of such governments as are nationals of such governments and are not carrying on business in the Colony;” ;

- (c) by the deletion of paragraph (f) and the substitution therefor of the following—

“(f) editors of daily newspapers in the Colony and such members of their staffs in respect of whom the Registrar is satisfied that jury service would disrupt the publication of such newspapers;” ;

- (d) by the deletion of paragraph (i) and the substitution therefor of the following—

(33 of 1952). “(i) teachers of any school registered under the provisions of section 10 of the Education Ordinance, 1952; and professors, lecturers and other academic officers and full-time students of the University of Hong Kong;” ;

- (e) by the deletion of paragraph (l) and the substitution therefor of the following—

“(l) pilots, navigators, wireless operators and other full-time members of the crews of passenger or mail or commercial aircraft;” ;

- (f) by the deletion of paragraph (m);

- (g) by the deletion of paragraph (n) and the substitution therefor of the following—

“(n) persons employed, enrolled, summoned or appointed under any enactment as special constables or as members of the Hong Kong Police Reserve :

Provided that any person claiming exemption under this paragraph may be required by the Registrar to produce a certificate from the Commissioner of Police in proof of such exemption;” ;

- (h) by the addition after paragraph (n) of the following new paragraph—

“(o) women who are vowed and full-time members of any religious orders living in convents or other such religious communities.”

3. Section 8 of the principal Ordinance is amended—

Amendment of section 8.

- (a) by the deletion in the second and third lines of subsection (1) of the words “or on or before such other day as may be ordered by the Governor in any particular year,” ;

- (b) by the deletion in the seventh line of subsection (1), in the first line of subsection (2) and in the second line of subsection (4) of the word “fourteen” and the substitution therefor of the following—

“seven”;

- (c) by the addition in the second line of subsection (4) after the word “days” of the following—

“and in any case not later than the 1st day of March next following”.

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

Repeal and replacement of section 9.

“Publication of lists and bringing into operation.

9. (1) On or before the 1st day of April in each year the two lists as settled by the Governor in Council shall be returned to the Registrar.

(2) On receipt of the two lists the Registrar shall cause them to be printed and to be offered to the public at a price of seven dollars for each copy of the two lists or such other price as the Governor may direct.

(3) As soon as the lists shall have been printed and not later than the 1st day of June in each year, the Registrar shall publish a notice in the *Gazette* stating that the lists have been printed and that copies of the lists may be inspected at his office during such hours as he may stipulate in such notice, and that such copies may be purchased at such places and at such price as shall be stipulated in such notice.

(4) The Registrar shall make available for inspection at his office during such hours as shall have been stipulated in such notice copies of the two lists.

(5) The two lists shall be in force from fifteen days after the date when the notice referred to in subsection (3) shall have been published in the *Gazette* until fifteen days after the date when the notice in respect of the lists settled in the next following year shall have been published."

Amendment
of section
14.

5. Section 14 of the principal Ordinance is amended by the deletion in the fifth and sixth lines of the words "the order shall be of no effect" and the substitution therefor of the following—

"the matter shall be heard before a common jury".

Amendment
of section
30.

6. Subsection (2) of section 30 of the principal Ordinance is repealed and replaced by the following—

"(2) In criminal cases special jurors shall not be entitled to any remuneration :

Provided always that the judge, on an application for a special jury in a criminal case, may order such special jury to be remunerated as in civil cases, and if such application shall have been made by the person accused such person shall deposit with the Registrar a sum sufficient to cover the expenses of such special jury ; otherwise the trial shall proceed before a common jury."

Passed the Legislative Council of Hong Kong, this 9th day of February, 1955.



Deputy Clerk of Councils.

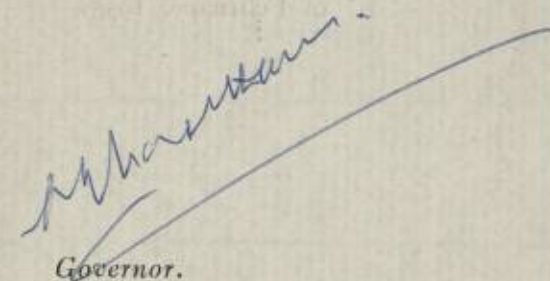
(Secretariat 62/3231/47)

HONG KONG

No. 7 OF 1955.



I assent.


Governor.

10th February, 1955.

An Ordinance to provide for the composition of the electorate for any election held in 1955 to fill vacancies in the four elected additional members of the Urban Council.

[11th February, 1955.]

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 1955 Urban Council Election (Composition of Electorate) Ordinance, 1955. Short title.

2. Notwithstanding the provisions of section 3 of the Urban Council Ordinance requiring the register of voters to be compiled anew each year the persons entitled to vote at any election held in 1955 to fill vacancies in the four elected additional members of the Urban Council shall be—

Electorate
for 1955
Urban
Council
Election.
(Cap. 101).

(a) those persons whose names appear in any of the three parts of the register compiled under the provisions of the said Ordinance in 1954 for a similar election except those of such persons as have ceased to be entitled to vote at such an election in 1955; and

- (b) any other person entitled to vote—
- (i) under the provisions of subsection (3) of section 3 of the said Ordinance; or
 - (ii) by virtue of qualification under and compliance with the provisions of subsections (4) and (4A) of section 3 of the said Ordinance.

Passed the Legislative Council of Hong Kong, this 9th day of February, 1955.

Deputy Clerk of Councils.

HONG KONG

No. 8 OF 1955.

I assent.

Governor.

3rd March, 1955.

An Ordinance to make provision for the establishment of a trust fund to be known as the Grantham Scholarships Fund, and for the due administration thereof, and for purposes connected with the matters aforesaid.

[4th March, 1955.]

WHEREAS—

(1) The benefactors whose names together with the amounts of their respective subscriptions will be published in the manner provided by section 14 of this Ordinance and who are hereinafter referred to as the founders, wishing to commemorate the governorship of His Excellency Sir Alexander William George Herder Grantham, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, have raised by subscription the sum of \$250,000 :

(2) In view of the interest taken by the said Sir Alexander Grantham in education, the founders wish to establish a scholarships fund for the promotion and encouragement of education in Hong Kong :

(3) The said Sir Alexander Grantham has signified his consent to the founders' wish that the said fund should be known as the Grantham Scholarships Fund:

(4) The Secretary for Chinese Affairs Incorporated has, with the approval of the Governor under section 7A of the Secretary for Chinese Affairs Incorporation Ordinance, consented to become trustee of the said fund:

(5) The founders have paid to the trustee the said sum of \$250,000 to the intent that the same shall be dedicated in perpetuity for the promotion and encouragement of local education in the Colony in the manner hereinafter provided.

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 Grantham Scholarships Fund Ordinance, 1955.

Establishment of trust fund.

2. There is hereby established a trust fund to be known as the Grantham Scholarships Fund (hereinafter referred to as the fund) which shall consist of \$250,000, being moneys paid over to the trustee by the founders; it shall also consist of any sums accumulated by way of interest thereon at the commencement of this Ordinance, and such other moneys as may, from time to time, be given to the fund.

The trustee.

3. The trustee shall hold the fund upon the trusts, and with and subject to the powers and provisions, hereinafter in this Ordinance contained.

Committee of management.

4. (1) The fund shall be managed by a committee consisting of—

- (a) the Secretary for Chinese Affairs, who shall be the chairman of the committee;
- (b) the Director of Education;
- (c) the senior Chinese Member of the Executive Council;
- (d) the Chairman for the time being of the Tung Wah Hospital;

(e) the Chairman for the time being of the Po Leung Kuk; and

(f) such other members not exceeding four as may be appointed by the Governor.

(2) The persons named in paragraphs (a) to (e) of subsection (1) shall, whilst holding their respective offices, be *ex-officio* members of the committee.

(3) Members appointed by the Governor shall hold office for three years from the date of their respective appointments, and may be re-appointed or removed by the Governor at his pleasure.

5. The trustee shall apply the fund, in such manner as the committee may direct, for the promotion and encouragement of local education, and in particular—

The trusts.

- (a) for the provision of scholarships and maintenance grants in Primary Schools, Secondary Schools and Industrial and Technical Schools in the Colony for persons resident in the Colony and in need of financial assistance for their education; and
- (b) for the provision of scholarships and maintenance grants for the persons mentioned in paragraph (a) in places of higher education in the Colony.

6. The scholarships and maintenance grants referred to in section 5 shall be awarded, at such intervals and as the result of such examination or other method of selection and in such manner and shall be held and enjoyed for such period and upon and subject to such terms and conditions as shall, from time to time, be prescribed by regulations made by the committee, or in default of such regulations, then as the committee shall determine; and the committee may, at any time, alter or revoke any regulation made under this section, and make new regulations in place thereof.

Intervals, and terms and conditions of awards.

7. The trustee may invest the moneys of the fund in the name of the trustee in such investments of any kind, including shares in local companies, whether such investments are permitted for the investment of trust funds or not, as the committee may direct; and, in like manner, such investments may at any time be varied.

Investments.

Standing orders of the committee.

8. The committee may, from time to time with the approval of the Governor, frame and, from time to time with the like approval, alter standing orders for its internal management and control; and all such standing orders when so approved as aforesaid shall be binding on every member of the committee.

Power to solicit and take subscriptions and bequests.

9. The committee may, from time to time, solicit and take on behalf of the trustee subscriptions and bequests to the fund.

Accounts and audit.

10. (1) The trustee shall cause proper accounts to be kept of all income and expenditure of the fund, and such accounts shall be audited at least once in every year by an auditor appointed from time to time by the Governor.

(2) A copy of such accounts, together with a copy of a report by the committee on the administration of the fund during the previous academic year, shall be submitted to the Governor not later than the 31st day of December in every year.

Servants and advisers.

11. (1) The committee may appoint upon such salary and upon such terms as it may think proper such servants as it may think necessary for the purpose of carrying out the provisions of this Ordinance, and may employ any professional persons to advise it on any matter arising out of or in connexion with such provisions.

(2) All salaries and fees of any person so appointed or employed shall be paid by the trustee out of the fund.

Cost of administration.

12. The cost of administering the fund shall be paid out of the fund.

Subscribers before 30th June, 1955, to be deemed founders.

13. Any person, and any firm, company, corporation or other body whatsoever, who or which makes a subscription to the fund on or before the 30th day of June, 1955, shall be deemed to be a founder.

14. As soon as practicable after the 30th day of June, 1955, the Colonial Secretary shall cause to be published in the *Gazette*—

Publication of lists of founders and subscriptions.

- (a) a list of the founders mentioned in the Preamble together with the amounts of their respective subscriptions, and
- (b) a list of the founders mentioned in section 13 together with the amounts of their respective subscriptions.

Passed the Legislative Council of Hong Kong, this 2nd day of March, 1955.



Deputy Clerk of Councils.

(Secretariat 1/1966/54)

HONG KONG

No. 9 OF 1955.



I assent.

[Handwritten signature]
Governor.

3rd March, 1955.

An Ordinance to make provision for the establishment of a trust fund to be known as the Brewin Trust Fund, and for the due administration thereof, and for purposes connected with the matters aforesaid.

[4th March, 1955.]

