

## **LEGISLATIVE COUNCIL BRIEF**

### **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 1999**

#### **INTRODUCTION**

At the meeting of the Executive Council on 8 June 1999, the Council ADVISED and the Chief Executive ORDERED that the Statute Law (Miscellaneous Provisions) Bill, at Annex A, should be introduced into the Legislative Council. The Bill is intended to deal with obsolete, inconsistent or anomalous enactments and to put beyond doubt the validity of certain items of subsidiary legislation which were not tabled before the Legislative Council.

#### **BACKGROUND AND ARGUMENT**

##### **General Background**

2. In making minor, technical and largely non-controversial amendments to the laws of Hong Kong, the Bill follows the pattern of other bill which have been enacted in recent years to effect minor improvements to existing legislation. The categories of the proposed amendments and the major provisions of the Bill are set out below.

##### **Provisions relating to further sentence while a detention order, supervision order or recall order is in force**

3. At present, there are no statutory provisions governing what happens to an existing detention order, supervision order or recall order when a detainee in a Detention Centre, or a Drug Addiction Treatment Centre, or a Training Centre, is further sentenced to one or other of the centres for a separate offence. It is therefore proposed to amend section 7(1) of the Detention Centres Ordinance, section 6A of the Drug Addiction Treatment Centres Ordinance, and section 5A of the Training Centres Ordinance to clarify the appropriate treatment in such circumstances (**Clauses 3 to 5**).

##### **Discharge of encumbered property**

4. Under the present law, a mortgagor of an interest in land will be unable to repay even an insignificant amount of the mortgage money if the mortgagee cannot be found, the mortgage documents are missing, or the date on which the mortgage should have been repaid is unknown. This hinders the sale or development of the relevant property. It is

proposed that amendments be made to the Conveyancing and Property Ordinance to allow payment into court under these circumstances of the amount outstanding under the mortgage, subsequent to which the court may make an order to declare the property free from that particular encumbrance (**Clauses 6 and 7**).

### **Abrogation of the “Year and a Day Rule”**

5. The “year and a day” rule is a common law rule that forbids the conviction of a person of the offence of homicide if the victim does not die within a year and a day after the injury was inflicted. The Law Reform Commission studied the issues and recommended the abolition of the rule in its Report published in June 1997. In light of the medical and technological advances in treatment and life support made since the rule was first established, the rule is now considered to be inappropriate, unnecessary and undesirable. It is proposed that the Offences Against the Person Ordinance be amended to provide for the abolition of the rule (**Clause 8**).

### **Psychiatrists to provide evidence to courts on accused’s fitness**

6. Where an accused’s fitness to be tried and where determination of guardianship, supervision and treatment on account of a person’s mental fitness is in issue, a determination can only be made on the evidence provided by two or more registered medical practitioners approved for the purposes of section 2(2) of the Mental Health Ordinance, namely those approved by the Hospital Authority within the meaning of the Hospital Authority Ordinance as having special experience in the diagnosis or treatment of mental disorder.

7. A Specialist Register of the Medical Council was established in March 1998 under section 6(3) of the Medical Registration Ordinance. It is proposed that references to medical practitioners (where psychiatrists are meant) in the relevant laws should be amended so that reference is made to those registered in the Specialist Register as psychiatrists (**Clauses 9 to 12**).

### **Publication of sections referred to in warning notices and conspiracy committed before commencement of Crimes (Amendment) Ordinance 1996**

8. Section 153A of the Crimes Ordinance requires warning notices issued pursuant to the section to contain the entire texts of the sections referred to in a notice. Where more than one such notice is published contemporaneously, the sections would be repeated, sometimes many times, in a single edition of a newspaper at great public expense. It is proposed that amendments be made so that, in such circumstances, the texts of the sections need only be published once, with appropriate directions in the other notices as to where the full text may be found (**Clause 13**).

9. Section 159E of the Crimes Ordinance is ambiguous as to whether acts of conspiracy committed before the commencement of the section on 2 August 1996 for

which proceedings have not been started may be prosecuted. It is proposed that saving amendments be made to remove the ambiguity and ensure that such acts remain an offence and subject to prosecution (**Clause 14**).

#### **Removal of reference to repealed Ordinance and saving**

10. The Affiliation Proceedings Ordinance has been repealed by the Law Reform (Miscellaneous Provisions and Minor Amendments) Ordinance 1996. Section 12 of the Births and Deaths Registration Ordinance still refers to the repealed Ordinance and amendment is required (**Clause 15**).

#### **Reference to former or retired judge**

11. The Adaptation of Laws (Courts and Tribunals) Ordinance excluded persons who were formerly judges of the High Court (i.e. who had retired before 1 July 1997) from serving on the Post-Release Supervision Board and the Long-term Prison Sentences Review Board. This was not the policy intent. It is proposed that suitable amendments be made to reflect more accurately the policy intent (**Clause 16**).

#### **Delegation of power by the Director of Audit**

12. Amendments are proposed to be made to the Audit Ordinance to empower the Director of Audit to delegate to directorate officers of the Audit Commission (in addition to the Director of Audit) the duties or powers to certify and report on certain accounts. Amendments are also proposed to provide the legal backing for the Director of Audit to audit suitors' funds held by the specified Courts and Tribunals, as well as specified funds which are not "public moneys" in the ordinary sense of those words (**clauses 17 to 24**).

#### **Provision for transfer of persons serving indeterminate sentences**

13. Amendments are proposed to sections 2 and 4 of the Transfer of Sentenced Persons Ordinance to allow for the issue of an inward warrant in relation to persons sentenced for an indeterminate period generally and not just those sentenced for an indeterminate period on account of their mental incapacity. Without the amendments, persons who do not have any mental incapacity and are sentenced for an indeterminate period cannot be transferred back to Hong Kong (**Clauses 25, 26**).

#### **Amendments consequential to change of short title of principal Ordinance**

14. The Child Care Centres Ordinance has been amended to "Child Care Services Ordinance" but some subsidiary legislation still refers to the old title. Amendments are proposed to correct these references (**Clauses 27 to 39**).

### **Updating references to and title of organizations**

15. A number of international organizations have changed their names and amendments are proposed to our legislation to reflect those changes (**Clauses 40 to 43**).

### **Subsidiary legislation deemed laid before Legislative Council**

16. Some items of subsidiary legislation were inadvertently not laid before the Legislative Council, contrary to section 34 of the Interpretation and General Clauses Ordinance. The LegCo Subcommittee formed for the purpose of studying issues relating to the tabling of subsidiary legislation in the Legislative Council indicated that whilst it was of the preliminary view that the tabling requirement is directory rather than mandatory, it would be prepared to consider the Administration's proposal to clarify the matter.

17. The legal effect of failing to lay subsidiary legislation is unclear. Despite the opinion of the subcommittee, there is an equally respectable view that the requirement to lay is mandatory and that failure to comply with it results in the invalidity of the subsidiary legislation. Deeming the subsidiary legislation to have been laid settles any doubt.

18. An example of a possible consequence of not pursuing the proposed amendment can be found in the two commencement notices for the Ozone Layer Protection (Controlled Refrigerants) Regulations - the first in 1993 has not been tabled; the latter in 1998 has been tabled. As the legal status of the 1993 notice is now considered to be uncertain, it is appropriate to clarify the position by an Ordinance.

19. The Administration proposes that, for the avoidance of doubt, provisions be enacted to deem those items of subsidiary legislation as having been duly laid (**Clauses 44 to 47**). This follows United Kingdom precedents. An indemnity provision has been included to indemnify all persons against any possible liability for the common law offence of contempt of statute (for which the penalty is imprisonment or a fine, or both).

### **Miscellaneous amendments to legislation to remove anomalies and inconsistencies**

20. Part XIV of the Bill makes minor amendments to numerous ordinances to ensure consistency in terminology and to ensure consistency between the Chinese and English texts (**Clauses 48 and 49**).

### **Repeal of legislation**

21. Part XV of the Bill provides for the repeal of redundant legislation (**Clause 48, Schedule 3**).

## **LEGISLATIVE TIMETABLE**

22. The legislative timetable will be –
- |   |                |
|---|----------------|
| Publication in Gazette  | 17 June 1999   |
| First Reading and commencement<br>of Second Reading debate                | 30 June 1999   |
| Resumption of Second Reading debate,<br>Committee Stage and Third Reading | to be notified |

## **BASIC LAW IMPLICATIONS**

23. The Department of Justice advises that the proposed Bill does not conflict with the provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

24. The Department of Justice advises that the proposed Bill is consistent with the human rights provisions of the Basic Law.

## **BINDING EFFECT**

25. The provisions of the Bill do not affect the current binding effect of the respective Ordinances to which the Bill relates.

## **FINANCIAL AND STAFFING IMPLICATIONS**

26. The proposals have no additional financial or staffing implications.

## **PUBLICITY**

27. A press release will be issued. A spokesman will be available to answer press enquiries which might arise from the deeming provisions.

**Department of Justice**  
**May 1999**

### **File Ref.: LP 3/00/7C VI**

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# **STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 1999**

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## A BILL

To

Provide for miscellaneous amendments to various Ordinances; to deem certain items of subsidiary legislation to have been duly laid on the table of the Legislative Council; to grant an indemnity in respect of the failure to lay those subsidiary legislation on the table of the Legislative Council; and for connected purposes.

Enacted by the Legislative Council.

## PART I

### GENERAL

**1. Short title**

This Ordinance may be cited as the Statute Law (Miscellaneous Provisions) Ordinance 1999.

**2. Commencement**

This Ordinance, other than sections 15(a) (ii), 16 and 48 shall come into operation at the beginning of the day on which this Ordinance is published in the Gazette.

## PART II

### PROVISIONS RELATING TO FURTHER SENTENCE WHILE A DETENTION ORDER, SUPERVISION ORDER OR RECALL ORDER IS IN FORCE

#### **Detention Centres Ordinance**

**3. Sentence of detention in training centre, etc.  
and imprisonment for detained person**

Section 7(1) of the Detention Centres Ordinance (Cap. 239) is amended -

- (a) by adding before paragraph (a) -  
"aa) further to detention in a detention centre;"
- (b) in paragraph (a), by adding "or an addiction treatment centre" after "training centre".

### **Drug Addiction Treatment Centres Ordinance**

#### **4. Effect of imprisonment or further detention order**

Section 6A of the Drug Addiction Treatment Centres Ordinance (Cap. 244) is amended -

- (a) by renumbering it as section 6A(1);
- (b) by adding -
  - "(2) If a person in respect of whom -
  - (a) a detention order is in force is further sentenced to detention in a training centre, his detention in such a training centre shall take effect on the expiration of the detention order;
  - (b) a supervision order is in force is further sentenced to detention in a training centre, the supervision order shall lapse;

- (c) a recall order is in force is further sentenced to detention in a training centre, the recall order shall lapse as may be decided by the Board of Review established under regulation 6 of the Drug Addiction Treatment Centres Regulations (Cap. 244 sub. leg.).".

### **Training Centres Ordinance**

#### **5. Effect of imprisonment or further sentence of detention**

Section 5A of the Training Centres Ordinance (Cap. 280) is amended by adding -

"(3) If a person in respect of whom -

- (a) a sentence of detention in a training centre under section 4 is in force is further sentenced to detention in an addiction treatment centre -
  - (i) his detention in a training centre shall be suspended until he is released from the addiction treatment centre; and
  - (ii) any supervision order made against him under section 5 of the Drug Addiction Treatment Centres Ordinance (Cap. 244) may be waived or suspended as may be decided by the Board of Review established under regulation 6 of

the Drug Addiction Treatment Centres Regulations (Cap. 244 sub. leg.);

- (b) a supervision notice under section 5 is in force is further sentenced to detention in an addiction treatment centre -
  - (i) the supervision notice shall be suspended until he is released from the addiction treatment centre; and
  - (ii) where on the date of his release from the addiction treatment centre, his supervision under the supervision notice -
    - (A) remains more than 1 year, he shall, at the same time, be subject to supervision under any supervision order which may be made against him under section 5 of the Drug Addiction Treatment Centres Ordinance (Cap. 244) ; or
    - (B) remains 1 year or less, he shall only be required to be subject to supervision under any supervision order which may be made against him under section 5 of the Drug Addiction Treatment Centres Ordinance (Cap. 244);
- (c) an order of recall under section 5 is in force is further sentenced to detention in an addiction treatment centre, the order of recall shall be suspended until he

is released from the addiction treatment centre or shall be treated as lapsed as may be decided by the board established for each training centre under regulation 7 of the Training Centres Regulations (Cap. 280 sub. leg.).".

### PART III

#### DISCHARGE OF ENCUMBERED PROPERTY

##### **Conveyancing and Property Ordinance**

##### **6. Interpretation**

Section 2 of the Conveyancing and Property Ordinance (Cap. 219) is amended by adding -

""encumbrance" (產權負擔) includes a legal and equitable mortgage, a trust for securing money, a lien, a charge of a portion, annuity, or other capital or annual sum; and "encumbrancer" (產權負擔人) has a meaning corresponding with that of "encumbrance" and includes every person entitled to the benefit of an encumbrance, or to require payment or discharge thereof;".

##### **7. Section added**

The following is added -

**"12A. Discharge of encumbrances by the court on sales or exchanges**

(1) Where land subject to any encumbrance, whether immediately realizable or payable or not, is sold or exchanged by the court, or out of court, the court may, if it thinks fit, on the application of any party to the sale or exchange, direct, or allow payment into court of an amount sufficient to meet the encumbrance and any interest due thereon.

(2) Thereupon, the court may, if it thinks fit, and without any notice to the encumbrancer, declare the land to be free from the encumbrance, and make any order for conveyance, or vesting order, proper for giving effect to the sale or exchange, and give directions for the retention and investment of the money in court and for the payment or application of the income thereof.

(3) On application by the encumbrancer or any person entitled to the money or fund in court, the court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof."

#### PART IV

#### ABROGATION OF THE "YEAR AND A DAY RULE"

#### **Offences against the Person Ordinance**

#### **8. Section added**

The Offences against the Person Ordinance (Cap. 212) is amended by adding -  
**"33C. "Year and a day rule" abrogated**

(1) The rule known as the "year and a day rule" (that is, the rule that, for the purposes of offences involving death and of suicide, an act or omission is conclusively presumed not to have caused a person's death if more than a year and a day elapsed before he died) is abrogated for all purposes.

(2) Subsection (1) does not affect the continued application of the rule referred to in that subsection to a case where the act or omission (or the last of the acts or omissions) which caused the death occurred before the commencement of the Statute Law (Miscellaneous Provisions) Ordinance 1999 ( of 1999)".

## PART V

### PSYCHIATRISTS TO PROVIDE EVIDENCE TO COURTS ON ACCUSED'S FITNESS TO BE TRIED

#### **Mental Health Ordinance**

#### **9. Power of court or magistrate to make guardianship order**

Section 44A(1) (b) of the Mental Health Ordinance (Cap. 136) is amended by repealing "practitioners approved for the purposes of section 2(2)" and substituting "psychiatrists on the Specialist Register established under section 6(3) of the Medical Registration Ordinance (Cap. 161)".

#### **10. Power of court or magistrate to make supervision and treatment order**

Section 44D(1) (b) is amended by repealing "practitioners approved for the purposes of section 2(2)" and substituting "psychiatrists on the Specialist Register established under section 6(3) of the Medical Registration Ordinance (Cap. 161)".

### **Criminal Procedure Ordinance**

#### **11. Fitness to be tried**

Section 75(5) of the Criminal Procedure Ordinance (Cap. 221) is amended by repealing "practitioners approved for the purposes of section 2(2) of the Mental Health Ordinance (Cap. 136)" and substituting "psychiatrists on the Specialist Register established under section 6(3) of the Medical Registration Ordinance (Cap. 161)".

#### **12. Orders to be made**

Section 76(2) (a) is amended by repealing "practitioners approved for the purposes of section 2(2) of the Mental Health Ordinance (Cap. 136)" and substituting "psychiatrists on the Specialist Register established under section 6(3) of the Medical Registration Ordinance (Cap. 161)".

### **PART VI**

### **PUBLICATION OF SECTIONS REFERRED TO IN A NOTICE AND CONSPIRACY COMMITTED BEFORE COMMENCEMENT OF CRIMES (AMENDMENT) ORDINANCE 1996**

### **Crimes Ordinance**

#### **13. Closure of premises in respect of which**

**certain offences committed**

Section 153A(4) (d) of the Crimes Ordinance (Cap. 200) is amended by adding "or, if the notice is published contemporaneously with another notice under subsection (1) (b) (ii) in the same newspapers and the sections referred to in paragraph (c) are already set out in that notice, contain a direction to refer to that notice for the full text of those sections" after "paragraph (c)".

**14. Abolitions, savings and transitional provisions**

Section 159E(7) is amended -

- (a) in paragraph (a), by repealing "or";
- (b) in paragraph (b), by repealing the full stop and substituting "; or";
- (c) by adding -
  - "(c) any proceedings commenced after that time in respect of a conspiracy committed before that time."

**PART VII**

**REMOVAL OF REFERENCE TO REPEALED ORDINANCE AND SAVING**

**Births and Deaths Registration Ordinance**

**15. Registration of father of illegitimate child**

Section 12 of the Births and Deaths Registration Ordinance (Cap. 174) is amended -

- (a) in subsection (3) -
  - (i) in paragraph (b) (iii), by repealing "; or" and substituting a full stop;
  - (ii) with effect from 27 June 1997, by repealing paragraph (c);
- (b) by adding -
  - "(4) An order of a court under section 5 of the Affiliation Proceedings Ordinance (Cap. 183) adjudging a person to be the putative father of a child which has effect immediately before 27 June 1997 shall continue to be treated as a relevant order under subsection (3) as if section 5 of that Ordinance had not been repealed."

## PART VIII

### REFERENCE TO FORMER OR RETIRED JUDGE

#### **Interpretation and General Clauses Ordinance**

#### **16. Section added**

The Interpretation and General Clauses Ordinance (Cap. 1) is amended with effect from 1 July 1997 by adding -

#### **"3A. References to former or retired judge**

A reference to a person who is a former or retired judge of a court, or of a specified court, in Hong Kong, includes

respectively a reference to a person who is a former or retired judge of a court which was constituted under the laws of Hong Kong before 1 July 1997, or of the court in Hong Kong which before 1 July 1997 exercised jurisdiction similar to that of the specified court."

## PART IX

### DIRECTOR OF AUDIT'S POWER TO DELEGATE AND DUTY TO AUDIT CERTAIN ACCOUNTS

#### **Audit Ordinance**

#### **17. Interpretation**

Section 2 of the Audit Ordinance (Cap. 122) is amended, in the definition of "public moneys", by repealing paragraph (b) and substituting -

"(b) any moneys (other than moneys in the accounts or constituting the funds specified in column 2 of Schedule 1) which are accounted for, in whole or in part, in the books or records of account of the Director of Accounting Services; and".

#### **18. Duties of the Director**

Section 8 is amended -

(a) by repealing subsection (1) and substituting -

"(1) The Director shall -

(a) examine, inquire into and audit the accounts of all accounting officers in respect of public moneys, stamps,

securities, stores and any other Government property; and

- (b) examine, inquire into and audit the accounts, statements and records kept in respect of the accounts or funds specified in column 2 of Schedule 1 by the public officers specified opposite such accounts or funds.";

- (b) in subsection (2) (a), (b) and (d) by adding "or moneys in the accounts or constituting the funds specified in column 2 of Schedule 1" after "public moneys".

**19. Powers of the Director**

Section 9(1) (d) (i) is amended by adding "or moneys in the accounts or constituting the funds specified in column 2 of Schedule 1" after "public moneys".

**20. Appointment of staff of the Director**

Section 10(3) is repealed and the following substituted -

"(3) Subject to subsection (4), the Director may delegate any of his duties or powers under this Ordinance to any public officer.

(4) The Director may delegate his duties or powers under this Ordinance in respect of the certifying and reporting of accounts, other than the certifying and reporting of the accounts which are required to be transmitted to the Director by the Director of Accounting Services in accordance with section 11, to any public officer who is a member of his staff appointed to or

acting in the rank and office not below that of a Principal Auditor and specified in Schedule 2 provided that any public officer so delegated shall, when signing an opinion or report, indicate beneath his signature the office he holds and the fact that he is signing on behalf of the Director."

**21. Director's report of serious irregularities to the President**

Section 13(1) (a) (i) is amended by adding "or moneys in the accounts or constituting the funds specified in column 2 of Schedule 1" after "public moneys".

**22. Section added**

The following is added -

**"18. Amendment of Schedules**

(1) The Financial Secretary may, by notice published in the Gazette, amend Schedule 1.

(2) The Director may, by notice published in the Gazette, amend Schedule 2."

**23. Schedules added**

The following are added -

"SCHEDULE 1 [ss. 2, 8(1) & (2), 9(1), 13(1) & 18(1)]

ACCOUNTS AND FUNDS SUBJECT TO  
AUDIT BY THE DIRECTOR

Item	Accounts/Funds	Responsible Public Officer	Statutory provisions under which the account or fund is kept or operated or in which the account or fund is referred to
1.	High Court Suitors' Funds	Registrar of the High Court	Rule 4 of the High Court Suitors' Funds Rules (Cap. 4 sub. leg.).
2.	Official Receiver in Bankruptcy Account	Official Receiver	Section 91(1) of the Bankruptcy Ordinance (Cap. 6).
3.	Bankruptcy Estate Account	Official Receiver	Section 128 of the Bankruptcy Ordinance (Cap. 6).
4.	Official Administrator's Account	Registrar of the High Court in his capacity as the Official Administrator	Section 23A(1) of the Probate and Administration Ordinance (Cap. 10).
5.	Labour Tribunal Suitors' Funds	Registrar of the Labour Tribunal	Rule 5 of the Labour Tribunal (Suitors' Funds) Rules (Cap. 25 sub. leg.).

6.	Companies Liquidation Account	Official Receiver	Section 293(1) of the Companies Ordinance (Cap. 32).
7.	Independent Commission Against Corruption Welfare Fund	Commissioner of the Independent Commission Against Corruption	Section 17A of the Independent Commission Against Corruption Ordinance (Cap. 204).
8.	District Court Suitors' Funds	Registrar of the District Court	Rule 4 of the District Court Suitors' Funds Rules (Cap. 336 sub. leg.).
9.	Small Claims Tribunal Suitors' Funds	Registrar of the District Court	Rule 5 of the Small Claims Tribunal (Suitors' Funds) Rules (Cap. 338 sub. leg.).
10.	Minor Employment Claims Adjudication Board Suitors' Funds	Registrar of the Minor Employment Claims Adjudication Board	Rule 8 of the Minor Employment Claims Adjudication Board (Suitors' Funds) Rules (Cap. 453 sub. leg.).

- |     |                              |   |                 |
|-----|------------------------------|---|-----------------|
| 11. | Master in Lunacy Account     | Registrar of the High Court in his capacity as the Master in Lunacy | Not applicable. |
| 12. | World Refugee Year Loan Fund | Director of Agriculture and Fisheries                               | Not applicable. |

## SCHEDULE 2

[ss. 10(4) & 18(2)]

### SPECIFIED PUBLIC OFFICER

1. Deputy Director of Audit
2. Assistant Director of Audit
3. Principal Auditor".

#### **24. Consequential amendments**

- (1) Rule 5(2) of the High Court Suitors' Funds Rules (Cap. 4 sub. leg.) is repealed.
- (2) Rule 10(2) of the Labour Tribunal (Suitors' Funds) Rules (Cap. 25 sub. leg.) is repealed.
- (3) Rule 5(2) of the District Court Suitors' Funds Rules (Cap. 336 sub. leg.) is repealed.
- (4) Rule 10(2) of the Small Claims Tribunal (Suitors' Funds) Rules (Cap. 338 sub. leg.) is repealed.

## PART X

### PROVISION FOR TRANSFER OF PERSONS SERVING INDETERMINATE SENTENCES

## **Transfer of Sentenced Persons Ordinance**

### **25. Interpretation**

Section 2 of the Transfer of Sentenced Persons Ordinance (Cap. 513) is amended, in the definition of "sentence", in paragraph (a), by repealing "or unlimited" and substituting ", unlimited or indeterminate".

### **26. Restrictions on issue of warrant**

Section 4(1) (c) (ii) and (2) (c) (ii) is amended by repealing "on account of the mental incapacity of the sentenced person".

## **PART XI**

## **AMENDMENTS CONSEQUENTIAL TO CHANGE OF SHORT TITLE TO CHILD CARE SERVICES ORDINANCE**

### **Specification of Public Offices**

### **27. Schedule amended**

The Schedule to the Specification of Public Offices (Cap. 1 sub. leg.) is amended by repealing "Child Care Centres Ordinance" and substituting "Child Care Services Ordinance".

### **Fire Services Department (Reports and Certificates) Regulations**

### **28. Fees**

Regulation 3 of the Fire Services Department (Reports and Certificates) Regulations (Cap. 95 sub. leg.) is amended, in the Table, in item 5, by repealing "Child Care Centres Ordinance" and substituting "Child Care Services Ordinance".

### **Metrication Amendments (Child Care Centres Regulations) Order**

#### **29. Citation**

Paragraph 1 of the Metrication Amendments (Child Care Centres Regulations) Order (Cap. 214 sub. leg.) is amended by repealing " (Child Care Centres Regulations)" and substituting "(Child Care Services Regulations)".

#### **30. General prohibition of use of non-metric units in documents**

Paragraph 2 is amended by repealing "Child Care Centres Regulations" and substituting "Child Care Services Regulations".

#### **31. Circumstances in which non-metric units to be used until 1st January 1980**

Paragraph 3 is amended by repealing "Child Care Centres Regulations" and substituting "Child Care Services Regulations".

#### **32. Prohibition of the use of metric and non-metric units**

Paragraph 4 is amended by repealing "Child Care Centres Regulations" and substituting "Child Care Services Regulations".

**33. Amendment of specified regulations**

Paragraph 5 is amended by repealing "Child Care Centres Regulations" and substituting "Child Care Services Regulations".

**34. Saving**

Paragraph 6 is amended by repealing "Child Care Centres Regulations" where it twice appears and substituting "Child Care Services Regulations".

**Child Care Centres Regulations**

**35. Citation**

Regulation 1 of the Child Care Centres Regulations (Cap. 243 sub. leg.) is amended by repealing "Child Care Centres Regulations" and substituting "Child Care Services Regulations".

**36. Third Schedule amended**

The Third Schedule is amended -

- (a) in the heading of Form 1, by repealing "CHILD CARE CENTRES ORDINANCE" and substituting "CHILD CARE SERVICES ORDINANCE";
- (b) in paragraph 1, by repealing "Child Care Centres Ordinance" and substituting "Child Care Services Ordinance".

**Electricity (Wiring) Regulations**

**37. Periodic inspection, testing and certification**

Regulation 20(4) (e) of the Electricity (Wiring) Regulations (Cap. 406 sub. leg.) is amended by repealing "Child Care Centres Ordinance" and substituting "Child Care Services Ordinance".

**Administrative Appeals Board Ordinance**

**38. Schedule amended**

Item 40 of the Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended by repealing "Child Care Centres Regulations" and substituting "Child Care Services Regulations".

**Bedspace Apartments Ordinance**

**39. Application**

Section 3(1) (b) of the Bedspace Apartments Ordinance (Cap. 447) is amended by repealing "Child Care Centres Ordinance" and substituting "Child Care Services Ordinance".

**PART XII**

**UPDATING REFERENCES TO AND TITLE OF ORGANIZATIONS**

**The International Telecommunication Union**

**40. Article amended**

Article 1 of the International Telecommunication Union (Cap. 190 sub. leg.) is amended by repealing "Diplomatic Privileges Ordinance" and substituting "International Organizations and Diplomatic Privileges Ordinance".

### **The Asia-Pacific Telecommunity Notification**

#### **41. Article amended**

Article 4 of the Asia-Pacific Telecommunity Notification (Cap. 190 sub. leg.) is amended by adding "the Government of the People's Republic of China is a member and" after "and of which".

### **The International Maritime Satellite Organization Notification**

#### **42. Title amended**

The title to the International Maritime Satellite Organization Notification (Cap. 190 sub. leg.) is amended by repealing **"INTERNATIONAL MARITIME SATELLITE ORGANIZATION"** and substituting **"INTERNATIONAL MOBILE SATELLITE ORGANIZATION"**.

#### **43. Article amended**

Article 1 is amended -

- (a) by repealing "International Maritime Satellite Organization" where it twice appears and substituting "International Mobile Satellite Organization";
- (b) by repealing "INMARSAT" and substituting "Inmarsat".

## PART XIII

SUBSIDIARY LEGISLATION DEEMED LAID  
BEFORE LEGISLATIVE COUNCIL**44. Subsidiary legislation deemed laid**

The subsidiary legislation listed in Schedule 1 shall be deemed to have been duly laid on the table of the Legislative Council in accordance with the requirements of section 34(1) of the Interpretation and General Clauses Ordinance (Cap. 1).

**45. Indemnity**

All persons having, with regard to the subsidiary legislation listed in Schedule 1, a duty to ensure compliance with the requirement under section 34(1) of the Interpretation and General Clauses Ordinance (Cap. 1) to lay that subsidiary legislation on the table of the legislative Council are indemnified from all liability (if any) incurred as a result of the failure to table the subsidiary legislation in accordance with that provision.

**46. Declaration**

The Ozone Layer Protection (Controlled Refrigerants) Regulation (Cap. 403 sub. leg.) (Commencement) Notice 1998 (L.N. 391 of 1998) is declared to be and always to have been of no force or effect.

**47. Savings**

(1) Section 44 is subject to Article 12 of the Hong Kong Bill of Rights set out in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383).

(2) Section 45 shall not affect prosecutions, actions or legal proceedings commenced before the coming into operation of this Ordinance; those prosecutions, actions or legal proceedings may be maintained as if this Ordinance had not been enacted.

## PART XIV

### MISCELLANEOUS AMENDMENTS

#### **Immigration Ordinance**

**48. Carrying and production of proof of identity**

Section 17C(4) (a) of the Immigration Ordinance (Cap. 115) is amended with effect from 12 May 1995 by repealing "人事".

**49. Amendment of enactments**

The enactments specified in Schedule 2 are amended to the extent and in the manner specified in that Schedule in relation to each such enactment.

## PART XV

### REPEAL OF LEGISLATION

**50. Repeals**

The enactments specified in Schedule 3 are repealed.

## SUBSIDIARY LEGISLATION DEEMED LAID

1. Notice under section 1 of the Ozone Layer Protection (Controlled Refrigerants) Regulation published in the Gazette on 31 December 1993 (G.N. 4794 of 1993).
2. Births and Deaths Registration Ordinance (Amendment of Second Schedule) Order 1997 (L.N. 359 of 1997).
3. Immigration (Places of Detention) (Amendment) Order 1997 (L.N. 360 of 1997).
4. Immigration (Treatment of Detainees) (Amendment) Order 1997 (L.N. 361 of 1997).
5. Declaration of Change of Titles (General Adaptation) Notice 1997 (L.N. 362 of 1997).
6. Declaration of Change of Titles (Deputy Director of Immigration, Assistant Director of Immigration, Immigration Officer, Immigration Tribunal and Immigration Service) Notice 1997 (L.N. 363 of 1997).
7. Arbitration (Amendment) Ordinance 1996 (75 of 1996) (Commencement) Notice 1997 (L.N. 364 of 1997).
8. Enduring Powers of Attorney Ordinance (17 of 1997) (Commencement) Notice 1997 (L.N. 365 of 1997).
9. Powers of Attorney (Amendment) Ordinance 1997 (18 of 1997) (Commencement) Notice 1997 (L.N. 366 of 1997).
10. Patents Ordinance (52 of 1997) (Commencement) Notice 1997 (L.N. 367 of 1997).