WHEREAS—

(1) In 1906 a sum of Fifty Thousand Dollars (\$50,000.00) was raised by various members of the Chinese community to start a trust fund to be named the Brewin Fund in honour of Mr. Arthur Winbolt Brewin, C.M.G., the then Registrar General, a post the title of which was later changed to Secretary for Chinese Affairs:

(2) The objects of the Brewin Fund were set out in a certain trust deed which has been lost as a result of the Japanese occupation of the Colony:

(3) From recollection of persons who were connected with the Brewin Fund and from certain other papers and documents available, it would appear that the Brewin Fund was vested in and managed by the Tung Wah Hospital and was

administered by a committee of which the Secretary for Chinese Affairs was *ex-officio* chairman, and that the main objects of the Brewin Fund were to provide for the benefit of Chinese widows and orphans resident in the Colony who might become destitute and of Chinese workmen employed in the Colony who might become incapacitated for work by reason of old age or sickness or who might have been permanently disabled by accident:

(4) In view of the provisions of section 4 of the Tung Wah Hospital Ordinance, Chapter 317, the Tung Wah Hospital has expressed its desire to be relieved of the management of the Brewin Fund:

(5) The assets of the Brewin Fund as at the 30th day of November, 1954, are set out in the Schedule hereto:

(6) It is considered that having regard to all the circumstances, it is expedient by Ordinance to extinguish the existing trust of the Brewin Fund, to create a new trust in respect of the same, and to make due provision for the administration thereof:

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 Brewin Trust Fund Ordinance, 1955.

Interpretation. 2. In this Ordinance, unless the context otherwise requires—
“Chinese” means persons of the Chinese race;
“committee” means the committee appointed under section 5;
“widow” includes a concubine and a mother of a child not born in wedlock.

Establishment and vesting of fund. 3. (1) There is hereby established a trust fund to be known as the Brewin Trust Fund (hereinafter referred to as the fund), which shall, on a day to be appointed by the Governor by notice in the *Gazette* (hereinafter referred to as the vesting day), be transferred to and vested in the Secretary for Chinese Affairs Incorporated as trustee.

(2) The fund shall consist of the moneys and assets set out in the Schedule together with any sum accumulated by way of interest thereon, rents, dividends and such other moneys as may be paid into the fund but less all such proper disbursements as may be made before the vesting day, and the fund shall include also such other moneys and assets as may from time to time after the vesting day be acquired by the trustee on the trusts hereinafter set out.

(3) Upon the vesting day, the leasehold property mentioned in the Schedule shall vest in the trustee by virtue of this section and without further assurance.

(4) So soon as may be after the vesting day, the auditor appointed under section 10 shall cause the accounts of the fund to be examined, and shall certify to the Governor the state of the fund as on the vesting day; and a copy of such certificate shall be published in the *Gazette*.

4. The trustee shall hold and stand possessed of the fund upon trust to apply the same in such manner and to such extent as the committee may direct for the following objects—

Objects of the trust fund.

- (a) for the maintenance and benefit of Chinese widows and orphans who, being resident in the Colony, appear to the committee to require such maintenance and benefit; and
- (b) for the maintenance and benefit of Chinese workmen, which expression shall include females, who having been employed in the Colony and become wholly or in part incapacitated for work by reason of age, sickness, disablement or otherwise, appear to the committee to require such maintenance and benefit.

5. (1) There shall be established a committee to be known as the Brewin Trust Fund Committee.

Establishment of committee.

(2) The committee shall consist of the Secretary for Chinese Affairs as *ex-officio* member and chairman and such members not less than five in all as the Governor may appoint.

(3) A member appointed by the Governor shall hold office for such period as may be specified in the letter of appointment, and may be re-appointed or removed by the Governor at his pleasure.

(4) The quorum necessary for the transaction of business by the committee may be fixed by standing orders made under section 7 and unless so fixed shall be three members.

Control by committee.

6. Subject to the provisions of this Ordinance, the committee may determine all matters whatsoever touching the administration of the fund and the attainment of the objects thereof.

Standing orders.

7. (1) The committee may make standing orders—

- (a) governing their procedure in the transaction of business;
- (b) for the maintenance of good order at their meetings; and
- (c) generally for matters relating to the administration and management of the fund and the discharge of their duties.

(2) A copy of such standing orders shall be furnished to the Colonial Secretary and they shall be subject to disallowance, alteration or amendment by the Governor.

(3) All questions arising at any meeting of the committee shall be decided by a majority of votes of members present and, in case of an equality of votes, the chairman shall have a casting vote in addition to his original vote.

Appointment of officers.

8. (1) The committee may from time to time appoint upon such salary and upon such terms as they may think proper, a secretary, treasurer, and such other officials as they may think necessary for the purpose of carrying out the trusts; and may employ any professional person to advise them on any point arising out of or in connexion with the said trusts.

(2) All salaries and fees of any person or persons so appointed or employed shall be paid by the trustee out of the fund.

Investment of moneys.

9. The trustee may invest any moneys of the fund in such investments, whether or not such investments are trust investments, as the committee may direct.

Accounts.

10. (1) The trustee shall cause proper accounts to be kept of all income and expenditure of the fund, and such accounts shall be audited at least once in every year from the date of the commencement of this Ordinance by an auditor appointed from time to time by the Governor.

(2) The accounts kept under subsection (1) together with a copy of the auditor's report thereon, and a copy of a report by the committee on the administration of the fund during the previous year shall be laid upon the Table of the Legislative Council.

11. (1) As from the commencement of this Ordinance, any existing trust attaching to the Brewin Fund is hereby extinguished, but without prejudice to any act or thing lawfully done or omitted to be done under any such trust. Extinguishment of existing fund.

(2) Any person who has done or omitted to do any act or thing in relation to the Brewin Fund in good faith and in execution or intended execution of any such trust as is mentioned in subsection (1) is hereby discharged from all liability or claims by any person in respect of such trust.

SCHEDULE.

[s. 3]

THE FUND

(as at the 30th day of November, 1954).

1. *Cash.*

\$83,805.07.

2. *Leasehold Property.*

Inland Lot No. 1191. (Nos. 54 and 56, Bonham Strand West, Victoria).

3. *Shares.*

The Hongkong Electric Co. Ltd.—1,750 shares of \$10 each, fully paid.

The Hongkong and Shanghai Banking Corporation—5 shares of \$125 each, fully paid.

Lombard Insurance Co. Ltd.—150 shares of \$10 each, fully paid.

Passed the Legislative Council of Hong Kong, this 2nd day of March, 1955.



Deputy Clerk of Councils.

(Secretariat 2/2321/52)

HONG KONG

No. 10 OF 1955.



I assent.

[Handwritten signature]
Governor.

31st March, 1955.

An Ordinance to apply a sum not exceeding four hundred and forty-nine million, forty-five thousand nine hundred and fifty dollars to the Public Service of the financial year ending the 31st day of March, 1956.

[1st April, 1955.]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March, 1956, has been estimated at the sum of four hundred and forty-nine million, forty-five thousand nine hundred and fifty dollars:

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

1. This Ordinance may be cited as the Appropriation Short
(1955-56) Ordinance, 1955. title.

Appropriation from the general revenues and other funds.

Schedule.

2. A sum not exceeding four hundred and forty-nine million, forty-five thousand nine hundred and fifty dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the service of the financial year commencing on the 1st day of April, 1955, and ending on the 31st day of March, 1956, and the said sum so charged may be expended in the manner expressed in the Schedule.

SCHEDULE		
		[s. 2.]
<i>Number of Vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of Vote.</i>
		\$
1.	His Excellency the Governor's Establishment ...	364,000
2.	Agriculture, Fisheries and Forestry Department	3,221,960
3.	Audit Department	627,500
4.	Broadcasting Department	1,443,200
5.	Civil Aviation Department	3,298,800
6.	Colonial Secretariat and Legislature	2,715,560
7.	Commerce and Industry Department	5,086,440
8.	Cooperatives and Marketing Department	532,600
Defence		
9A.	R.H.K.D.F. Headquarters and Hong Kong Regiment	2,136,300
9B.	Hong Kong Royal Naval Volunteer Reserve ...	1,007,000
9C.	Hong Kong Auxiliary Air Force	824,700
9D.	Essential Services Corps	169,000
9E.	Auxiliary Fire Service	196,940
9F.	Auxiliary Medical Service	614,800
9G.	Civil Aid Services	1,039,240
9H.	Registration of Persons	435,000
9I.	Directorate of Manpower	68,350
9J.	Miscellaneous Measures	21,262,000
10.	Education Department	17,762,890
11.	Fire Brigade	3,419,500
12.	Inland Revenue Department	2,719,220
13.	Judiciary	2,351,130
14.	Kowloon Canton Railway	6,617,900
15.	Labour Department	1,030,500

<i>Number of Vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of Vote.</i>
		\$
16.	Legal Department	846,030
17.	Marine Department	12,165,700
18.	Medical Department	30,278,630
19.	Miscellaneous Services	5,867,800
20.	New Territories, District Administration	721,450
21.	Pensions	13,797,000
Police Force		
22A.	Hong Kong Police	38,705,000
22B.	Hong Kong Police (Auxiliaries)	2,048,300
23.	Post Office	12,841,000
24.	Printing Department	1,946,400
25.	Prisons Department	7,012,600
26.	Public Debt	3,335,600
27.	Public Relations Office	511,250
28.	Public Services Commission	36,200
29.	Public Works Department	22,612,920
30.	Public Works Recurrent	20,960,500
31.	Public Works Non-Recurrent	107,440,900
32.	Quartering	2,048,600
33.	Rating and Valuation Department	482,900
34.	Registrar General's Department	685,300
35.	Registry of Trade Unions	150,300
36.	Resettlement Department	7,112,350
37.	Royal Observatory	1,400,570
Secretariat for Chinese Affairs		
38A.	Secretariat for Chinese Affairs	468,400
38B.	Social Welfare Office	2,734,200
38C.	District Watch Force	318,100
39.	Stores Department	7,614,500
40.	Subventions	44,394,810
Treasury		
41A.	Treasury	2,026,500
41B.	Custodian of Property	53,300

<i>Number of Vote.</i>	<i>Head of Expenditure.</i>	<i>Amount of Vote. \$</i>
	Urban Services and Urban Council	
42A.	Head Office and Sanitary Division	16,380,760
42B.	Gardens Division	1,239,850
42C.	Housing Division	280,700
43.	Colonial Development and Welfare Schemes	1,583,000
	Total	<u>\$449,045,950</u>

Passed the Legislative Council of Hong Kong, this 30th day of March, 1955.



Deputy Clerk of Councils.

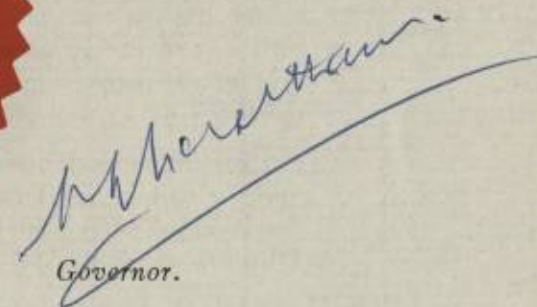
(Secretariat 1/2291/55)

HONG KONG

NO. 11 OF 1955.



I assent.



Governor.

31st March, 1955.

An Ordinance to make provision for the abatement of smoke nuisances affecting the use of Hong Kong Airport (Kai Tak) by aircraft.

[1st April, 1955.]

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 Air Navigation Short title. (Abatement of Smoke Nuisances) Ordinance, 1955.

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

“Director of Civil Aviation” includes the Deputy Director of Civil Aviation;

“smoke” includes soot, ash, grit and gritty particles and any vapour;

"smoke nuisance" means any emission of smoke which, either alone or in conjunction with any other such emission, imperils or is likely to imperil the safety of aircraft using Hong Kong Airport (Kai Tak).

Notice to occupier of likelihood of smoke nuisance.

3. Where in the opinion of the Director of Civil Aviation a smoke nuisance is likely to emanate from any premises, he may give to the occupier of the premises written notice thereof, specifying the nature of the nuisance apprehended.

Notification of existence or imminence of smoke nuisance.

4. (1) On any occasion when, in the opinion of the Director of Civil Aviation, a smoke nuisance exists or is imminent, he shall, as soon as practicable after he has become aware thereof, notify the existence or imminence, as the case may be, of the nuisance to the occupier of any premises which, in his opinion, are by the emission of smoke causing or contributing to the existence or imminence of such nuisance.

(2) Such notification shall require such occupier, forthwith and for so long as it remains in force, to reduce or eliminate the emission of smoke from his premises to the satisfaction of the Director of Civil Aviation.

(3) A notification given under subsection (1) shall remain in force until such time as the Director of Civil Aviation notifies the occupier of the premises to which it relates that there is no longer any need on that occasion to reduce or eliminate the emission of smoke from such premises.

(4) A notification given under subsection (3) shall be without prejudice to the giving of a further notification under subsection (1) as occasion may require.

(5) If a notification given under either subsection (1) or subsection (3) is not in writing, the Director of Civil Aviation—

- (a) shall, if so required at the time of the notification by the person to whom the same is given, confirm the same in writing; and
- (b) may, if no such requirement as aforesaid is made, confirm the notification in writing.

(6) Written confirmation under subsection (5) shall be given as soon as practicable after the giving of the notification to which it relates.

5. (1) Any person to whom a notification under subsection (1) of section 4 has been given, may appeal against any requirement thereof by writing addressed to the Governor or the Governor in Council at the option of the appellant.

(2) The Governor or the Governor in Council, as the case may be, shall either confirm or vary or annul such requirement and his decision shall be final, but pending such decision, the appellant shall comply with all the requirements of such notification.

6. In the event of a notification given under subsection (1) of section 4 not being complied with, the occupier of the premises in relation to which it has been given shall be guilty of an offence and liable—

Penalty for failure to abate nuisance.

(a) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for six months; or

(b) on conviction on indictment, to a fine of one hundred thousand dollars and to imprisonment for twelve months.

7. Neither the Government nor the Director of Civil Aviation shall be liable for any loss or damage—

No liability for loss or damage.

(a) consequent upon the enforcement of any of the provisions of this Ordinance; or

(b) caused by the existence of any smoke nuisance, whether or not any of the provisions of this Ordinance have been enforced.

Passed the Legislative Council of Hong Kong, this 30th day of March, 1955.


Deputy Clerk of Councils.

HONG KONG

No. 12 OF 1955.



I assent.

[Handwritten signature]
Governor.

14th April, 1955.

An Ordinance to regulate the publication of reports of judicial proceedings in such manner as to prevent injury to public morals.

[15th April, 1955.]

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 Judicial Proceedings (Regulation of Reports) Ordinance, 1955.

Restriction
on publica-
tion of
reports of
judicial
proceed-
ings.

2. (1) It shall not be lawful to print or publish, or cause or procure to be printed or published—

(a) in relation to any judicial proceedings any indecent matter or any medical, surgical or physiological details being matter or details which are of a revolting or offensive nature or the publication of which would be calculated to injure public morals;

(b) in relation to any judicial proceedings for dissolution of marriage, for nullity of marriage, or for judicial separation, or for restitution of conjugal rights, any particulars other than the following, that is to say—

(i) the names, addresses and occupations of the parties and witnesses;

(ii) a concise statement of the charges, defences and counter-charges in support of which evidence has been given;

(iii) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;

(iv) the summing-up of the judge and the finding of the jury (if any) and the judgment of the court and observations made by the judge in giving judgment:

Provided that nothing in paragraph (b) of this subsection shall be held to permit the publication of anything contrary to the provisions of paragraph (a) of this subsection.

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

Provided that no person, other than a proprietor, editor, master printer or publisher, shall be liable to be convicted under this Ordinance.

(3) A prosecution under this Ordinance shall not be instituted except by or with the consent of the Attorney General.

(4) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connexion with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in any separate volume or part of any *bona-fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character *bona-fide* intended for circulation among members of the legal or medical professions.

(5) The expression "judicial proceedings" includes any proceedings before any court, tribunal or person having by law power to hear, receive and examine evidence on oath.

3. Section 46 of the Divorce Ordinance is hereby repealed. Repeal of
section 46
of Cap. 179.

Passed the Legislative Council of Hong Kong, this 13th day
April, 1955.



Deputy Clerk of Councils.

HONG KONG

No. 13 OF 1955.



I assent.

[Signature]
Governor.

5th May, 1955.

An Ordinance to amend the Telephone Ordinance, 1951.

[6th May, 1955.]

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 Telephone (Amendment) Ordinance, 1955. Short title.

2. Section 4 of the Telephone Ordinance, 1951 (hereinafter referred to as the principal Ordinance), is repealed and replaced by the following section— Repeal and replacement of section 4. (18 of 1951).

"Company to remain registered under Cap. 32, and British interest to be maintained.

4. (1) The company shall remain registered under the Companies Ordinance.

(2) The directors shall be *bona fide* resident in Hong Kong and the majority of them shall be British subjects.

(3) The management and the administrative staff, or an effective majority thereof to the satisfaction of the Governor in Council, shall also be British subjects."

Repeal
and
replace-
ment of
section 7.

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

"Royalty.

7. (1) As from the 1st day of January, 1955, the company shall pay to the Government a royalty of twenty-five per cent of the net profit of the company for each year.

(2) The net profit as aforesaid shall be ascertained (Cap. 112). in accordance with Part IV of the Inland Revenue Ordinance :

Provided that in making the deductions set forth in section 16 of the said Ordinance due regard shall be had to the current level of prices and costs, so that any such deduction shall be limited to a sum which in the opinion of the Financial Secretary is reasonable, and so that allowance of any sum by way of depreciation of a capital asset shall be limited to an amount which represents the allowance approved under Part VI of the said Ordinance on what in the opinion of the Financial Secretary is a reasonable price for such asset :

Provided further that in ascertaining the net profit as aforesaid, no deduction shall be made in respect of any sum which may be payable as royalty by the company to the Government.

(3) The Financial Secretary and any person authorized by him in writing shall for the purpose of ascertaining the net profit be an authorized representative of the company for the purposes of section 4 of the Inland Revenue Ordinance to the intent that the Commissioner of Inland Revenue and any assessor or person appointed to carry out duties under the said Ordinance shall, on demand by the Financial Secretary, disclose all such matters relating to the affairs of the company as the Financial Secretary or

such authorized person may require, and such disclosure shall not be deemed to be a breach of the duties imposed upon the person making it by the said section.

(4) In the event of the company failing to agree with the assessment of net profit made by the Financial Secretary, an appeal, by way of petition, shall lie to the Governor in Council whose decision shall be final.

(5) As from the 1st day of May, 1955, the company shall make monthly payments on account of the royalty accruing during each current accounting year of the company and the amount of each such payment shall be a sum equal to one twelfth of twenty-five per cent of the estimated net profit for the current year or such sum as the Financial Secretary may determine. As soon as the net profit for the current year has been ascertained a final adjustment shall be made and the Government shall refund any sum paid on account in excess of the royalty due for that year or if the amounts paid on account by the company are less than the royalty due, the company shall pay the Government the balance thereof.

Power of
the Finan-
cial Secre-
tary to
call upon
the
company
and
certain
persons
dealing
with the
company
to produce
books and
statements
of account.

7A. (1) It shall be lawful for the Financial Secretary for the purpose of ascertaining the net profit of the company during any period in respect of which royalty is payable under the provisions of section 7 or of ascertaining whether any deduction which the company has made or may be seeking to make from profits is reasonable, by writing under his hand to call upon the company and any person (other than a bank) who has entered into any agreement with the company or to whom it has made any payment to produce to such person and at such time and place as may by any general or particular description be specified in such writing such books and statements of account (including bank statements) as he may by such writing require.

(2) The company or any person aggrieved by any exercise of the discretion conferred upon the Financial Secretary may appeal, by way of petition, to the Governor in Council whose decision shall be final.

(3) Subject to the right of appeal conferred by subsection (2), it shall be an offence to fail to comply with any requirement lawfully made under subsection (1) or any requirement which may have been confirmed or substituted therefor on appeal under subsection (2):
Penalty: a fine of one hundred dollars in respect of each day during which such failure continues."

Amendment
of section
24.

4. Section 24 of the principal Ordinance is amended by the addition thereto of the following sentence—

"The company shall provide, equip and operate to the satisfaction of the Governor in Council in locations suitable for the purpose, telephone exchanges capable of expansion to meet the requirements of the Colony."

Repeal
and re-
placement
of section
34.

5. Section 34 of the principal Ordinance is repealed and replaced by the following section—

"Telephone services for Government.
34. The company shall provide the Government with such telephone services as may be required and in accordance with the charges specified in the Schedule less a discount of fifty per cent."

Amendment
of section
39.

6. Subsection (1) of section 39 of the principal Ordinance is amended by the deletion from sub-paragraph (ii) of paragraph (d) of the expression "sections 24 and 26 or any of them" and the substitution therefor of the following—

"section 24".

Repeal of
sections
5, 6, 26,
31, 33 and
35(3).

7. Sections 5, 6, 26, 31 and 33 and subsection (3) of section 35 of the principal Ordinance are repealed.

Amendment
of Part I
of the
Schedule.

8. Part I of the Schedule to the principal Ordinance is amended by the deletion of items 1 and 2 and the substitution therefor of the following—

- "1. For an exchange line used for business purposes within Victoria, Kowloon or the Peak District, or within a radius of one mile from any exchange that may be established outside those areas. \$50 for installation, payable in advance. \$300 per annum for service, payable in advance, in whole for the first year and thereafter by quarterly instalments.
2. For an exchange line in a *bona fide* place of residence within Victoria, Kowloon or the Peak District or within a radius of one mile from any exchange that may be established outside those areas. \$50 for installation, payable in advance. \$225 per annum for service, payable in advance, in whole for the first year and thereafter by quarterly instalments."

9. Part II of the Schedule to the principal Ordinance is amended—

Amendment
of Part II
of the
Schedule.

- (a) by the deletion from the third column of all matter relating to item 1 and the substitution therefor of the following—

"\$20 for installation, payable in advance.
\$70 per annum for service, payable in advance, in whole for the first year and thereafter by quarterly instalments.";

- (b) by the deletion from the third column of all matter relating to item 4 and the substitution therefor of the following—

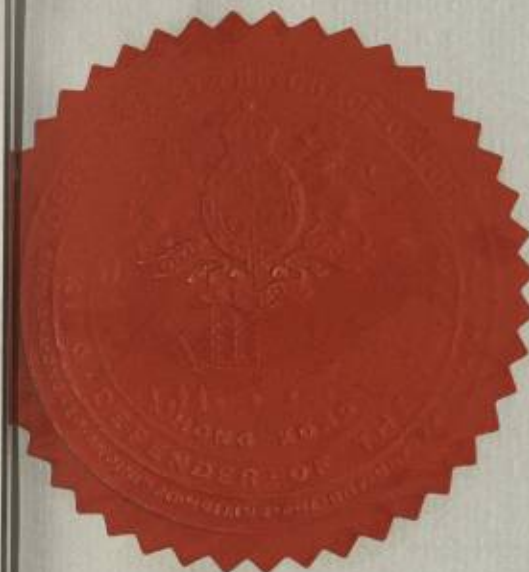
"\$20 for installation, payable in advance.
\$110 per annum for service, payable in advance, in whole for the first year and thereafter by quarterly instalments."

Passed the Legislative Council of Hong Kong, this 4th day of May, 1955.


Deputy Clerk of Councils.

HONG KONG

No. 14 OF 1955.



I assent.

[Signature]
Governor.

26th May, 1955.

An Ordinance to make amended provision for an Urban Council.

[1st June, 1955.]

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 Urban Council Short title, Ordinance, 1955.