11. Registered Designs Ordinance (64 of 1997) (Commencement) Notice 1997 (L.N. 368 of 1997).
12. Official Secrets Ordinance (62 of 1997) (Commencement) Notice 1997 (L.N. 369 of 1997).
13. Labour Relations (Amendment) Ordinance 1997 (75 of 1997) (Commencement) Notice 1997 (L.N. 370 of 1997).
14. Law Reform (Miscellaneous Provisions and Minor Amendments) Ordinance 1997 (79 of 1997) (Commencement) Notice 1997 (L.N. 371 of 1997).
15. Fugitive Offenders (Australia) Order (L.N. 200 of 1997) (Commencement) Notice 1997 (L.N. 372 of 1997).
16. Fugitive Offenders (Drugs) Order (L.N. 274 of 1997) (Commencement) Notice 1997 (L.N. 373 of 1997).
17. Supreme Court Civil Procedure (Use of Language) Rules (L.N. 266 of 1997) (Commencement) Notice 1997 (L.N. 374 of 1997).
18. Prison (Amendment) Rules 1997 (L.N. 275 of 1997) (Commencement) Notice 1997 (L.N. 375 of 1997).
19. Drug Trafficking (Recovery of Proceeds) (Designated Countries and Territories) (Amendment) Order 1997 (L.N. 308 of 1997) (Commencement) Notice 1997 (L.N. 376 of 1997).
20. Long-term Prison Sentences Review Ordinance (86 of 1997) (Commencement) Notice 1997 (L.N. 377 of 1997).

## SCHEDULE 2

[s. 49]

Item	Enactment	Amendment
1.	Administrative	In rule 13(1), (2), (3) and (4),

Appeals Rules (Cap. 1 sub. leg.) repeal "案件述要" and substitute"案件呈述".

2. Specification of Public Offices (Cap. 1 sub. leg.) In the Schedule -
  - (a) repeal the entry relating to "Director of Buildings" in relation to Child Care Centres Regulations (Chapter 243 subsidiary legislation), regulations 23(2) and 24(2) (b).; (b)
  - (b) repeal "首席大法官" wherever it appears and substitute "終審法院首席法官".
  
3. The Rules of the High Court (Cap. 4 sub. leg.) In Order 15, in rule 6A(4) (a), repeal everything after "法律程序須" and substitute "由該獲如此委任的人繼續進行或針對該人繼續進行，或（視屬何情況而定）命令有關法律程序須由該遺產代理人繼續進行或針對該人繼續進行，猶如該獲如此委任的人或該遺產代理人（視屬何情況而定）取代了該遺產一樣；".

4. Lands Tribunal Rules  
(Cap. 17 sub. leg.) In the Schedule, in Form 24, add  
"條" after "第 51A/51B".
5. Securities and  
Futures Commission  
Ordinance (Cap. 24) In section 22(1), (2), (3) (a) and)  
(b), (5) (a(b), (6) and (7),  
repeal "案件述要" wherever it appears  
and substitute "案件呈述".
6. Trustee Ordinance (Cap. 29) In the Second Schedule, in paragraph 1(a)  
(ii), repeal "\$10 億" and substitute "\$100  
億".
7. Wills Ordinance  
(Cap. 30) Repeal section 19 and substitute -  
"19. 遺囑由立遺囑人去世  
時起生效  
除非有關遺囑顯示  
出相反的意願，否則每份遺  
囑就其所涵蓋的遺產而言，  
須解釋為在猶如該遺囑是在  
緊接立遺囑人去世前簽立的  
情況下表達其意思和生效。".
8. Companies  
Ordinance (Cap. 32) (a) In section 47E(1), repeal "第 47E"  
47E and substitute "第 47E".  
(b) In section 49(3), repeal

"已繳全部款" and substitute "  
已繳全部股款".

- (c) In section 93(1) (d) (i), repeal "as part of its name" where it first appears.
- (d) In section 140B(3), repeal "發出的日後" and substitute "發出的日期後".
- (e) In section 222(6), in the proviso, repeal "提請" and substitute "促請".
- (f) In section 227B(1) (b), repeal "薦" and substitute "薦".
- (g) In section 228A(1), repeal "綸" and substitute "論".
- (h) In section 275 -
  - (i) in subsection (2), repeal "獲歸屬的的" and substitute "獲歸屬的";
  - (ii) in subsection (6), repeal "承負刑事法律責任" and substitute "承擔刑事法律責任".

9. Companies (Winding-up) Rules (Cap. 32 sub. leg.)
  - In the Appendix -
  - (a) in Form 35, add "日" before "在本人席前記錄";
  - (b) in Form 92, in paragraph (1), repeal "210 - 297 毫米" and substitute "210 x 297 毫米".
  
10. Insurance Companies Ordinance (Cap. 41)
  - (a) In section 68(6), repeal "法律責任" and substitute "法律責任".
  - (b) In the Third Schedule -
    - (i) before the heading, repeal [ss. 17, 18, 22, 50 & 52] and substitute [ss. 17, 18, 22 & 50];
    - (ii) in Part 7, in Form L1, add "除去" before "再保險保費淨額";
    - (iii) in Part 8 -
      - (A) in Form 2A, in item (15) (C), repeal

- In Schedule 2, in Forms TM- No. 6,

- (Cap. 43 sub. leg.) 7, 8, 9, 14, 22, 26, 30, 31, 41, 43, 45, 47, 49 and 54, in the margin note, repeal "在 在 香 港 以 外 " and substitute "在香港以外".
12. Professional Accountants Ordinance (Cap. 50) Repeal section 8(4).
13. Gas Safety Ordinance (Cap. 51) In section 2, in the definition of "工程", in paragraph(a) -
- (a) repeal "'building works'" and substitute "'建築工程'";
  - (b) repeal "'ground investigation in the scheduled areas'" and substitute "'附表所列地區內的土地勘測'";
  - (c) repeal "'ground investigation'" and substitute "'土地勘測'".
14. Employment Ordinance (Cap. 57)
- (a) In section 310(1), repeal "按照第 31N(c)條".
  - (b) In the Second Schedule, in Part I, in paragraph 1, repeal

"section 67(a) and (b)" and substitute  
"section 67(1) (a) and (b)".

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| 15. | Factories and Industrial Undertakings Ordinance (Cap. 59)             | In section 4(2B) (b), repeal "sections 5 and" and substitute "section".   |
| 16. | Factories and Industrial Undertakings Regulations (Cap. 59 sub. leg.) | In regulations 17(1) (i), (2) (i) and (3) (a), 18(1) (a), 20(1) and (2), 25(1) and 32(3), repeal "inspector" and substitute "occupational safety officer".  |
| 17. | Construction Sites(Safety) Regulations(Cap. 59 sub. leg.),            | <div style="margin-left: 20px;">(a) In regulation 38K(2) (a) repeal "prescribed form" and substitute "approved form".</div> <div style="margin-left: 20px;">(b) In regulation 67(2) and (3), repeal "inspector" wherever it appears and substitute "occupational safety officer".</div> |
| 18. | Factories and Industrial Undertakings                                 | In regulation 18C(4) and (5), repeal "inspector" wherever it appears and substitute "occupational safety  |

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|     | (Lifting Appliances and Lifting Gear) Regulations (Cap. 59 sub. leg.)                          | officer".  |
| 19. | Factories and Industrial Undertakings(Abrasive Wheels) Regulations (Cap. 59 sub. leg.)         | In regulation 6(3), repeal "inspector" where it twice appears and substitute "occupational safety officer".  |
| 20. | Factories and Industrial Undertakings (Work in Compressed Air) Regulations (Cap. 59 sub. leg.) | <p>(a) In regulation 30(a), repeal "a factory inspector" and substitute "an occupational safety officer".</p> <p>(b) In the Fourth Schedule, in Form 7, repeal "Factory Inspector" and substitute "Occupational Safety Officer".</p> |
| 21. | Factories and Industrial Undertakings (Goods Lifts) Regulations(Cap. 59 sub. leg.)             | In regulation 6(3), repeal "inspector" and substitute "occupational safety officer".   |
| 22. | Factories and  | In regulation 5, repeal "氬" and  |

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|     | Industrial Undertakings (Dry Batteries) Regulations (Cap. 59 sub. leg.)                                     | substitute "氧".   |
| 23. | Factories and Industrial Undertakings (Guarding and Operation of Machinery) Regulations (Cap. 59 sub. leg.) | In the First Schedule, in item 16, repeal "dies" and substitute "discs".  |
| 24. | Factories and Industrial Undertakings (Noise at work Regulation (Cap. 59 sub. leg.)                         | In section 3(5), repeal "inspector" and substitute "occupational safety officer".   |
| 25. | Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces)                           | <p>(a) In regulation 4(1) (d), repeal "鋼村" and substitute "鋼材".</p> <p>(b) In regulation 7(1), repeal "inspector" and substitute "occupational safety</p> |

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| <p>Regulations (Cap. 59 sub. leg.)</p>   | <p>officer".</p>   |
| <p>26. Factories and Industrial Undertakings (Carcinogenic Substances) Regulations (Cap. 59 sub. leg.)</p> | <p>In regulation 9(3), repeal "inspector" and substitute "occupational safety officer".</p>  |
| <p>27. Factories and Industrial Undertakings(Dangerous Substances) Regulations (Cap. 59 sub. leg.)</p>     | <p>In the Chinese text, in the First Schedule -</p> <ul style="list-style-type: none"> <li>(a) in relation to the substance of "1, 2- 二甲氧基乙烷; 乙二醇二甲醚", in column 2, repeal "Fammable" and substitute "Flammable";</li> <li>(b) in the substance of "亞&lt;??&gt;基二氯 ( 見 &lt;??&gt; 叉二氯 ",in column, 1, repeal "Choride" and substitute "Chloride".</li> </ul> |
| <p>28. Factories and Industrial Undertakings</p>   | <p>In sections 24(3), 25(4) and 26, repeal "inspector" wherever it appears and substitute</p>  |

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|     | (Suspended Working Platforms) Regulation (Cap. 59 sub. leg.)                   | "occupational safety officer".   |
| 29. | Factories and Industrial Undertakings(Asbestos) Regulation (Cap. 59 sub. leg.) | In sections 5(3) and 15(2), repeal "inspector" and substitute "occupational safety officer".   |
| 30. | Legal Aid Ordinance (Cap. 91)  | <p>(a) In section 18A(5) (e), add "普通法" before "申索".</p> <p>(b) In section 23(2), repeal "檢控官" and substitute "檢控人"</p>                  |
| 31. | Legal Aid Regulations (Cap. 91 sub. leg.)                                      | In regulation 12(1), repeal ""Legal Aid""and substitute ""Legal Aid" or"法律援助"".  |
| 32. | New Territories Ordinance (Cap. 97)  | <p>(a) In section 13(2), repeal "第 ( 2 ) 款 "</p> <p>and substitute "第 ( 1 ) 款".</p> <p>(b) In section 15 -</p> <p>(i) repeal "新界區土地註</p> |

冊處 "where it first appears and substitute "新界區民政事務處";

- (ii) repeal "City and New Territories Administration" and substitute "Home Affairs Department".

33. Waterworks Ordinance  
(Cap. 102)

In section 2, in the definition of "裝置", in paragraph (a), repeal "材料" and substitute "材料".

34. Waterworks  
Regulations (Cap. 102  
sub. leg.)

In Schedule 2 -

- (a) in Part II, in paragraph 7, repeal "貯" and substitute "儲";
- (b) in Part III, in paragraphs 1, 5 and 8, repeal "貯" and substitute "儲" wherever it appears;
- (c) in Part IV, in paragraphs 3, 6, 9 and 12, repeal "貯" and

substitute "儲".

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| 35. | Hospital<br>Authority<br>Ordinance (Cap.<br>113)                                | In Schedule 3, in paragraph 18(2) (b), repeal "委<br>員 成 員 " and substitute "委 員 會 成 員 ".  |
| 36. | Immigration<br>Ordinance (Cap.<br>115)  | In Schedule 2, in paragraph 16, repeal "管 理 隊<br>" and substitute "事 務 隊 ".   |
| 37. | Public Swimming<br>Pools (Regional<br>Council)<br>Bylaws(Cap. 132<br>sub. leg.) | In bylaws 10(1) and 11, repeal "section 42AA(1)<br>(a)" and substitute "section 42AA(1) (b)".   |
| 38. | Mental Health<br>Ordinance (Cap.<br>136)  | <div style="margin-left: 20px;">(a) In section 10E(4), repeal "necessary" and<br/>substitute "necessary".</div> <div style="margin-left: 20px;">(b) In section 59ZI (1), add "第 "after "根 據<br/>".</div> <div style="margin-left: 20px;">(c) In section 74 - <div style="margin-left: 40px;">(i) in subsection (1),<br/>repeal "(80 of<br/>1997)" and<br/>substitute "(81 of</div> </div> |

- 1997)";  
(ii) in subsection (4), repeal "54" and substitute "55".

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| 39. | Mental Health Review Tribunal Rules (Cap. 136 sub. leg.)   | In rule 14(2), repeal "進一資料" and substitute "進一步資料".                      |
| 40. | Pharmacy and Poisons Ordinance (Cap. 138)  | In section 8(1) (d), repeal "; and" and substitute "; or".                |
| 41. | Course of Training, Study and Examination for Applicants for Registration as Pharmacists Regulations (Cap. 138 sub. leg.). | In regulation 11(c) (II) (i), repeal "Part I" and substitute "section 13" |
| 42. | Chinese Temples Ordinance (Cap. 153)   | In section 9(2), repeal "批准" and substitute "批准".                         |
| 43. | Money Lenders Regulations (Cap. 163 sub. leg.)   | In regulation 5(3), repeal "第(1)(a)段" and substitute "第(1)(a)款".          |
| 44. | Marriage Reform  | In the Schedule -   |

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| (Forms) Regulations<br>(Cap. 178 sub. leg.)                       | (a) in Forms 8 and 9, repeal "City and New Territories Administration" and substitute "Home Affairs Department";<br>(b) in Form 10, repeal " <i>City and New Territories Administration</i> " and substitute " <i>Home Affairs Department</i> ". |
| 45. Matrimonial Causes Rules (Cap. 179 sub leg.)                  | In rule 39(4), repeal "第 39 號條命令" and substitute "第 39 號命令".   |
| 46. Independent Commission Against Corruption Ordinance(Cap. 204) | In section 17A(3) (b), repeal "貨款" and substitute "貸款".  |
| 47. Country Parks Ordinance (Cap. 208)                            | In section 25(a), repeal "傳統葬地" and substitute "傳統葬地".   |
| 48. Country Parks and Special Areas Regulations (Cap.             | In regulation 2, in the definition of "植物", in paragraph (a), repeal"木村" and substitute "木材".  |

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| 49. | 208 sub. leg.)<br>Aerial Ropeways<br>(Safety)<br>Ordinance(Cap.<br>211) | In section 28(1) (b) (i), repeal "材料" and substitute "材料".  |
| 50. | Juvenile Offenders<br>Ordinance (Cap.<br>226)                           | In section 11(1), repeal "因欠繳罰款、損害賠償或訟費而被判處監禁或" and substitute "被判處監禁或因欠繳罰款、損害賠償或訟費而".  |
| 51. | Trade<br>Marks(Emergency)<br>Rules(Cap. 263<br>sub. leg.)               | In rule 9, repeal "the relevant Registrar" and substitute "the relevant register".  |
| 52. | Employees'<br>Compensation<br>Ordinance (Cap.<br>282)                   | <div style="margin-left: 20px;">(a) In section 3 -</div> <div style="margin-left: 100px;"> <div style="margin-left: 20px;">(i) in the definition of"受養人" -</div> <div style="margin-left: 40px;"> <div style="margin-left: 20px;">(A) add "或外祖父" after "或祖父" wherever it appears;</div> <div style="margin-left: 20px;">(B) add "或外祖母" after "或祖母" wherever it appears;</div> </div> </div> |

- (C) in the last proviso, in paragraph (b) -
    - (I) add "外祖父" after "祖父";
    - (II) add "外祖母" after "祖母";
  - (ii) in the definition of "家庭成員" -
    - (A) add "外祖父" after "祖父";
    - (B) add "外祖母" after "祖母".
- (b) In section 4(1) (b) -
- (i) repeal "民職" and substitute "文職";
  - (ii) repeal "受聘";
  - (iii) repeal "服務" and

- substitute "受聘".
- (c) In section 9(2), add "致" after "導".
- (d) In section 26(1), repeal "wise" and substitute "way".
53. Radiation (Control of Irradiating Apparatus) Regulations (Cap. 303 sub. leg.) In regulation 2, repeal the definition of "medical practitioner".
54. District Court Civil Procedure (Forms) Rules (Cap. 336 sub. leg.) In the Second Schedule, in Form 5, repeal "令文" and substitute "令狀".
55. Hotel and Guesthouse Accommodation Ordinance (Cap. 349) In section 17(1) and (2), repeal "案件述要" wherever it appears and substitute "案件呈述".
56. Waste Disposal (Chemical Waste) (General) Regulation (Cap. 354 sub. leg.) In sections 16(d) and (e) and 18(1) (b), repeal "櫥" wherever it appears and substitute "櫥".

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| 57. | Technical Memorandum Standards for into Drainage and Sewerage Systems, Inland and Coastal Waters (Cap. 358 sub. leg.) | In Annex 1, in Table 3, in column 1, repeal "230s/cm" and substitute "μs/cm".   |
| 58. | Trade Descriptions Ordinance (Cap. 362)   | <p>.</p> <p>(a) In sections 9(2) and 26(4), repeal "與某一商標極為相似而相當可能會使人受欺騙的商標或標記" and substitute "某商標或與某一商標極為相似而相當可能會使人受欺騙的標記".</p> <p>(b) In section 16C(1), repeal "與某一商標極為相似而相當可能會使人受欺騙的任何商標或標記" and substitute "某商標或與某一商標極為相似而相當可能會使人受欺騙的標記".</p> |
| 59. | Merchant Shipping (Safety) (Carriage of   | <p>(a) In regulation 2 -</p> <p>(i)(A) in the definition of</p>   |

Nautical Publications)  
Regulations (Cap. 369 sub.  
leg.)

- "Notices to Mariners", repeal "(海員公告)" and substitute "(航海通告)";
- (B) in the definition of "航海通告", repeal "水道測量局" and substitute "海道測量師";
- (ii) (A) in the definition of "recognized hydrographer", repeal "(認可水道測量局)" and substitute "(認可海道測量師)";
- (B) in the definition of "認可海道測量師", repeal "水道測量局" where it twice appears and substitute "海道測量師".
- (b) In regulations 4(b) and (c) and 5(b) and Schedule 2 repeal "水道測量局" wherever it

- appears and substitute "海道測量師".
- (c) In regulation 4(c) (i) and Schedule 1, repeal "海員公告". and substitute "航海通告".
  - (d) In Schedule 1 -
    - (i) repeal "航海曆年" and substitute "航海天文曆";
    - (ii) repeal "燈號列表" and substitute "航標表".
60. Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369 sub. leg.)
- (a) In regulation 2(1), in the definition of "Notice to Mariners", repeal "(海員公告)" and substitute "(航海通告)".
  - (b) In regulation 2(1) (definition of "航海通告") and (2) (b), repeal "水道測量局" and substitute "海道測量師".
  - (c) In regulation 2(2), repeal "海員公告" wherever it appears

and substitute "航海通告".

(d) In regulation 2(2) (a), repeal "該公告" where twice appears and substitute "該通告".

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| 61. | Merchant Shipping<br>(Safety) (Fire<br>Appliances) (Ships Built<br>On or After 25 May 1980<br>but Before 1 September<br>1984) Regulations (Cap.<br>369 sub. leg.) | In regulation 33(4), repeal "Schedule 3" and<br>substitute "Schedule 8".  |
| 62. | Kowloon-Canton<br>Railway Corporation<br>Ordinance (Cap. 372)   | In the Second Schedule, in Part II, in paragraph 15(a)<br>(ii), repeal "section 4(1) (c)" and substitute "section<br>4(1) (e)". |
| 63. | Road<br>Traffic(Construction and<br>Maintenance of Vehicles)<br>Regulations (Cap. 374<br>sub. leg.)   | In the Twelfth Schedule, in Part I, n regulation 21(2),<br>repeal "第 ( 1 ) 段" and substitute "第 ( 1 ) 款".                       |
| 64. | Road Traffic  | In regulation 2, in the definition  |

- (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg.) of "到港人士登記文件", in paragraph(a), repeal "締約國" and substitute"締約國".
65. Road Traffic(Traffic Control) Regulations (Cap. 374 sub. leg.)
- (a) In regulation 54(3) (a), add"第 7( 8 )條" before "發出許可證"
- (b) In Schedule 3, in paragraph 6(1) (a), repeal "第 710 號" and substitute "第 710 號"
66. Clubs (Safety of Premises) Ordinance(Cap. 376)
- In section 17, repeal "案件述要" wherever it appears and substitute"案件呈述".
67. Protection of Wages on Insolvency Ordinance (Cap. 380)
- (a) In section 16(1) -
- (i) in paragraph(a) (i), repeal "入稟破產呈請" and substitute "提出破產呈請";
- (ii) in paragraph (b), repeal "入稟清盤呈

請"and substitute"提出清盤呈請  
".

- (b) In section 18(1) (b) and (c) and (2), repeal "入稟呈請" and substitute "提出呈請".

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| 68. | Hong Kong War Memorial Pensions Ordinance (Cap. 386)              | In section 15(1), (2) and (3), repeal "案件述要" wherever it appears and substitute "案件呈述".   |
| 69. | Broadcasting Authority Ordinance(Cap. 391)                        | In section 14(2) (a), repeal "20" and substitute "21".  |
| 70. | Employees' Compensation Insurance Levies Ordinance (Cap. 411)     | <p>(a) In section 15(5) (a), repeal "財政司司長" and substitute "庫務局局長".</p> <p>(b) In Schedule 1, in paragraph 4(b), repeal "債務人" and substitute "債權人".</p> |
| 71. | Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. | <p>(a) In Schedule 1 -</p> <p style="padding-left: 40px;">(i) in Appendix II, in the "SUPPLEMENT TO THE INTERNATIONAL</p>                               |

413 sub. leg.)

- OIL POLLUTION  
PREVENTION  
CERTIFICATE  
(IOPP  
CERTIFICATE)", in  
paragraph 2.6.2,  
repeal "holding...  
tank(s)" and  
substitute "holding  
tank(s)";
- (ii) in Appendix III, in  
the "SUPPLEMENT  
TO THE HONG  
KONG OIL  
POLLUTION  
PREVENTION  
CERTIFICATE  
(HKOPP  
CERTIFICATE)", in  
paragraph 2.6.2,  
repeal "holding...  
tank(s)" and  
substitute "holding  
tank(s)";
- (iii) in Appendix IV, in  
the "SUPPLEMENT  
TO THE HONG  
KONG OIL  
POLLUTION  
PREVENTION  
CERTIFICATE  
(HKOPP

CERTIFICATE)", in paragraph 2.6.2, repeal "holding... tank (s)" and substitute "holding tank (s)".

- (b) In Schedule 2, in Appendix I, in "OIL RECORD BOOK (PART I)", under the subheading of "LIST OF ITEMS TO BE RECORDED", in section A, repeal paragraph 4.3 and 4.4.
- (c) In Schedule 3, in paragraph 4.1.2, repeal "the equipment should be based" and substitute "the equipment should be placed".

72. Lord Wilson Heritage Trust Ordinance (Cap. 425)

In section 4(2) (b) -

- (a) repeal "the Secretary for Broadcasting, Culture and Sport and";
- (b) repeal "their respective representatives" and substitute "his representative";
- (c) repeal "members" and

substitute "member".

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| 73. | Occupational Retirement Schemes Ordinance (Cap. 426)                        | In section 65(1), (2) and (3), repeal "案件述要" wherever it appears and substitute "案件呈述".   |
| 74. | Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434) | <p>In section 29(2) (b) -</p> <p>(a) add "任何" at the beginning;</p> <p>(b) add "(該法令經《1979年商船法令 1980年(香港)令》(附錄 III AN1 頁)修改及引伸適用於香港)" before "附表 4";</p> <p>(c) repeal "並藉《1979年商船法令 1980年(香港)令》(附錄 III AN1 頁)修改及引伸應用於香港的任何)" and substitute "的".</p> |
| 75. | Amusement Game Centres Ordinance (Cap. 435)                                 | In section 15(1), (2) and (3), repeal "案件述要" wherever it appears and substitute "案件呈述".   |
| 76. | Security and Guarding Services (Fees) Regulation                            | In the Schedule, in item 4, add "的類型" after "保安工作".   |

(Cap. 460 sub. leg.)

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|-----|---|---|
| 77. | Sex Discrimination Ordinance (Cap. 480)               | <ul style="list-style-type: none"> <li>(a) In section 36(2) (d), repeal "受到壓力而要離開該事務所" and substitute "受到離開該事務所的壓力".</li> <li>(b) In section 83(5), repeal "獲接納的成文法則" and substitute "獲接納的成文法則或法律規則".</li> <li>(c) In sections 89(2) and 90(1), repeal "事先批准" and substitute "批准".</li> </ul> |
| 78. | Airport Authority Ordinance (Cap. 483)                | <p>In section 9 -</p> <ul style="list-style-type: none"> <li>(a) in subsection (1), repeal "subsections (3) and (8)" and substitute "subsection (3)";</li> <li>(b) repeal subsection (8).</li> </ul>  |
| 79. | Mandatory Provident Fund Schemes Ordinance (Cap. 485) | <ul style="list-style-type: none"> <li>(a) In section 13(a), repeal everything after "條文外" and substitute "註冊計劃的受託人不得向任何計劃成員或任何其他人士支付該等累算權益的任何部分或將該等累算權益</li> </ul>   |

- 的任何部分以其他形式處置轉予任何計劃成員或任何其他人；".
80. Mandatory Provident Fund Schemes (General) Regulation (Cap. 485 sub. leg.)
- (b) In section 15(1), repeal "須" and "予他的".
  - (a) In section 54(3), repeal "送達" and substitute "交給".
  - (b) In section 68(8) (c), add "Hong Kong" before "chief executive officer".
  - (c) In section 145(8) (a), add "該僱員即視為已" before "選擇".
  - (d) In section 154(1) (c) and (3) (c), repeal "貨幣" and substitute "銀碼".
  - (e) In Schedule 1, in Part III, in section 16(5) (b), add "and (j)" after "(e)".
81. Disability Discrimination Ordinance (Cap. 487)
- (a) In section 33(2) (d), repeal "受到壓力而要離開該事務所" and substitute "受到離開該事務所的壓力".
  - (b) In section 79(5), repeal "獲接

納的成文法則" and substitute  
"獲接納的成文法則或法律規則".

82. Non-local Higher and  
Professional  
Education  
(Regulation)  
Ordinance (Cap. 493)

In section 34(5), repeal  
"subsection (1) or (2)" and  
substitute "this section".

83. Carriage by Air  
Ordinance (Cap. 500)

In Schedule 4, in Part II, in Article.  
VIII, add "第 VII 條" after "《瓜達拉哈拉  
公約》".

84. Social Workers  
Registration  
Ordinance (Cap. 505)

In the Chinese text, in section  
30(1)(c), add "或" at the end.

85. Estate Agents  
Ordinance (Cap. 511)

- (a) In section 27(5)(b), repeal  
"notwithstanding the fact that  
any 1 or more of the following,  
namely," and substitute  
"notwithstanding any 1 or more  
of the following, namely,  
that".
- (b) In section 36(2) -
  - (i) add "may" before

- "include the following";
    - (ii) in paragraph (d), add "的某" before"類別";
    - (iii) in paragraph (f), repeal "terms" and substitute "term".
  - (c) In section 45(1), repeal "就該協議" and substitute "就該建議".
  
- 86. Official Secrets Ordinance (Cap. 521) Repeal section 28.
  
- 87. Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) In section 5(1)(e), repeal "就構成該罪行的同一作為或不作為所構成的罪行或另一外地罪行" and substitute "就該外地罪行或由構成該外地罪行的同一作為或不作為所構成的另一外地罪行".
  
- 88. Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) In section 4(6)(b), repeal "sections 10(2)," and substitute "section 10(2) or".

- |     |  |  |
|-----|--|--|
| 89. | Lands Tribunal<br>(Amendment) Rules<br>1999 (L.N. 100 of<br>1999)  | In section 3 -<br>(a) in rule 78E(3), add<br>"respondent" before<br>"majority";<br>(b) in rule 78F -<br>(i) repeal "majority<br>or" and substitute<br>"majority owner<br>or";<br>(ii) add "身為租客的"<br>after "須使". |
| 90. | Waterworks<br>(Amendment)<br>Regulation 1999<br>(L.N. 106 of 1999) | In section 2(b), in new regulation<br>19(6), repeal "section 2" and<br>substitute "section 3".   |

SCHEDULE 3  
REPEALED ENACTMENTS

[s. 50]

1. Essential Commodities Reserves Regulations (Cap. 146 sub. leg.).
2. Royal Hong Kong Regiment Regulations (Cap. 199 sub. leg.).
3. Royal Hong Kong Regiment (Reserve of Officers and Members) Regulations (Cap. 199 sub. leg.).
4. Royal Hong Kong Regiment (Pensions) Regulations (Cap. 199 sub. leg.).
5. Smuggling into China (Control) Ordinance (Cap. 242).

6. Emergency Powers (Extension and Amendment Incorporation) Ordinance (Cap. 251).
7. Merchant Shipping (Crew Accommodation) Regulations (Exemption) Notice 1990 (L.N. 26 of 1990).
8. Merchant Shipping (Conduct of Inquiries) Rules 1990 (L.N. 449 of 1990).
9. Den norske Bank Ordinance (Cap. 1151).
10. Criminal Procedure (Amendment) Ordinance 1973 (44 of 1973).

#### Explanatory Memorandum

This Bill contains miscellaneous amendments to various Ordinances.

2. Part II amends the Detention Centres Ordinance (Cap. 239), the Drug Addiction Treatment Centres Ordinance (Cap. 244) and the Training Centres Ordinance (Cap. 280) to specify the effect of an existing detention order, supervision order and recall order to which a person is subject to, if such person is further sentenced to detention in a detention centre, addiction treatment centre or training centre.
3. Part III amends the Conveyancing and Property Ordinance (Cap. 219) to provide for discharge by the court of an encumbered property by payment into the court of an amount sufficient to meet the encumbrance.
4. Part IV amends the Offences against the Person Ordinance (Cap. 212) to abrogate the "year and a day rule" in relation to all offences involving death and suicide.
5. Part V amends the Mental Health Ordinance (Cap. 136) and the Criminal Procedure Ordinance (Cap. 221) to provide that at least 2 psychiatrists shall give evidence to courts for the purposes of

determining an accused's fitness to be tried or an accused's fitness for a guardianship order or a supervision and treatment order.

6. Part VI amends the Crimes Ordinance (Cap. 200) -

- (a) to provide that where the full texts of the sections under which an offence is committed, is required to be set out in a notice, it may be done by reference to another notice published at the same time and in the same newspapers which already contains the full texts of those sections;
- (b) to allow proceedings to be taken in respect of a conspiracy committed before the commencement of the Crimes (Amendment) Ordinance 1996 (49 of 1996).