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

"annual election" means an election held to fill two vacancies caused by two elected members ceasing to hold office in accordance with subsection (2) of section 4;

"appointed member" means a person who has been appointed by the Governor to act as an ordinary member of the Council in accordance with the provisions of section 5;

"candidate" means a person who has been nominated and who has consented to nomination as a candidate for election as an ordinary member;

"Chairman" means any person appointed by the Governor to be Chairman of the Council under section 3;

"Council" means the Urban Council;

"Defence Force and Auxiliary Services" means the Royal Hong Kong Defence Force, the Essential Services Corps and the Civil Aid Services which expression includes the Auxiliary Medical Services and the Auxiliary Fire Service;

"elected member" means a person who has been elected to act as an ordinary member of the Council in accordance with the provisions of section 4;

"elector" means a person who is registered as an elector in accordance with the provisions of this Ordinance;

"extraordinary election" means an election held to fill a vacancy declared under section 14 or in lieu of any election which has been countermanded in accordance with the provisions of subsection (2) of section 25;

"Health Officer" includes any Medical Officer appointed as a Health Officer by the Governor by notification in the *Gazette*;

"ordinary member" means either an elected member or an appointed member;

"register" means a register of electors prepared in accordance with the provisions of this Ordinance;

"registration officer" means a person appointed by the Governor to be a registration officer in accordance with section 18 and also an assistant registration officer;

"returning officer" means such officer as shall have been appointed by the Governor as returning officer in accordance with the provisions of section 24, and also an assistant returning officer;

"secretary" means any person appointed by the Governor to be secretary of the Council under section 56 and also an assistant secretary.

PART II.

Constitution.

3. The Council shall consist of—

(a) *ex-officio* members—

(i) the Chairman who shall be appointed by the Governor;

(ii) the Assistant Director of Health Services who shall be Vice-Chairman;

(iii) the Director of Public Works;

(iv) the Secretary for Chinese Affairs;

(v) the Social Welfare Officer;

(b) ordinary members—

(i) four elected members;

(ii) not more than six appointed members (three of whom shall be of Chinese race).

4. (1) The elected members shall be elected in manner provided by this Ordinance and shall hold office—

(a) in the case of a member elected at an annual election for two years from the 1st day of April next following the notification in the *Gazette* of his election;

(b) in the case of a member elected at an extraordinary election or in accordance with the proviso to this paragraph from the date of the notification in the *Gazette* of his election until the date when the elected member whom he succeeded would otherwise have ceased to hold office:

Provided that if an elected member ceases for any reason whatsoever to be an elected member in accordance with section 14 at any time between the 1st day of January and the 28th day of February in any year, the vacancy caused thereby shall be filled by the annual election held in the month of March of that year or by

Composi-
tion of the
Council.

Election
and tenure
of office of
elected
members.

any extraordinary election held in lieu of such annual election if such annual election has been countermanded whether such elected member would otherwise have retired on the 31st day of March in that year or not, and in any case such vacancy shall remain unfilled until it shall have been filled by such annual election or extraordinary election.

(2) On the expiry of his term of office an elected member shall cease to hold office and shall be replaced by a newly elected member who shall come into office on such expiry.

(3) The members of the Council who were elected in 1954 shall continue in office until 31st March, 1956, when they shall cease to hold office and shall be replaced by the two persons elected at the annual election to be held in March, 1956.

(4) The members of the Council who were elected in 1955 shall continue in office until 31st March, 1957, and they shall cease to hold office and shall be replaced by the two persons elected at the annual election to be held in March, 1957.

(5) Nothing in subsection (2), (3) or (4) of this section shall be construed to prevent any member of the Council from being nominated for election or being elected.

5. (1) An appointed member shall be appointed by the Governor by a notification in the *Gazette*.

(2) Each appointed member shall hold office for two years from the 1st day of April next following the notification in the *Gazette* of his appointment or reappointment:

Provided that if notification of a vacancy for an appointed member is published in accordance with section 14 the Governor shall appoint a member who shall hold office from the date of the *Gazette* in which the notification of his appointment is published until the date when the appointed member whom he succeeded would otherwise have ceased to hold office.

(3) The members of the Council who were appointed in 1954 shall continue in office until 31st March, 1956, when they shall cease to hold office.

(4) The members of the Council who were appointed in 1955 shall continue in office until 31st March, 1957, when they shall cease to hold office.

(5) Nothing in subsections (3) and (4) of this section shall be construed to prevent any of the present members of the Council referred to in those subsections from being reappointed.

PART III.

General Provisions as to Ordinary Members of the Council.

6. A person shall be disqualified for being elected or being nominated for election or being appointed or holding office as an ordinary member if he—

Disquali-
fication
from
member-
ship of the
Council.

- (a) holds any office of emolument under the Crown other than as a member of the Defence Force and Auxiliary Services or Hong Kong Police Reserve Force or any office of emolument in the gift or disposal of the Council or any committee thereof or having held such office has been dismissed therefrom;
- (b) has in any part of Her Majesty's Dominions or in any territory under Her Majesty's Protectorate or in any territory in which Her Majesty has from time to time jurisdiction been sentenced by one of Her Majesty's Courts to death or imprisonment (by whatever name called) for a term exceeding twelve months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon;
- (c) has been convicted of treason;
- (d) is disqualified for being elected or being nominated for election or being appointed or holding office as an ordinary member under any enactment relating to corrupt and illegal practices;
- (e) is a member of Parliament, assembly or council whether central or local of a foreign government or a salaried functionary of such government;

Appoint-
ment and
tenure of
office of
appointed
members.

- (f) is an undischarged bankrupt or within five years before has either obtained his discharge in bankruptcy or has entered into a composition with his creditors, in either case, without paying his creditors in full.

Qualifica-
tion for
member-
ship of the
Council.

7. A person of either sex, unless disqualified by virtue of this Ordinance or any other enactment, shall be qualified for nomination as a candidate or election or appointment as an ordinary member if he is—

- (a) entitled to be and is registered as an elector, and
(b) able, to the satisfaction of such authority or person as the Governor may appoint in that behalf, to speak, and, unless incapacitated by blindness or other physical cause, to read and write the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Council :

(Cap. 3).

Provided that if any person is possessed of the knowledge of the English language required by section 4 of the Jury Ordinance he shall be deemed without further inquiry to satisfy the requirements of paragraph (b) of this section.

Eligibility
for re-
election or
reappoint-
ment.

8. A person ceasing to be an ordinary member shall, unless he is not qualified or is disqualified, be eligible to be again elected, nominated for election or appointed as an ordinary member.

Saving.

9. The acts and proceedings of any person elected or appointed as an ordinary member under the provisions of this Ordinance and acting as such shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Acceptance
of office.
Schedule.

10. (1) A person elected or appointed to be an ordinary member shall not, unless he has made a declaration of acceptance of office in the form prescribed in the Schedule and the declaration has been delivered to the Chairman within thirty days after the publication in the *Gazette* of the notification of his election or appointment, act as such ordinary member.

(2) If such declaration is not made and delivered to the Chairman within thirty days after the publication in the *Gazette* of the notification of such election or appointment the election or appointment of the said person shall thereupon be null and void.

(3) The declaration shall be made before a Justice of the Peace or Magistrate within the Colony or a Commissioner for Oaths.

11. An ordinary member may at any time resign his office by a notice in writing signed by him and delivered to the Chairman and such resignation shall take effect upon the receipt of the notice of resignation by the Chairman.

Resigna-
tion of
member.

12. (1) If an appointed member is of the opinion that he will be prevented for more than six months by absence from the Colony or any other cause from acting he may give notice in writing to this effect to the Governor who may thereupon appoint some other person to replace such appointed member until he returns to the Colony or is able to resume his functions and has notified the Governor in writing accordingly.

Substitu-
tion of
members.

(2) If an appointed member has been prevented for more than six months by absence from the Colony or other cause from acting and has not given the notice prescribed in subsection (1) hereof the Governor may appoint some other person to replace such appointed member until he returns to the Colony or is able to resume his functions and has notified the Governor in writing accordingly.

13. If an ordinary member fails throughout a period of six consecutive months to attend any meeting of the Council he shall, unless the failure was due to some reason approved of by the Council, cease to hold office as a member of the Council :

Non-
attendance.

Provided that a member of the Defence Force or Auxiliary Services or of the Hong Kong Police Reserve Force employed as such during war or emergency on any service therewith shall not cease to hold office as an ordinary member by reason only of failure to attend meetings of the Council if such failure was due to such employment.

Publication
of notice
of vacancy.

14. When an ordinary member—

- (a) becomes disqualified by reason of any of the provisions of section 6; or
- (b) ceases to be registered or entitled to be registered as an elector; or
- (c) ceases to be an ordinary member by reason of the provisions of section 13; or
- (d) dies; or
- (e) resigns in accordance with the provisions of section 11; or
- (f) fails to complete and deliver to the Chairman within the appointed time a declaration of acceptance of office in accordance with the provisions of section 10;
- (g) in the case of an elected member, is declared by the Supreme Court on an election petition not to have been validly elected,

the Chairman shall forthwith declare his office to be vacant by a notification published in the *Gazette*.

PART IV.

Franchise.

Qualifica-
tion for
registra-
tion as an
elector.

15. Subject to the provisions of section 16 the persons who shall be entitled to be registered as electors and to vote at the election of any ordinary member of the Council held in any year shall be those persons male or female, who on the first day of July of the previous year—

- (a) were on either the list of special jurors or the list of common jurors prepared in accordance with the provisions of section 8 of the Jury Ordinance; or
- (b) would have been liable for jury service save for exemption on one or more of the following grounds—

(Cap. 3).

(i) under section 5 of the Jury Ordinance;

(ii) on account of being over the age of sixty or of being afflicted with deafness, blindness or other such infirmity;

(iii) on account of exemption from jury service having been given by the Governor in Council or by the Supreme Court;

or have been omitted or removed from either the list of special jurors or the list of common jurors merely through mistake in the preparation of such list:

Provided that—

(i) a salaried functionary of a foreign government who is not carrying on business in the Colony shall not be qualified by this paragraph;

(ii) in respect of any person exempted from jury service by paragraph (b) of section 5 of the Jury Ordinance the production of a certificate from the head of his department that he possesses the qualifications set out in section 4 of the Jury Ordinance shall be *prima facie* evidence of such qualification; or (Cap. 3).

(c) were persons permitted to teach by section 21 or section 25 of the Education Ordinance, 1952, or certified by the Director of Education as teachers in schools exempted from the Education Ordinance, 1952, by section 6 thereof; or (33 of 1952).

(d) had paid tax assessed under Part III or Part VII of the Inland Revenue Ordinance for the two years of assessment immediately preceding such first day of July and any two other years which qualification shall be deemed to be proved by the production of a certificate from the Commissioner of Inland Revenue to that effect: (Cap. 112).

Provided that the following shall not be qualified—

(i) any member of the Police Force, which expression shall not include the Police Reserve or the Special Constabulary;

(ii) any member of the Regular Armed Forces of the Crown.

16. No person shall be entitled to be registered as an elector or to vote at the election of any ordinary member of the Council who— Disqualifi-
cation by
status.

(a) has not attained the age of twenty-one years;

- (b) has in any part of Her Majesty's Dominions or in any territory under Her Majesty's Protectorate or in any territory in which Her Majesty has from time to time jurisdiction been sentenced to death or imprisonment (by whatever name called) for a term exceeding six months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or
- (c) is under any law in force in the Colony found or declared to be of unsound mind or adjudged to be a lunatic.

Temporary
disquali-
fication.

17. (1) The following persons are disqualified from being registered as electors or voting at an election of an ordinary member of the Council held within seven years from the date of conviction—

- (a) any person convicted of a corrupt practice or of an illegal practice within the meaning of any enactment for the time being in force providing for the punishment of corrupt or illegal practices;
- (b) any person convicted of an offence under section 3 or section 4 of the Prevention of Corruption Ordinance.

(Cap. 215).

(2) A person shall not be disqualified from voting at an election by reason only of the fact that he is employed for payment by or on behalf of a candidate at such election, so long as the employment is legal.

PART V.

Registration.

Appoint-
ment of
registration
officer.

18. (1) On or before the 1st day of July in each year the Governor shall appoint a registration officer to prepare and revise the register of electors:

Provided that if no appointment is made the person who previously performed the duties of registration officer shall continue to perform such duties until such appointment shall have been made.

(2) The Governor may appoint an assistant registration officer.

(3) Notification of the appointment and the address of the registration officer shall forthwith be published in the *Gazette*.

(4) The registration officer shall be provided with such staff as he may require from time to time.

19. (1) It shall be the duty of the registration officer—

Duties of
registration
officer.

- (a) to compile a provisional register on or before the 1st day of September in each year; and
- (b) to compile and publish a final register on or before the 1st day of February in each year.

(2) A final register shall come into force on the 15th day of February of the year in which it is published and shall remain in force until the 14th day of February of the year next following:

Provided that if for any reason whatsoever a final register is not published on or before any 1st day of February in any year the register in force at that time shall continue in force until fifteen days after the date of publication of such final register.

20. (1) The Registrar of the Supreme Court shall perform the duties of revising officer during the month of November in each year at such times and at such place as he shall have notified to the registration officer during the preceding month of August:

Revising
officer.

Provided that if for any reason whatsoever the Registrar of the Supreme Court is not available to sit as revising officer at any time the Chief Justice may appoint any magistrate or any legal officer within the meaning of the Legal Officers Ordinance to perform the duties of revising officer.

(Cap. 87).

(2) While the revising officer is sitting as such he shall have the powers and protection of a magistrate under sections 21, 22, 96, 123 and 124 of the Magistrates Ordinance.

(Cap. 227).

21. (1) An appeal shall lie from any decision of the registration officer to the revising officer and the decision of the revising officer on any such appeal shall be final.

Appeals to
revising
officer.

(2) The registration officer or an assistant registration officer shall appear before the revising officer in person in respect of any such appeal.

(3) Any other person concerned in any such appeal may appear before the revising officer in person and in addition may be represented by his legal adviser.

Expenses and fees of registration officer.

22. (1) Any expenses properly incurred by a registration officer in the performance of his duties shall be payable out of the general revenue of the Colony.

(2) All fees payable to and received by or on behalf of the registration officer in connexion with or in respect of his duties shall be accounted for and paid into the general revenue of the Colony.

Power to make regulations.

23. (1) Subject to the provisions of this Ordinance the Governor in Council may by regulations prescribe for—

- (a) the registration of electors;
- (b) the revision of the registers of electors;
- (c) the ascertainment of the qualifications of electors;
- (d) the conduct of appeals from decisions of the registration officer;
- (e) the declaration and delineation of polling stations;
- (f) generally carrying into effect the provisions of this part of this Ordinance.

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

PART VI.

Elections.

Appointment of returning officer.

24. (1) In the month of December in each year the Governor shall appoint a returning officer to conduct any election which may be required under the provisions of this Ordinance during the year next following :

Provided that if no such appointment is made the person who last performed the duties of returning officer shall continue to perform such duties until such appointment is made.

(2) The Governor may appoint an assistant returning officer.

(3) Notification of the appointment of a returning officer shall forthwith be published in the *Gazette*.

(4) The returning officer shall be provided with such staff as he may require from time to time.

(5) All expenses properly incurred by a returning officer under the provisions of this Ordinance shall be payable out of the general revenue of the Colony.

25. (1) It shall be the duty of the returning officer—

Duties of returning officers.

- (a) to conduct an annual election during the month of March of each year as may be required to fill vacancies caused by two elected members ceasing to hold office in accordance with subsection (2) of section 4; and
- (b) to conduct such extraordinary elections as may be required to fill vacancies published under section 14 or in lieu of any election which has been countermanded; and
- (c) to declare the result of each such election by publication in the *Gazette* of a notification to that effect.

(2) A returning officer shall countermand an election if a candidate dies or becomes disqualified in accordance with the provisions of section 6 or ceases to be qualified in accordance with the provisions of section 7 at any time between the last day for nomination of candidates and the day of the election.

26. (1) An election held under this Ordinance shall not be invalidated by non-compliance with provisions of any regulations made under this Ordinance or mistake in the use of the forms prescribed in such regulations if it appears to the Court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Ordinance and that the non-compliance or mistake did not affect the result of the election.

Saving.

(2) No misnomer or inaccurate description of any person or place named in any register of electors, electors' list, nomination paper, ballot paper, voting paper, or notice, shall affect the full

operation of that document with respect to that person or place, in any case where the description of the person or place is such as to be commonly understood.

Presump-
tion of
validity of
election.

27. (1) An election held under this Ordinance, unless questioned by election petition within the period fixed by law for the filing of such a petition, shall be deemed to have been a good and valid election.

(2) An election held under this Ordinance shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at, or conducting, the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at, or conduct, the election.

Penalties
against
returning
officer.

28. If a person appointed to perform the duties of returning officer at, or to take part in the conduct of, an election under this Ordinance neglects or refuses to conduct the election, or to declare the result of, or to take part in the conduct of the election, as required by this Ordinance or by any regulations made thereunder, he shall be guilty of an offence and shall be liable to a fine of two thousand dollars :

Provided that a person shall not be liable to conviction under this section, unless the information has been laid within three months from the date of the commission of the offence.

Proceedings
against
ordinary
members.

29. (1) Proceedings may be instituted, either in the Supreme Court or in a magistrate's court, against any person acting as an ordinary member, on the ground of his being disqualified within the meaning of this section for so acting, and proceedings may be instituted in the Supreme Court on the like ground against any person claiming to be entitled to so act :

Provided that proceedings under this section on the ground of a person acting as aforesaid shall not be instituted after the expiration of six months from the date on which he so acted.

(2) Where in proceedings instituted under this section it is proved that the defendant has acted as an ordinary member while disqualified for so acting, then—

- (a) in proceedings in the Supreme Court, the court may—
- (i) make a declaration to that effect and to declare that the office in which the defendant has acted is vacant;

(ii) grant an injunction restraining the defendant from so acting; and

(iii) order that the defendant shall forfeit to the Crown such sum as the court think fit, not exceeding one thousand dollars for each occasion on which he so acted while disqualified;

(b) in proceedings in a magistrate's court, the court may, subject to the provisions of this section, on conviction impose on the defendant a fine not exceeding one thousand dollars for each occasion on which he so acted while disqualified.

(3) Where proceedings are instituted under this section in a magistrate's court—

(a) if the magistrate is satisfied that the matter in question would be more properly dealt with in the Supreme Court, he shall order the discontinuance of proceedings in the magistrate's court;

(b) if, on application made to the Supreme Court by the defendant within fourteen days after service of the summons upon him, the Supreme Court is satisfied that the matter in question would be more properly dealt with in the Supreme Court the Supreme Court may make an order, which shall not be subject to any appeal, requiring the magistrate to order the discontinuance of proceedings in the magistrate's court.

(4) When in proceedings instituted under this section in the Supreme Court it is proved that the defendant claims to act as an ordinary member and is disqualified for so acting, the Court may make a declaration to that effect and that the office in which the defendant claims to be entitled to act is vacant, and may grant an injunction restraining him from so acting.

(5) No proceedings shall be instituted under this section by any person other than an elector or the Attorney General.

(6) Where proceedings are instituted under this section by a person other than the Attorney General such proceedings shall thereafter be stayed until such person shall give security for all costs, charges and expenses which may become payable by him to any witness summoned on his behalf or to a defendant.

(7) The security shall be of such amount, not exceeding five thousand dollars, and shall be given in such manner and form as the Court may direct.

(8) Except as provided by this section, no proceedings shall be instituted against a person on the ground that he has while disqualified for acting as an ordinary member, so acted or claimed to be entitled so to act.

(9) For the purposes of this section a person shall be deemed to be disqualified for acting as an ordinary member—

- (a) if he is not qualified to be, or is disqualified for being, an ordinary member; or
- (b) if by reason of failure to make and deliver the declaration of acceptance of office within the period required, resignation or failure to attend meetings of the Council, as the case may be, he has ceased to be an ordinary member.

Power to
make re-
gulations.

30. (1) Subject to the provisions of this Ordinance the Governor in Council may by regulations prescribe for the general conduct of elections including—

- (a) the nomination of candidates therefor including the filing of consent to such nomination and the withdrawal of any such nomination;
- (b) the lodgement of deposits by or on behalf of candidates and the forfeiture thereof;
- (c) the appointment of persons to assist the returning officer in the conduct of the election;
- (d) the appointment by the candidate of certain persons to assist him in connexion with the election;
- (e) the conduct of polling stations and the regulation of the ballot;
- (f) the counting of votes;
- (g) the declaration of the results of elections;
- (h) the disposal of ballot papers and other such papers after an election;
- (i) generally carrying into effect the provisions of this part of this Ordinance.

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

PART VII.

Election Petitions.

31. In this Part of this Ordinance "Court" means the Supreme Court and "Registrar" means the Registrar of the Supreme Court. Interpre-
tation.

32. (1) An election may be questioned by an election petition on the following grounds or any of them— Power to
question
election by
petition.

- (a) that the election was wholly avoided by general bribery, treating, undue influence, or personation; or
- (b) that the election was avoided by corrupt practices or by illegal practices committed at the election; or
- (c) that the person whose election is questioned was at the time of the election disqualified; or
- (d) that illegal practices committed in reference to the election of a candidate thereat, so extensively prevailed that they may be reasonably supposed to have affected the result of the election; or
- (e) on any other ground provided by any enactment whereon an election may be questioned.

(2) No election may be questioned on any one or more of these grounds except by an election petition.

33. An election petition may be presented either by ten or more persons who had a right to vote at the election, or by a person alleging himself to have been a candidate at the election. Who may
present
petition.

34. (1) Any person whose election is questioned by an election petition and any returning officer of whose conduct a petition complains, may be made a respondent to the petition. Who may
be res-
pondent.

(2) Two or more candidates may be made respondents to the same petition and their cases may be tried at the same time, but for the purposes of this part of this Ordinance (including the provision of security for costs) the petition shall be deemed to be a separate petition against each respondent.

35. (1) An election petition shall be signed by the petitioner or by each petitioner if there is more than one and shall be presented to the Court by leaving the petition, together with two copies thereof, with the Registrar who shall give a receipt therefor, if required so to do. Signature
and pre-
sentation
of petition.

(2) The Registrar shall forthwith send two certified true copies of the petition to the secretary who shall cause one of such copies to be posted in a conspicuous place on or near the outer door of his office, or, in some conspicuous place on or near the outer door of the office of the Council.

Jurisdiction of Supreme Court in respect of petition.

36. (1) The Court shall have the same jurisdiction, powers and authority in respect of an election petition and all proceedings thereon as it would have if such petition was an ordinary cause within its jurisdiction.

(2) The trial of an election petition shall be holden in open court and before one judge unless the Chief Justice shall otherwise direct.

(3) The Chief Justice may, from time to time, make rules for the effectual carrying out of the provisions of this part of this Ordinance and for the regulation of matters relating to the preparation, presentation, service, trial, withdrawal and costs of election petitions (including the provision of security for costs thereon) and the practice and procedure connected therewith, as well as the certifying and reporting thereon.

Time within which petition may be presented.

37. (1) Subject to the provisions of this section, an election petition shall be presented—

- (a) in the case of an election which is not contested, within twenty-one days after the publication by the returning officer of the list of persons elected; and
- (b) in the case of a contested election, within twenty-one days after the declaration by the returning officer of the result of the election.

(2) If the election is questioned on the ground of a corrupt practice and the petition specifically alleges a payment of money or other reward to have been made since the time of the election by the candidate elected thereat, or on his account or with his privity, in pursuance or in furtherance of such corrupt practices, it may be presented at any time within twenty-eight days after such payment.