7. Part VII amends the Births and Deaths Registration Ordinance (Cap. 174) to remove reference to an order made under a repealed Ordinance and provide saving for such an order.

8. Part VIII adds a new section to the Interpretation and General Clauses Ordinance (Cap. 1) to provide that a reference to a former judge of a court includes a reference to a former judge of a court constituted under the laws of Hong Kong before 1 July 1997.

9. Part IX amends the Audit Ordinance (Cap. 122) -

- (a) to make provision for the application of the Director of Audit's statutory powers to certain moneys which are not taxpayers' moneys but are in the custody of public officers;
- (b) to empower the Director of Audit to delegate his duties or powers to any public officer;
- (c) to add a schedule to set out the accounts or funds to be audited by the Director of Audit;

- (d) to consequentially repeal certain rules which require the accounts kept by certain public officers to be audited by the Director of Audit.

10. Part X amends the Transfer of Sentenced Persons Ordinance (Cap. 513) to remove an ambiguity as to whether an inward warrant may be issued in respect of a sentenced person who is serving an indeterminate sentence only because on account of his mental incapacity, the intention being that such an inward warrant may be issued whether the sentenced person is serving an indeterminate sentence on account of his mental incapacity or otherwise.

11. Part XI amends the citation of the Child Care Centres Regulations (Cap. 243 sub. leg.) to the Child Care Services Regulations to bring it into conformity with the title of the principal Ordinance. It also makes consequential amendments to references to the title of the principal Ordinance and to the Child Care Centres Regulations (Cap. 243 sub. leg.) appearing in other Ordinances.

12. Part XII provides -

- (a) for the updating of the reference to the "Diplomatic Privileges Ordinance" to the "International Organizations and Diplomatic Privileges Ordinance" in the International Telecommunication Union (Cap. 190 sub. leg.);
- (b) an explicit reference in the Asia-Pacific Telecommunity Notification (Cap. 190 sub. leg.) to the Government of the People's Republic of China's membership in the Asia-Pacific Telecommunity; and
- (c) for the updating of the reference to "International Maritime Satellite Organization" to "International

Mobile Satellite Organization" in the International Maritime Satellite Organization Notification (Cap. 190 sub. leg.).

13. Part XIII makes provisions -

- (a) to deem certain items of subsidiary legislation that were not laid on the table of the Legislative Council, as required by section 34(1) of the Interpretation and General Clauses Ordinance (Cap. 1) to have been duly laid on the table of the Legislative Council;
- (b) to indemnify persons from liability in respect of the failure to lay the subsidiary legislation on the table of the Legislative Council;
- (c) to declare a Commencement Notice relating to the Ozone Layer Protection (Controlled Refrigerants) Regulations (Cap. 403 sub. leg.) to be of no force and effect. This is done in consequence of an earlier notice (referred to in item 1 in Schedule 2) which relates to the same Regulation, being deemed to have been duly laid on the table of the Legislative Council; and
- (d) to make it clear that these provisions do not create retrospective offences or increase penalties with retrospective effect. It also provides that existing legal proceedings are not affected by these provisions.

14. Part XIV amends the Immigration Ordinance (Cap. 115) to rectify an inconsistency in the Chinese term "登記主任" (registration officer), and to make miscellaneous amendments of a minor nature to various Ordinances. These amendments mainly relate to inconsistency in terms,

references to repealed official titles, error in cross-referencing, grammatical errors and other textual errors.

15. Part XV repeals those Ordinances and subsidiary legislation set out in Schedule 3 as they are either no longer in operation or have never been in operation.

Note by the Legislative Council Secretariat

The Department of Justice has notified the Secretariat that the Annex B comprising copies of the sections referred to in the Bill will be supplied by Monday, 21 June 1999. The photocopying of the numerous sections involved in a Bill of this nature is taking longer than anticipated.

Chapter:	239	Title:	DETENTION CENTRES ORDINANCE	Gazette Number:	
Section:	7	Heading:	<b>Sentence of detention in training centre and imprisonment for detained person</b>	Version Date:	30/06/1997

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(1) If a person in respect of whom a detention order, a supervision order or a recall order is in force is sentenced-

- (a) to detention in a training centre; or
- (b) to a term of imprisonment which is not suspended, the detention order, supervision order or recall order shall lapse.

(2) A detention order, a supervision order or a recall order made against any person on whom a suspended sentence has been passed (whether made before or after the suspended sentence was passed) shall lapse if that suspended sentence is ordered to take effect.

(Replaced 84 of 1976 s. 7)

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Chapter:	244	Title:	DRUG ADDICTION TREATMENT CENTRES ORDINANCE	Gazette Number:	
Section:	6A	Heading:	<b>Effect of imprisonment or further detention order</b>	Version Date:	30/06/1997

If a person in respect of whom a detention order, a supervision order or a recall order is in force is sentenced to imprisonment-

- (a) for a term of 9 months or less (or in the case of a detention order, supervision order or recall order made before the commencement of the Drug Addiction Treatment Centres (Amendment) Ordinance 1986 (24 of 1986), 2 years or less), the detention order, supervision order or recall order shall be suspended until the expiration of his term of imprisonment;
- (b) for a term of more than 9 months (or in the case of a detention order, supervision order or recall order made before the commencement of the Drug Addiction Treatment Centres (Amendment) Ordinance 1986 (24 of 1986), 2 years) or a new detention order is made in respect of him, the first-mentioned detention order, or the supervision order or recall order, as the case may be, shall cease to have effect.

(Added 5 of 1974 s. 5. Amended 24 of 1986 s. 4)

Chapter: 280	Title: TRAINING CENTRES ORDINANCE	Gazette Number:
Section: 5A	Heading: <b>Effect of imprisonment or further sentence of detention</b>	Version Date: 30/06/1997

(1) If a person in respect of whom a sentence of detention in a training centre, or a supervision notice or order of recall under section 5, is in force is sentenced to imprisonment-

- (a) for a term of 2 years or less and the sentence of imprisonment is not suspended, the sentence of detention, supervision notice or order of recall shall be suspended until the expiration of his term of imprisonment; (Amended 63 of 1978 s.3)
- (b) for a term of more than 2 years or a new sentence of detention in a training centre is passed on him, the first- mentioned sentence of detention in a training centre, or the supervision notice or order of recall, as the case may be, shall cease to have effect.

(2) A sentence of detention in a training centre, or a supervision notice or order of recall under section 5, passed on, given to or made against any person on whom a suspended sentence of imprisonment has been passed (whether passed, given or made before or after the suspended sentence was passed) shall, if that suspended sentence is ordered to take effect, be suspended until the expiration of his term of imprisonment. (Added 63 of 1978 s. 3)

(Added 4 of 1974 s. 5)

Chapter: 219	Title: CONVEYANCING AND PROPERTY ORDINANCE	Gazette Number: 29 of 1998 s. 105
Section: 2	Heading: Interpretation	Version Date: 01/07/1997

Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

In this Ordinance, unless the context otherwise requires-

"assignment" (轉讓 . 轉讓契) includes-

- (a) the transfer of the whole of the interest in land held under a Government lease; (Amended 31 of 1988 s. 2; 29 of 1998 s. 105)
- (b) a legal charge;
- (c) a lease (other than a Government lease); (Amended 29 of 1998 s. 105)
- (d) a surrender;
- (e) an assent; and
- (f) every other assurance or conveyance of land by any instrument;

"bankruptcy" (破產) includes winding up;

"borrower" (借款人), where used in the First, Second and Third Schedules, includes "mortgagor";

"equitable interest" (衡平法權益) means any estate, interest or charge in or over land which is not a legal estate or a freehold;

"instrument" (文書) means any document having legal effect except a will;

"land" (土地) includes-

- (a) land covered by water;
- (b) any estate, right, interest or easement in or over any land;
- (bb) the whole or part of an undivided share in land and any estate, right, interest or easement in or over the whole or part of an undivided share in land; and (Added 31 of 1988 s. 2)
- (c) things attached to land or permanently fastened to anything attached to land;

"legal charge" (法定押記) means a mortgage expressed to be a legal charge;

"legal estate" (法定產業權) means-

- (a) a term of years absolute in land;
- (b) the legal interest in any easement, right or privilege in or over land for an interest equivalent to a term of years absolute; and
- (c) a legal charge;

"lender" (貸款人), where used in the First, Second and Third Schedules, includes "mortgagee";

"mortgage" (按揭) means a security over land for securing money or money's worth;

"mortgage money" (按揭金) means the money, or money's worth, secured by a mortgage;

"mortgagee" (承按人) includes any person claiming under a mortgagee;

"mortgagor" (按揭人) includes any person claiming under a mortgagor;

"sale" (售賣), in relation to the sale of land, includes the disposition of all or part of the vendor's estate and interest under a Government lease; (Amended 29 of 1998 s. 105)

"term of years absolute" (絕對年期) includes a term for less than a year, for a year or years and a fraction of a year and from year to year.

Chapter:	136	Title:	MENTAL HEALTH ORDINANCE	Gazette Number:	L.N. 29 of 1999
Section:	<b>44A</b>	Heading:	<b>Power of court or magistrate to make guardianship order</b>	Version Date:	01/02/1999

### PART IIIA

#### GUARDIANSHIP OF PERSONS CONCERNED IN CRIMINAL PROCEEDINGS

- (1) Where-
- (a) section 76(1) of the Criminal Procedure Ordinance (Cap 221) applies to a person;
  - (b) the court or magistrate concerned is satisfied, on the written or oral evidence of 2 or more registered medical practitioners (of whom not less than 2 shall be practitioners approved for the purposes of section 2(2)), that-
    - (i) the person is mentally incapacitated to a nature or degree which warrants his reception into guardianship under this Part; and (Amended 81 of 1997 s. 33)
    - (ii) it is necessary in the interests of the welfare of the person or for the protection of other persons that the person should be so received; and (Amended 81 of 1997 s. 33)
  - (c) the court or magistrate is of the opinion, having regard to all the circumstances of the case, including-
    - (i) the nature of any act or omission by virtue of which the section referred to in paragraph (a) applies to him;
    - (ii) the character and antecedents of the person;
    - (iii) the other available methods of dealing with him; and
    - (iv) the advice of the Director of Social Welfare on-
      - (A) the suitability of an order under this section in the case of the person; and
      - (B) where applicable, the availability of a suitable person to be authorized under paragraph (i) if there is an order under this section in the case of the person,

that the most suitable method of disposing of the case is by means of an order under this section,

the court or magistrate may-

    - (i) by an order ("guardianship order") place the person under the guardianship of the Director of Social Welfare, or a person authorized by the Director of Social Welfare for the purpose, as may be specified in the order;
    - (ii) specify in the guardianship order the period ("validity period") during which the person should be so placed which shall not exceed 1 year commencing on the date of the order.(Amended 81 of 1997 s. 33)
- (2) Section 45(3) shall apply to a guardianship order as it applies to a hospital order.
- (Added 38 of 1996 s. 2)

Chapter:	136	Title:	MENTAL HEALTH ORDINANCE	Gazette Number:	L.N. 29 of 1999
Section:	<b>44D</b>	Heading:	<b>Power of court or magistrate to make supervision and treatment order</b>	Version Date:	01/02/1999

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- (1) Subject to the other provisions of this Part, where-
- (a) section 76(1) of the Criminal Procedure Ordinance (Cap 221) applies to a person;
  - (b) the court or magistrate concerned is satisfied, on the written or oral evidence of 2 or more registered medical practitioners (of whom not less than 2 shall be practitioners approved for the purposes of section 2(2)), that-
    - (i) the person is mentally incapacitated to a nature or degree which warrants his receiving supervision and treatment under this Part;
    - (ii) the mental incapacity is susceptible to treatment; and
    - (iii) it is necessary in the interests of the welfare of the person or for the protection of other persons that the person should be so supervised and treated; and (Amended 81 of 1997 s. 36)
  - (c) the court or magistrate is of the opinion, having regard to all the circumstances of the case, including-
    - (i) the nature of any act or omission by virtue of which the section referred to in paragraph (a) applies to him;
    - (ii) the character and antecedents of the person;
    - (iii) the other available methods of dealing with him; and (iv) the advice of the Director of Social Welfare on-
      - (A) the suitability of an order under this section in the case of the person;
      - (B) where applicable, the availability of a suitable person acting under the Director of Social Welfare's authority under paragraph (i) if there is an order under this section in the case of the person; and
      - (C) if there is an order in the case of the person, the arrangements that will need to be made for the treatment intended to be specified in the order,that the most suitable method of disposing of the case is by means of an order under this section,
- the court or magistrate may be an order ("supervision and treatment order") require the person ("supervised person")-
- (i) to be under the supervision of the Director of Social Welfare or any person acting under his authority ("the supervising officer") for a period specified in the order of not more than 2 years commencing on the date of the order; and
  - (ii) to submit, during the whole or such part of that period as may be specified in the order, to treatment by or under the direction of a registered medical practitioner (or other appropriately qualified person) with a view to the improvement of his mental disorder.
- (2) Section 45(3) shall apply to a supervision and treatment order as it applies to a hospital order.

(Added 38 of 1996 s. 2)

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Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	25 of 1998 s. 2
Section:	75	Heading:	<b>Fitness to be tried</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) This section applies where on the trial of a person the question arises (at the instigation of the defence or otherwise) whether the accused is under a disability, that is to say, under any disability such that apart from this Ordinance it would constitute a bar to his being tried. (Replaced 37 of 1996 s. 3)

(2) The court, if having regard to the nature of the supposed disability is of opinion that it is expedient so to do and in the interests of the accused person, may postpone consideration of the said question (hereinafter referred to as "the question of fitness to be tried") until any time up to the opening of the case for the defence, and if before the question of fitness to be tried falls to be determined the jury return a verdict of acquittal on the count or each of the counts on which the accused person is being tried that question shall not be determined.

(3) Subject to subsection (2), the question of fitness to be tried shall be determined as soon as it arises.

(4) The question of fitness to be tried shall be determined by a jury, and-

- (a) where it falls to be determined on the arraignment of the accused person, then if the trial proceeds the accused person shall be tried by-
    - (i) where paragraph (a) of the definition of "court" is applicable, a jury other than the jury which determined that question;
    - (ii) in any other case, the same jury which determined that question;
  - (b) where it falls to be determined at any later time, it shall be determined by-
    - (i) where paragraph (a) of the definition of "court" is applicable, a separate jury or the jury by whom the accused person is being tried, as the court may direct;
    - (ii) in any other case, the same jury by whom the accused person is being tried.
- (Replaced 37 of 1996 s. 3)

(5) A jury shall not make a determination under subsection (4) except on the written or oral evidence of 2 or more registered medical practitioners (of whom not less than 2 shall be practitioners approved for the purposes of section 2(2) of the Mental Health Ordinance (Cap 136)). (Replaced 37 of 1996 s. 3)

(6) In this section-  
"court" (法庭) means-

- (a) the Court of First Instance acting in the exercise of its criminal jurisdiction; (Amended 25 of 1998 s. 2)
- (b) the District Court acting in the exercise of its criminal jurisdiction; or
- (c) a magistrate;

"verdict of acquittal" (無罪的裁決) does not include a special verdict that the accused person is not guilty by reason of insanity. (Replaced 37 of 1996 s. 3)

(7) In this section, any reference to a jury shall, where the trial concerned takes place in the District Court or before a magistrate, be read as a reference to a District Judge or the magistrate, as the case may be. (Added 37 of 1996 s. 3)

(Replaced 34 of 1972 s. 13)  
[cf. 1964 c. 84 s. 4 U.K.]

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	
Section:	<b>76</b>	Heading:	<b>Orders to be made</b>	Version Date:	30/06/1997

- 
- (1) This section applies where-
    - (a) under section 74 a special verdict is returned that an accused person is not guilty by reason of insanity; or
    - (b) under sections 75 and 75A a finding is recorded that an accused person is under disability and that he did the act or made the omission charged against him.
  - (2) Subject to subsection (3), the court shall-
    - (a) if it is satisfied, on the written or oral evidence of 2 or more registered medical practitioners (of whom not less than 2 shall be practitioners approved for the purposes of section 2(2) of the Mental Health Ordinance (Cap 136)), that it is necessary in the interests or the welfare of the accused person or for the protection of other persons that the accused person be admitted to the Correctional Services Department Psychiatric Centre or a mental hospital, make an order that the accused person be admitted-
      - (i) in accordance with the provisions of Schedule 4, to that Centre; or
      - (ii) to such mental hospital as may be specified by the Governor, as the case may be; or
    - (b) make in respect of the accused person such one of the following orders as it thinks most suitable in all the circumstances of the case, namely-
      - (i) a guardianship order under Part IIIA of the Mental Health Ordinance (Cap 136);
      - (ii) a supervision and treatment order under Part IIIB of that Ordinance;
      - (iii) an order for his absolute discharge.
  - (3) Subsection (2)(b) shall not apply where the offence to which the special verdict or the finding relates is an offence the sentence for which is fixed by law.
  - (4) For the avoidance of doubt, it is hereby declared that-
    - (a) the court may not make an order referred to in subsection (2)(b)(i) or (ii) where it is prohibited from so doing by virtue of the provisions of Part IIIA or IIIB, as the case may be, of the Mental Health Ordinance (Cap 136);
    - (b) the fact that the court makes an order referred to in subsection (2)(b)(i) or (ii) in any case where subsection (1)(b) is applicable shall not of itself prevent the accused person from being tried in respect of the act or omission charged against him should he subsequently cease either to be subject to that order or to be under disability (but without prejudice to the operation again of sections 75 and 75A in respect of the accused person).
  - (5) Section 75(6) and (7) shall apply to this section as it applies to section 75.
- (Replaced 37 of 1996 s. 4)
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Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	<b>153A</b>	Heading:	<b>Closure of premises in respect of which certain offences committed</b>	Version Date:	30/06/1997

Closure of premises and forfeiture of vessel in respect  
of which certain offences committed

- (1) Where-
- (a) a person is convicted by a court or magistrate of an offence under section 139, 143, 144 or 145 of this Ordinance, in relation to any premises or place other than a vessel; and
  - (b) the court or magistrate is satisfied-
    - (i) that the offence was committed within a period beginning 4 months after and ending 16 months after a conviction of that or any other person for an offence under any of the provisions referred to in paragraph (a) in relation to the whole or a part of those premises or that place (whether or not a closure order was made on the basis of that and any other conviction); and
    - (ii) that within 2 weeks after the date of the conviction referred to in subparagraph (i), a notice complying with subsection (4) was-
      - (A) affixed to a conspicuous part of the premises or place to which that conviction related; and
      - (B) published in one newspaper published in Hong Kong in the English language and one newspaper so published in the Chinese language,

this section applies to the premises or place referred to in paragraph (a).

- (2) Where this section applies to any premises or place the court or magistrate shall-
- (a) in accordance with section 153B, make a closure order in respect of the premises or place;
  - (b) as soon as reasonably practicable, send a copy of the order, sealed with the seal of the court or signed by the magistrate, to the Land Registrar; (Amended 8 of 1993 s. 3)
  - (c) have the same power to sentence or otherwise deal with the convicted person as if a closure order were not being made; and
  - (d) leave the closure order out of account in determining the appropriate sentence or other manner of dealing with the convicted person.
- (3) For the purposes of subsection (1), where-
- (a) under section 143 a person who is the owner or tenant of any premises or his agent; or
  - (b) under section 144 or 145 a person who is the tenant or occupier, or person in charge, of any premises,

is convicted of an offence in respect of part of those premises, the conviction shall be treated as relating only to that part of those premises.

- (4) A notice complying with this subsection shall-
- (a) be addressed to the tenant and the owner of the premises or place to which the conviction referred to in subsection (1)(b)(i) relates (it being unnecessary to name those persons);
  - (b) state that a person has been convicted of an offence in relation to the premises or place and state the nature, date, and the name and address of the person convicted, of the offence;
  - (c) state that if, within a period beginning 4 months after the date of that conviction and ending 16 months after that date, any person commits an offence under section 139, 143, 144 or 145 of this Ordinance, in relation to the whole or a part of those premises or that place, a closure order will be made in respect of the premises or place to which that second offence relates; and
  - (d) set out the sections referred to in paragraph (c).

(5) For the purposes of subsection (1)(b)(ii), a certificate purporting to be signed by a public officer who states in that certificate that he affixed a notice in accordance with that subsection shall be evidence of the facts stated in the certificate relating to that affixing.

(6) In sections 153B, 153I and 153J, "premises" (處所) means the premises or place to which the conviction referred to in subsection (1)(a) relates.

(Added 69 of 1990 s. 7)

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	<b>159E</b>	Heading:	<b>Abolitions, savings and transitional provisions</b>	Version Date:	30/06/1997

(1) Subject to the following provisions of this section, the offence of conspiracy at common law is abolished.

(2) Subsection (1) shall not affect the offence of conspiracy at common law so far as relates to conspiracy to defraud.

(3) If-

- (a) a person agrees with any other person or persons that a course of conduct shall be pursued; and
- (b) that course of conduct will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement if the agreement is carried out in accordance with their intentions,

the fact that it will do so shall not preclude a charge of conspiracy to defraud being brought against any of them in respect of the agreement.

(4) A person shall not be entitled to be acquitted of, or to have quashed his conviction for, the offence of conspiracy for the reason only that the only other person or persons with whom he is alleged, in the indictment or charge sheet, to have entered into that conspiracy are or have been acquitted.

(5) Any rule of law or practice inconsistent with the provisions of subsection (4) is abolished.

(6) The rules laid down by sections 159A and 159B shall apply for determining whether a person is guilty of an offence of conspiracy under any enactment other than section 159A, but conduct which is an offence under any such other enactment shall not also be an offence under section 159A.

(7) Subsection (1) shall not affect-

- (a) any proceedings commenced before the time when this Part comes into operation; or
- (b) any proceedings commenced after that time against a person charged with the same conspiracy as that charged in any proceedings commenced before that time.

(Added 49 of 1996 s. 2)

Chapter: 174	Title: BIRTHS AND DEATHS REGISTRATION ORDINANCE	Gazette Number:
Section: 12	Heading: <b>Registration of father of illegitimate child</b>	Version Date: 30/06/1997

- (1) Notwithstanding sections 7 to 10, in the case of an illegitimate child-
  - (a) no person shall, as father of the child, be required to give information concerning the birth of the child; and
  - (b) there shall not be registered in the register the name of any person as father of the child, except in the circumstances provided in subsection (2).
- (2) The circumstances referred to in subsection (1)(b) are-
  - (a) at the joint request of the mother and the person stating himself to be the father of the child; or
  - (b) at the request of the mother on production of-
    - (i) a declaration made by the mother stating that that person is the father of the child; and
    - (ii) a statutory declaration made by that person stating himself to be the father of the child; or
  - (c) at the request of that person on production of-
    - (i) a declaration by that person stating himself to be the father of the child; and
    - (ii) a statutory declaration made by the mother stating that that person is the father of the child; or
  - (d) at the request of the mother of that person on production of-
    - (i) a certified copy of a relevant order; and
    - (ii) if the child has attained the age of 16 years, the written consent of the child to the registration of that person as his father.
- (3) In this section and in section 12A, "relevant order" (有關命令), in relation to a request under subsection (2)(d) that the name of any person be entered in the register as father of a child, means any of the following orders, namely-
  - (a) a declaration of a court under Part IV of the Parent and Child Ordinance (Cap 429) that the person is or was the father of the child;
  - (b) an order of a court under the Guardianship of Minors Ordinance (Cap 13)-
    - (i) under section 3(1)(d) granting that person any right or authority in relation to the child;
    - (ii) under section 10(1) granting that person custody of or access to the child; or
    - (iii) under section 10(2) requiring that person to make any lump sum or periodical payment in respect of the minor; or
  - (c) an order of a court under section 5 of the Affiliation Proceedings Ordinance (Cap 183) adjudging that person to be the putative father of the child.

(Replaced 17 of 1993 s. 19)

[cf. 1953 c. 20 s. 10 U.K.; 1987 c. 42 s. 24 U.K.]

Chapter:	6	Title:	BANKRUPTCY ORDINANCE	Gazette Number:	L.N. 158 of 1998
Section:	91	Heading:	<b>Payment of moneys into bank</b>	Version Date:	01/04/1998

(1) The Official Receiver shall open in his name as Official Receiver an account at a bank approved by the Governor and shall pay to the credit thereof all sums received by him as such Official Receiver or as trustee, and every trustee in a bankruptcy, other than the Official Receiver, receiving money as such trustee shall open an account at such bank in the name of the bankrupt's estate and shall pay to the credit of such account all sums which may from time to time be received by him as such trustee: (Amended 47 of 1984 s. 12; 76 of 1996 s. 72)

Provided that the Official Receiver may, on the application of the creditors' committee, authorize any other trustee to make his payments into and out of any other bank specified by the committee in such application, and those payments shall be made in the prescribed manner. (Added 47 of 1984 s. 12. Amended 76 of 1996 s. 74)

(2) If a trustee at any time retains for more than 10 days a sum exceeding \$2000, or such other amount as the Official Receiver in any particular case may authorize him to retain, then unless he explains the retention to the satisfaction of the Official Receiver, he shall pay interest on the amount so retained in excess at the rate of 20 per cent per annum, and shall have no claim to remuneration, and may be removed from his office by the Official Receiver and shall be liable to pay any expenses occasioned by reason of his default. (Amended 47 of 1984 s. 12) [cf. 1914 c. 59 s. 89(5) U.K.]

(3) Any trustee paying money into his private banking account or using it otherwise than in the administration of the estate may without prejudice to any other liability be dismissed from office without remuneration and may be ordered by the court to make good all losses and expenses which the creditors may suffer in consequence of his conduct.

Chapter:	6	Title:	BANKRUPTCY ORDINANCE	Gazette Number:	L.N. 158 of 1998
Section:	128	Heading:	<b>Unclaimed and undistributed dividends or funds</b>	Version Date:	01/04/1998

#### Unclaimed funds or dividends

(1) Where-

- (a) a trustee, other than the Official Receiver, under any bankruptcy; or
- (b) a nominee under any voluntary arrangement.

pursuant to this Ordinance has under his control any unclaimed dividend which has remained unclaimed for more than 6 months, or any money held in trust by the bankrupt for another person, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the bankrupt, he shall forthwith pay it to the Official Receiver who shall carry the same to an account to be termed the Bankruptcy Estate Account. The Official Receiver's receipt for the money so paid shall be a sufficient discharge to the trustee in respect thereof. (Amended 1 of 1976 s. 7; 47 of 1984 s. 14; 76 of 1996 ss. 62 & 72)

(1A) Where the Official Receiver is the trustee under any bankruptcy or the nominee under any voluntary arrangement, and, pursuant to this Ordinance has under his control any unclaimed dividend which has remained unclaimed for more than 6 months or where after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the

bankrupt, he shall forthwith transfer the same to the Bankruptcy Estates Account. (Added 1 of 1976 s. 7. Amended 76 of 1996 ss. 62 & 72)

(2) The trustee, whether he has obtained his release or not, may be called upon by the court to account for any unclaimed funds or dividends and any failure to comply with the requisitions of the court in this behalf may be dealt with as a contempt of court.

(3) Any person claiming to be entitled to any moneys paid into the Bankruptcy Estate Account under this Ordinance may, within 5 years of the date when the same was so paid in, apply to the Official Receiver for payment to him of the same, and the Official Receiver, if satisfied that the person claiming is entitled, shall make an order for the payment to such person of the sum due. Any person dissatisfied with the decision of the Official Receiver may appeal to the court. (Amended 33 of 1939; G.N. 840 of 1940 Supp. Schedule; 1 of 1976 s. 7)

(4) After any money has remained unclaimed in the Bankruptcy Estates Account for a period of 5 years the Official Receiver may transfer such money to the general revenue of Hong Kong. (Replaced 1 of 1976 s. 7)

(5) Before transferring any money under subsection (4) the Official Receiver may give such notice as he thinks necessary to such parties as he may think fit. (Replaced 1 of 1976 s. 7)

[cf. 1914 c. 59 s. 153(1) U.K.]

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Chapter:	122	Title:	AUDIT ORDINANCE	Gazette Number:	
Section:	<b>10</b>	Heading:	<b>Appointment of staff of the Director</b>	Version Date:	30/06/1997

(1) The Governor may appoint other public officers to assist the Director in the performance of his duties and the exercise of his powers under this Ordinance.

(2) All members of the Director's staff shall be employed subject to such Ordinances, Colonial Regulations, administrative rules and conditions of service as apply generally to public officers.

(3) The Director may delegate any of his duties or powers under this Ordinance, other than the certifying and reporting of accounts, to any public officer.

Chapter:	122	Title:	AUDIT ORDINANCE	Gazette Number:	
Section:	<b>13</b>	Heading:	<b>Director's report of serious irregularities to the President</b>	Version Date:	30/06/1997

(1) The Director shall report to the President of the Legislative Council any matter which- (Amended 60 of 1978 s. 4)

- (a) constitutes, in the opinion of the Director, a serious irregularity in the accounting for-
  - (i) the receipt, expenditure or custody of public moneys; or
  - (ii) the receipt, issue, custody, sale, transfer or delivery of any stamps, securities, stores or any other Government property; and
- (b) comes to his notice in the performance of his duties or the exercise of his powers under this Ordinance.

(2) The procedure to be followed in respect of a report to the President under subsection (1) shall be in accordance with section 12(2) and (2A). (Replaced 49 of 1984 s. 3)  
(Amended 19 of 1993 s. 4)

Chapter:	4B	Title:	HIGH COURT SUITORS' FUNDS RULES	Gazette Number:	25 of 1998 s. 2
Rule:	4	Heading:	<b>Keeping of accounts and register</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

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- (1) The Registrar shall-
    - (a) keep appropriate ledger accounts to which all funds lodged in court which are money or securities shall be credited and any such funds withdrawn or transferred therefrom shall be debited to such accounts;
    - (b) enter into such accounts in an appropriate manner the investment of any such funds lodged in court; and
    - (c) enter into such accounts in an appropriate manner any dealing, other than by way of lodgment, withdrawal, transfer or investment, of such funds as the circumstances of the case require.
  - (2) The Registrar shall-
    - (a) keep a register of all funds lodged in court which are not money or securities;
    - (b) enter in the register any lodgment, withdrawal, transfer or other dealings of such funds; and
    - (c) for each entry in the register make a memorandum in the appropriate manner in the ledger accounts.
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Chapter:	122	Title:	AUDIT ORDINANCE	Gazette Number:	25 of 1998 s. 2
Section:	2	Heading:	<b>Interpretation</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

In this Ordinance, unless the context otherwise requires-

"accounting officer" (會計人員) means-

- (a) any public officer who is entrusted with-
  - (i) the collection, receipt, custody, issue or payment of public moneys;
  - (ii) the receipt, custody, issue, sale, transfer or disposal of, or the accounting for, any stamps, securities, stores or any other Government property; or
  - (iii) any monetary or financial responsibilities connected with or arising from his official duties; and
- (b) the head of the Department in which any such public officer is employed;

"Director" (署長) means the Director of Audit appointed under section 3; (Amended 19 of 1993 s. 2)

"President" (主席) means the President of the Legislative Council; (Added 19 of 1993 s. 2)

"public moneys" (公帑) means-

- (a) the general revenue; (Replaced 3 of 1983 s. 43)
- (b) any moneys which are accounted for, in whole or in part, in the books or records of account of-
  - (i) the Director of Accounting Services;
  - (ii) the Land Registrar or the Registrar of Companies; (Amended 39 of 1992 s. 9; 60 of 1992 s. 4; 8 of 1993 s. 15)
  - (iii) the Registrar of the High Court in his capacity as the Registrar, the Official Administrator or the Master in Lunacy; (Amended 98 of 1991 s. 9; 39 of 1992 s. 9; 25 of 1998 s. 2)
  - (iv) the Official Solicitor in his capacity as the Official Solicitor or the Official Trustee; (Added 98 of 1991 s. 9. Amended 39 of 1992 s. 9; 60 of 1992 s. 4)
  - (v) the Official Receiver; or (Added 39 of 1992 s. 9. Amended 60 of 1992 s. 4)
  - (vi) the Director of Intellectual Property in his capacity as the Registrar of Trade Marks or the Registrar of Patents; and (Added 60 of 1992 s. 4)
- (c) any other moneys which the Governor may declare in writing to be public moneys for the purposes of this Ordinance.