(3) If the election is questioned on the ground of an illegal practice, it may be presented at any time within fourteen days after the day on which the secretary receives the return and declaration respecting election expenses by the candidate to

whose election the petition relates, or where there is an authorized excuse for failing to make the return and declaration, within fourteen days of the allowance of the excuse.

(4) If the election is questioned on the ground of an illegal practice and the petition specifically alleges a payment of money made or other act done since the election by the candidate elected thereat or by his agent, or with the privity of the candidate in pursuance or in furtherance of such illegal practice, it may be presented at any time within twenty-eight days after such payment or act, whether or not any other petition against that person has been previously presented or tried.

(5) A petition, presented within the time limited for the purpose of questioning the election upon an allegation of an illegal practice, may be amended with the leave of the Court within the time which is allowed under this section for the presentation of a petition questioning the election on the ground of that illegal practice.

(6) The foregoing provisions as to the time within which a petition alleging, either originally or by amendment, an illegal practice may be presented shall apply even though the illegal practice is also a corrupt practice.

38. (1) At the time of presenting an election petition, or within five days thereafter, the petitioner shall give security for all costs, charges and expenses which may become payable by him to any witness summoned on his behalf or to any respondent.

(2) The security shall be of such amount, not exceeding ten thousand dollars, and shall be given in such manner and form as the Court may direct.

(3) In default of compliance with the provisions of this section no further proceedings shall be taken on the petition.

39. (1) At the conclusion of the trial of an election petition the Court shall determine—

Determination of Court.

- (a) in the case of an election which is not contested and in connexion with which the decision of the returning officer as to the validity of any nomination is brought to review, whether such decision was correct or whether the election was void; and

- (b) in the case of a contested election, whether the person whose election is complained of, or any and what other person, was duly elected, or whether the election was void;

and shall forthwith certify in writing under the hand of a judge and the seal of the Court the determination of the Court and the determination so certified shall be final as to the matters at issue on the petition.

(2) A copy of the certificate of the Court shall be transmitted to the Colonial Secretary and also to the secretary.

(3) The Court may of its own motion or at the request of the Governor make a special report to the Governor as to any matters arising in the course of the trial of an election petition an account of which ought, in the judgment of the Court, to be submitted to the Governor.

With-
drawal of
petition.

40. (1) A petitioner shall not withdraw an election petition without the leave of the Court on application thereto and on such conditions as to public notice or otherwise as the Court may think fit.

(2) On the hearing of the application any person who might have been a petitioner in respect of the election may apply to the Court to be substituted as a petitioner, and the Court may, if it thinks fit, substitute him accordingly.

(3) If the proposed withdrawal is, in the opinion of the Court, induced by any corrupt bargain or consideration, the Court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in the order, the original petitioner (and his sureties, if any) shall be liable to pay the costs of the substituted petitioner.

(4) If the Court does not so direct, then security to the same amount as would be required in the case of a new petition and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within such time as the Court may by the order of substitution limit.

(5) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(6) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(7) Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

41. (1) An election petition shall be abated by the death of a sole petitioner or the survivor of several petitioners.

Abate-
ment of
petition.

(2) The abatement of a petition shall not affect the liability of the estate of the petitioner or the liability of any other person to the payment of costs previously incurred.

(3) On the abatement of a petition the Registrar shall cause a notification thereof to be published in the *Gazette*, and within fourteen days after the publication of such notification, any person who might have been a petitioner in respect of the election may apply to the Court to be substituted as a petitioner, and the Court may, if it thinks fit, substitute him accordingly.

(4) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

42. (1) If before the trial of an election petition a respondent other than a returning officer—

With-
drawal
and sub-
stitution of
respondent.

(a) dies, resigns, or otherwise ceases to hold the office to which the petition relates; or

(b) gives to the Registrar notice that he does not intend to oppose the petition;

the Registrar shall cause a notification thereof to be published in the *Gazette*, and within fourteen days after the publication of such notification, any person who might have been a petitioner in respect of the election may apply to the Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly.

(2) A respondent who has given notice as aforesaid that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

43. Where a candidate who has been elected is, by a certificate of the Court, declared not to have been duly elected, acts done by him in the execution of his office before the time when the certificate is received by the secretary shall not be invalidated by reason of that declaration.

Validation
of acts done
pending a
petition.

Elections in place of persons unseated on petition.

44. Where on an election petition the election of any person has been declared void and no other person has been declared elected in his place, a new election shall be held to supply the vacancy in the same manner as a vacancy declared under section 14.

PART VIII.

Meetings, Proceedings and Duties of the Council.

Language.

45. The proceedings of the Council shall be conducted in the English language.

Minutes.

46. (1) The secretary shall keep minutes of the proceedings of the Council and of committees of the whole Council and shall, as soon as possible after each meeting, send a copy of the draft minutes thereof to each member.

(2) The minutes of the proceedings of the Council shall record the names of the members attending and all decisions of the Council.

(3) The Chairman shall obtain the confirmation of the Council that the minutes are a true record and shall sign the minutes accordingly. Any minutes purporting to be so signed shall be received in evidence without further proof.

(4) Until the contrary is proved, a meeting of the Council or of a committee thereof, in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Standing orders.

47. The Council may make standing orders for regulating its procedure and without prejudice to the generality of the foregoing such standing orders may make such provision for the preservation of order at meetings as the Council may deem necessary.

48. (1) The Council shall meet once in every month and Meetings. oftener if need be, and may adjourn from time to time. The Chairman may at any time, and shall, on a requisition signed by three members of the Council, within seven days of receiving such requisition summon a meeting of the Council.

(2) Notice of a meeting shall be given by the secretary to each member of the Council at least two clear days before the day of the meeting, except in case of emergency when as long a notice as possible shall be given. Accidental omission to supply such notice to any member of the Council shall not affect the validity of a meeting.

49. 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: Acts of the Council.

Provided that this section shall not be deemed to limit the discretion of the Council or of any committee thereof to determine any matter by the circulation of papers.

50. At a meeting of the Council the Chairman, if present, Chairman, shall preside. If the Chairman is absent from a meeting of the Council the Vice-Chairman shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting of the Council the members present shall appoint a temporary chairman to preside.

51. (1) At any meeting of the Council four members shall Quorum. be a quorum.

(2) The quorum for any committee of the Council shall be laid down in standing orders of the Council.

52. At any meeting of the Council or of a committee of the whole Council or of a committee of the Council the Chairman or the chairman of a committee, as the case may be, shall have an original vote and also, if the votes be equal, a casting vote. Casting vote of Chairman.

53. The proceedings of the Council or of a committee thereof shall not be invalidated by any vacancy among their number, or by any defect in the election or qualification of any member thereof. Validity of acts of the Council.

Duties
of the
Council.

54. The duties of the Council shall be to exercise control within the area allotted to it over all matters in respect of which powers are given to it by this Ordinance or any other Ordinance.

Urban
Services
Depart-
ment.

55. For the purpose of carrying out the provisions of the law in respect of matters over which the Council exercises control there shall be an Urban Services Department.

Appoint-
ment of
officials.

56. The Governor may appoint a secretary and assistant secretaries to the Council, and also health officers, and health and other inspectors and may also appoint such officers of the Urban Services Department as may be required.

Duties of
Assistant
Director of
Health
Services.

57. The Assistant Director of Health Services shall be the professional adviser to the Council in all medical matters including matters of public health and sanitation. It shall be his duty to assist and advise the Council on such matters and to superintend the enforcement and observance of all Ordinances relating to public health and of the by-laws and regulations made thereunder.

Duties of
Chairman.

58. The Chairman of the Council shall give such instructions as may be necessary for carrying out and giving effect to the decisions and policy of the Council, and shall be responsible also for the general administration of the Urban Services Department.

Appoint-
ment of
committees.

59. The Council may appoint committees which may include persons who are not members of the Council and may by appointment or removal change the personnel of any such committee :

Provided that at least two-thirds of the members of every such committee shall be members of the Council.

Delega-
tion of
powers.

60. (1) The Council may by resolution delegate any of its powers and functions, other than any power to make or amend regulations, rules or by-laws, to any member of the Council or to any committee of the Council or to any member of any such committee or to any public officer with full powers to enforce any of the provisions of any enactment conferring powers on the Council and may revoke such delegation.

(2) Any committee of the Council may by resolution delegate to any member of such committee or to any public officer such power and authority to enforce any of the provisions of any

enactment conferring powers on the Council as may have been delegated by the Council to such committee and may revoke such delegation.

(3) In any case where a single member is exercising such delegated powers, under the provisions of subsections (1) and (2), if he is not in agreement with a recommendation in writing of the appropriate public officer he shall refer such recommendation to the appropriate Select Committee or to the Council, and the Committee or the Council, as the case may be, shall decide whether the recommendation be accepted, modified or rejected.

(4) When powers are delegated to a public officer in accordance with the provisions of subsection (1) or (2) it shall not be necessary to specify an officer by name in the resolution delegating such powers and such powers may be properly delegated to the person for the time being holding a designated public office.

(5) No delegation made under the provisions of subsection (1) or (2) shall preclude the Council or a committee of the Council, as the case may be, from exercising or performing at any time any of the powers or functions so delegated.

61. Failure to comply with any written order of a member of the Council, of a committee of the Council, or of a member of a committee of the Council, duly empowered under section 60, such order having been signed by the secretary of the Council, and failure to comply with any order of a public officer duly empowered under section 60 shall be punishable in the same manner as if such order had been made by the Council.

Enforce-
ment of
orders.

62. No matter or thing done, by any member of the Council or of a committee of the Council, *bona fide* for the purpose of carrying into effect the provisions of this Ordinance or of any other enactment conferring powers on the Council, shall subject such member personally to any action liability claim or demand whatsoever.

Protection
of members.

PART IX.

Commencement, Repeal and Transitional Provisions.

63. This Ordinance shall come into force on the 1st day of June, 1955.

Commence-
ment.

64. (1) The Urban Council Ordinance is repealed.

Repeal.
(Cap. 101).

Transi-
tional
provisions.

(2) Notwithstanding such repeal, any election held before the 15th day of February, 1956, in accordance with the provisions of this Ordinance shall be held as if—

- (a) subsections (2A), (3), (4), (4A), (5), (6) and (10) of section 3 of the Urban Council Ordinance were still in force;
- (b) "elector" meant any person whose name appears on the first second or third part of the register referred to in such subsections.

SCHEDULE.

[sec. 10(1)]

URBAN COUNCIL ORDINANCE, 1955.

Declaration of Acceptance of Office.

To the Chairman of the Urban Council.

I, ...
of
having been * ^{elected}_{appointed} to the office of ordinary member of the Urban Council hereby declare that I take the said office upon myself and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

Dated this day of, 19.....

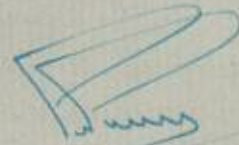
(Signature)

This declaration was made and subscribed before me a *Justice of the Peace/Magistrate/Commissioner for Oaths.

(Signature)

Note: *Delete words which are inapplicable.

Passed the Legislative Council of Hong Kong, this 25th day of May, 1955.



Deputy Clerk of Councils.

(Secretariat 30/3231/54)

HONG KONG

No. 15 OF 1955.

I assent.



Robert Gordon
Governor.

26th May, 1955.

An Ordinance to amend the Companies Ordinance, Chapter 32.

[1st June, 1955.]

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 (Amendment) Ordinance, 1955, and shall come into operation on the 1st day of June, 1955. Short title and Commencement.
2. Section 9 of the Companies Ordinance (hereinafter referred to as the principal Ordinance) is amended— Amendment of section 9. (Cap. 32).
 - (a) by the insertion in the third line after the word "memorandum" of a comma; and

- (b) by the deletion from the fourth line of the word "and" and the comma.

Amendment
of section
121.

3. Section 121 of the principal Ordinance is amended by the insertion in the ninth line of paragraph (i) of subsection (1) after the word "receipts", of the following—

"and payments".

Amendment
of section
126.

4. Section 126 of the principal Ordinance is amended by the deletion from the third line of subsection (2) of the word "or" and the substitution therefor of the following—

"for".

Amendment
of section
131A.

5. Section 131A of the principal Ordinance is amended—

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

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

- (b) by the deletion from the first line of subsection (3) of the word "Five" and the substitution therefor of the following—

"Six";

- (c) by the addition after subsection (3) of the following new subsection—

"(4) The Board may appoint a secretary to the Board for such period and to perform such duties in connexion with the discharge of its functions as may be prescribed

by the Chairman of the Board. The secretary may be paid such emoluments from the general revenue of the Colony as the Governor may from time to time prescribe."

6. Section 214 of the principal Ordinance is amended by the deletion from the second line of subsection (1) of the word "seven" and the substitution therefor of the following—

"fourteen".

7. Section 250 of the principal Ordinance is amended—

Amendment
of section
214.

- (a) by the insertion in the fifth line of paragraph (b) of subsection (1) after the word "months" of the following—

"next";

- (b) by the insertion in the fourth line of paragraph (c) of subsection (1) after the word "months" of the following—

Amendment
of section
250.

"next".

8. Section 276 of the principal Ordinance is amended—

Amendment
of section
276.

- (a) by the addition after subsection (4) of the following new subsection—

"(4A) Where the Registrar is of the opinion that the registered office of a company or the name and address of a liquidator or subscriber to the memorandum of association of a company cannot be ascertained, or the Registrar is of the opinion that a letter or notice to be sent under subsection (1), (2), (3) or (4) is unlikely to be received by the person to whom it would be directed, it shall be sufficient compliance with the provisions of the said subsections if the Registrar shall publish in the *Gazette* a notice stating that at the expiration of three months from the date of the publication of such notice the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.";

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

“(5) At the expiration of the time specified in any notice referred to in subsection (3), (4) or (4A) the Registrar may, unless cause to the contrary is previously shown, strike its name off the”;

- (c) by the deletion of subsection (8).

Amendment
of section
279.

9. Section 279 of the principal Ordinance is amended by the deletion of subsection (3) and the substitution therefor of the following—

“(3) The income on investments under this section, any profits realized on the sale of such investments and any bank interest received shall be paid into the companies liquidation account, and the Official Receiver shall on or before the 31st day of March in each year transfer to the general revenue the accumulated balance of such income, profits and bank interest, after deducting therefrom any losses on the realization of such investments.”

Amendment
of Ninth
Schedule.

10. The Ninth Schedule to the principal Ordinance is amended—

- (a) by the deletion of all the items under the heading “I—BY A COMPANY HAVING A SHARE CAPITAL” and the substitution therefor of the following items—

“(a) for registration of a company \$100

And, in addition, for every \$1,000 or part of \$1,000 of the nominal share capital \$2.00

- (b) for registration of every increase in nominal share capital made after the first registration of any company, for every \$1,000 or part of \$1,000 of such increase \$2.00

And, in addition, in the case of a company having on the 1st day of June, 1955 a nominal share capital in excess of \$3,000,000, on the first such increase after the said date, for every

\$1,000 or part of \$1,000 of such excess nominal share capital as remains unissued immediately before such increase \$2.00

- (c) for registration of a return of allotments \$5.00

And, in addition, in the case of a company having on the 1st day of June, 1955 a nominal share capital in excess of \$3,000,000, for every \$1,000 or part of \$1,000 of such excess nominal share capital allotted after the said date ... \$2.00

: Provided that no additional fee shall be payable under this paragraph by a company which has increased its nominal share capital and paid the additional fee under paragraph (b).

- (d) for registration of any existing company, except such companies as are by this Ordinance exempted from payment of fees in respect of registration under this Ordinance, the same fee as is charged for the registration of a new company.

- (e) for registration of any document by this Ordinance required or authorized to be registered or required to be delivered, sent or forwarded to the Registrar, other than a return of allotments or the memorandum or the abstract required to be delivered to the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up \$5.00

- (f) for making a record of any fact by this Ordinance required or authorized to be recorded by the Registrar \$5.00.”;

(b) by the addition at the end thereof of the following new part—

“IV—BY A COMPANY REQUIRING A LICENCE,
CONSENT OR APPROVAL UNDER THIS
ORDINANCE.

- (a) for a licence under section 17 \$20.00.
- (b) for a consent under subsection (2) of
section 20 \$20.00.
- (c) for a licence under section 21 \$20.00.
- (d) for an approval under subsection (1)
of section 22 \$20.00.
- (e) for a licence under subsection (2) of
section 93 \$20.00.”

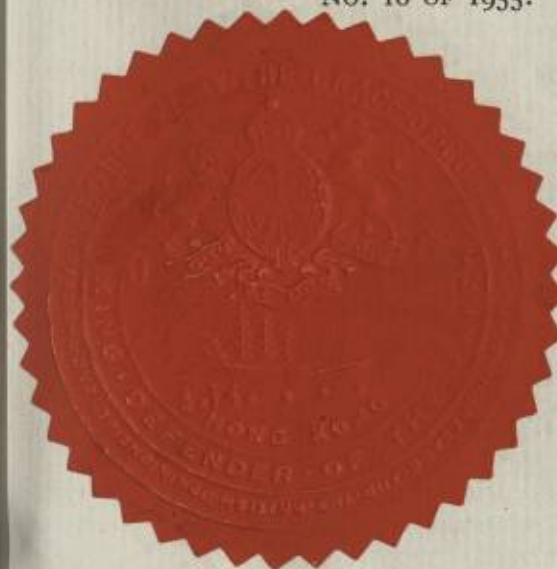
Passed the Legislative Council of Hong Kong, this 25th day
of May, 1955.

Deputy Clerk of Councils.

(Secretariat 67/3231/48)

HONG KONG

No. 16 OF 1955.



I assent.

Governor.

26th May, 1955.

An Ordinance to amend the Telecommunication Ordinance,
Chapter 106.

[27th May, 1955.]

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 Telecommunication Short title.
(Amendment) Ordinance, 1955.

2. Section 2 of the Telecommunication Ordinance (herein- Amendment
after referred to as the principal Ordinance) is amended— of section
2.
(Cap. 106).

(a) by the insertion after the word “Ordinance” in the first
line thereof of the following—

“, unless the context otherwise requires”;

(b) by the deletion from the third line of the definition of the words "licensed person" of the number and fullstop "30.", and the substitution therefor of the following—
"28;"

(c) by the insertion therein after the definition of the words "licensed person" of the following definitions—

" "radiocommunication" means any telecommunication by means of Hertzian waves;

"radiocommunication station" includes every apparatus or collection of apparatus which can be used for radiocommunication or radio-distribution, whether for transmitting or receiving or for transmitting and receiving and whether such apparatus or collection of apparatus be complete or not."

Amendment
of section
3.

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

"(3) Subsection (2) shall not apply to the grant of any licence which may be granted under section 28."

Amendment
of section
4.

4. Section 4 of the principal Ordinance is amended by the addition after subsection (3) of the following new subsection—

"(4) Any person who contravenes any order made under paragraph (c) of subsection (1) shall be liable to a fine of three thousand dollars and to imprisonment for twelve months."

Amendment
of section
5.

5. Section 5 of the principal Ordinance is amended—

(a) by the deletion of subsection (2); and

(b) by the deletion from the fourth and fifth lines of subsection (3) of the words "five hundred dollars and to imprisonment for three months" and the substitution therefor of the following—

"three thousand dollars and to imprisonment for twelve months".

6. Section 7 of the principal Ordinance is amended by the deletion from the first line of subsection (3) of the word "rules" and the substitution therefor of the following—

Amendment
of section
7.

"regulations".

7. Section 8 of the principal Ordinance is amended by the deletion from the second line of the word and figure "section 3" and the substitution therefor of the following—

Amendment
of section
8.

"this Ordinance".

8. Section 12 of the principal Ordinance is amended by the deletion from the first line of subsection (2) of the number "11" and the substitution therefor of the following—

Amendment
of section
12.

"10".

9. Section 15 of the principal Ordinance is amended by being re-numbered subsection (1) of section 15, and by the insertion therein of the following new subsection—

Amendment
of section
15.

"(2) In this section "telegraph" shall not include a radiocommunication station."

10. Section 22 of the principal Ordinance is amended by the deletion from the eighth line of the word "one" and the substitution therefor of the following—

Amendment
of section
22.

"five".

11. Section 24 of the principal Ordinance is amended by the deletion from the sixth line of the word "two" and the substitution therefor of the following—

Amendment
of section
24.

"three".

12. Section 26 of the principal Ordinance is repealed and replaced by the following section—

Repeal and
replacement
of section
26.

"Saving. 26. Subject to the regulations made under section 31 nothing in this Part shall prevent any person from making or using electrical apparatus for actuating machinery or for any purpose other than the transmission or reception of messages."

13. Section 28 of the principal Ordinance is amended—

Amendment
of section
28.

(a) by the insertion in the first line of subsection (1) after the word "Governor" of the following—

"in Council";

- (b) by the insertion in the first line of subsection (2) after the word "Governor" of the following—
"in Council";
- (c) by the insertion in the third line of subsection (2) after the word "and" of the following—
"the Governor"; and
- (d) by the addition after subsection (3) of the following new subsection—
"(4) Every licence granted under this section shall be in such form and for such period as the Governor in Council determines and shall contain such terms, conditions and restrictions as the Governor in Council considers desirable in the public interest."

Amendment
of section
29.

- 14.** Section 29 of the principal Ordinance is amended—
- (a) by the deletion from the eighth and ninth lines of subsection (1) of the comma and words ", sale permit or letter of exemption granted under this Ordinance" and the substitution therefor of the following—
"granted under this Part or a sale permit issued by the Postmaster General"; and
- (b) by the deletion of subsection (2).

Amendment
of section
30.

- 15.** Section 30 of the principal Ordinance is amended—
- (a) by the deletion of subsection (4) and the substitution therefor of the following—
"(4) Any person who delays or obstructs any detention, arrest, search, inspection, seizure or removal which is authorized by this Ordinance shall be liable to a fine of three thousand dollars and to imprisonment for twelve months."; and
- (b) by the addition after subsection (5) of the following new subsection—
"(6) In this section any reference to this Ordinance shall be deemed to be a reference to any or all of the parts of this Ordinance notwithstanding that this section is contained in this Part."

- 16.** Section 31 of the principal Ordinance is amended by— Amendment
of section
31.

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

"(h) examination of operators of apparatus for radio-communication, and the issue, endorsement and withdrawal of certificates of proficiency;"; and

- (b) the addition after subsection (2) of the following new subsection—

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

Provided that no penalty so provided shall exceed a fine of three thousand dollars and imprisonment for twelve months."

- 17.** Section 32 of the principal Ordinance is amended by being renumbered subsection (1) of section 32, and by the addition thereafter of the following new subsection— Amendment
of section
32.

"(2) Any person who contravenes any order, rule or regulation made under subsection (1) shall be liable to a fine of three thousand dollars and to imprisonment for twelve months."

- 18.** Section 33 of the principal Ordinance is repealed.

Repeal of
section
33.

- 19.** Section 34 of the principal Ordinance is repealed and replaced by the following— Repeal and
replace-
ment of
section 34.

"Inter-
ference
with
radio-
com-
munication.

34. Any person, whether holding a licence granted under this Part or not, who knowingly causes interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television shall be liable to a fine of one thousand dollars and to imprisonment for six months:

Provided that this section shall not apply to anything done by, or with the permission or under the direction of, any servant of Her Majesty or authorized officer acting in the course of his duty as such."