Chapter:	122	Title:	AUDIT ORDINANCE	Gazette Number:	
Section:	8	Heading:	<b>Duties of the Director</b>	Version Date:	30/06/1997

(1) The Director shall examine, inquire into and audit the accounts of all accounting officers in respect of public moneys, stamps, securities, stores and any other Government property. (Amended 60 of 1978 s. 2)

(2) The Director shall satisfy himself that-

- (a) adequate directions and instructions have been given to ensure the due collection of public moneys and that the Ordinances relating thereto and such directions and instructions have been duly observed by the public officers concerned therewith;
- (b) all issues and payments of public moneys were made in accordance with proper authority;

- (c) all payments were properly chargeable and are supported by sufficient vouchers or proof of payment or otherwise properly accounted for;
- (d) the rules and procedures applied to the issue and payment of public moneys are sufficient to secure an effective control over expenditure and that such rules and procedures have been duly observed by the public officers concerned therewith;
- (e) any public moneys appropriated by the Legislative Council for a specified purpose and expended by a public officer have been expended in the due application of that purpose and in accordance with the authority under which the appropriation was made; and
- (f) adequate rules and procedures have been made to ensure the proper receipt, custody, issue, sale, transfer and disposal of, or the accounting for, any stamps, securities, stores and other Government property and that such rules and procedures have been duly observed by the public officers concerned therewith.

(3) The Director shall not be required to undertake any duty which is, in his opinion, incompatible with the duties imposed on him by this or any other Ordinance.

Chapter:	122	Title:	AUDIT ORDINANCE	Gazette Number:	
Section:	9	Heading:	<b>Powers of the Director</b>	Version Date:	30/06/1997

(1) In the performance of his duties and the exercise of his powers under this Ordinance the Director may-

- (a) authorize in writing any public officer on his behalf to conduct any inquiry, examination or audit and require such public officer to report thereon to him:  
 Provided that any such authority shall be subject to the concurrence of the head of the Department in which the public officer is employed;
- (b) require any public officer to give such explanation, or to furnish such information, as the Director may think fit in order to enable the Director to discharge his duties;
- (c) without payment of any fee, cause search to be made in, and extracts to be taken from, any book, document or record in any Government Department;
- (d) require any person whom he thinks fit to explain any matter relating to-
  - (i) the receipt, expenditure or custody of public moneys;
  - (ii) the receipt, custody, issue, sale, transfer or disposal of, or the accounting for, any stamps, securities, stores or other Government property; or
  - (iii) anything else which is, in the opinion of the Director, necessary for him to know for the due performance of his duties and the exercise of his powers under this Ordinance; and
- (e) report to the Attorney General any matter which he thinks fit.

(2) In the performance of his duties and the exercise of his powers under this Ordinance, the Director and any public officer or other person authorized in writing by him shall have access to all records, books, vouchers, documents, cash, receipts, stamps, securities, stores and any other Government property in the possession of any public officer.

(3) In the performance of his duties and the exercise of his powers under this Ordinance the Director shall not be subject to the direction or control of any other person or authority.

Chapter:	10	Title:	PROBATE AND ADMINISTRATION ORDINANCE	Gazette Number:	
Section:	23A	Heading:	<b>Payment into Government account of unclaimed balance of intestate's estate</b>	Version Date	30/06/1997

(1) If the Official Administrator has been granted administration of an estate and a balance of such estate remains unclaimed in his hands, he shall pay that balance into the Treasury or into the account of the Government at such bank as the Director of Accounting Services may direct. (Amended 70 of 1972 s. 2; L.N. 16 of 1977)

(2) (Repealed 70 of 1972 s. 2)

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Chapter: 25D	Title: LABOUR TRIBUNAL (SUITORS' FUNDS) RULES	Gazette Number:
Rule: 5	Heading: <b>Registrar to keep accounts</b>	Version Date: 30/06/1997

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(1) The registrar shall keep appropriate accounts in respect of all funds paid into the tribunal and of all dealings relating thereto.

(2) No account kept by the registrar under this rule shall be credited with any sum by way of interest unless the presiding officer makes a direction under rule 3. (L.N. 64 of 1992)

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Chapter: 32	Title: COMPANIES ORDINANCE	Gazette Number:	
Section: 293	Heading: <b>Companies liquidation account</b>	Version Date:	30/06/1997

### Central Accounts

(1) An account, to be called the Companies Liquidation Account, shall be kept by the Official Receiver at such bank as the Governor may from time to time direct, and all moneys received by the Official Receiver in respect of proceedings under this Ordinance in connection with the winding up of companies shall be paid to that account. (Amended 1 of 1949 s. 20; 24 of 1950 Schedule)

(2) All payments out of money standing to the credit of the Official Receiver in the Companies Liquidation Account shall be made in the prescribed manner.

[cf. 1929 c. 23 s. 300 U.K.]

Chapter: 204	Title: INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE	Gazette Number:
Section: 17A	Heading: <b>Welfare fund</b>	Version Date: 30/06/1997

(1) There shall be established a fund to be known as the "Independent Commission Against Corruption Welfare Fund".

(2) The fund shall consist of-

- (a) such donations and voluntary contributions as may be made thereto;
- (b) such sums as may, from time to time, be voted thereto by the Legislative Council; and
- (c) such sums as may accrue by way of dividend or interest from the investment of the fund or any part thereof.

(3) The fund shall be controlled by the Commissioner and applied to the following purposes-

- (a) procuring for officers of the Commission and other persons employed by the Commission or for former officers or persons so employed who have ceased employment or retired on pension, gratuity or other allowance, comforts, conveniences or other benefits not chargeable to the general revenue;
- (b) granting loans to officers of the Commission and other persons employed by the Commission or former officers of the Commission and other persons formerly employed by the Commission who have ceased to be employed or retired on pension, gratuity or other allowance;
- (c) making grants to persons who were wholly or partially dependent at the time of his death on-
  - (i) a deceased officer or a deceased former officer of the Commission who had ceased to be employed or had retired on pension, gratuity or other allowance; or
  - (ii) a deceased person employed by the Commission or a deceased person who was at any time employed by the Commission and who had ceased to be employed or had retired on pension, gratuity or other allowance,

and who are in need of financial assistance, whether towards the payment of funeral expenses of the deceased or otherwise.

(Added 27 of 1980 s. 7)

Chapter: 336E	Title: DISTRICT COURT SUITORS' FUNDS RULES	Gazette Number:
Rule: 4	Heading: <b>Keeping of accounts and register</b>	Version Date: 30/06/1997

- (1) The Registrar shall-
  - (a) keep appropriate ledger accounts to which all funds lodged in court which are money or securities shall be credited and any such funds withdrawn or transferred therefrom shall be debited to such accounts;
  - (b) enter into such accounts in an appropriate manner the investment of any such funds lodged in court; and
  - (c) enter into such accounts in an appropriate manner any dealing, other than by way of lodgment, withdrawal, transfer or investment, of such funds as the circumstances of the case require.
- (2) The Registrar shall-
  - (a) keep a register of all funds lodged in court which are not money or securities;
  - (b) enter in the register any lodgment, withdrawal, transfer or other dealings of such funds; and
  - (c) for each entry in the register make a memorandum in the appropriate manner in the ledger accounts.

Chapter: 338D	Title: SMALL CLAIMS TRIBUNAL (SUITORS' FUNDS) RULES	Gazette Number:
Rule: 5	Heading: <b>Registrar to keep accounts</b>	Version Date: 30/06/1997

(1) The registrar shall keep appropriate accounts in respect of all funds paid into the tribunal and of all dealings relating thereto.

(2) No account kept by the registrar under this rule shall be credited with any sum by way of interest.

Chapter:	453C	Title:	MINOR EMPLOYMENT CLAIMS ADJUDICATION BOARD (SUITORS' FUNDS) RULES	Gazette Number:	
Rule:	<b>8</b>	Heading:	<b>Annual statement of accounts</b>	Version Date:	30/06/1997

The registrar shall in each year cause to be prepared for the period of 12 months ending on 31 March in that year a statement of the accounts kept by him under rule 4, and such statement shall-

- (a) include a receipts and payments account and a statement of assets and liabilities; and
- (b) be signed by the registrar.

(Enacted 1994)

Chapter: 4B	Title: HIGH COURT SUITORS' FUNDS RULES	Gazette Number: 25 of 1998 s. 2
Rule: 5	Heading <b>Annual statement of</b> : <b>accounts</b>	Version Date: 01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) The Registrar shall cause to be prepared for every period of 12 months ending on 31 March in each year a statement of the accounts kept under rule 4(1) which statement shall-

- (a) include a receipts and payments account and a statement of assets and liabilities; and
- (b) be signed by the Registrar.

(2) The accounts and register kept under rule 4 and the statement prepared under paragraph (1) of this rule shall be audited by the Director of Audit who shall, subject to such report as he thinks fit, certify the statement.

Chapter: 25D	Title: LABOUR TRIBUNAL (SUITORS' FUNDS) RULES	Gazette Number: 25 of 1998 s. 2
Rule: 10	Heading: <b>Annual statement of accounts and audit</b>	Version Date: 01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) The registrar shall in each year cause to be prepared for the period of twelve months ending on the 31st March in that year a statement of the accounts kept by him under rule 5, and such statement shall-

(a) include a receipts and payments account and a statement of assets and liabilities; and

(b) be signed by the Registrar of the High Court. (25 of 1998 s. 2)

(2) All accounts kept by the registrar under rule 5 and the statement of account prepared under paragraph (1) shall be audited by the Director of Audit who shall, subject to such report as he thinks fit, certify the statement.

Chapter:	336E	Title:	DISTRICT COURT SUITORS' FUNDS RULES	Gazette Number:	
Rule:	<b>5</b>	Heading	<b>Annual statement of</b> : <b>accounts</b>	Version Date:	30/06/1997

(1) The Registrar shall cause to be prepared for every period of twelve months ending on the 31st day of March in each year a statement of the accounts kept under rule 4(1) which statement shall-

- (a) include a receipts and payments account and a statement of assets and liabilities; and
- (b) be signed by the Registrar.

(2) The accounts and register kept under rule 4 and the statement prepared under paragraph (1) of this rule shall be audited by the Director of Audit who shall, subject to such report as he thinks fit, certify the statement.

Chapter: 338D	Title: SMALL CLAIMS TRIBUNAL (SUITORS' FUNDS) RULES	Gazette Number: 25 of 1998 s. 2
Rule: 10	Heading: <b>Annual statement of accounts and audit</b>	Version Date: 01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) The registrar shall in each year cause to be prepared for the period of twelve months ending on the 31st March in that year a statement of the accounts kept by him under rule 5, and such statement shall-

(a) include a receipts and payments account and a statement of assets and liabilities; and

(b) be signed by the Registrar of the High Court. (25 of 1998 s. 2)

(2) All accounts kept by the registrar under rule 5 and the statement of account prepared under paragraph (1) shall be audited by the Director of Audit who shall, subject to such report as he thinks fit, certify the statement.

Chapter: 513	Title: TRANSFER OF SENTENCED PERSONS ORDINANCE	Gazette Number:
Section: 2	Heading: <b>Interpretation</b>	Version Date: 30/06/1997

In this Ordinance, unless the context otherwise requires-

"arrangements for the transfer of sentenced persons" (移交被判刑人士的安排) means arrangements-

- (a) which are applicable to-
  - (i) the Government and the government of a place outside Hong Kong (other than the People's Republic of China or any part thereof); or
  - (ii) Hong Kong and a place outside Hong Kong (other than the People's Republic of China or any part thereof); and
- (b) for the purposes of the transfer of a sentenced person or sentenced persons to Hong Kong from that place or to that place from Hong Kong;

"court" (法院) includes a magistrate, tribunal and any other judicial authority of Hong Kong or a place outside Hong Kong;

"institution" (機構) includes a prison, hospital and reception centre;

"inward warrant" (移交入境手令) means a warrant issued under section 3(1)(a);

"outward warrant" (移交出境手令) means a warrant issued under section 3(1)(b);

"sentence" (刑 . 刑罰) means any punishment or measure involving the deprivation of liberty ordered by a court-

- (a) for a limited or unlimited period of time; and
- (b) in the course of the exercise of its criminal jurisdiction;

"sentenced person" (被判刑人士) means a person who is required to be detained in an institution to serve a sentence.

Chapter: 513	Title: TRANSFER OF SENTENCED PERSONS ORDINANCE	Gazette Number: 15 of 1999
Section: 4	Heading: <b>Restrictions on issue of warrant</b>	Version Date: 01/07/1997

Remarks:  
Amendments retroactively made - see 15 of 1999 s. 3

- (1) The Chief Executive shall not issue an inward warrant unless-
  - (a) the acts or omissions constituting the conduct in respect of which the sentence was imposed amount to conduct which, if the conduct had occurred in Hong Kong, would constitute a criminal offence under the law of Hong Kong;
  - (b) the sentenced person-
    - (i) holds a permanent identity card within the meaning of the Registration of Persons Ordinance (Cap 177); or
    - (ii) in the opinion of the Chief Executive, otherwise has close ties with Hong Kong;
  - (c) the sentence imposed is for-
    - (i) life;
    - (ii) an indeterminate period on account of the mental incapacity of the sentenced

- person; or
    - (iii) a fixed period;
  - (d) no further criminal proceedings relating to the sentenced person in respect of the conduct which gave rise to the sentence imposed are pending in the place outside Hong Kong; and
  - (e) an appropriate authority of the place outside Hong Kong and the sentenced person (or a person acting on his behalf) have consented to the transfer.
- (2) The Chief Executive shall not issue an outward warrant unless-
- (a) the acts or omissions constituting the conduct in respect of which the sentence was imposed amount to conduct which, if the conduct had occurred in the place outside Hong Kong, would constitute a criminal offence under the law of that place;
  - (b) the sentenced person-
    - (i) is a national of the place outside Hong Kong; or
    - (ii) in the opinion of the Chief Executive, otherwise has close ties with that place;
  - (c) the sentence imposed is for-
    - (i) life;
    - (ii) an indeterminate period on account of the mental incapacity of the sentenced person; or
    - (iii) a fixed period;
  - (d) no further criminal proceedings relating to the sentenced person in respect of the conduct which gave rise to the sentence imposed are pending in Hong Kong; and
  - (e) an appropriate authority of Hong Kong and the sentenced person (or a person acting on his behalf) have consented to the transfer.

(Amended 15 of 1999 s. 3)

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Chapter: 1C	Title: SPECIFICATION OF PUBLIC OFFICES	Gazette Number: L.N. 343 of 1998
Schedule: 1	Heading:	Version Date: 06/11/1998

Public Office	Ordinance or section of Ordinance for which specified
Chief Justice	Bankruptcy Ordinance (Chapter 6), section 99A(7)(c). (L.N. 270 of 1979)
Chief Justice	Companies Ordinance (Chapter 32), section 222A(7)(c). (L.N. 270 of 1979)
Chief Justice	Evidence Ordinance (Chapter 8), sections 27(2) and 29A(2). (L.N. 229 of 1979)
Chief Justice	Juvenile Offenders Ordinance (Chapter 226), section 3A(2). (L.N. 229 of 1979)
Chief Secretary for Administration (L.N. 362 of 1997)	Air Passenger Departure Tax Ordinance (Chapter 140). (L.N. 318 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Basel Evangelical Missionary Society Incorporation Ordinance (Chapter 1002), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Betting Duty Ordinance (Chapter 108). (L.N. 211 of 1980)
Chief Secretary for Administration (L.N. 362 of 1997)	Catholic Mission of Macao Incorporation Ordinance (Chapter 1006), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Chater (Cathedral and St. Andrew's) Endowment Funds Incorporation Ordinance (Chapter 1050), section 4(3). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	China Peniel Missionary Society Incorporation Ordinance (Chapter 1011), Section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Church of Christ in China, Wanchai Church, Incorporation Ordinance (Chapter 1063), section 6(3). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Colony Armorial Bearings (Protection) Ordinance (Chapter 315), section 3. (L.N. 103 of 1966)
Chief Secretary for Administration (L.N. 362 of 1997)	Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong Incorporation Ordinance (Chapter 1084), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Criminal Procedure Ordinance (Chapter 221), section 85(1). (L.N. 3 of 1986)
Chief Secretary for Administration (L.N. 362 of 1997)	Daughters of Charity of the Canossian Institute Incorporation Ordinance (Chapter 1016), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Daughters of Mary Help of Christians Incorporation Ordinance (Chapter 1070), section 6(2). (L.N. 368 of 1984)

Chief Secretary for Administration (L.N. 362 of 1997)	Education Scholarships Fund Ordinance (Chapter 1085), section 6(2). (L.N. 7 of 1992)
Chief Secretary for Administration (L.N. 362 of 1997)	Evidence Ordinance (Chapter 8), sections 19A(1) and 40(5). (L.N. 311 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Heung Yee Kuk Ordinance (Chapter 1097). (L.N. 71 of 1974)
Chief Secretary for Administration (L.N. 362 of 1997)	Housing Ordinance (Chapter 283), sections 14(4) and 15(2). (L.N. 471 of 1996)
Chief Secretary for Administration (L.N. 362 of 1997)	Immigration Ordinance (Chapter 115). (L.N. 198 of 1973)
Chief Secretary for Administration (L.N. 362 of 1997)	Institute of the Soeurs des Missions Etrangeres Incorporation Ordinance (Chapter 1088), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Irish Province of the Order of Franciscans Minor Incorporation Ordinance (Chapter 1028), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Jesuit Order (English Assistancy) Incorporation Ordinance (Chapter 1029), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Jesuit Order (Portuguese Province) Incorporation Ordinance (Chapter 1030), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Kowloon Union Church Incorporation Ordinance (Chapter 1032), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Maryknoll Sisters of St. Dominic Incorporation Ordinance (Chapter 1019), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Norwegian Seamen's Mission Incorporation Ordinance (Chapter 1056), section 7(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Petites Soeurs des Pauvres, St. Pern, Bretagne, Incorporation Ordinance (Chapter 1039), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Pontifical Foreign Missions Institute Incorporation Ordinance (Chapter 1041), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Prior of the Order of Cistercians of the Strict Observance Incorporation Ordinance (Chapter 1107), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Prison Rules (Chapter 234 subsidiary legislation), rule 222(2). (L.N. 48 of 1967)
Chief Secretary for Administration (L.N. 362 of 1997)	Probation of Offenders Rules (Chapter 298 subsidiary legislation), rule 42. (L.N. 48 of 1967)

Chief Secretary for Administration (L.N. 362 of 1997)	Public Health and Municipal Services Ordinance (Chapter 132), section 105S. (L.N. 226 of 1973; 10 of 1986 s. 32(1))
Chief Secretary for Administration (L.N. 362 of 1997)	Registration of Persons Regulations (Chapter 177 subsidiary legislation), regulation 24. (L.N. 137 of 1970)
Chief Secretary for Administration (L.N. 362 of 1997)	Salesian Society Incorporation Ordinance (Chapter 1043), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Sisters of the Precious Blood Order Incorporation Ordinance (Chapter 1045), section 4(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Soeurs de Saint Paul de Chartres Incorporation Ordinance (Chapter 1046), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	The Rules of the Supreme Court (Chapter 4 subsidiary legislation), Order 69, rule 2, and Order 70, rule 3. (L.N. 153 of 1967)
Chief Secretary for Administration (L.N. 362 of 1997)	Tsung Tsin Mission of Hong Kong Incorporation Ordinance (Chapter 1090), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration (L.N. 362 of 1997)	Union Church Incorporation Ordinance (Chapter 1052), section 14(5). (L.N. 368 of 1984)
Commissioner for Commodities Trading	Commodities Trading Ordinance (Chapter 250). (L.N. 27 of 1982)
Commissioner for Labour	Employees' Compensation Ordinance (Chapter 282). (L.N. 70 of 1970)
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Chapter 59), section 7(4). (L.N. 145 of 1970)
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Chapter 59), section 9A. (L.N. 220 of 1985)
Commissioner for Labour	Pneumoconiosis (Compensation) Ordinance (Chapter 360). (L.N. 188 of 1981)
Commissioner for Securities	Securities Ordinance (Chapter 333). (L.N. 27 of 1982)
Commissioner for Transport	Cross-Harbour Tunnel Ordinance (Chapter 203). (L.N. 315 of 1985)
Commissioner for Transport	Cross-Harbour Tunnel Regulations (Chapter 203 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Cross-Harbour Tunnel By-laws (Chapter 203 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Cross-Harbour Tunnel (Passage Tax) Ordinance (Chapter 274). (L.N. 405 of 1990)
Commissioner for Transport	Eastern Harbour Crossing Ordinance (Chapter 215). (L.N. 405 of 1990)
Commissioner for Transport	Eastern Harbour Crossing Road Tunnel Regulations (Chapter 215 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Eastern Harbour Crossing Road Tunnel By-laws (Chapter 215 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Ferry Services Ordinance (Chapter 104). (L.N. 315 of 1985)
Commissioner for Transport	Ferry Services Regulations (Chapter 104 subsidiary legislation). (L.N. 158 of 1992)

Commissioner for Transport	Fixed Penalty (Criminal Proceedings) Ordinance (Chapter 240). (L.N. 315 of 1985)
Commissioner for Transport	Fixed Penalty (Traffic Contraventions) Ordinance (Chapter 237). (L.N. 315 of 1985)
Commissioner for Transport	Kowloon-Canton Railway Corporation Ordinance (Chapter 372). (L.N. 405 of 1990)
Commissioner for Transport	Kowloon-Canton Railway Corporation Regulations (Chapter 372 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Motor Vehicles (First Registration Tax) Ordinance (Chapter 330). (L.N. 90 of 1967)
Commissioner for Transport	Motor Vehicles Insurance (Third Party Risks) Ordinance (Chapter 272). (L.N. 90 of 1967)
Commissioner for Transport	Public Bus Services Regulations (Chapter 230 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Public Omnibus Services Ordinance (Chapter 230). (L.N. 60 of 1978)
Commissioner for Transport	Road Traffic Ordinance (Chapter 374). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Driving Licences) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Expressway) Regulations (Chapter 374 subsidiary legislation). (L.N. 158 of 1992)
Commissioner for Transport	Road Traffic (Parking) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Parking on Private Roads) Regulations (Chapter 374 subsidiary legislation). (L.N. 158 of 1992)
Commissioner for Transport	Road Traffic (Public Service Vehicles) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Registration and Licensing of Vehicles) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Safety Equipment) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Traffic Control) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Village Vehicles) Regulations (Chapter 374 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Road Traffic (Driving-offence Points) Ordinance (Chapter 375). (L.N. 315 of 1985)
Commissioner for Transport	Road Tunnels (Government) Ordinance (Chapter 368). (L.N. 405 of 1990)
Commissioner for Transport	Road Tunnels (Government) Regulations (Chapter 368 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Tate's Cairn Tunnel Ordinance (Chapter 393). (L.N. 405 of 1990)
Commissioner for Transport	Tate's Cairn Tunnel By-laws (Chapter 393 subsidiary legislation). (L.N. 158 of 1992)
Commissioner for Transport	Tate's Cairn Tunnel Regulations (Chapter 393 subsidiary legislation). (L.N. 158 of 1992)

Commissioner for Transport	Traffic Accident Victims (Assistance Fund) Ordinance (Chapter 229). (L.N. 315 of 1985)
Commissioner of Correctional Services	Training Centres Ordinance (Chapter 280). (L.N. 46 of 1981)
Commissioner of Customs and Excise	Control of Chemicals Ordinance (Chapter 145). (L.N. 51 of 1984; 64 of 1994 s. 18)
Commissioner of Customs and Excise	Copyright Ordinance (Chapter 528). (92 of 1997 s. 280)
Commissioner of Customs and Excise	Dutiable Commodities Ordinance (Chapter 109), except section 7. (L.N. 51 of 1984; L.N. 338 of 1987)
Commissioner of Customs and Excise	Dutiable Commodities Regulations (Chapter 109 subsidiary legislation). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations (Chapter 109 subsidiary legislation), regulations 9 and 11. (L.N. 51 of 1984; L.N. 338 of 1987)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), sections 7, 12 and 27(3). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), sections 27(3B), 28(2A) and (10) and 29A(1). (L.N. 320 of 1993)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), section 33A(1)(b). (L.N. 175 of 1997)
Commissioner of Customs and Excise	Import and Export (Carriage of Articles) Regulations (Chapter 60 subsidiary legislation), regulation 4. (L.N. 176 of 1991)
Commissioner of Customs and Excise	Import and Export (Registration) Regulations (Chapter 60 subsidiary legislation). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Industrial Training (Clothing Industry) Ordinance (Chapter 318). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Prevention of Copyright Piracy Ordinance (Chapter 544). (22 of 1998 s. 41)
Commissioner of Customs and Excise	Reserved Commodities Ordinance (Chapter 296), section 10. (L.N. 51 of 1984)
Commissioner of Customs and Excise	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Chapter 296 subsidiary legislation), regulations 7A and 9(2). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Smoking (Public Health) Ordinance (Chapter 371), section 10A(4). (L.N. 225 of 1989)
Commissioner of Customs and Excise	Trade Descriptions Ordinance (Chapter 362), sections 16(3), 16C(1), (2) and (3) and 30(2), (3) and (5). (L.N. 338 of 1987)
Commissioner of Mines	Mining Ordinance (Chapter 285), sections 13, 18, 20, 21, 31 and 37. (L.N. 6 of 1967)
Director of Accounting Services	Waterworks Regulations (Chapter 102 subsidiary legislation), regulation 50(2) and (3). (L.N. 221 of 1977)
Director of Agriculture and Fisheries	Animals and Plants (Protection of Endangered Species) Ordinance (Chapter 187), sections 7, 10 and 15. (L.N. 49 of 1979)
Director of Agriculture and Fisheries	Animals and Plants (Protection of Endangered Species) (Exemption) Order (Chapter 187 subsidiary legislation), paragraphs 1A and 3. (L.N. 418 of 1991)

Director of Fisheries	Agriculture and Fisheries	Country Parks and Special Areas Regulations (Chapter 208 subsidiary legislation), regulations 4(1) and (2)(a), 5(1) and (2)(b), 8(1), 9(1), 10(1)(a) and (b) and (2), 11(1), (2) and (3)(a), 13(2), 14, 15(4) and 18(5). (L.N. 381 of 1989)
Director of Fisheries	Agriculture and Fisheries	Country Parks and Special Areas Regulations (Chapter 208 subsidiary legislation), regulation 10(1)(c) and (d). (L.N. 391 of 1982)
Director of Fisheries	Agriculture and Fisheries	Dairies Regulations (Chapter 139 subsidiary legislation), regulations 3, 8, 9, 11, 15, 16(2), 18, 19(2)(f), 21(3), 26(1) and 29(2). (L.N. 153 of 1967)
Director of Fisheries	Agriculture and Fisheries	Forests and Countryside Ordinance (Chapter 96), sections 22(5) and 23. (L.N. 220 of 1993)
Director of Fisheries	Agriculture and Fisheries	Kadoorie Agricultural Aid Loan Fund Ordinance (Chapter 1080), section 7. (L.N. 397 of 1996)
Director of Fisheries	Agriculture and Fisheries	Marine Parks Ordinance (Chapter 476), section 22(1). (L.N. 67 of 1997)
Director of Fisheries	Agriculture and Fisheries	Marine Parks and Marine Reserves Regulation (Chapter 476 subsidiary legislation), section 17. (L.N. 67 of 1997)
Director of Fisheries	Agriculture and Fisheries	Pearl Culture (Control) Ordinance (Chapter 307), section 3. (L.N. 48 of 1967)
Director of Fisheries	Agriculture and Fisheries	Pesticides Ordinance (Chapter 133), the whole Ordinance except sections 5(4), 6(c), 10, 11 and 14. (L.N. 304 of 1977; 79 of 1990 s. 21)
Director of Fisheries	Agriculture and Fisheries	Pesticides Regulations (Chapter 133 subsidiary legislation). (L.N. 411 of 1992)
Director of Fisheries	Agriculture and Fisheries	Plant (Importation and Pest Control) Ordinance (Chapter 207). (L.N. 360 of 1993)
Director of Fisheries	Agriculture and Fisheries	Public Health (Animals and Birds) Ordinance (Chapter 139), sections 6, 7 and 10(2). (L.N. 48 of 1967)
Director of Fisheries	Agriculture and Fisheries	Public Health (Animals and Birds) (Animal Traders) Regulations (Chapter 139 subsidiary legislation), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Fisheries	Agriculture and Fisheries	Public Health (Animals and Birds) (Exhibitions) Regulations (Chapter 139 subsidiary legislation), regulations 4(1), 4(3), 6(a), 6(b), 8(1) and 8(3). (L.N. 94 of 1978)
Director of Fisheries	Agriculture and Fisheries	Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Chapter 139 subsidiary legislation), regulations 4, 11(1) and 13. (L.N. 153 of 1967)
Director of Fisheries	Agriculture and Fisheries	Public Health (Animals and Birds) Regulations (Chapter 139 subsidiary legislation), regulations 30, 34, 35, 37, 44 and 51. (L.N. 153 of 1967)
Director of Fisheries	Agriculture and Fisheries	Public Health (Animals) (Boarding Establishments) Regulations (Chapter 139 subsidiary legislation), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Fisheries	Agriculture and Fisheries	Public Health (Animals) (Riding Establishments) Regulations (Chapter 139 subsidiary legislation), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Fisheries	Agriculture and Fisheries	Wild Animals Protection Ordinance (Chapter 170), section 13. (L.N. 197 of 1979)
Director of Buildings		Child Care Centres Regulations (Chapter 243 subsidiary legislation), regulations 23(2) and 24(2)(b). (L.N. 303 of 1993)

Director of Buildings	Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301), sections 5, 7(1), 13, 14(1), 15(1), 2(c)(ii) and (8), 16(1), (3), (6), (8) and (9), 17, 18(2) and 20(g). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Buildings Ordinance (Chapter 123). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Child Care Centres Ordinance (Chapter 243), section 7(1)(b)(ii). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Education Ordinance (Chapter 279), section 12(1)(d). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Kowloon-Canton Railway Corporation Ordinance (Chapter 372), section 35(1). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Chapter 276), section 15(1). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Roads (Works, Use and Compensation) Ordinance (Chapter 370). (L.N. 303 of 1993)
Director of Civil Aviation	Air Passenger Departure Tax Ordinance (Chapter 140). (L.N. 191 of 1983)
Director of Civil Engineering Services	Ferry Services Ordinance (Chapter 104), sections 16(1)(a), 20(1) and 28(4). (L.N. 133 of 1986)
Director of Civil Engineering Services	Sand Ordinance (Chapter 147), sections 2 and 3. (L.N. 133 of 1986)
Director of Education	Inland Revenue Ordinance (Chapter 112), sections 16B and 16C. (L.N. 6 of 1967)
Director of Education	Post Secondary Colleges Ordinance (Chapter 320), sections 3, 8, 9 and 10. (L.N. 6 of 1967)
Director of Education	Post Secondary Colleges Ordinance (Chapter 320), sections 11 and 12(2). (L.N. 48 of 1967)
Director of Electrical and Mechanical Services	Aerial Ropeways (Safety) Ordinance (Chapter 211). (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Electricity Ordinance (Chapter 406). (L.N. 133 of 1986; 16 of 1990 s. 61)
Director of Electrical and Mechanical Services	Evidence Ordinance (Chapter 8), section 28(1)(b)(i). (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Peak Tramway Ordinance (Chapter 265), section 14. (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Peak Tramway Rules (Chapter 265 subsidiary legislation), rule 22. (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Tramway Ordinance (Chapter 107), sections 25 and 33. (L.N. 133 of 1986)
Director of Environmental Protection	Ozone Layer Protection Ordinance (Chapter 403). (L.N. 202 of 1989)
Director of Environmental Protection	Waste Disposal Ordinance (Chapter 354), sections 16(1), 17, 19(1), 20 and 36(3). (L.N. 84 of 1986)
Director of Health	Animal (Control of Experiments) Ordinance (Chapter 340). (L.N. 92 of 1989)
Director of Health	Undesirable Medical Advertisements Ordinance (Chapter 231). (L.N. 92 of 1989)
Director of Highways	Peak Tramway Ordinance (Chapter 265). (L.N. 133 of 1986)
Director of Highways	Peak Tramway Rules (Chapter 265 subsidiary legislation). (L.N. 133 of 1986)

Director of Highways	Public Lighting Ordinance (Chapter 105). (L.N. 133 of 1986)
Director of Highways	Road Traffic Ordinance (Chapter 374). (L.N. 133 of 1986)
Director of Highways	Road Traffic (Expressway) Regulations (Chapter 374 subsidiary legislation). (L.N. 158 of 1992)
Director of Highways	Road Traffic (Traffic Control) Regulations (Chapter 374 subsidiary legislation). (L.N. 133 of 1986)
Director of Highways	Tramway Ordinance (Chapter 107). (L.N. 133 of 1986)
Director of Immigration	Immigration Ordinance (Chapter 115). (L.N. 67 of 1972)
Director of Lands	Land (Miscellaneous Provisions) Ordinance (Chapter 28). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Lands Resumption Ordinance (Chapter 124). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Government Leases Ordinance (Chapter 40). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Government Rights (Re-entry and Vesting Remedies) Ordinance (Chapter 126), section 7(3). (L.N. 423 of 1993; 29 of 1998 s. 2)
Director of Lands	Foreshore and Sea-bed (Reclamations) Ordinance (Chapter 127). (L.N. 303 of 1993)
Director of Lands	Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301), sections 18(2), 20(g), 23(1) and (2), 24 and 25(2). (L.N. 303 of 1993)
Director of Lands	Mining Ordinance (Chapter 285). (L.N. 303 of 1993)
Director of Lands	Road Traffic Ordinance (Chapter 374), sections 123(3) and (4) and 124(1) and (2). (L.N. 303 of 1993)
Director of Marine	Dangerous Goods (Shipping) Regulations (Chapter 295 subsidiary legislation), regulations 3, 5(1), 6, 9, 12, 13, 14, 16, 17, 19 and 21. (L.N. 6 of 1967)
Director of Marine	Merchant Shipping (Safety) Ordinance (Chapter 369), sections 31, 38(4), 51(2) and (3), 57(2) and 63. (L.N. 365 of 1981)
Director of Marketing	Agricultural Products (Marketing) Ordinance (Chapter 277). (L.N. 239 of 1988)
Director of Marketing	Marine Fish (Marketing) Ordinance (Chapter 291). (L.N. 239 of 1988)
Director of Social Welfare	Juvenile Offenders Ordinance (Chapter 226). (L.N. 79 of 1973)
Director of Social Welfare	Offences against the Person Ordinance (Chapter 212), section 44(4). (L.N. 6 of 1967)
Director of Social Welfare	Probation of Offenders Ordinance (Chapter 298). (L.N. 79 of 1973)
Director of Social Welfare	Reformatory Schools Ordinance (Chapter 225). (L.N. 79 of 1973)
Director-General of Trade (L.N. 292 of 1989)	Export (Certificates of Origin and Commonwealth Preference Certificates) Regulations (Chapter 60 subsidiary legislation), regulations 6(2) and 8(1). (L.N. 132 of 1986)
Director-General of Trade (L.N. 292 of 1989)	Export (Certificates of Origin and Commonwealth Preference Certificates) Regulations (Chapter 60 subsidiary legislation), regulations 7(1)-(4), 8(3), 9(2) and 11(1)(c). (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Import and Export Ordinance (Chapter 60), sections 9(3) and 36(2). (L.N. 51 of 1984)

Director-General of Trade	Import and Export Ordinance (Chapter 60), section 33A(1)(b). (L.N. 396 of 1996)
Director-General of Trade (L.N. 292 of 1989)	Import and Export (Fees) Regulations (Chapter 60 subsidiary legislation). (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Import and Export (General) Regulations (Chapter 60 subsidiary legislation), regulation 6(3) and (4). (L.N. 132 of 1986)
Director-General of Trade (L.N. 292 of 1989)	Import and Export (Strategic Commodities) Regulations (Chapter 60 subsidiary legislation), regulation 2. (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Import (Radiation) (Prohibition) Regulations (Chapter 60 subsidiary legislation). (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Reserved Commodities Ordinance (Chapter 296), section 6. (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Chapter 296 subsidiary legislation). (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Reserved Commodities (Control of Sales by Wholesale) Regulations (Chapter 296 subsidiary legislation). (L.N. 51 of 1984)
Financial Secretary	Companies Ordinance (Chapter 32), sections 123(4), 124(2), 126(2) and (3), 128(3), 129(3) and 129A(2); and paragraphs 6(b), 13(2), 18(4), 27(1) and 28(3) of the Tenth Schedule, only. (L.N. 86 of 1978)
Financial Secretary	Companies Ordinance (Chapter 32), section 157E(4)(a). (L.N. 57 of 1989)
Financial Secretary	Companies Ordinance (Chapter 32), section 337B(3). (L.N. 345 of 1985)
Financial Secretary	Consumer Council Ordinance (Chapter 216), section 16(1) and (5). (L.N. 111 of 1987)
Financial Secretary	Customs and Excise Service (Welfare Fund) Regulations (Chapter 342 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Fire Services Department (Welfare Fund) Regulations (Chapter 95 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Government Lotteries Ordinance (Chapter 334). (L.N. 254 of 1973)
Financial Secretary	The Hong Kong Association of Banks Ordinance (Chapter 364), section 12(1). (L.N. 499 of 1993)
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 12. (L.N. 92 of 1979)
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 17(1). (L.N. 234 of 1980)
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 24(2). (L.N. 512 of 1996)
Financial Secretary	Hong Kong Industrial Estates Corporation Ordinance (Chapter 209), section 26. (L.N. 106 of 1986)
Financial Secretary	Hong Kong Industrial Technology Centre Corporation Ordinance (Chapter 431), section 20(5). (L.N. 185 of 1993)

Financial Secretary	Hong Kong Tourist Association Ordinance (Chapter 302), section 16(da). (L.N. 233 of 1980)
Financial Secretary	Hong Kong Tourist Association Rules (Chapter 302 subsidiary legislation), rule 3(1). (L.N. 129 of 1983)
Financial Secretary	Immigration Service (Welfare Fund) Regulations (Chapter 331 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Legal Tender Notes Issue Ordinance (Chapter 65), section 3(2), (3) and (5). (L.N. 258 of 1996)
Financial Secretary	Money Lenders Ordinance (Chapter 163), sections 33A and 33B. (L.N. 160 of 1989)
Financial Secretary	Police (Welfare Fund) Regulations (Chapter 232 subsidiary legislation), regulation 9. (L.N. 389 of 1990)
Financial Secretary	Prison Rules (Chapter 234 subsidiary legislation), rules 263 and 265. (L.N. 389 of 1990)
Financial Secretary	Trading Funds Ordinance (Chapter 430), section 3(1). (L.N. 36 of 1995)
Financial Secretary	Trading Funds Ordinance (Chapter 430), section 8(2). (L.N. 529 of 1994)
Financial Secretary	Travel Agents Ordinance (Chapter 218), section 32K. (L.N. 350 of 1994)
Gas Authority	Gas Safety Ordinance (Chapter 51). (49 of 1990 s. 38)
Insurance Authority	Insurance Companies Ordinance (Chapter 41). (L.N. 182 of 1990)
Land Registrar	Government Rights (Re-entry and Vesting Remedies) Ordinance (Chapter 126), sections 11(1) and (3) and 12(1) and (3). (L.N. 140 of 1993; 29 of 1998 s. 2)
Land Registrar	Land Registration Ordinance (Chapter 128). (L.N. 140 of 1993)
Land Registrar	Building Management Ordinance (Chapter 344). (27 of 1993 s. 56)
Monetary Authority	Crimes Ordinance (Chapter 200), sections 103(1) and 104(1). (L.N. 102 of 1995)
Principal Probation Officer	Probation of Offenders Rules (Chapter 298 subsidiary legislation), rules 15, 20(2) and 21 only. (L.N. 213 of 1979)
Registrar of Companies	Companies Ordinance (Chapter 32). (L.N. 141 of 1993)
Registrar of Companies	Limited Partnerships Ordinance (Chapter 37). (L.N. 141 of 1993)
Registrar of Companies	Registered Trustees Incorporation Ordinance (Chapter 306). (L.N. 141 of 1993)
Registrar of Companies	Trustee Ordinance (Chapter 29). (L.N. 141 of 1993)
Registrar of Co-operative Societies	Co-operative Societies Ordinance (Chapter 33). (L.N. 8 of 1973)
Registrar of Co-operative Societies	J.E. Joseph Trust Fund Ordinance (Chapter 1067), sections 3, 4, 5, 6 and 7. (L.N. 398 of 1996)
Registrar of Credit Unions	Credit Unions Ordinance (Chapter 119). (L.N. 239 of 1988)
Registrar of Money Lenders	Money Lenders Ordinance (Chapter 163). (L.N. 357 of 1980)
Registrar of Occupational Retirement Schemes	Occupational Retirement Schemes Ordinance (Chapter 426). (L.N. 454 of 1993)

Secretary for Broadcasting, Culture and Sport (L.N. 372 of 1996)	Books Registration Ordinance (Chapter 142). (L.N. 403 of 1995)
Secretary for Economic Services	Merchant Shipping (Safety) Ordinance (Chapter 369), section 5. (L.N. 94 of 1984)
Secretary for Home Affairs	Clubs (Safety of Premises) Ordinance (Chapter 376). (L.N. 91 of 1992)
Secretary for Home Affairs	Heung Yee Kuk Ordinance (Chapter 1097), section 3(3). (L.N. 235 of 1995)
Secretary for Home Affairs (L.N. 262 of 1989)	New Territories Ordinance (Chapter 97), section 9(2), for the purposes of section 19. (L.N. 188 of 1973)
Secretary for Security	Auxiliary Medical Service Ordinance (Cap 517). (57 of 1997 s. 34)
Secretary for Security	Civil Aid Service Ordinance (Cap 518). (58 of 1997 s. 34)
Secretary for Security	Essential Services Corps Ordinance (Chapter 197), the whole Ordinance. (L.N. 158 of 1977)
Secretary for Security	Immigration Ordinance (Chapter 115), sections 29(1), (2) and (4), 32(2), (3) and (4)(a), 34(b). (L.N. 102 of 1980)
Secretary for Security	Immigration Ordinance (Chapter 115), section 32(2A). (L.N. 307 of 1980)
Secretary for Security	Public Order Ordinance (Chapter 245), section 31(6)(i) only. (L.N. 158 of 1977)
Secretary for Transport	Eastern Harbour Crossing Ordinance (Chapter 215). (L.N. 308 of 1988)
Secretary for Transport	Roads (Works, Use and Compensation) Ordinance (Chapter 370). (L.N. 133 of 1986)
Secretary for Transport	Tate's Cairn Tunnel Ordinance (Chapter 393). (L.N. 26 of 1989)

Note: Please also see the Specifications of Public Offices in L.N. 282 of 1998, L.N. 320 of 1998 and L.N. 343 of 1998. They were made under s. 43 of Cap 1 after 1 July 1997. Their particulars are as follows -

	Public Office	Ordinance or section of Ordinance for which specified
L.N. 282 of 1998	Director of Environmental Protection Director of Environmental Protection	Environmental Impact Assessment Ordinance (Chapter 499). Environmental Impact Assessment (Appeal Board) Regulation (Chapter 499 subsidiary legislation).
L.N. 320 of 1998	Secretary for Security	Immigration Ordinance (Chapter 115), section 35(2).
L.N. 343 of 1998	Director of Intellectual Property  Director of Intellectual Property as Registrar of Trade Marks	Director of Intellectual Property (Establishment) Ordinance (Chapter 412). Trade Marks Ordinance (Chapter 43). Trade Marks Rules (Chapter 43 subsidiary legislation). Trade Marks (Emergency) Ordinance (Chapter 263). Trade Marks (Emergency) Rules (Chapter 263 subsidiary legislation).

	Director of Intellectual Property as Registrar of Patents	Patents Ordinance (Chapter 514) Patents (Transitional Arrangements) Rules (Chapter 514 subsidiary legislation). Patents (General) Rules (Chapter 514 subsidiary legislation).
	Director of Intellectual Property as Registrar of Designs	Registered Designs Ordinance (Chapter 522). Registered Designs Rules (Chapter 522 subsidiary legislation).

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Chapter: 95C	Title: FIRE SERVICES DEPARTMENT (REPORTS AND CERTIFICATES) REGULATIONS	Gazette Number:
Regulation: 3	Heading: Fees	Version Date: 30/06/1997

The fees specified in the third column of the following Table shall be payable to the Director in respect of the making and issue of a report or a certificate respectively specified in the second column of such Table-

TABLE

1	.Report on fire or other calamity attended by the Fire Services Department..... (b) (Repealed L.N. 127 of 1987) (c)-(d) (Repealed L.N. 95 of 1997)	\$380
2	Certificate required for compliance with- (a) section 16(1)(b) of the Buildings Ordinance (Cap 123)..... (b) section 21(6)(d) of the Buildings Ordinance (Cap 123)- (i) domestic building not exceeding 20 000 m <sup>2</sup> in gross floor area..... (ii) domestic building exceeding 20 000 m <sup>2</sup> in gross floor area..... (iii) non-domestic building not exceeding 20 000 m <sup>2</sup> in gross floor area..... (iv) non-domestic building exceeding 20 000m <sup>2</sup> in gross floor area.....	\$345   \$1650 2590 \$2870 \$7060
3	Certificate required for compliance with- (a) bylaw 33B of the Food Business (Regional Council) Bylaws (Cap 132 sub. leg.)- (i) general restaurant or light refreshment restaurant not exceeding 230 m <sup>2</sup> in gross floor area..... (ii) general restaurant or light refreshment restaurant exceeding 230 m <sup>2</sup> in gross floor area but not exceeding 2 000 m <sup>2</sup> in gross floor area..... (iii) general restaurant or light refreshment restaurant exceeding 2 000 m <sup>2</sup> in gross floor area..... (iv) bakery, food factory or factory canteen not exceeding 230 m <sup>2</sup> in gross floor area..... (v) bakery, food factory or factory canteen exceeding 230 m <sup>2</sup> in gross floor area but not exceeding 2 000 m <sup>2</sup> in gross floor area..... (vi) bakery, food factory or factory canteen exceeding 2 000 m <sup>2</sup> in gross floor area.....	     \$1260 \$1500 \$1640 \$1060 \$1300 \$1440

(b) by-law 34B of the Food business (Urban Council) By-laws (Cap 132 sub. leg.)-		
(i)	general restaurant or light refreshment restaurant not exceeding 230 m <sup>2</sup> in gross floor area.....	
(ii)	general restaurant or light refreshment restaurant exceeding 230 m <sup>2</sup> in gross floor area but not exceeding 2 000m <sup>2</sup> in gross floor area.....	\$1260
(iii)	general restaurant or light refreshment restaurant exceeding 2 000 m <sup>2</sup> in gross floor area.....	\$1500
(iv)	bakery, food factory or factory canteen not exceeding 230 m <sup>2</sup> in gross floor area.....	\$1640
(v)	bakery, food factory or factory canteen exceeding 230 m <sup>2</sup> in gross floor area but not exceeding 2 000 m <sup>2</sup> in gross floor area.....	\$1060
(vi)	bakery, food factory or factory canteen exceeding 2 000 m <sup>2</sup> in gross floor area.....	\$1300
		\$1440
4.	Certificate required for compliance with-	
(a)	regulation 3(3)(b) of the Places of Public Entertainment Regulations (Cap 172 sub. leg.) .....	\$1140
(b)	regulation 162(9)(c) of the Places of Public Entertainment Regulations (Cap 172 sub. leg.) .....	\$825
5.	Certificate required for compliance with section 7(1)(b)(ii) of the Child Care Centres Ordinance (Cap 243) .....	\$1040
6.	Certificate required for compliance with section 12(1)(c) of the Education Ordinance (Cap 279) .....	\$1040
7.	Certificate required for compliance with any of the provisions of any other enactment.....	\$1040

- Note:
- (1) For the purposes of item 2, the gross floor area of a building shall be the area contained within the external walls of the building measured at each floor level (including any floor below the level of the ground), together with the area of each balcony in the building, which shall be calculated from the overall dimensions of the balcony (including the thickness of the sides thereof), and the thickness of the external walls of the building.
  - (2) For the purposes of item 3, the gross floor area shall be the roofed-over area used exclusively for the business of the restaurant, bakery, food factory or factory canteen. It includes store-rooms, cold storage chambers, staff changing rooms, offices, air-conditioning engine rooms, working areas, kitchens, lavatories, lift lobbies, stair halls and any space used exclusively by the restaurant, bakery, food factory or factory canteen.

(L.N. 230 of 1976; L.N. 87 of 1984; L.N. 127 of 1987; L.N. 408 of 1993; L.N. 543 of 1994; L.N. 34 of 1997; L.N. 95 of 1997)

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Chapter:	214B	Title:	METRICATION AMENDMENTS (CHILD CARE CENTRES REGULATIONS) ORDER	Gazette Number:	
Paragraph:	1	Heading:	<b>Citation</b>	Version Date:	30/06/1997

This order may be cited as the Metrication Amendments (Child Care Centres Regulations) Order.

Chapter:	214B	Title:	METRICATION AMENDMENTS (CHILD CARE CENTRES REGULATIONS) ORDER	Gazette Number:	
Paragraph:	2	Heading:	<b>General prohibition of use of non-metric units in documents</b>	Version Date:	30/06/1997

Subject to paragraph 3, the use of non-metric units in documents submitted under the Child Care Centres Regulations (Cap 243 sub. leg.) after 31st March 1977 is prohibited.

Chapter:	214B	Title:	METRICATION AMENDMENTS (CHILD CARE CENTRES REGULATIONS) ORDER	Gazette Number:	
Paragraph:	3	Heading:	<b>Circumstances in which non-metric units to be used until 1st January 1980</b>	Version Date:	30/06/1997

Non-metric units shall continue to be used in documents submitted under the Child Care Centres Regulations (Cap 243 sub. leg.) until 1st January 1980 where such documents constitute amendments to, or otherwise relate to, documents submitted before 1st April 1977 in which non-metric units have been used, unless such last mentioned documents are resubmitted incorporating the use of metric units.

Chapter:	214B	Title:	METRICATION AMENDMENTS (CHILD CARE CENTRES REGULATIONS) ORDER	Gazette Number:	
Paragraph:	4	Heading:	<b>Prohibition of the use of metric and non-metric units</b>	Version Date:	30/06/1997

No document shall be submitted under the Child Care Centres Regulations (Cap 243 sub. leg.) containing references to both metric and non-metric units.

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Chapter:	214B	Title:	METRICATION AMENDMENTS (CHILD CARE CENTRES REGULATIONS) ORDER	Gazette Number:	
Paragraph:	5	Heading:	<b>Amendment of specified regulations</b>	Version Date:	30/06/1997

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Without prejudice to the provisions of paragraph 2 or 3, but subject to paragraph 6 the provisions of the Child Care Centres Regulations (Cap 243 sub. leg.) specified in the first column of the Schedule are amended to the extent and in the manner set out in the second column thereof.

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Chapter:	214B	Title:	METRICATION AMENDMENTS (CHILD CARE CENTRES REGULATIONS) ORDER	Gazette Number:	
Paragraph:	6	Heading:	<b>Saving</b>	Version Date:	30/06/1997

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In respect of any premises which, on 1st April 1977, are registered or are the subject of an application to be registered as a child care centre under the Child Care Centres Regulations (Cap 243 sub. leg.) or in relation to which, before 1st April 1977, documents have been submitted under regulation 16 of the Child Care Centres Regulations (Cap 243 sub. leg.), the said regulations shall continue to apply as if they had not been amended by paragraph 5.

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Chapter:	243A	Title:	CHILD CARE CENTRES REGULATIONS	Gazette Number:	
Regulation:	1	Heading:	<b>Citation</b>	Version Date:	30/06/1997

## **PART I**

### **PRELIMINARY**

These regulations may be cited as the Child Care Centres Regulations.

Chapter: 243A	Title: CHILD CARE CENTRES REGULATIONS	Gazette Number:
Schedule: 3	Heading:	Version Date: 30/06/1997

FORM 1

[section 7(2)]

CHILD CARE CENTRES ORDINANCE

(Chapter 243)

(Certificate Number.....)

Certificate of Registration of a Child Care Centre

1. I certify that the undermentioned child care centre is registered under section 7(2) of the Child Care Centres Ordinance-

2. Particulars of Child Care Centre-

- (a) Name (in English) .....  
 Name (in Chinese) .....
- (b) (i) Address of Centre .....  
 (ii) Premises where centre may be operated.....  
 .....  
 .....as more particularly shown and described on  
 Plan No. .... deposited with and approved by me.

3. Particulars of person registered in respect of above centre-

- (a) Name (in English) .....  
 Name (in Chinese) .....
- (b) Address .....  
 .....

4. This certificate is issued subject to the following conditions-

- (a) .....  
 (b) .....  
 (c) .....

(Signed) .....  
Director of Social Welfare.

Hong Kong ..... 19 .....

### WARNING

Registration of a child care centre does not release the owner or operator or any other person from compliance with any requirement of the Buildings Ordinance (Cap 123) or any other Ordinance relating to the child care centre premises, nor does it in any way affect or modify any agreement or covenant relating to any premises in which the child care centre is operated.

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Chapter:	406E	Title:	ELECTRICITY (WIRING) REGULATIONS	Gazette Number:	L.N. 135 of 1998
Regulation:	20	Headin g:	<b>Periodic inspection, testing and certification</b>	Version Date:	27/02/1998.

(1) An owner of a fixed electrical installation located in one of the following type of premises shall have it inspected, tested and certified at least once every 12 months-

- (a) a place of public entertainment as defined in the Places of Public Entertainment Ordinance (Cap 172) other than a sea-going vessel;
- (b) premises for the manufacturing or storing of dangerous goods listed in the Schedule to the Dangerous Goods (Classification) Regulations (Cap 295 sub. leg.); and
- (c) premises with a high voltage fixed electrical installation fed directly from a high voltage supply.

(2) An owner of a low voltage fixed electrical installation that has an approved loading exceeding 200A, single or three phase, at nominal low voltage, that is in a factory or industrial undertaking, as those terms are defined in section 2 of the Factories and Industrial Undertakings Ordinance (Cap 59), shall, unless the factory or industrial undertaking is a premises referred to in subregulation (1), have the installation inspected, tested and certified at least once every 5 years.

(3) An owner of a low voltage fixed electrical installation that has an approved loading exceeding 100A, single or three phase, at nominal low voltage, that is in premises other than those referred to in subregulation (1) or (2), shall have the installation inspected, tested and certified at least once every 5 years.

(4) An owner of a low voltage fixed electrical installation located in one of the following type of premises shall have it inspected, tested and certified at least once every 5 years-

- (a) a hotel as defined in section 2 of the Hotel Proprietors Ordinance (Cap 158);
- (b) a hospital or maternity home, as those terms are defined in section 2 of the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165);
- (c) a school as defined in section 3 of the Education Ordinance (Cap 279);
- (d) premises of the institutions listed in section 2 of the Education Ordinance (Cap 279);
- (e) a child care centre that is registered under the Child Care Centres Ordinance (Cap 243); and
- (f) premises that the Director may, by notice posted to or served on the owner, specify that he considers could cause great harm in the event of an electrical accident.

(5) The owner shall deliver a certificate prepared under this regulation to the Director for endorsement within 2 weeks after the date of the certificate.

(6) The shall submit an endorsement fee of \$650 for each certificate delivered to the Director under subregulation (5). (L.N. 451 of 1993; L.N. 602 of 1994; L.N. 33 of 1997; L.N. 22 of 1998; L.N. 135 of 1998)

(Enacted 1990)

Chapter: 442	Title: ADMINISTRATIVE APPEALS BOARD ORDINANCE	Gazette Number: L.N. 75 of 1999
Schedule: 1	Heading:	Version Date: 01/04/1999

[sections 3, 4 & 22]

Item	Ordinance	Decision
1.	Apprenticeship Ordinance (Cap 47)	A decision of the Director of Apprenticeship or any public officer in the performance or exercise of any function, duty or power under the Ordinance.
2.	Boilers and Pressure Vessels Ordinance (Cap 56)	The revocation or suspension of an appointment as a boiler inspector, air receiver inspector or pressurized fuel container inspector under section 5A.
3.	Employment Ordinance (Cap 57)	A decision of the Commissioner for Labour under section 53(1) to refuse to issue or renew or to revoke a licence to operate an employment agency.
4.	Factories and Industrial Undertakings Ordinance (Cap 59)	<p>(a) An exemption by the Commissioner for Labour under section 7(4) of an industrial undertaking from any regulation.</p> <p>(b) An order by the Commissioner for Labour under section 7(4), for an industrial undertaking to adopt special precautions in addition to any precautions required by any regulation.</p> <p>(c) Under section 9A-</p> <p>(i) the issue by the Commissioner for Labour of a prohibition notice in respect of a notifiable workplace;</p> <p>(ii) a refusal by the Commissioner for Labour to cancel a prohibition notice;</p> <p>(iii) the giving by the Commissioner for Labour of any direction upon the cancellation of a prohibition notice</p> <p>(d) (Repealed 39 of 1997 s. 49)</p>
5	Quarries (Safety) Regulations (Cap 59 sub. leg.)	<p>(a) A refusal by the Commissioner for Labour to approve any person as a supervisor or deputy supervisor under regulation 4(1) or 6(1).</p> <p>(b) A withdrawal by the Commissioner for Labour of his approval of a supervisor or deputy supervisor under regulation 10(1).</p>
6.	Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (Cap 59 sub. leg.)	<p>(a) A refusal by the Commissioner for Labour to register a person as a safety officer under regulation 7.</p> <p>(b) The cancellation by the Commissioner for Labour of a person's registration as a safety officer under regulation 9.</p> <p>(c) The suspension by the Commissioner for Labour of a person's registration as a safety officer under regulation 10.</p>

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|-----|--|---|
| 7.  | Weights and Measures Ordinance (Cap 68)              | A decision of the Commissioner, as defined in section 2, or of an authorized officer which is taken in the exercise or performance of any function under the Ordinance.   |
| 8.  | Miscellaneous Licences Ordinance (Cap 114)           | The decision under section 5 of any officer authorized to issue a licence under the Ordinance as to the grant of a licence, the renewal of a licence or the revocation of a licence.  |
| 9.  | Acetylating Substances (Control) Ordinance (Cap 145) | <p>A decision of the Commissioner, as defined in section 2(1), under the Ordinance, relating to-</p> <ul style="list-style-type: none"> <li>(a) the issue of a licence or permit;</li> <li>(b) the refusal to issue a licence or permit;</li> <li>(c) the cancellation or suspension of a licence or permit;</li> <li>(d) the cancellation or variation of any condition or the specification of a new condition in a licence or permit.</li> </ul>   |
| 10. | Gambling Ordinance (Cap 148)                         | The decision under section 22 of the Commissioner for Television and Entertainment Licensing as to the grant of a licence, the renewal of a licence, the imposition of conditions of a licence or the cancellation of a licence.  |
| 11. | Chinese Temples Ordinance (Cap 153)                  | <ul style="list-style-type: none"> <li>(a) The refusal by the Chinese Temples Committee under section 4 to grant an exemption from section 4(1).</li> <li>(b) The withdrawal by the Chinese Temples Committee under section 4 of an exemption granted under section 4(1).</li> </ul>  |
| 12. | Weapons Ordinance (Cap 217)                          | A decision of the Commissioner of Police under section 9(1) to order the delivery up to him or seizure of any martial arts weapon.  |
| 13. | Travel Agents Ordinance (Cap 218)                    | <p>A decision of the Registrar of Travel Agents-</p> <ul style="list-style-type: none"> <li>(a) to refuse to grant a licence under section 12(1);</li> <li>(b) to impose conditions on a licence under section 11(1) or 18;</li> <li>(c) to refuse consent to a change of ownership or control under section 18(c);</li> <li>(d) to suspend or revoke a licence under section 19.</li> </ul>  |
| 14. | Firearms and Ammunition Ordinance (Cap 238)          | <ul style="list-style-type: none"> <li>(a) A decision of the Commissioner of Police refusing to grant a licence under section 30 or to renew a licence under section 32.</li> <li>(b) section 33, cancelling a licence or varying or revoking any condition attached thereto or adding any further condition or deleting any premises from a dealer's licence at which business may be carried on.</li> <li>(c) The imposition of a condition of licence which is considered to be unreasonable.</li> </ul> |
| 15. | Massage Establishments Ordinance (Cap 266)           | A decision of the licensing authority under section 6, 7, 8 or 9.   |