Repeal and
replace-
ment of
section 35.

20. Section 35 of the principal Ordinance is repealed and replaced by the following—

“Power to
reward
persons
giving
informa-
tion.

35. When any person is convicted of any offence under this Ordinance involving a fine the magistrate inflicting such fine may direct, on the application of the Postmaster General or other officer conducting the prosecution, that any part not exceeding one half thereof shall be paid to any person who has given such information as has led to the conviction of the offender or offenders, or, if there are more than one such person, may direct such part to be divided amongst them in such proportion as he may direct.”.

Addition
of new
sections 38,
39 and 40.

21. The principal Ordinance is amended by the addition after section 37 of the following new sections—

“Offences
by cor-
porations.

38. (1) Where a body corporate is convicted of an offence against this Ordinance, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

(2) Where a body corporate is convicted of an offence against this Ordinance, such body corporate shall be liable to a maximum fine of twice the amount of the fine prescribed in the section or regulation, as the case may be, against which such offence was committed.

Power to
confer
exclusive
right to
maintain
a public
service.

39. (1) Any licence granted by the Governor in Council under this Ordinance may, where the Governor in Council deems it desirable in the public interest, confer on the holder of such licence an exclusive right to maintain any service to the public in respect of which such licence is granted.

(2) Notwithstanding anything contained in section 8 no licence conferring any such exclusive right shall be revoked except on the breach of any of the conditions therein contained or in default of payment of any consideration payable thereunder.

Power to
exempt.

40. The Governor in Council may by Order exempt any person or class of persons from the operation of all or any of the provisions of this Ordinance.”.

22. Any licence purporting to confer an exclusive right to maintain a service to the public granted before the coming into operation of this Ordinance shall be deemed to have been granted in accordance with the principal Ordinance as amended by this Ordinance.

Grant of
exclusive
licences.

Passed the Legislative Council of Hong Kong, this 25th day of May, 1955.



Deputy Clerk of Councils.

(Secretariat 32/2961/46)

HONG KONG

NO. 17 OF 1955.



I assent.

[Signature]
Governor.

26th May, 1955.

An Ordinance to provide for the incorporation of the Trustees of the Hong Kong Baptist Church.

[27th May, 1955.]

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 Baptist Church Ordinance, 1955.

2. In this Ordinance—

"the church" means the Hong Kong Baptist Church;

"the members" means the adults who have been baptised in and admitted to the church or those transferred from other baptist churches and admitted to the church;

"the deacons" means the deacons of the church;

"the committee" means the committee elected by members of the church.

Interpre-
tation.

Description
and incor-
poration.

3. The trustees for the time being of the Hong Kong Baptist Church shall be a body corporate (hereinafter called "the corporation") and shall have the name "The Trustees of The Hong Kong Baptist Church" and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal and may break alter and make anew the said seal.

Powers of
corpora-
tion.

4. (1) Subject to the provisions of subsection (2) the corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situated, and also invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares or securities of any government, municipality, corporation, company or person, and also to purchase, acquire and possess vessels and other goods and chattels of what nature and kind soever.

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

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

Transfer
of property.

5. The legal estate in any property whatsoever transferred to the corporation in any manner whatsoever shall in the event of the death of any of the trustees for the time being or in the event of any trustee ceasing to hold office as such trustee vest in the trustees for the time being duly appointed.

Number of
trustees.

6. The number of the trustees shall be seven.

7. The office of any trustee shall be automatically vacated if such trustee shall die or shall resign his office or if a resolution be passed at a meeting of members of the church requiring the resignation of such trustee or if his term of office shall come to an end.

Vacation
of office by
trustee.

8. (1) At the annual general meeting of members of the church held in each year, six new trustees shall be elected by members of the church as follows—

New
trustees;
their
appoint-
ment and
tenure of
office.

three deacons who have been proposed by the deacons of the church;

three members of the committee who have been proposed by the members of the committee.

(2) If there shall only be one clergyman or preacher then he shall be ex officio a trustee but if there shall be more than one, then the members of the church shall elect in the church during the month of January each year a presiding clergyman or preacher from among the number of clergymen or preachers, and such presiding clergyman or preacher shall be ex officio a trustee.

(3) Trustees when elected shall (subject to the provisions of section 7) hold office until the annual general meeting of members of the church in the following year. Trustees whose terms of office have expired shall be eligible for re-election.

9. If the office of a trustee be vacated other than through the expiration of the term of office then a new trustee shall be elected by the members of the church from among the class of members of the church who proposed the trustee whose office is vacated and such new trustee shall hold office until the next annual general meeting of the members of the church.

Filling
casual
vacancies
among
trustees.

10. (1) Any change in membership of the trustees shall within three weeks of such change be notified in writing to the Colonial Secretary and by the publication of a notice in the *Gazette*.

Notification
of changes
of trustees.

(2) No such change shall be deemed to have been made until a notification of such change has been published in the *Gazette*.

(3) The production of a copy of the *Gazette* containing any such notification shall be *prima facie* evidence of a change in membership of the trustees.

(4) The trustees shall when required by the Governor furnish to him satisfactory proof of the succession election or appointment of any new trustee.

Appoint-
ment of
chairman
vice-
chairman,
and
secretary.

11. The trustees when elected shall appoint a chairman, a vice chairman, a secretary from among their number.

Execution
of deeds.

12. All deeds documents and other instruments requiring the seal of the corporation shall be sealed in the presence of three or more of the trustees, one of whom must be a trustee *ex officio* and shall also be signed by the three of such trustees present and such signing shall be and be taken as sufficient evidence of the due sealing thereof.

Appoint-
ment and
removal
of clergy-
man or
preacher.

13. The members of the church may at a general meeting of the members appoint a clergyman or clergymen or preacher or preachers to perform and carry on divine worship and the services usual in the Baptist Churches and may also appoint a preacher or preachers and other officers or staff to assist the presiding clergyman or preacher to carry on all matters connected with the religious services or other affairs of the church under the immediate direction of the presiding clergyman or preacher, and may remove all or any of them.

Custody of
documents.

14. All books deeds papers and other documents belonging to the church shall be under the care and custody of some one or more persons appointed by the trustees.

Power of
committee
to make
regulations.

15. All regulations relating to the affairs of the church otherwise than those specifically provided for by this Ordinance shall be drawn up by a committee appointed by the members of the church for such purpose and shall be submitted to the general meeting for approval.

Regulations
not
binding
until
approved.

16. No regulations made by any committee under section 15 shall be binding on the members of the church unless such regulations have been passed by a majority of members present and voting at a general meeting of members.

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

Passed the Legislative Council of Hong Kong, this 25th day of May, 1955.

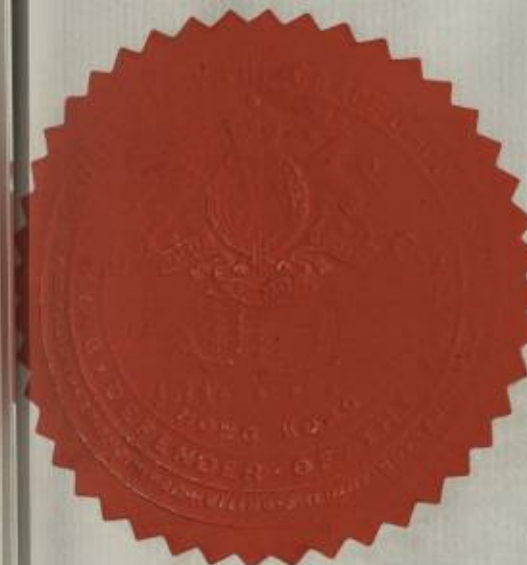


Deputy Clerk of Councils.

(Secretariat 17/3231/55)

HONG KONG

No. 18 OF 1955.



I assent.

Governor.

9th June, 1955.

An Ordinance to make retrospective amendment of fees payable for certain liquor licences and to make provision for repayment of any fees paid in excess of those hereby re-established.

[10th June, 1955.]

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 (Licensing Fees) Ordinance, 1955. Short title.

2. (1) Part II of the Second Schedule to the Dutiable Commodities Regulations is amended by the deletion of—

"Accountant
General

Publican's licence (Form 12)—

(a) in the New Territories, except
New Kowloon

Amendment
of Second
Schedule
(Vol. IX,
p. 277).

(b) in other cases, for premises whose rateable value at the time of payment of the fee is—

under \$500	500
\$ 500 or over but under \$ 2,000	700
\$ 2,000 or over but under \$ 3,000	1,400
\$ 3,000 or over but under \$ 4,000	1,750
\$ 4,000 or over but under \$ 5,000	2,100
\$ 5,000 or over but under \$ 6,000	2,450
\$ 6,000 or over but under \$ 7,000	2,800
\$ 7,000 or over but under \$ 8,000	3,150
\$ 8,000 or over but under \$ 9,000	3,500
\$ 9,000 or over but under \$ 10,000	3,850
\$ 10,000 or over but under \$ 20,000	4,200
\$ 20,000 or over but under \$ 30,000	5,600
\$ 30,000 or over but under \$ 40,000	7,000
\$ 40,000 or over but under \$ 50,000	8,400
\$ 50,000 or over but under \$100,000	9,800
\$100,000 or over but under \$200,000	12,500
\$200,000 or over	15,000

(c) transfer of licence to other person 400

(d) transfer of licence to other premises 40

Accountant
General

Restaurant adjunct licence (Form 15) or hotel keeper's adjunct licence (Form 14)—

(a) in the New Territories, except New Kowloon 250

(b) in other cases, for premises whose rateable value at the time of payment of the fee is—

under \$500	250
\$ 500 or over but under \$ 2,000	500
\$ 2,000 or over but under \$ 3,000	1,000
\$ 3,000 or over but under \$ 4,000	1,250
\$ 4,000 or over but under \$ 5,000	1,500
\$ 5,000 or over but under \$ 6,000	1,750
\$ 6,000 or over but under \$ 7,000	2,000
\$ 7,000 or over but under \$ 8,000	2,250
\$ 8,000 or over but under \$ 9,000	2,500
\$ 9,000 or over but under \$10,000	2,750
\$10,000 or over but under \$20,000	3,000
\$20,000 or over but under \$30,000	4,000
\$30,000 or over but under \$40,000	5,000
\$40,000 or over but under \$50,000	6,000
\$50,000 or over	7,000

(c) transfer of licence to other person 80

(d) transfer of licence to other premises 40 "

and the substitution therefor of the following—

"Accountant
General

Publican's licence (Form 12)—

(a) in Victoria or the Hill District (being any part of the island of Hong Kong above the 700-foot contour) for premises whose rateable value at the time of payment of the fee is—

under \$ 10,000	1,000
" \$ 20,000	2,000
" \$ 30,000	3,000
" \$ 50,000	5,000
" \$100,000	8,000
" \$200,000	10,000
\$200,000 and over	12,000

(b) elsewhere in the Colony 60% of the above fees.

(c) transfer of licence to other person 400

(d) transfer of licence to other premises 40

Accountant
General

Restaurant adjunct licence (Form 15) or hotel keeper's adjunct licence (Form 14)—

(a) in and to the north of Queen's Road, Victoria, or at Victoria Gap 1,400

(b) elsewhere in the Island of Hong Kong or in Kowloon or New Kowloon 800

(c) in the New Territories except New Kowloon 250

(d) transfer of licence to other person 80

(e) transfer of licence to other premises 40 "

(2) The amendment made by this section shall be deemed to have had effect as from the 30th day of November, 1954.

3. Regulation 3 of the Dutiable Commodities (Amendment) (No. 2) Regulations, 1954, is hereby revoked. Such revocation shall be deemed to have had effect as from the 30th day of November, 1954.

Regulation
3 of G.N.A.
63/54
revoked.