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| 16. | Grant Schools<br>Provident Fund Rules<br>(Cap 279 sub. leg.)      | A question of interpretation or application of the Rules.  |
| 17. | Subsidized Schools<br>Provident Fund Rules<br>(Cap 279 sub. leg.) | A decision of the Board under the Rules.   |
| 18. | Mining Ordinance<br>(Cap 285)                                     | The cancellation of an Authorized Buyer's Licence under section 41.  |
| 19. | Mining (General)<br>Regulations (Cap 285<br>sub. leg.)            | A decision of the Commissioner of Mines under regulation 30(4A)(a) specifying the rate per tonne at which royalty shall be payable in respect of minerals and the period for which it shall be payable.  |
| 20. | Dangerous Goods<br>Ordinance (Cap 295)                            | <p>A decision under section 9 of an officer authorized under the Ordinance to issue a licence-</p> <ul style="list-style-type: none"> <li>(a) to refuse to grant a licence;</li> <li>(b) to refuse to renew a licence; or</li> <li>(c) to revoke a licence.</li> </ul>   |
| 21. | Dangerous Goods<br>(General) Regulations<br>(Cap 295 sub. leg.)   | Prohibiting or imposing conditions on the continued use of a storage tank under regulation 127.  |
| 22. | Business Registration<br>Ordinance (Cap 310)                      | <ul style="list-style-type: none"> <li>(a) The service of a notice under section 3(4) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business.</li> <li>(b) The service of a notice under section 3(4AA) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business at a branch of a business.</li> <li>(c) The service of a notice under section 6(4D) by the Commissioner of Inland Revenue requesting a person to make an application for registration under a different name. (Replaced 3 of 1999 s. 19)</li> </ul> |
| 23. | Motor Vehicles (First<br>Registration Tax)<br>Ordinance (Cap 330) | A decision of the Commissioner for Transport under the Ordinance.  |
| 24. | Animals (Control of<br>Experiments)<br>Ordinance (Cap 340)        | A refusal to issue a licence, endorsement or permit under section 7, 8, 9, 10 or 14.   |
| 25. | Chinese Permanent<br>Cemeteries Rules (Cap<br>1112 sub. leg.)     | <p>A decision of the Board of Management of the Chinese Permanent Cemeteries not to withdraw a notice in rule 12(2) regarding reversion of a subscriber lot to the Board.</p> <p>Note: The Board of Management of the Chinese Permanent Cemeteries is specified for the purpose of section 22(5) of this Ordinance.</p>  |

26.	Sewage Services Ordinance (Cap 463)	A decision of the Drainage Authority under the Ordinance. (Added 105 of 1994 s. 15)
27.	Timber Stores Ordinance (Cap 464)	A decision of the Director relating to- <ul style="list-style-type: none"> <li>(a) an application for a licence under section 4;</li> <li>(b) an application for transfer of a licence under section 5;</li> <li>(c) the revocation, suspension, refusal to renew or transfer; amendment or variation of conditions of a licence under section 8. (Added 11 of 1995 s. 23)</li> </ul>
28.	Marine Parks Ordinance (Cap 476)	A decision of the Country and Marine Parks Authority under section 11 or 22 of the Ordinance. (Added 37 of 1995 s. 36)
29.	Personal Data (Privacy) Ordinance (Cap 486)	A decision of the Privacy Commissioner for Personal Data- <ul style="list-style-type: none"> <li>(a) to impose conditions on his consent to the carrying out of a matching procedure under section 32(1)(b)(i);</li> <li>(b) to refuse to consent to the carrying out of a matching procedure under section 32(1)(b)(ii);</li> <li>(c) to refuse under section 39(3) to carry out or continue an investigation initiated by a complaint;</li> <li>(d) not to delete under section 46(5) a matter from a report under the Ordinance;</li> <li>(e) not to serve an enforcement notice under section 47;</li> <li>(f) to serve an enforcement notice under section 50. (Added 81 of 1995 s. 73)</li> </ul>
30.	Dutiable Commodities Ordinance (Cap 109)	A decision of the Commissioner of Customs and Excise under section 7, 26, 26A or 29. (Added 46 of 1996 s. 43)
33.	Child Care Services Ordinance (Cap 243)	A decision of the Director of Social Welfare- <ul style="list-style-type: none"> <li>(a) under section 7(2), refusing an application for registration;</li> <li>(b) under section 9, cancelling a registration;</li> <li>(c) under section 11B(3), refusing an application for exemption from registration;</li> <li>(d) under section 11D, revoking an exemption from registration;</li> <li>(e) under section 15B(2), determining a person to be unsuited to act as a childminder;</li> <li>(f) under section 15C(4), refusing a request for the issue of a certificate;</li> <li>(g) under section 15D(4), refusing to make a declaration that a person should no longer be deemed unsuited to act as a childminder. (Added 38 of 1997 s. 19)</li> </ul>
34.	Wild Animals Protection Ordinance (Cap 170)	A decision of the Director in relation to- <ul style="list-style-type: none"> <li>(a) the granting of or the refusal to grant a permit or a special permit pursuant to section 13 or 15; or</li> <li>(b) the cancellation of a permit or a special permit under section 15A. (Added 77 of 1996 s. 22)</li> </ul>

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| 35. | Occupational<br>Safety and Health<br>Ordinance (Cap<br>509)         | A decision of the Commission for Labour under Part III.<br>(Added 39 of 1997 s. 49)  |
| 36. | Ozone Layer<br>Protection<br>Ordinance (Cap<br>403)                 | A decision of the Director of Environmental Protection under<br>section 5, 6 or 7 or under provisions of the regulations that<br>may be specified to be subject to an appeal under section 8.<br>(Added 6 of 1997 s. 10) |
| 39. | Volunteer and<br>Naval Volunteer<br>Pensions Ordinance<br>(Cap 202) | A decision in a review under section 22. (Added 56 of 1997 s.<br>7)  |
| 40. | Child Care Centres<br>Regulations (Cap<br>243 sub. leg.)            | A decision of the Director of Social Welfare under regulation<br>4 refusing an application for inclusion in a register or<br>removing the name of a person from a register. (Added L.N.<br>272 of 1997)                  |
| 41. | Prevention of<br>Copyright Piracy<br>Ordinance (Cap<br>544)         | A decision of the Commissioner of Customs and Excise under<br>section 11 or 12 of the Ordinance. (Added 22 of 1998 s. 43)  |

Time within which appeals are to be made

An appeal under any item mentioned in this Schedule shall be made within 28 days after receipt of notice of the decision to which the appeal relates.

(Enacted 1994)

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Chapter: 447	Title: BEDSPACE APARTMENTS	Gazette Number:
	ORDINANCE	
Section: 3	Heading: <b>Application</b>	Version Date: 30/06/1997

- (1) This Ordinance shall not apply to-
  - (a) any premises to which the provisions of the Hotel and Guesthouse Accommodation Ordinance (Cap 349) apply;
  - (b) any premises to which the provisions of the Child Care Centres Ordinance (Cap 243) apply;
  - (c) any dormitory, hostel or similar accommodation which is managed by a school registered under the Education Ordinance (Cap 279), or which is maintained by any university or any institution that provides post secondary education within the meaning of section 3 of the Education Ordinance (Cap 279);
  - (d) any premises used for the provision of sleeping accommodation by any employer to his employees and their families, whether or not any monetary consideration is received by the employer therefor; or
  - (e) any hospital or nursing home, or any home for convalescents or for elderly or disabled persons, or any other premises used for the provision of sleeping accommodation to any class of persons under authority given by or with the recognition of the Secretary for Health and Welfare.
- (2) The Authority may-
  - (a) for reasons connected with the means of ingress or egress, design, construction, structure or size of, or the equipment, installations or facilities in, any bedspace apartment or the location of any bedspace apartment in the building in which it is situated; or
  - (b) for reasons connected with the type or description of any premises,
 by order exclude any such bedspace apartment or any such type or description of premises from the application of this Ordinance.
- (3) Any order made under subsection (2)-
  - (a) shall be published in the Gazette;
  - (b) may be made subject to such conditions or take effect for such period of time as the Authority considers fit; and
  - (c) shall specify the conditions (if any) and the period (if any) mentioned in paragraph (b).

(Enacted 1994)

Chapter: 190G	Title: THE INTERNATIONAL TELECOMMUNICATION UNION	Gazette Number:
Paragraph: 1	Heading:	Version Date: 30/06/1997

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## A. THE ORGANIZATION

The International Telecommunication Union (hereinafter referred to as the Organization) is an organization to which the Diplomatic Privileges Ordinance (Cap 190) applies.

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Chapter:	190N	Title:	THE ASIA-PACIFIC TELECOMMUNITY NOTIFICATION	Gazette Number:	
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Paragraph:	4	Heading:		Version Date:	30/06/1997
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The Organization is an organization of which the Government or Governments of one or more foreign sovereign powers are members and of which the Government of Hong Kong is an associate member.

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Chapter: 190P	Title: THE INTERNATIONAL MARITIME SATELLITE ORGANIZATION NOTIFICATION	Gazette Number:
	Heading: <b>Empowering section</b>	Version Date: 30/06/1997

(Cap 190 section 2)

[28 July 1995]

(L.N. 371 of 1995)

Chapter: 190P	Title: THE INTERNATIONAL MARITIME SATELLITE ORGANIZATION NOTIFICATION	Gazette Number:
Section: <b>1</b>	Heading:	Version Date: 30/06/1997

## PART I

### GENERAL

For the purposes of this Notification, the official activities of the International Maritime Satellite Organization (hereinafter referred to as the Organization) means its activities carried out in pursuance of its objectives as defined in the Convention on the International Maritime Satellite Organization (INMARSAT), opened for signature at London on 3 September 1976, and includes its administrative activities.

(Enacted 1995)

Chapter: 115	Title: IMMIGRATION ORDINANCE	Gazette Number:
Section: 17C	Heading: <b>Carrying and production of proof of identity</b>	Version Date: 30/06/1997

- (1) Every person who-
- (a) has attained the age of 15 years; and
  - (b) (i) is the holder of an identity card or is required to apply to be registered under the Registration of Persons Ordinance (Cap 177); or
  - (ii) is the holder of a Vietnamese refugee card,
- shall have with him at all times proof of his identity.
- (2) A person who is required by subsection (1) to have with him proof of his identity shall on demand produce it for inspection by-
- (a) any police officer;
  - (b) any immigration officer or immigration assistant; or
  - (c) any person or member of a class of persons authorized for the purpose by the Governor by order published in the Gazette,
- who is in uniform or who produces, if required to do so, documentary identification officially issued to him as proof of his appointment as a police officer, immigration officer, immigration assistant or, as the case may be, person authorized under paragraph (c).
- (3) Any person who fails to produce proof of his identity for inspection as required by subsection (2) commits an offence and is liable on conviction to a fine at level 2: (Amended L.N. 25 of 1996)
- Provided that it shall be a defence in proceedings for an offence under this subsection for the person charged to prove that he had reasonable excuse for failing to produce proof of identity.
- (4) In respect of any failure to produce proof of identity for inspection as required by subsection (2), it shall be reasonable excuse for the purposes of subsection (3) if at the date of the alleged offence the defendant had no proof of identity with him because all proof of identity of which he was the holder, including any document specified in section 17B(b)(ii), had been lost or destroyed and-
- (a) he had reported the loss or destruction to a police officer at a police station or, in the case of an identity card, to a registration officer; or (Amended 31 of 1987 s. 15)
  - (b) he had had no opportunity so to report the loss or destruction.
- (5) Where the Governor authorizes any person or class of persons for the purposes of subsection (2)(c) he may limit the authority of such persons to such area, place or occasion or in such other manner as is specified in the order by which the authority is given.
- (6) Nothing in this section shall affect the operation of any order made under regulation 11(1) of the Registration of Persons Regulations (Cap 177 sub. leg.) (relating to the compulsory carrying of identity cards)

Chapter:	1A	Title:	ADMINISTRATIVE APPEALS RULES	Gazette Number:	26 of 1998 s. 44
Rule:	<b>13</b>	Heading:	<b>Case stated</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 26 of 1998 s. 44

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(1) In any appeal the Chief Executive in Council may in his discretion direct a case to be stated for the opinion of the Court of Appeal on any question of law involved in any appeal submitted to him.

(2) The terms of any such case shall be agreed upon by the parties concerned, or, in the event of their failure to agree, shall be settled by the Court of Appeal.

(3) The Court of Appeal shall hear and determine the question of law arising on any case stated as aforesaid, and shall remit the matter to the Chief Executive in Council who shall give effect by order to the finding of the court. The costs of such hearing before the Court of Appeal shall be in the discretion of the Court of Appeal.

(4) Any party to the appeal shall be entitled to be heard by counsel or in person on the hearing before the Court of Appeal of any case so stated.

(92 of 1975 s. 59; 26 of 1998 s. 44)

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Chapter: 1C	Title: SPECIFICATION OF PUBLIC OFFICES	Gazette Number: L.N. 343 of 1998
Schedule: 1	Heading:	Version Date: 06/11/1998

Public Office	Ordinance or section of Ordinance for which specified
Chief Justice	Bankruptcy Ordinance (Chapter 6), section 99A(7)(c). (L.N. 270 of 1979)
Chief Justice	Companies Ordinance (Chapter 32), section 222A(7)(c). (L.N. 270 of 1979)
Chief Justice	Evidence Ordinance (Chapter 8), sections 27(2) and 29A(2). (L.N. 229 of 1979)
Chief Justice	Juvenile Offenders Ordinance (Chapter 226), section 3A(2). (L.N. 229 of 1979)
Chief Secretary for Administration(L.N. 362 of 1997)	Air Passenger Departure Tax Ordinance (Chapter 140). (L.N. 318 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Basel Evangelical Missionary Society Incorporation Ordinance (Chapter 1002), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Betting Duty Ordinance (Chapter 108). (L.N. 211 of 1980)
Chief Secretary for Administration(L.N. 362 of 1997)	Catholic Mission of Macao Incorporation Ordinance (Chapter 1006), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Chater (Cathedral and St. Andrew's) Endowment Funds Incorporation Ordinance (Chapter 1050), section 4(3). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	China Peniel Missionary Society Incorporation Ordinance(Chapter 1011), Section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Church of Christ in China, Wanchai Church, Incorporation Ordinance (Chapter 1063), section 6(3). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Colony Armorial Bearings (Protection) Ordinance (Chapter 315), section 3. (L.N. 103 of 1966)
Chief Secretary for Administration(L.N. 362 of 1997)	Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong Incorporation Ordinance (Chapter 1084), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Criminal Procedure Ordinance (Chapter 221), section 85(1). (L.N. 3 of 1986)
Chief Secretary for Administration(L.N. 362 of 1997)	Daughters of Charity of the Canossian Institute Incorporation Ordinance (Chapter 1016), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Daughters of Mary Help of Christians Incorporation Ordinance (Chapter 1070), section 6(2). (L.N. 368 of 1984)

Chief Secretary for Administration(L.N. 362 of 1997)	Education Scholarships Fund Ordinance (Chapter 1085), section 6(2). (L.N. 7 of 1992)
Chief Secretary for Administration(L.N. 362 of 1997)	Evidence Ordinance (Chapter 8), sections 19A(1) and 40(5). (L.N. 311 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Heung Yee Kuk Ordinance (Chapter 1097). (L.N. 71 of 1974)
Chief Secretary for Administration(L.N. 362 of 1997)	Housing Ordinance (Chapter 283), sections 14(4) and 15(2). (L.N. 471 of 1996)
Chief Secretary for Administration(L.N. 362 of 1997)	Immigration Ordinance (Chapter 115). (L.N. 198 of 1973)
Chief Secretary for Administration(L.N. 362 of 1997)	Institute of the Soeurs des Missions Etrangeres Incorporation Ordinance (Chapter 1088), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Irish Province of the Order of Franciscans Minor Incorporation Ordinance (Chapter 1028), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Jesuit Order (English Assistancy) Incorporation Ordinance(Chapter 1029), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Jesuit Order (Portuguese Province) Incorporation Ordinance(Chapter 1030), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Kowloon Union Church Incorporation Ordinance (Chapter 1032), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Maryknoll Sisters of St. Dominic Incorporation Ordinance(Chapter 1019), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Norwegian Seamen's Mission Incorporation Ordinance(Chapter 1056), section 7(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Petites Soeurs des Pauvres, St. Pern, Bretagne, Incorporation Ordinance (Chapter 1039), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Pontifical Foreign Missions Institute Incorporation Ordinance(Chapter 1041), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Prior of the Order of Cistercians of the Strict Observance Incorporation Ordinance (Chapter 1107), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Prison Rules (Chapter 234 subsidiary legislation), rule 222(2). (L.N. 48 of 1967)
Chief Secretary for Administration(L.N. 362 of 1997)	Probation of Offenders Rules (Chapter 298 subsidiary legislation), rule 42. (L.N. 48 of 1967)

Chief Secretary for Administration(L.N. 362 of 1997)	Public Health and Municipal Services Ordinance (Chapter 132), section 105S. (L.N. 226 of 1973; 10 of 1986 s. 32(1))
Chief Secretary for Administration(L.N. 362 of 1997)	Registration of Persons Regulations (Chapter 177 subsidiary legislation), regulation 24. (L.N. 137 of 1970)
Chief Secretary for Administration(L.N. 362 of 1997)	Salesian Society Incorporation Ordinance (Chapter 1043), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Sisters of the Precious Blood Order Incorporation Ordinance(Chapter 1045), section 4(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Soeurs de Saint Paul de Chartres Incorporation Ordinance(Chapter 1046), section 5(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	The Rules of the Supreme Court (Chapter 4 subsidiary legislation), Order 69, rule 2, and Order 70, rule 3. (L.N. 153 of 1967)
Chief Secretary for Administration(L.N. 362 of 1997)	Tsung Tsin Mission of Hong Kong Incorporation Ordinance(Chapter 1090), section 6(2). (L.N. 368 of 1984)
Chief Secretary for Administration(L.N. 362 of 1997)	Union Church Incorporation Ordinance (Chapter 1052), section 14(5). (L.N. 368 of 1984)
Commissioner for Commodities Trading	Commodities Trading Ordinance (Chapter 250). (L.N. 27 of 1982)
Commissioner for Labour	Employees' Compensation Ordinance (Chapter 282). (L.N. 70 of 1970)
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Chapter 59), section 7(4). (L.N. 145 of 1970)
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Chapter 59), section 9A. (L.N. 220 of 1985)
Commissioner for Labour	Pneumoconiosis (Compensation) Ordinance (Chapter 360). (L.N. 188 of 1981)
Commissioner for Securities	Securities Ordinance (Chapter 333). (L.N. 27 of 1982)
Commissioner for Transport	Cross-Harbour Tunnel Ordinance (Chapter 203). (L.N. 315 of 1985)
Commissioner for Transport	Cross-Harbour Tunnel Regulations (Chapter 203 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Cross-Harbour Tunnel By-laws (Chapter 203 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Cross-Harbour Tunnel (Passage Tax) Ordinance (Chapter 274). (L.N. 405 of 1990)
Commissioner for Transport	Eastern Harbour Crossing Ordinance (Chapter 215). (L.N. 405 of 1990)
Commissioner for Transport	Eastern Harbour Crossing Road Tunnel Regulations (Chapter 215 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Eastern Harbour Crossing Road Tunnel By-laws (Chapter 215 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Ferry Services Ordinance (Chapter 104). (L.N. 315 of 1985)
Commissioner for Transport	Ferry Services Regulations (Chapter 104 subsidiary legislation). (L.N. 158 of 1992)

Commissioner for Transport	Fixed Penalty (Criminal Proceedings) Ordinance (Chapter 240). (L.N. 315 of 1985)
Commissioner for Transport	Fixed Penalty (Traffic Contraventions) Ordinance (Chapter 237). (L.N. 315 of 1985)
Commissioner for Transport	Kowloon-Canton Railway Corporation Ordinance (Chapter 372). (L.N. 405 of 1990)
Commissioner for Transport	Kowloon-Canton Railway Corporation Regulations (Chapter 372 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Motor Vehicles (First Registration Tax) Ordinance (Chapter 330). (L.N. 90 of 1967)
Commissioner for Transport	Motor Vehicles Insurance (Third Party Risks) Ordinance (Chapter 272). (L.N. 90 of 1967)
Commissioner for Transport	Public Bus Services Regulations (Chapter 230 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Public Omnibus Services Ordinance (Chapter 230). (L.N. 60 of 1978)
Commissioner for Transport	Road Traffic Ordinance (Chapter 374). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Driving Licences) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Expressway) Regulations (Chapter 374 subsidiary legislation). (L.N. 158 of 1992)
Commissioner for Transport	Road Traffic (Parking) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Parking on Private Roads) Regulations (Chapter 374 subsidiary legislation). (L.N. 158 of 1992)
Commissioner for Transport	Road Traffic (Public Service Vehicles) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Registration and Licensing of Vehicles) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Safety Equipment) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Traffic Control) Regulations (Chapter 374 subsidiary legislation). (L.N. 315 of 1985)
Commissioner for Transport	Road Traffic (Village Vehicles) Regulations (Chapter 374 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Road Traffic (Driving-offence Points) Ordinance (Chapter 375). (L.N. 315 of 1985)
Commissioner for Transport	Road Tunnels (Government) Ordinance (Chapter 368). (L.N. 405 of 1990)
Commissioner for Transport	Road Tunnels (Government) Regulations (Chapter 368 subsidiary legislation). (L.N. 405 of 1990)
Commissioner for Transport	Tate's Cairn Tunnel Ordinance (Chapter 393). (L.N. 405 of 1990)
Commissioner for Transport	Tate's Cairn Tunnel By-laws (Chapter 393 subsidiary legislation). (L.N. 158 of 1992)
Commissioner for Transport	Tate's Cairn Tunnel Regulations (Chapter 393 subsidiary legislation). (L.N. 158 of 1992)

Commissioner for Transport	Traffic Accident Victims (Assistance Fund) Ordinance (Chapter 229). (L.N. 315 of 1985)
Commissioner of Correctional Services	Training Centres Ordinance (Chapter 280). (L.N. 46 of 1981)
Commissioner of Customs and Excise	Control of Chemicals Ordinance (Chapter 145). (L.N. 51 of 1984; 64 of 1994 s. 18)
Commissioner of Customs and Excise	Copyright Ordinance (Chapter 528). (92 of 1997 s. 280)
Commissioner of Customs and Excise	Dutiable Commodities Ordinance (Chapter 109), except section 7. (L.N. 51 of 1984; L.N. 338 of 1987)
Commissioner of Customs and Excise	Dutiable Commodities Regulations (Chapter 109 subsidiary legislation). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations (Chapter 109 subsidiary legislation), regulations 9 and 11. (L.N. 51 of 1984; L.N. 338 of 1987)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), sections 7, 12 and 27(3). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), sections 27(3B), 28(2A) and (10) and 29A(1). (L.N. 320 of 1993)
Commissioner of Customs and Excise	Import and Export Ordinance (Chapter 60), section 33A(1)(b). (L.N. 175 of 1997)
Commissioner of Customs and Excise	Import and Export (Carriage of Articles) Regulations (Chapter 60 subsidiary legislation), regulation 4. (L.N. 176 of 1991)
Commissioner of Customs and Excise	Import and Export (Registration) Regulations (Chapter 60 subsidiary legislation). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Industrial Training (Clothing Industry) Ordinance (Chapter 318). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Prevention of Copyright Piracy Ordinance (Chapter 544). (22 of 1998 s. 41)
Commissioner of Customs and Excise	Reserved Commodities Ordinance (Chapter 296), section 10. (L.N. 51 of 1984)
Commissioner of Customs and Excise	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Chapter 296 subsidiary legislation), regulations 7A and 9(2). (L.N. 51 of 1984)
Commissioner of Customs and Excise	Smoking (Public Health) Ordinance (Chapter 371), section 10A(4). (L.N. 225 of 1989)
Commissioner of Customs and Excise	Trade Descriptions Ordinance (Chapter 362), sections 16(3), 16C(1), (2) and (3) and 30(2), (3) and (5). (L.N. 338 of 1987)
Commissioner of Mines	Mining Ordinance (Chapter 285), sections 13, 18, 20, 21, 31 and 37. (L.N. 6 of 1967)
Director of Accounting Services	Waterworks Regulations (Chapter 102 subsidiary legislation), regulation 50(2) and (3). (L.N. 221 of 1977)
Director of Agriculture and Fisheries	Animals and Plants (Protection of Endangered Species) Ordinance (Chapter 187), sections 7, 10 and 15. (L.N. 49 of 1979)
Director of Agriculture and Fisheries	Animals and Plants (Protection of Endangered Species) (Exemption) Order (Chapter 187 subsidiary legislation), paragraphs 1A and 3. (L.N. 418 of 1991)

Director of Agriculture and Fisheries	Country Parks and Special Areas Regulations (Chapter 208 subsidiary legislation), regulations 4(1) and (2)(a), 5(1) and (2)(b), 8(1), 9(1), 10(1)(a) and (b) and (2), 11(1), (2) and (3)(a), 13(2), 14, 15(4) and 18(5). (L.N. 381 of 1989)
Director of Agriculture and Fisheries	Country Parks and Special Areas Regulations (Chapter 208 subsidiary legislation), regulation 10(1)(c) and (d). (L.N. 391 of 1982)
Director of Agriculture and Fisheries	Dairies Regulations (Chapter 139 subsidiary legislation), regulations 3, 8, 9, 11, 15, 16(2), 18, 19(2)(f), 21(3), 26(1) and 29(2). (L.N. 153 of 1967)
Director of Agriculture and Fisheries	Forests and Countryside Ordinance (Chapter 96), sections 22(5) and 23. (L.N. 220 of 1993)
Director of Agriculture and Fisheries	Kadoorie Agricultural Aid Loan Fund Ordinance (Chapter 1080), section 7. (L.N. 397 of 1996)
Director of Agriculture and Fisheries	Marine Parks Ordinance (Chapter 476), section 22(1). (L.N. 67 of 1997)
Director of Agriculture and Fisheries	Marine Parks and Marine Reserves Regulation (Chapter 476 subsidiary legislation), section 17. (L.N. 67 of 1997)
Director of Agriculture and Fisheries	Pearl Culture (Control) Ordinance (Chapter 307), section 3. (L.N. 48 of 1967)
Director of Agriculture and Fisheries	Pesticides Ordinance (Chapter 133), the whole Ordinance except sections 5(4), 6(c), 10, 11 and 14. (L.N. 304 of 1977; 79 of 1990 s. 21)
Director of Agriculture and Fisheries	Pesticides Regulations (Chapter 133 subsidiary legislation). (L.N. 411 of 1992)
Director of Agriculture and Fisheries	Plant (Importation and Pest Control) Ordinance (Chapter 207). (L.N. 360 of 1993)
Director of Agriculture and Fisheries	Public Health (Animals and Birds) Ordinance (Chapter 139), sections 6, 7 and 10(2). (L.N. 48 of 1967)
Director of Agriculture and Fisheries	Public Health (Animals and Birds) (Animal Traders) Regulations (Chapter 139 subsidiary legislation), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Agriculture and Fisheries	Public Health (Animals and Birds) (Exhibitions) Regulations (Chapter 139 subsidiary legislation), regulations 4(1), 4(3), 6(a), 6(b), 8(1) and 8(3). (L.N. 94 of 1978)
Director of Agriculture and Fisheries	Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Chapter 139 subsidiary legislation), regulations 4, 11(1) and 13. (L.N. 153 of 1967)
Director of Agriculture and Fisheries	Public Health (Animals and Birds) Regulations (Chapter 139 subsidiary legislation), regulations 30, 34, 35, 37, 44 and 51. (L.N. 153 of 1967)
Director of Agriculture and Fisheries	Public Health (Animals) (Boarding Establishments) Regulations (Chapter 139 subsidiary legislation), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Agriculture and Fisheries	Public Health (Animals) (Riding Establishments) Regulations (Chapter 139 subsidiary legislation), regulations 5(1), 5(3) and 7. (L.N. 94 of 1978)
Director of Agriculture and Fisheries	Wild Animals Protection Ordinance (Chapter 170), section 13. (L.N. 197 of 1979)
Director of Buildings	Child Care Centres Regulations (Chapter 243 subsidiary legislation), regulations 23(2) and 24(2)(b). (L.N. 303 of 1993)

Director of Buildings	Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301), sections 5, 7(1), 13, 14(1), 15(1), 2(c)(ii) and (8), 16(1), (3), (6), (8) and (9), 17, 18(2) and 20(g). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Buildings Ordinance (Chapter 123). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Child Care Centres Ordinance (Chapter 243), section 7(1)(b)(ii). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Education Ordinance (Chapter 279), section 12(1)(d). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Kowloon-Canton Railway Corporation Ordinance (Chapter 372), section 35(1). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Chapter 276), section 15(1). (L.N. 303 of 1993)
Director of Buildings as Building Authority	Roads (Works, Use and Compensation) Ordinance (Chapter 370). (L.N. 303 of 1993)
Director of Civil Aviation	Air Passenger Departure Tax Ordinance (Chapter 140). (L.N. 191 of 1983)
Director of Civil Engineering Services	Ferry Services Ordinance (Chapter 104), sections 16(1)(a), 20(1) and 28(4). (L.N. 133 of 1986)
Director of Civil Engineering Services	Sand Ordinance (Chapter 147), sections 2 and 3. (L.N. 133 of 1986)
Director of Education	Inland Revenue Ordinance (Chapter 112), sections 16B and 16C. (L.N. 6 of 1967)
Director of Education	Post Secondary Colleges Ordinance (Chapter 320), sections 3, 8, 9 and 10. (L.N. 6 of 1967)
Director of Education	Post Secondary Colleges Ordinance (Chapter 320), sections 11 and 12(2). (L.N. 48 of 1967)
Director of Electrical and Mechanical Services	Aerial Ropeways (Safety) Ordinance (Chapter 211). (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Electricity Ordinance (Chapter 406). (L.N. 133 of 1986; 16 of 1990 s. 61)
Director of Electrical and Mechanical Services	Evidence Ordinance (Chapter 8), section 28(1)(b)(i). (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Peak Tramway Ordinance (Chapter 265), section 14. (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Peak Tramway Rules (Chapter 265 subsidiary legislation), rule 22. (L.N. 133 of 1986)
Director of Electrical and Mechanical Services	Tramway Ordinance (Chapter 107), sections 25 and 33. (L.N. 133 of 1986)
Director of Environmental Protection	Ozone Layer Protection Ordinance (Chapter 403). (L.N. 202 of 1989)
Director of Environmental Protection	Waste Disposal Ordinance (Chapter 354), sections 16(1), 17, 19(1), 20 and 36(3). (L.N. 84 of 1986)
Director of Health	Animal (Control of Experiments) Ordinance (Chapter 340). (L.N. 92 of 1989)
Director of Health	Undesirable Medical Advertisements Ordinance (Chapter 231). (L.N. 92 of 1989)
Director of Highways	Peak Tramway Ordinance (Chapter 265). (L.N. 133 of 1986)
Director of Highways	Peak Tramway Rules (Chapter 265 subsidiary legislation). (L.N. 133 of 1986)

Director of Highways	Public Lighting Ordinance (Chapter 105). (L.N. 133 of 1986)
Director of Highways	Road Traffic Ordinance (Chapter 374). (L.N. 133 of 1986)
Director of Highways	Road Traffic (Expressway) Regulations (Chapter 374 subsidiary legislation). (L.N. 158 of 1992)
Director of Highways	Road Traffic (Traffic Control) Regulations (Chapter 374 subsidiary legislation). (L.N. 133 of 1986)
Director of Highways	Tramway Ordinance (Chapter 107). (L.N. 133 of 1986)
Director of Immigration	Immigration Ordinance (Chapter 115). (L.N. 67 of 1972)
Director of Lands	Land (Miscellaneous Provisions) Ordinance (Chapter 28). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Lands Resumption Ordinance (Chapter 124). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Government Leases Ordinance (Chapter 40). (L.N. 303 of 1993; 29 of 1998 s. 2)
Director of Lands	Government Rights (Re-entry and Vesting Remedies) Ordinance (Chapter 126), section 7(3). (L.N. 423 of 1993; 29 of 1998 s. 2)
Director of Lands	Foreshore and Sea-bed (Reclamations) Ordinance (Chapter 127). (L.N. 303 of 1993)
Director of Lands	Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301), sections 18(2), 20(g), 23(1) and (2), 24 and 25(2). (L.N. 303 of 1993)
Director of Lands	Mining Ordinance (Chapter 285). (L.N. 303 of 1993)
Director of Lands	Road Traffic Ordinance (Chapter 374), sections 123(3) and (4) and 124(1) and (2). (L.N. 303 of 1993)
Director of Marine	Dangerous Goods (Shipping) Regulations (Chapter 295 subsidiary legislation), regulations 3, 5(1), 6, 9, 12, 13, 14, 16, 17, 19 and 21. (L.N. 6 of 1967)
Director of Marine	Merchant Shipping (Safety) Ordinance (Chapter 369), sections 31, 38(4), 51(2) and (3), 57(2) and 63. (L.N. 365 of 1981)
Director of Marketing	Agricultural Products (Marketing) Ordinance (Chapter 277). (L.N. 239 of 1988)
Director of Marketing	Marine Fish (Marketing) Ordinance (Chapter 291). (L.N. 239 of 1988)
Director of Social Welfare	Juvenile Offenders Ordinance (Chapter 226). (L.N. 79 of 1973)
Director of Social Welfare	Offences against the Person Ordinance (Chapter 212), section 44(4). (L.N. 6 of 1967)
Director of Social Welfare	Probation of Offenders Ordinance (Chapter 298). (L.N. 79 of 1973)
Director of Social Welfare	Reformatory Schools Ordinance (Chapter 225). (L.N. 79 of 1973)
Director-General of Trade (L.N. 292 of 1989)	Export (Certificates of Origin and Commonwealth Preference Certificates) Regulations (Chapter 60 subsidiary legislation), regulations 6(2) and 8(1). (L.N. 132 of 1986)
Director-General of Trade (L.N. 292 of 1989)	Export (Certificates of Origin and Commonwealth Preference Certificates) Regulations (Chapter 60 subsidiary legislation), regulations 7(1)-(4), 8(3), 9(2) and 11(1)(c). (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Import and Export Ordinance (Chapter 60), sections 9(3) and 36(2). (L.N. 51 of 1984)

Director-General of Trade	Import and Export Ordinance (Chapter 60), section 33A(1)(b). (L.N. 396 of 1996)
Director-General of Trade (L.N. 292 of 1989)	Import and Export (Fees) Regulations (Chapter 60 subsidiary legislation). (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Import and Export (General) Regulations (Chapter 60 subsidiary legislation), regulation 6(3) and (4). (L.N. 132 of 1986)
Director-General of Trade (L.N. 292 of 1989)	Import and Export (Strategic Commodities) Regulations (Chapter 60 subsidiary legislation), regulation 2. (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Import (Radiation) (Prohibition) Regulations (Chapter 60 subsidiary legislation). (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Reserved Commodities Ordinance (Chapter 296), section 6. (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Chapter 296 subsidiary legislation). (L.N. 51 of 1984)
Director-General of Trade (L.N. 292 of 1989)	Reserved Commodities (Control of Sales by Wholesale) Regulations (Chapter 296 subsidiary legislation). (L.N. 51 of 1984)
Financial Secretary	Companies Ordinance (Chapter 32), sections 123(4), 124(2), 126(2) and (3), 128(3), 129(3) and 129A(2); and paragraphs 6(b), 13(2), 18(4), 27(1) and 28(3) of the Tenth Schedule, only. (L.N. 86 of 1978)
Financial Secretary	Companies Ordinance (Chapter 32), section 157E(4)(a). (L.N. 57 of 1989)
Financial Secretary	Companies Ordinance (Chapter 32), section 337B(3). (L.N. 345 of 1985)
Financial Secretary	Consumer Council Ordinance (Chapter 216), section 16(1) and (5). (L.N. 111 of 1987)
Financial Secretary	Customs and Excise Service (Welfare Fund) Regulations (Chapter 342 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Fire Services Department (Welfare Fund) Regulations (Chapter 95 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Government Lotteries Ordinance (Chapter 334). (L.N. 254 of 1973)
Financial Secretary	The Hong Kong Association of Banks Ordinance (Chapter 364), section 12(1). (L.N. 499 of 1993)
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 12. (L.N. 92 of 1979)
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 17(1). (L.N. 234 of 1980)
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Chapter 1115), section 24(2). (L.N. 512 of 1996)
Financial Secretary	Hong Kong Industrial Estates Corporation Ordinance (Chapter 209), section 26. (L.N. 106 of 1986)
Financial Secretary	Hong Kong Industrial Technology Centre Corporation Ordinance (Chapter 431), section 20(5). (L.N. 185 of 1993)

Financial Secretary	Hong Kong Tourist Association Ordinance (Chapter 302), section 16(da). (L.N. 233 of 1980)
Financial Secretary	Hong Kong Tourist Association Rules (Chapter 302 subsidiary legislation), rule 3(1). (L.N. 129 of 1983)
Financial Secretary	Immigration Service (Welfare Fund) Regulations (Chapter 331 subsidiary legislation), regulation 8. (L.N. 389 of 1990)
Financial Secretary	Legal Tender Notes Issue Ordinance (Chapter 65), section 3(2), (3) and (5). (L.N. 258 of 1996)
Financial Secretary	Money Lenders Ordinance (Chapter 163), sections 33A and 33B. (L.N. 160 of 1989)
Financial Secretary	Police (Welfare Fund) Regulations (Chapter 232 subsidiary legislation), regulation 9. (L.N. 389 of 1990)
Financial Secretary	Prison Rules (Chapter 234 subsidiary legislation), rules 263 and 265. (L.N. 389 of 1990)
Financial Secretary	Trading Funds Ordinance (Chapter 430), section 3(1). (L.N. 36 of 1995)
Financial Secretary	Trading Funds Ordinance (Chapter 430), section 8(2). (L.N. 529 of 1994)
Financial Secretary	Travel Agents Ordinance (Chapter 218), section 32K. (L.N. 350 of 1994)
Gas Authority	Gas Safety Ordinance (Chapter 51). (49 of 1990 s. 38)
Insurance Authority	Insurance Companies Ordinance (Chapter 41). (L.N. 182 of 1990)
Land Registrar	Government Rights (Re-entry and Vesting Remedies) Ordinance (Chapter 126), sections 11(1) and (3) and 12(1) and (3). (L.N. 140 of 1993; 29 of 1998 s. 2)
Land Registrar	Land Registration Ordinance (Chapter 128). (L.N. 140 of 1993)
Land Registrar	Building Management Ordinance (Chapter 344). (27 of 1993 s. 56)
Monetary Authority	Crimes Ordinance (Chapter 200), sections 103(1) and 104(1). (L.N. 102 of 1995)
Principal Probation Officer	Probation of Offenders Rules (Chapter 298 subsidiary legislation), rules 15, 20(2) and 21 only. (L.N. 213 of 1979)
Registrar of Companies	Companies Ordinance (Chapter 32). (L.N. 141 of 1993)
Registrar of Companies	Limited Partnerships Ordinance (Chapter 37). (L.N. 141 of 1993)
Registrar of Companies	Registered Trustees Incorporation Ordinance (Chapter 306). (L.N. 141 of 1993)
Registrar of Companies	Trustee Ordinance (Chapter 29). (L.N. 141 of 1993)
Registrar of Co-operative Societies	Co-operative Societies Ordinance (Chapter 33). (L.N. 8 of 1973)
Registrar of Co-operative Societies	J. E. Joseph Trust Fund Ordinance (Chapter 1067), sections 3, 4, 5, 6 and 7. (L.N. 398 of 1996)
Registrar of Credit Unions	Credit Unions Ordinance (Chapter 119). (L.N. 239 of 1988)
Registrar of Money Lenders	Money Lenders Ordinance (Chapter 163). (L.N. 357 of 1980)
Registrar of Occupational Retirement Schemes	Occupational Retirement Schemes Ordinance (Chapter 426). (L.N. 454 of 1993)

Secretary for Broadcasting, Culture and Sport (L.N. 372 of 1996)	Books Registration Ordinance (Chapter 142). (L.N. 403 of 1995)
Secretary for Economic Services	Merchant Shipping (Safety) Ordinance (Chapter 369), section 5. (L.N. 94 of 1984)
Secretary for Home Affairs	Clubs (Safety of Premises) Ordinance (Chapter 376). (L.N. 91 of 1992)
Secretary for Home Affairs	Heung Yee Kuk Ordinance (Chapter 1097), section 3(3). (L.N. 235 of 1995)
Secretary for Home Affairs (L.N. 262 of 1989)	New Territories Ordinance (Chapter 97), section 9(2), for the purposes of section 19. (L.N. 188 of 1973)
Secretary for Security	Auxiliary Medical Service Ordinance (Cap 517). (57 of 1997 s. 34)
Secretary for Security	Civil Aid Service Ordinance (Cap 518). (58 of 1997 s. 34)
Secretary for Security	Essential Services Corps Ordinance (Chapter 197), the whole Ordinance. (L.N. 158 of 1977)
Secretary for Security	Immigration Ordinance (Chapter 115), sections 29(1), (2) and (4), 32(2), (3) and (4)(a), 34(b). (L.N. 102 of 1980)
Secretary for Security	Immigration Ordinance (Chapter 115), section 32(2A). (L.N. 307 of 1980)
Secretary for Security	Public Order Ordinance (Chapter 245), section 31(6)(i) only. (L.N. 158 of 1977)
Secretary for Transport	Eastern Harbour Crossing Ordinance (Chapter 215). (L.N. 308 of 1988)
Secretary for Transport	Roads (Works, Use and Compensation) Ordinance (Chapter 370). (L.N. 133 of 1986)
Secretary for Transport	Tate's Cairn Tunnel Ordinance (Chapter 393). (L.N. 26 of 1989)

Note: Please also see the Specifications of Public Offices in L.N. 282 of 1998, L.N. 320 of 1998 and L.N. 343 of 1998. They were made under s. 43 of Cap 1 after 1 July 1997. Their particulars are as follows -

	Public Office	Ordinance or section of Ordinance for which specified
L.N. 282 of 1998	Director of Environmental Protection	Environmental Impact Assessment Ordinance (Chapter 499).
	Director of Environmental Protection	Environmental Impact Assessment (Appeal Board) Regulation (Chapter 499 subsidiary legislation).
L.N. 320 of 1998	Secretary for Security	Immigration Ordinance (Chapter 115), section 35(2).
L.N. 343 of 1998	Director of Intellectual Property	Director of Intellectual Property (Establishment) Ordinance (Chapter 412).
	Director of Intellectual Property as Registrar of Trade Marks	Trade Marks Ordinance (Chapter 43).
		Trade Marks Rules (Chapter 43 subsidiary legislation).
		Trade Marks (Emergency) Ordinance (Chapter 263).
		Trade Marks (Emergency) Rules (Chapter 263 subsidiary legislation).

	Director of Intellectual Property as Registrar of Patents	Patents Ordinance (Chapter 514). Patents (Transitional Arrangements) Rules (Chapter 514 subsidiary legislation). Patents (General) Rules (Chapter 514 subsidiary legislation).
	Director of Intellectual Property as Registrar of Designs	Registered Designs Ordinance (Chapter 522). Registered Designs Rules (Chapter 522 subsidiary legislation).

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Chapter:	4A	Title:	THE RULES OF THE HIGH COURT	Gazette Number:	25 of 1998 s. 2
Order:	15	Heading:	<b>CAUSES OF ACTION, COUNTERCLAIMS AND PARTIES</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

#### 1. Joinder of causes of action (O. 15, r. 1)

(1) Subject to rule 5(1), a plaintiff may in one action claim relief against the same defendant in respect of more than one cause of action-

- (a) if the plaintiff claims, and the defendant is alleged to be liable, in the same capacity in respect of all the causes of action, or
- (b) if the plaintiff claims or the defendant is alleged to be liable in the capacity of executor or administrator of an estate in respect of one or more of the causes of action and in his personal capacity but with reference to the same estate in respect of all the others, or
- (c) with the leave of the Court.

(2) An application for leave under this rule must be made ex parte by affidavit before the issue of the writ or originating summons, as the case may be, and the affidavit must state the grounds of the application.

#### 2. Counterclaim against plaintiff (O. 15, r. 2)

(1) Subject to rule 5(2), a defendant in any action who alleges that he has any claim or is entitled to any relief or remedy against a plaintiff in the action in respect of any matter (whenever and however arising) may, instead of bringing a separate action, make a counterclaim in respect of that matter; and where he does so he must add the counterclaim to his defence.

(2) Rule 1 shall apply in relation to a counterclaim as if the counterclaim were a separate action and as if the person making the counterclaim were the plaintiff and the person against whom it is made a defendant.

(3) A counterclaim may be proceeded with notwithstanding that judgment is given for the plaintiff in the action or that the action is stayed, discontinued or dismissed.

(4) Where a defendant establishes a counterclaim against the claim of the plaintiff and there is a balance in favour of one of the parties, the Court may give judgment for the balance, so, however, that this provision shall not be taken as affecting the Court's discretion with respect to costs.

#### 3. Counterclaim against additional parties (O. 15, r. 3)

(1) Where a defendant to an action who makes a counter-claim against the plaintiff alleges that any other person (whether or not a party to the action) is liable to him along with the plaintiff in respect of the subject-matter of the counterclaim, or claims against such other person any relief relating to or connected with the original subject-matter of the action, then, subject to rule 5(2), he may join that other person as a party against whom the counter-claim is made.

(2) Where a defendant joins a person as a party against whom he makes a counterclaim, he must add that person's name to the title of the action and serve on him a copy of the counterclaim and, in the case of a person who is not already a party to the action, the defendant must issue the counterclaim out of the Registry and serve on the person concerned a sealed copy of the counterclaim together with a form of acknowledgment of service in Form No. 14 in Appendix A (with such modifications as the circumstances may require) and a copy of the writ or originating summons by which the action was begun and of all other pleadings served in the action; and a person on whom a copy of a counterclaim is

served under this paragraph shall, if he is not already a party to the action, become a party to it as from the time of service with the same rights in respect of his defence to the counterclaim and otherwise as if he had been duly sued in the ordinary way by the party making the counterclaim. (L.N. 404 of 1991)

(3) A defendant who is required by paragraph (2) to serve a copy of the counterclaim made by him on any person who before service is already a party to the action must do so within the period within which, by virtue of Order 18, rule 2, he must serve on the plaintiff the defence to which the counterclaim is added.

(4) The appropriate office for issuing and acknowledging service of a counterclaim against by a person who is not already a party to the action is the Registry.

(5) Where by virtue of paragraph (2) a copy of a counterclaim is required to be served on a person who is not already a party to the action, the following provisions of these rules, namely, Order 6, rule 7(3) and (5), Order 10, Order 11, Orders 12 and 13 and Order 75, rule 4, shall, subject to the last foregoing paragraph, apply in relation to the counterclaim and the proceedings arising from it as if-

- (a) the counterclaim were a writ and the proceedings arising from it in an action; and
- (b) the party making the counterclaim were a plaintiff and the party against whom it is made a defendant in that action.

(5A) Where by virtue of paragraph (2) a copy of a counterclaim is required to be served on any person other than the plaintiff, who before service is already a party to the action, the provisions of Order 14, rule 5 shall apply in relation to the counterclaim and the proceedings arising therefrom, as if the party against whom the counterclaim is made were the plaintiff in the action. (L.N. 363 of 1990)

(6) A copy of a counterclaim required to be served on a person who is not already a party to the action must be indorsed with a notice, in Form No. 17 in Appendix A, addressed to that person. (L.N. 404 of 1991)

#### 4. Joinder of parties (O. 15, r. 4)

(1) Subject to rule 5(1), two or more persons may be joined together in one action as plaintiffs or as defendants with the leave of the Court or where-

- (a) if separate actions were brought by or against each of them, as the case may be, some common question of law or fact would arise in all the actions, and
- (b) all rights to relief claimed in the action (whether they are joint, several or alternative) are in respect of or arise out of the same transaction or series of transactions.

(2) Where the plaintiff in any action claims any relief to which any other person is entitled jointly with him, all persons so entitled must, subject to the provisions of any written law and unless the Court gives leave to the contrary, be parties to the action and any of them who does not consent to being joined as a plaintiff must, subject to any order made by the Court on an application for leave under this paragraph, be made a defendant.

This paragraph shall not apply to a probate action.

(HK)(3) Where relief is claimed in an action against a defendant who is jointly liable with some other person and also severally liable, that other person need not be made a defendant to the action; but where persons are jointly, but not severally, liable under a contract and relief is claimed against some but not all of those persons in an action in respect of that contract, the Court may, on the application of any defendant to the action, by order stay proceedings in the action until the other persons so liable are added as defendants.

#### 5. Court may order separate trials, etc. (O. 15, r. 5)

(1) If claims in respect of two or more causes of action are included by a plaintiff in the same action or by a defendant in a counterclaim, or if two or more plaintiffs or defendants are parties to the same action, and it appears to the Court that the joinder of causes of action or of parties, as the case may be, may embarrass or delay the trial or is otherwise inconvenient, the Court may order separate trials or make such other order as may be expedient.

(2) If it appears on the application of any party against whom a counterclaim is made that the subject-matter of the counterclaim ought for any reason to be disposed of by a separate action, the Court may order the counterclaim to be struck out or may order it to be tried separately or make such other order as may be expedient.

6. Misjoinder and nonjoinder of parties (O. 15, r. 6)

(1) No cause or matter shall be defeated by reason of the misjoinder or nonjoinder of any party; and the Court may in any cause or matter determine the issues or questions in dispute so far as they affect the rights and interests of the persons who are parties to the cause or matter. (L.N. 167 of 1994)

(2) Subject to the provision of this rule, at any stage of the proceedings in any cause or matter the Court may on such terms as it thinks just and either of its own motion or on application-

- (a) order any person who has been improperly or unnecessarily made a party or who has for any reason ceased to be a proper or necessary party, to cease to be a party;
- (b) order any of the following persons to be added as a party, namely-
  - (i) any person who ought to have been joined as a party or whose presence before the Court is necessary to ensure that all matters in dispute in the cause or matter may be effectually and completely determined and adjudicated upon, or
  - (ii) any person between whom and any party to the cause or matter there may exist a question or issue arising out of or relating to or connected with any relief or remedy claimed in the cause or matter which in the opinion of the Court it would be just and convenient to determine as between him and that party as well as between the parties to the cause or matter.

(3) An application by any person for an order under paragraph (2) adding him as a party must, except with the leave of the Court, be supported by an affidavit showing his interest in the matters in dispute in the cause or matter or, as the case may be, the question or issue to be determined as between him and any party to the cause or matter.

(4) No person shall be added as a plaintiff without his consent signified in writing or in such other manner as may be authorized.

(5) No person shall be added or substituted as a party after the expiry of any relevant period of limitation unless either-

- (a) the relevant period was current at the date when proceedings were commenced and it is necessary for the determination of the action that the new party should be added, or substituted; or
- (b) the relevant period arises under the provisions of section 27 or 28 of the Limitation Ordinance (Cap 347) and the Court directs that those provisions should not apply to the action by or against the new party.

In this paragraph "any relevant period of limitation" (任何有關的時效期) means a time limit under the Limitation Ordinance (Cap 347).

(6) The addition or substitution of a new party shall be treated as necessary for the purposes of paragraph (5)(a) if, and only if, the Court is satisfied that-

- (a) the new party is a necessary party to the action in that property is vested in him at law or in equity and the plaintiff's claim in respect of an equitable interest in that property is liable to be defeated unless the new party is joined, or
- (b) the relevant cause of action is vested in the new party and the plaintiff jointly but not severally, or
- (c) the new party is the Attorney General and the proceedings should have been brought by relator proceedings in his name, or
- (d) the new party is a company in which the plaintiff is a shareholder and on whose behalf the plaintiff is suing to enforce a right vested in the company, or
- (e) the new party is sued jointly with the defendant and is not also liable severally with him and failure to join the new party might render the claim unenforceable.

6A. Proceedings by and against estates (O. 15, r. 6A)

(1) Where any person against whom an action would have lain has died but the cause of action survives, the action may, if no grant of probate or administration has been made, be brought against the estate of the deceased.

(2) Without prejudice to the generality of paragraph (1), an action brought against "the personal representatives of A.B. deceased" shall be treated, for the purposes of that paragraph, as having been brought against his estate.

(3) An action purporting to have been commenced by or against a person shall be treated, if he was dead at its commencement and the cause of action survives, as having been commenced by his estate or against it in accordance with paragraph (1) as the case may be, whether or not a grant of probate or administration was made before its commencement. (L.N. 363 of 1990)

(4) In any such action as is referred to in paragraph (1) or (3)-

(a) the plaintiff shall, and the defendant, the personal representatives of the deceased or any person interested in the deceased's estate may, during the period of validity for service of the writ or originating summons, apply to the Court for an order appointing a person to represent the deceased's estate for the purpose of the proceedings or, if a grant of probate or administration has been made, for an order that the personal representative of the deceased be made a party of the proceedings, and in either case for an order that the proceedings be carried on by or against the person so appointed or, as the case may be, by or against the personal representative, as if he had been substituted for the estate; (L.N. 363 of 1990)

(b) the Court may, at any stage of the proceedings and on such terms as it thinks just and either of its own motion or on application, make any such order as is mentioned in sub-paragraph (a) and allow such amendments (if any) to be made and make such other order as the Court thinks necessary in order to ensure that all matters in dispute in the proceedings may be effectually and completely determined and adjudicated upon.

(5) Before making an order under paragraph (4) the Court may require notice to be given to any insurer of the deceased who has an interest in the proceedings and to such (if any) of the persons having an interest in the estate as it thinks fit.

(5A) Where an order is made under paragraph (4) at the instance of a plaintiff appointing the Official Solicitor to represent the deceased's estate, the appointment shall be limited to his accepting service of the writ or originating summons by which the action was begun unless, either on making such an order or on a subsequent application, the Court, with the consent of the Official Solicitor, directs that the appointment shall extend to taking further steps in the proceedings. (L.N. 363 of 1990; L.N. 375 of 1991)

(6) Where an order is made under paragraph (4), rules 7(4) and 8(3) and (4) shall apply as if the order had been made under rule 7 on the application of the plaintiff.

(7) Where no grant of probate or administration has been made, any judgment or order given or made in the proceedings shall bind the estate to the same extent as it would have been bound if a grant had been made and a personal representative of the deceased had been a party to the proceedings. (L.N. 363 of 1990)

7. Change of parties by reason of death, etc.  
(O. 15, r. 7)

(1) Where a party to an action dies or becomes bankrupt but the cause of action survives, the action shall not abate by reason of the death or bankruptcy.

(2) Where at any stage of the proceedings in any cause or matter the interest or liability of any party is assigned or transmitted to or devolves upon some other person, the Court may, if it thinks it necessary in order to ensure that all matters in dispute in the cause or matter may be effectually and

completely determined and adjudicated upon, order that other person to be made a party to the cause or matter and the proceedings to be carried on as if he had been substituted for the first mentioned party.

An application for an order under this paragraph may be made ex parte.

(3) An order may be made under this rule for a person to be made a party to a cause or matter notwithstanding that he is already a party to it on the other side of the record, or on the same side but in a different capacity; but-

- (a) if he is already a party on the other side, the order shall be treated as containing a direction that he shall cease to be a party on that other side, and
- (b) if he is already a party on the same side but in another capacity, the order may contain a direction that he shall cease to be a party in that other capacity.

(4) The person on whose application an order is made under this rule must procure the order to be noted in the cause book, and after the order has been so noted that person must, unless the Court otherwise directs, serve the order on every other person who is a party to the cause or matter or who becomes or ceases to be a party by virtue of the order and serve with the order on any person who becomes a defendant a copy of the writ or originating summons by which the cause or matter was begun and of all other pleadings served in the proceedings and a form of acknowledgment of service in Form No. 14 or 15 in Appendix A, whichever is appropriate. (L.N. 404 of 1991)

(5) Any application to the Court by a person served with an order made ex parte under this rule for the discharge or variation of the order must be made within 14 days after the service of the order on that person.

8. Provisions consequential on making of order under rule 6 or 7 (O. 15, r. 8)

(1) Where an order is made under rule 6 the writ by which the action in question was begun must be amended accordingly and must be indorsed with-

- (a) a reference to the order in pursuance of which the amendment is made, and
- (b) the date on which the amendment is made;

and the amendment must be made within such period as may be specified in the order or, if no period is so specified, within 14 days after the making of the order.

(2) Where by an order under rule 6 a person is to be made a defendant, the rules as to service of a writ of summons shall apply accordingly to service of the amended writ on him, but before serving the writ on him the person on whose application the order was made must procure the order to be noted in the cause book.

(2A) Together with the writ of summons served under paragraph (2) shall be served a copy of all other pleadings served in the action. (L.N. 404 of 1991)

(3) Where by an order under rule 6 or 7 a person is to be made a defendant, the rules as to acknowledgment of service shall apply accordingly to acknowledgment of service by him subject, in the case of a person to be made a defendant by an order under rule 7, to the modification that the time limited for acknowledging service shall begin with the date on which the order is served on him under rule 7(4) or, if the order is not required to be served on him, with the date on which the order is noted in the cause book.

(4) Where by an order under rule 6 or 7 a person is to be added as a party or is to be made a party in substitution for some other party, that person shall not become a party until-

- (a) where the order is made under rule 6, the writ has been amended in relation to him under this rule and (if he is a defendant) has been served on him, or
- (b) where the order is made under rule 7, the order has been served on him under rule 7(4) or, if the order is not required to be served on him, the order has been noted in the cause book;

and where by virtue of the foregoing provision a person becomes a party in substitution for some other party, all things done in the course of the proceedings before the making of the order shall have effect in relation to the new party as they had in relation to the old except that acknowledgment of service by the

old party shall not dispense with acknowledgment of service by the new.

(5) The foregoing provisions of this rule shall apply in relation to an action begun by originating summons as they apply in relation to an action begun by writ.

9. Failure to proceed after death of party  
(O. 15, r. 9)

(1) If after the death of a plaintiff or defendant in any action the cause of action survives, but no order under rule 7 is made substituting as plaintiff any person in whom the cause of action vests or, as the case may be, the personal representatives of the deceased defendant, the defendant or, as the case may be, those representatives may apply to the Court for an order that unless the action is proceeded with within such time as may be specified in the order the action shall be struck out as against the plaintiff or defendant, as the case may be, who has died; but where it is the plaintiff who has died, the Court shall not make an order under this rule unless satisfied that due notice of the application has been given to the personal representatives (if any) of the deceased plaintiff and to any other interested persons who, in the opinion of the Court, should be notified.

(2) Where in any action a counterclaim is made by a defendant, this rule shall apply in relation to the counterclaim as if the counterclaim were a separate action and as if the defendant making the counterclaim were the plaintiff and the person against whom it is made a defendant.

10. Actions for possession of land (O. 15, r. 10)

(1) Without prejudice to rule 6, the Court may at any stage of the proceedings in an action for possession of land order any person not a party to the action who is in possession of the land (whether in actual possession or by a tenant) to be added as a defendant.

(2) An application by any person for an order under this rule may be made ex parte, supported by an affidavit showing that he is in possession of the land in question and if by a tenant, naming him.

The affidavit shall specify the applicant's address for service and Order 12, rule 3(2), (3) and (4), shall apply as if the affidavit were an acknowledgment of service.

(3) A person added as a defendant by an order under this rule must serve on the plaintiff a copy of the order giving the added defendant's address for service specified in accordance with paragraph (2).

10A. (Repealed L.N. 127 of 1995)

11. Relator actions (O. 15, r. 11)

Before the name of any person is used in any action as relator, that person must give a written authorization so to use his name to his solicitor and the authorization must be filed in the Registry.

12. Representative proceedings (O. 15, r. 12)

(1) Where numerous persons have the same interest in any proceedings, not being such proceedings as are mentioned in rule 13, the proceedings may be begun, and, unless the Court otherwise orders, continued, by or against any one or more of them as representing all or as representing all except one or more of them.

(2) At any stage of proceedings under this rule the Court may, on the application of the plaintiff, and on such terms, if any, as it thinks fit, appoint any one or more of the defendants or other persons as representing whom the defendants are sued to represent all, or all except one or more, of those persons in the proceedings; and where, in exercise of the power conferred by this paragraph, the Court appoints a person not named as a defendant, it shall make an order under rule 6 adding that person as a defendant.

(3) A judgment or order given in proceedings under this rule shall be binding on all the persons as representing whom the plaintiffs sue or, as the case may be, the defendants are sued, but shall not be

enforced against any person not a party to the proceedings except with the leave of the Court.

(4) An application for the grant of leave under paragraph (3) must be made by summons which must be served personally on the person against whom it is sought to enforce the judgment or order.

(5) Notwithstanding that a judgment or order to which any such application relates is binding on the person against whom the application is made, that person may dispute liability to have the judgment or order enforced against him on the ground that by reason of facts and matters particular to his case he is entitled to be exempted from such liability.

(6) The Court hearing an application for the grant of leave under paragraph (3) may order the question whether the judgment or order is enforceable against the person against whom the application is made to be tried and determined in any manner in which any issue or question in an action may be tried and determined.

13. Representation of interested persons who cannot be ascertained, etc. (O. 15, r. 13)

(1) In any proceedings concerning-

- (a) the estate of a deceased person, or
- (b) property subject to a trust, or
- (c) the construction of a written instrument, including an Ordinance or any other written law, the Court, if satisfied that it is expedient so to do, and that one or more of the conditions specified in paragraph (2) are satisfied, may appoint one or more persons to represent any person (including an unborn person) or class who is or may be interested (whether presently or for any future, contingent or unascertained interest) in or affected by the proceedings.

(2) The conditions for the exercise of the power conferred by paragraph (1) are as follows-

- (a) that the person, the class or some member of the class, cannot be ascertained or cannot readily be ascertained;
- (b) that the person, class or some member of the class, though ascertained, cannot be found;
- (c) that, though the person or the class and the members thereof can be ascertained and found, it appears to the Court expedient (regard being had to all the circumstances, including the amount at stake and the degree of difficulty of the point to be determined) to exercise the power for the purpose of saving expense.

(3) Where in any proceedings to which paragraph (1) applies, the Court exercises the power conferred by that paragraph, a judgment or order of the Court given or made when the person or persons appointed in exercise of that power are before the Court shall be binding on the person or class represented by the person or persons so appointed.

(4) Where, in any such proceedings, a compromise is proposed and some of the persons who are interested in, or who may be affected by, the compromise are not parties to the proceedings (including unborn or unascertained persons) but-

- (a) there is some other person in the same interest before the Court who assents to the compromise or on whose behalf the Court sanctions the compromise, or
- (b) the absent persons are represented by a person appointed under paragraph (1) who so assents,

the Court, if satisfied that the compromise will be for the benefit of the absent persons and that it is expedient to exercise this power, may approve the compromise and order that it shall be binding on the absent persons, and they shall be bound accordingly except where the order has been obtained by fraud or non-disclosure of material facts.

13A. Notice of action to non-parties  
(O. 15, r. 13A)

(1) At any stage in an action to which this rule applies, the Court may, on the application of any party or of its own motion, direct that notice of the action be served on any person who is not a party

thereto but who will or may be affected by any judgment given therein.

(2) An application under this rule may be made ex parte and shall be supported by an affidavit stating the grounds of the application.

(3) Every notice of an action under this rule shall be in Form No. 52 in Appendix A and the copy to be served shall be a sealed copy and accompanied by a copy of the originating summons or writ and of all other pleadings served in the action, and by a form of acknowledgment of service in Form No. 14 or 15 in Appendix A with such modifications as may be appropriate.

(4) A person may, within 14 days of service on him of a notice under this rule, acknowledge service of the writ or originating summons and shall thereupon become a party to the action, but in default of such acknowledgment and subject to paragraph (5) he shall be bound by any judgment given in the action as if he was a party thereto.

(5) If at any time after service of such notice on any person the writ or originating summons is amended so as substantially to alter the relief claimed, the Court may direct that the judgment shall not bind such person unless a further notice together with a copy of the amended writ or originating summons is issued and served upon him under this rule.

(6) This rule applies to any action relating to-

(a) the estate of a deceased person; or

(b) property subject to a trust.

(7) Order 6, rule 7(3) and (5) shall apply in relation to a notice of an action under this rule as if the notice were a writ and the person by whom the notice is issued were the plaintiff.

(L.N. 404 of 1991)

14. Representation of beneficiaries  
by trustees, etc. (O. 15, r. 14)

(1) Any proceedings, including proceedings to enforce a security by foreclosure or otherwise, may be brought by or against trustees, executors or administrators in their capacity as such without joining any of the persons having a beneficial interest in the trust or estate, as the case may be; and any judgment or order given or made in those proceedings shall be binding on those persons unless the Court in the same or other proceedings otherwise orders on the ground that the trustees, executors or administrators, as the case may be, could not or did not in fact represent the interest of those persons in the first-mentioned proceedings.

(2) Paragraph (1) is without prejudice to the power of the Court to order any person having such an interest as aforesaid to be made a party to the proceedings or to make an order under rule 13.

15. Representation of deceased person interested  
in proceedings (O. 15, r. 15)

(1) Where in any proceedings it appears to the Court that a deceased person was interested in the matter in question in the proceedings and that he has no personal representative, the Court may, on the application of any party to the proceedings, proceed in the absence of a person representing the estate of the deceased person or may by order appoint a person to represent that estate for the purposes of the proceedings; and any such order, and any judgment or order subsequently given or made in the proceedings, shall bind the estate of the deceased person to the same extent as it would have been bound had a personal representative of that person been a party to the proceedings.

(2) Before making an order under this rule, the Court may require notice of the application for the order to be given to such (if any) of the persons having an interest in the estate as it thinks fit.

16. Declaratory judgment (O. 15, r. 16)

No action or other proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right whether or

not any consequential relief is or could be claimed.

17. Conduct of proceedings (O. 15, r. 17)

The Court may give the conduct of any action, inquiry or other proceedings to such person as it thinks fit.

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Chapter: 17A	Title: LANDS TRIBUNAL RULES	Gazette Number: 25 of 1998 s. 2; 29 of 1998 s. 9
Schedule: 1	Heading: <b>FORMS</b>	Version Date: 01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2; 29 of 1998 s. 9

[rule 1]

FORM 1

[rule 4(1)]

# INTERLOCUTORY APPLICATION

(Heading)

Lands Tribunal  
Application No. ....

TO

of

YOU ARE HEREBY SUMMONED to appear before His Honour ..... Presiding Officer at his Chambers at the Lands Tribunal at ..... on ..... day the ..... day of ..... 19 ..... at ..... o'clock in the noon on the hearing of an application on the part of the Applicant/Respondent\* for an order to be made that (1)-

And you are to take notice that if you do not appear the Tribunal may consider and deal with the application in a summary way.

Dated this ..... day of ..... 19 .....

The address of the Applicant/Respondent\* is

The address of the Applicant/Respondent solicitor\* is

.....+  
Seal of the Tribunal

.....  
Applicant/Respondent\*

(1) State the object of the application.

\* Delete whichever is inapplicable.

+ Name of the Registrar.

\_\_\_\_\_

FORM 1  
INTERLOCUTORY APPLICATION  
(reverse)

Affidavit/Affirmation* of Service	Bailiff's Notes
I, ..... make oath do solemnly, sincerely and truly declare and affirm* and say that the within application was served by me on the said Applicant/Respondent* ..... .....on the .... day of ..... 19 .... by delivering a copy thereof to .....  Sworn/Affirmed* at the courts of Justice/Lands Tribunal Registry*, ..... Hong Kong, the ..... day of ..... 19 .....	

Before me,

A Commissioner etc.

\*Delete whichever is inapplicable.

(L.N. 417 of 1995)

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FORM 2

[rule 16]

NOTICE OF HEARING

Lands Tribunal  
Application No. ....

These proceedings have been set down for hearing before the Lands Tribunal at ..... in  
the Fixture/Floating List on ..... day the ..... day of ..... 19 .... at ..... a.m./p.m., or  
in the Running List.

Dated this ..... day of ..... 19 .....

To .....

.....  
(Deputy Registrar, Lands Tribunal)

(L.N. 417 of 1995)

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FORM 3

[rule 22]

APPLICATION FOR SUMMONS TO A WITNESS

Land Tribunal

Application No .....

To: The Registrar, Lands Tribunal

Whereas ..... of ..... is likely to give material evidence on behalf of the Applicant/Respondent, I ..... apply for a summons to be issued to the said ..... requiring him to appear at the Tribunal sitting at ..... on ..... day the..... day of ..... 19 ... at ..... a.m./p.m. to give evidence on behalf of the Applicant/Respondent.

Dated this ..... day of ..... 19 .....

.....  
(Solicitors for the) Applicant/Respondent  
(L.N. 417 of 1995)

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FORM 4

[rule 22]

SUMMONS TO WITNESS TO APPEAR (AND TO PRODUCE DOCUMENTS)

Land Tribunal

Application No .....

To [Name, address and occupation]

You are hereby summoned to attend at a sitting of the Lands Tribunal to be held at..... on ..... day the ..... day of ..... 19 ..... at ..... a.m./p.m. to give evidence in the above proceedings (and also to bring with you and produce. [State particulars of documents required]).

This summons was issued on behalf of Applicant/Respondent .....

.....

Dated this ..... day of ..... 19 .....

.....  
Registrar, Lands Tribunal  
(L.N. 417 of 1995)

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FORM 5

[rule 34(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION  
FOR LAND RESUMED UNDER  
LANDS RESUMPTION ORDINANCE

Pursuant to section 6(2)/8(2)\*

\*I/We ..... of .....  
(address)

.....  
or

\*The Director of Lands  
require(s) the Lands Tribunal to determine the amount of compensation to be paid in respect  
of the resumption of .....

.....  
(describe the estate or interest in land resumed)

formerly owned by \*me/us

or  
\*by .....  
(name(s))  
.....

because

\*an offer made under section 6(1)(a) of the Ordinance has been rejected. (Attach a statement  
of particulars required by rule 34(3).)

\*a claim submitted under section \*6(2)/8(1) of the Ordinance has not been agreed. (Attach a  
copy of the claim.)

\*no claim has been submitted under section 6(2) of the Ordinance. (Attach a statement of the  
particulars required by rule 34(3).)

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2.

Address for service of the Applicant:

\*Delete whichever does not apply.

(L.N. 417 of 1995; 29 of 1998 s. 9)

\_\_\_\_\_  
FORM 6

[rule 35]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION  
FOR

ENTRY UNDER  
LANDS RESUMPTION ORDINANCE

Pursuant to section 7(3)

\*I/We ..... of .....  
(address)

.....  
as \*owner(s)/occupier(s) of .....  
(describe the land)

or

\*The Director of Lands  
require(s) the Lands Tribunal to determine the amount of compensation to be paid in respect  
of damage caused by reason of-

+entry upon .....  
(describe the land)

.....  
and/or works performed thereon,

under section 7(1) of the Ordinance.

A claim for compensation (copy attached) was made pursuant to section 7(2) of the  
ordinance but no agreement has been reached by way of settlement or compromise.

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2.

Address for service of the Applicant:

\* Delete whichever does not apply.  
+ Amend to suit the nature of the claim.

(L.N. 417 of 1995; 29 of 1998 s. 9)

Lands Tribunal  
Application No. ....

FORM 7

[rules 36, 39, 40, 45, 49  
51, 54, 57, 58, 59, 61,  
69, 73, 75, 78]

NOTICE OF OPPOSITION TO APPLICATION/APPEAL  
TO LANDS TRIBUNAL UNDER LANDLORD AND  
TENANT (CONSOLIDATION) ORDINANCE

\*or ..... ORDINANCE

Pursuant to section .....

+Name, address and status of applicant:

Name, address and status of respondent:

Address and description of premises:

Names, ages and relationship to respondent of persons occupying premises (if application under section 53(2)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7)) or requiring to occupy the premises (if notice of opposition under section 119E(1)(b) of the Landlord and Tenant (Consolidation) Ordinance (Cap 7)):

Grounds and particulars:

I do/do not wish to be heard.

Dated this ..... day of ..... 19 .....

.....  
(Respondent)

Address for service of the Respondent:

To: 1. The Registrar, Lands Tribunal.  
2. The Applicant.

(Please add such other persons as may be required to be served)

\* Delete whichever is inapplicable and if necessary add title of relevant Ordinance.

+ State in relation to applications under the Landlord and Tenant (Consolidation) Ordinance (Cap 7) whether status of party is landlord, principal tenant, tenant or sub-tenant.

(L.N. 417 of 1995; 25 of 1998 s. 2)

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FORM 8

[rule 38(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION  
UNDER MASS TRANSIT RAILWAY (LAND  
RESUMPTION AND RELATED PROVISIONS) ORDINANCE

Pursuant to section .....

\*I/We ..... of .....  
(Address)

.....

or

The Director of Lands  
require(s) the Lands Tribunal to determine the amount of compensation to be paid in respect  
of a claim (copy attached) for compensation under item(s) .....  
(specify the items)  
of Part I of the First Schedule to the Ordinance. The Director has rejected the claim and now  
commences these proceedings pursuant to section \*21(6)(b)/21(6)(c) of the Ordinance. [To be  
completed only where the Director is applying.]

or

4 months have expired since the claim was received by the Director and these proceedings are  
commenced pursuant to section 21(7) of the Ordinance.

+The reasons given by the Director, under section 21(5) of the Ordinance for rejecting  
the claim were-

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2.

Address for service of the Applicant:

\* Delete whichever does not apply.  
+ Complete where applicable.

(L.N. 417 of 1995)

\_\_\_\_\_  
FORM 9

[rule 40(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO REVIEW DECISION OF  
CHIEF EXECUTIVE REFUSING TO RESUME CONTIGUOUS OR ADJACENT  
LAND UNDER MASS TRANSIT RAILWAY (LAND RESUMPTION  
AND RELATED PROVISIONS) ORDINANCE

Pursuant to section 8(2)

I/We ..... of .....  
(address)

.....  
as former owner(s)/occupier(s) of-

- (a) the resumed land being.....  
.....;  
(describe the resumed land)
- and
- (b) the contiguous or adjacent land being .....  
.....  
(describe the contiguous or adjacent land)

apply to the Lands Tribunal to review the decision of the Chief Executive made under section 8(1) of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap 276) that the resumed land is not reasonably necessary to the use and enjoyment of the contiguous or adjacent land so that such contiguous or adjacent land cannot itself be put to any profitable use.

A copy of the application made to the Chief Executive pursuant to section 8(1) of the Ordinance is attached.

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2. Director of Lands.

Address for service of the Applicant:

(L.N. 417 of 1995; 25 of 1998 s. 2)

\_\_\_\_\_  
FORM 10

[rule 44(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION  
UNDER ROADS (WORKS, USE AND  
COMPENSATION) ORDINANCE

Pursuant to section .....

\* I/We ..... of .....  
.....

\* The Secretary for Transport

\* require(s) the Lands Tribunal to extend pursuant to section 28(2) of the Ordinance the  
period(s) specified by section 28(1) of the Ordinance.  
or

- \* require(s) the Lands Tribunal to review pursuant to section 23(2) of the Ordinance a decision of the Chief Executive made under section 23(1) of the Ordinance.
  - or
  - \* require(s) the Lands Tribunal to determine the amount of compensation to be paid in respect of a claim (copy attached) for compensation under item(s) ..... of Part II of the Schedule to the Ordinance.
  - \* The Secretary has rejected the claim and commences these proceedings pursuant to section 29(6)(b)/29(6)(c) of the Ordinance. (To be completed only where the Secretary is applying).
  - or
  - 7 months have expired since the claim was received by the Secretary and these proceedings are commenced pursuant to section 29(7) of the Ordinance.
- The reasons given by the Secretary under section 29(5) of the Ordinance, for rejecting the claim were- (Complete where applicable)

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2.

Address for service of the applicant:

\*Delete whichever is inapplicable.

(L.N. 417 of 1995; 25 of 1998 s. 2)

\_\_\_\_\_  
FORM 11

[rule 46(1)]

**NOTICE OF APPLICATION TO LANDS TRIBUNAL TO REVIEW DECISION OF  
CHIEF EXECUTIVE REFUSING TO RESUME CONTIGUOUS OR  
ADJACENT LAND UNDER ROADS (WORKS, USE AND  
COMPENSATION) ORDINANCE**

Pursuant to section 23(2)

I/We ..... of .....  
.....have a compensatable interest  
(address)  
in the undermentioned contiguous or adjacent land and-

- (a) being the former owner(s)/occupier(s) of .....  
.....  
(describe the resumed land)

\*OR

- (a) being aggrieved by the closing of the road or extinguishment, modification or restriction of the private right, namely-

.....  
.....

(describe the road or private right)

- (b) the contiguous or adjacent land being.....

.....

(describe the contiguous or adjacent land)

apply to the Lands Tribunal to review the decision of the Chief Executive made under section 23(1) of the Ordinance that the resumed land/road/right is not reasonably necessary to the use and enjoyment of the contiguous or adjacent land.

A copy of the application made to the Chief Executive pursuant to section 23(1) of the Ordinance is attached.

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1 The Registrar, Lands Tribunal.  
2. Secretary for Transport.

Address for service of the applicant:

\*Delete whichever does not apply.

(L.N. 417 of 1995; 25 of 1998 s. 2)

\_\_\_\_\_  
FORM 12

[rule 48(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE  
COMPENSATION UNDER FORESHORE AND SEA-BED  
(RECLAMATIONS) ORDINANCE

Pursuant to section

I/We ..... of .....  
(address)

.....

or

\*The Director of Lands  
require(s) the Lands Tribunal to determine under section 13 of the Ordinance, the amount of compensation payable in respect of a claim (copy attached) made under section 12 of the Ordinance by

.....  
.....  
.....  
(person affected)

Authorization of the proposal under section 3 of the Ordinance to which the claim relates, became effective under section 7 of the Ordinance.

or

Authorization of the proposal under section 3 of the Ordinance to which the claim relates, has been given (in part) by the Chief Executive in Council under section \*8(1)(b)/8(1)(c) of the Ordinance.

It is certified that notice under section 13(5) of the Ordinance of reference of the claim to the Lands Tribunal was served on the other party to the claim on the ..... day of ..... 19 .....

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: The Registrar, Lands Tribunal.

Address for service of the Applicant:

\*Delete whichever is inapplicable.

(L.N. 417 of 1995; 25 of 1998 s. 2)

\_\_\_\_\_  
FORM 13

[rule 50]

NOTICE TO LANDS TRIBUNAL UNDER HONG KONG AIRPORT (CONTROL OF OBSTRUCTIONS) ORDINANCE

Pursuant to section 25(2)

\*I/We ..... of .....  
(address)

.....  
or

\*The Director of Lands  
require(s) the Lands Tribunal to determine a dispute under section 25 of the Ordinance as to the compensation to be paid for .....  
(describe the loss, damage or expense for which compensation  
.....  
has been claimed and attach copy of claim made under section 23 of the Ordinance)

The Tribunal is also required to determine the person or persons to whom compensation is payable. The names and addresses of the persons claiming entitlement to the compensation are- (set out names and address)

It is certified that notice, under section 25(2) of the Ordinance, of intention to refer this dispute to the Tribunal was served on the following parties to the dispute on the ..... day of ..... 19 .....-(set out names and addresses)

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: The Registrar, Lands Tribunal.

Address for service of the applicant:

\*Delete whichever inapplicable.

(L.N. 417 of 1995)

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FORM 14

[rule 53(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE  
COMPENSATION UNDER ELECTRICITY NETWORKS  
(STATUTORY EASEMENTS) ORDINANCE

Pursuant to section 10(3)

I/We ..... of .....

.....  
require the Lands Tribunal to determine the amount of compensation in a claim (copy attached) for compensation under section 10(1) of the Ordinance.

Particulars of the application are-

1. Land affected by the registration of the statutory order:
2. Nature of the estate or interest of the applicant in the land:
3. Amount of compensation claimed:
4. Grounds and facts relied upon by applicant:

28 days have expired since the claim was delivered to the power company but the applicant and the power company have failed to reach agreement in respect of the power company's liability, if any, under section 10 of the Ordinance. This application is being submitted to the Tribunal not later than 60 days after the expiration of the said 28 days.

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2. (Power company).

Address for service of the applicant:

(L.N. 417 of 1995)

\_\_\_\_\_

FORM 15

[rule 56(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL TO DETERMINE COMPENSATION  
UNDER BUILDINGS ORDINANCE

Pursuant to section 18A

\*I/We ..... of .....

.....  
require the Lands Tribunal to determine the compensation to be paid by the respondent(s) in  
respect of a shoring claim the particulars of which are as follows-

- \*1. I am the occupier of a building for which shoring is erected  
or I am a person other than the occupier of a building for which shoring is erected.  
The building is situate at .....
2. Name and address of respondent(s).
3. Address of respondent(s) building works/proposed building works which necessitate  
the erection of shoring-  
.....
4. No agreement in writing has been entered into with the respondent(s) for payment of  
compensation. If I do so, I will inform you in writing.
5. Particulars of loss or damage suffered by applicant by reason of the erection,  
maintenance or dismantling of the shoring:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2. Respondent(s).

Address for service of the applicant:

\*Delete whichever inapplicable.

(L.N. 417 of 1995)

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FORM 16

[rule 58(1)(a)]

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER DEMOLISHED BUILDINGS (RE-DEVELOPMENT OF SITES) ORDINANCE

Pursuant to section 4(1)

I/We ..... of .....  
(address)

.....  
as owner(s) of .....  
(describe the property)

.....  
require the Lands Tribunal to hear an appeal against a re-development order in respect of such property made by the Director of Buildings pursuant to section 4(1) of the Ordinance and served on \*me/us on the ..... day of ..... 19 .....

The appeal is against .....  
(here state whether the appeal is  
.....  
against the entire order or specify the part or parts objected to)

.....  
The grounds of appeal are .....  
.....  
.....

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the appellant(s))

To: 1. The Registrar, Lands Tribunal.  
2. The Director of Buildings.

Address for service of the Appellant(s):

(L.N. 417 of 1995)

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FORM 17

[rule 58(1)(b)]

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER DEMOLISHED BUILDINGS (RE-DEVELOPMENT OF SITES) ORDINANCE

Pursuant to section 6(3)

I/We ..... of .....  
(address)  
.....  
as \*owner(s)/mortgagee(s) of .....  
(describe the property)  
.....  
.....

require the Lands Tribunal to hear an appeal against assessment of incremental value in respect of such property made by the Director of Lands pursuant to section 6(1) of the Ordinance and notified to \*me/us on the ..... day of ..... 19 .....

The grounds of appeal are .....  
.....  
.....

Dated this ..... day of ..... 19 .....

.....  
(to be signed or on behalf of the appellant(s))

To: 1. The Registrar, Lands Tribunal.  
2. The Director of Lands.

Address for service of the Appellant(s):

\*Delete whichever does not apply.

(L.N. 417 of 1995)

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FORM 18

[rule 59]

NOTICE OF APPLICATION TO LANDS TRIBUNAL UNDER DEMOLISHED  
BUILDINGS (RE-DEVELOPMENT OF SITES) ORDINANCE

Pursuant to section 7(2)

Name and address of applicant:

Name and address of respondent:

Address and description of premises:

Term of tenancy:

Rent:

(1) On the ..... day of ..... 19 ..... I vacated the premises  
which were the subject of a Closure Order.

- (2) In the premises I had occupied (insert details of accommodation):
- (3) I apply that the compensation to which I may be entitled be determined.
- (4) I have not entered into any agreement with my landlord or principal tenant as regards payment of compensation. If I do so, I will inform you in writing.

Dated this ..... day of ..... 19 .....

.....  
Applicant

Address for service of the Applicant:

To: 1. The Registrar, Lands Tribunal.  
2. Respondent.

(L.N. 417 of 1995)

FORM 19

[rule 60]

Rating Appeal No. of 19

# NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER RATING ORDINANCE

Pursuant to section 42(1)

\*I/We ..... of .....  
.....  
as \*owner(s)/occupier(s)/ .....  
(specify any other capacity)  
require the Lands Tribunal to hear an appeal against the decision of the Commissioner of  
Rating and Valuation that .....  
.....  
(describe the tenement and summarize the decision affecting it)

The decision was served on \*me/us by the Commissioner pursuant to section \*39/40(2)  
of the Ordinance on the ..... day of ..... 19 .....

+The grounds of the appeal and the facts on which they are based are .....  
.....  
.....

The Tribunal is requested to make an order under section 44(1) of the Ordinance that  
.....  
.....  
.....  
(set out the remedy sought)

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Appellant)

Address for service of the Appellant(s):

To: 1. The Registrar, Lands Tribunal.  
2. Commissioner of Rating and Valuation.  
3. (Please add such other person as may be required to be served).

\* Delete whichever is inapplicable.  
+ Note section 42(2) of the Ordinance.

(L.N. 417 of 1995)

FORM 20

[rule 65(1)]

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER  
HOUSING ORDINANCE

Pursuant to the Schedule

I/We ..... of .....  
.....  
as the purchaser(s) of .....  
.....  
.....  
(describe the property)

require the Lands Tribunal to hear an appeal against the assessment of the Prevailing Market Value in respect of the property described made by the Director of Housing and notified to me/us on the ..... day of ..... 19 .....

The grounds of appeal are .....  
.....  
.....

Dated this ..... day of ..... 19 .....

.....  
Appellant

To: 1. The Registrar, Lands Tribunal.  
2. The Director of Housing.

Address for service of the Appellant:

(L.N. 417 of 1995)

NOTICE OF OPPOSITION TO AN APPEAL UNDER HOUSING ORDINANCE

Pursuant to the Schedule

The Director of Housing gives notice that he opposes the appeal by .....  
 ..... the appellant purchaser(s) of  
 .....  
 .....

(describe the property)  
 filed with the Lands Tribunal against the assessment made by me of the Prevailing Market Value in respect of the property described.

A copy of the assessment made by me on the ..... day of ..... 19 ....., against which the appeal has been made, is annexed.

Dated this ..... day of ..... 19 .....

.....  
 for and on behalf of the Director  
 of Housing

To: 1. The Registrar, Lands Tribunal.  
 2. The Appellant(s).

Address for service of the Director of Housing:

(L.N. 417 of 1995)

NOTICE OF APPLICATION TO LANDS TRIBUNAL UNDER LANDLORD AND  
 TENANT (CONSOLIDATION) ORDINANCE

Lands Tribunal  
 Application No. ....

Pursuant to section .....

\*Name, address and status of applicant:

Name, address and status of respondent:

Address and user of premises:

Duration of tenancy:

Rent:

Names, ages and relationship to applicant of persons for whom occupation of premises required (only if application pursuant to section 53(2)(b)):

Other grounds and particulars:

Dated this ..... day of ..... 19 .....

.....  
(Applicant)

Address for service of the Applicant:

To: 1. The Registrar, Lands Tribunal.  
2. The Respondent.  
3. (Please add such other persons as may be required to be served)

\*State whether status in relation to the premises is landlord, tenant or sub-tenant.

Note: 1. If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice and file a notice of opposition by means of Form 7.  
(L.N. 417 of 1995; 25 of 1998 s. 2)

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FORM 23

[rule 72(1)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL FOR ORDER CANCELLING OR  
REDUCING INCREASE OF RENT ON ACCOUNT OF IMPROVEMENTS UNDER  
LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section 55A(8)

Name and address of applicant:  
(tenant/sub-tenant)

Name and address of respondent:  
(landlord/principal tenant)

The applicant hereby applies for an order cancelling or reducing the increase in rent as specified in

the Notice of Increase served on the applicant by the respondent  
on .....in respect  
(date of service)

of the premises known as .....  
(description of premises)

on the ground that-

- \*(a) the improvement was unnecessary.
- \*(b) a greater amount was expended on the improvement than was reasonable.
- \*(c) the apportionment of the increase of rent resulting from improvement among the tenants was unreasonable.

The applicant also applies for an order for costs.

Address for service of applicant:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant)

To: 1. The Registrar, Lands Tribunal.  
2. The Respondent.

Note: If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

\*Delete whichever inapplicable.

(L.N. 417 of 1995)

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FORM 24

[rule 74(1)]

NOTICE OF APPEAL TO LANDS TRIBUNAL AGAINST DECISION OF  
COMMISSIONER OF RATING AND VALUATION ON APPLICATION  
FOR TRANSFER OF TENANCY FROM PART II TO PART IV OF  
THE LANDLORD AND TENANT (CONSOLIDATION)  
ORDINANCE

Pursuant to section 51D

Name, address and status of appellant:

Name, address and status of respondent:

The appellant hereby appeals against the decision of the Commissioner of Rating and Valuation upon an application pursuant to section 51A/51B (delete whichever inapplicable) to exclude from Part II and thereby transfer to Part IV the tenancy in respect of the premises known as .....

(description of premises)

A copy of the certificate issued by the Commissioner of Rating and Valuation setting out the decision appealed against is attached.

The grounds of appeal are: (here state briefly the grounds of appeal)

The appellant also applies for an order for costs.

Address for the service of the appellant:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Appellant)

To: 1. The Registrar, Lands Tribunal.  
2. The Respondent.  
3. Commissioner of Rating and Valuation.  
4. (Please add such other person as may be required to be served)

Note: If you intend to oppose this appeal, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

(L.N. 417 of 1995)

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FORM 25

[rule 74(2)]

NOTICE OF APPEAL TO LANDS TRIBUNAL AGAINST DECISION OF  
COMMISSIONER OF RATING AND VALUATION ON REVIEW OF  
CERTIFICATE OF INCREASE IN RENT UNDER LANDLORD  
AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section 60

Name, address and status of appellant:

Name, address and status of respondent:

The appellant hereby appeals against the decision of review of certificate of increase in rent of the Commissioner of Rating and Valuation in respect of the premises known as

.....

(description of premises)

A copy of the certificate issued by the Commissioner of Rating and Valuation setting out the decision appealed against is attached.

The grounds of appeal are: (here state briefly the grounds of appeal)

The appellant also applies for an order for costs.

Address for service of the appellant:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Appellant)

- To:
1. The Registrar, Lands Tribunal.
  2. The Respondent.
  3. Commissioner of Rating and Valuation.
  4. (Please add such other persons as may be required to be served).

Note: If you intend to oppose this appeal, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

(L.N. 417 of 1995)

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FORM 26

[rule 74(3)]

NOTICE OF APPEAL TO LANDS TRIBUNAL AGAINST A DETERMINATION OF THE  
COMMISSIONER OF RATING AND VALUATION ON THE INCREASE IN  
RENT OF SUB-TENANCY ON ACCOUNT OF IMPROVEMENTS UNDER  
THE LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section 63A(6)

Name and address of appellant(s):  
(sub-tenant)

Name and address of respondent(s):  
(principal tenant)

The appellant(s) hereby appeal(s) against the determination by the Commissioner of Rating and Valuation of the amount by which the rent payable by the sub-tenant is to be increased on account of improvements effected by the landlord and resulting in an increase of rent payable by the principal tenant to the landlord pursuant to section 55A for such improvements.

A copy of the notice of the Commissioner of Rating and Valuation setting out the determination appealed against is attached.

The grounds of appeal are: (here state briefly the grounds of appeal)

The appellant(s) also apply(ies) for an order for costs.

Address for service of appellant:

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the  
Appellant(s))

To: 1. The Registrar, Lands Tribunal.  
2. The Respondent(s).  
3. Commissioner of Rating and Valuation.  
4. (Please add such other persons as may be required to be served)

Note: If you intend to oppose this appeal, you must personally attend at the Lands Tribunal Registry within 14 days of the day of service of this notice, and file a notice of opposition by means of Form 7.

(L.N. 417 of 1995)

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FORM 27

[rule 77(a)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL UNDER BUILDING  
MANAGEMENT ORDINANCE

Building Management  
Application No. ....

Pursuant to section 4

\*Name, address and status of applicant(s):

Name and address of respondent(s):  
(other owners)

Address of building:

+(Where the applicant(s) is/are owners in terms of section 4(1)(a))-  
The total number of shares for the purposes of section 39:

+The percentage of shares held by the applicants are:

The applicant(s) apply for an order that a meeting of owners to appoint a Management Committee be convened by the applicant(s) or by such owner as the Tribunal may direct and for an order for the costs of this application.

Address for service of the applicant(s):

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant(s))

To: 1. The Registrar, Lands Tribunal.  
2. The Respondent(s).

Note: If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of the day of service of this notice and file a notice of opposition by means of Form 7.

\* State whether applicants are the owners of not less than 20% of the shares in the building or whether the applicant is the Attorney General.

+ Delete if the applicant is the Attorney General.

(L.N. 417 of 1995)

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FORM 28

[rule 77(b)]

NOTICE OF APPLICATION TO DISSOLVE MANAGEMENT COMMITTEE AND  
APPOINT AN ADMINISTRATOR OR NOTICE OF APPLICATION TO  
REMOVE AND REPLACE AN ADMINISTRATOR UNDER  
THE BUILDING MANAGEMENT ORDINANCE

Building Management  
Application No. ....

Pursuant to section 31

\*Name, address and status of applicant(s):

+Name and address of respondent(s):

Name and address of Owners' Corporation:

Address of building:

The applicant(s) apply(ies) for an order that a meeting of owners to appoint a Management Committee be convened by the applicant(s) or by such owner as the Tribunal may direct and for an order for the costs of this application.

Address for service of the applicant(s):

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the Applicant(s))

To: 1. The Registrar, Lands Tribunal.  
2. The Respondent(s).

Note: If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of the day of service of this notice and file a notice of opposition by means of Form 7.

\* State whether applicant(s) is/are the owners of not less than 20% of the shares in the building or whether the applicant(s) is/are the Attorney General.

+ Delete if the applicant is the Attorney General.

(L.N. 417 of 1995)

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FORM 29

[rule 77(c)]

NOTICE OF APPLICATION TO LANDS TRIBUNAL UNDER  
BUILDING MANAGEMENT ORDINANCE

Building Management  
Application No. ....

Pursuant to Tenth Schedule, paragraph .....

Name, address and status of applicant(s):

Name, address and status of respondent(s):

Address of building:

1. The applicant(s) apply(ies) for an order relating to .....

.....(specify the  
particular issue under the appropriate paragraph  
.....of the Tenth  
Schedule pursuant to which application brought)  
+2. The question of law, interpretation and enforcement or other issue to be determined is:

or Particulars of the sums or other amounts to be calculated or apportioned are:

Address for service of the applicant(s):

Dated this ..... day of ..... 19 .....

.....  
(to be signed by or on behalf of the applicant(s))

To: 1 The Registrar, Lands Tribunal.  
2. The Respondent(s).

Note: If you intend to oppose this application, you must personally attend at the  
Lands Tribunal Registry within 21 days of the day of service of this notice and  
file a notice of opposition by means of Form 7.

+ Delete whichever inapplicable and otherwise amend as necessary. (L.N. 417 of 1995)

FORM 30

[rule 10]

### AFFIDAVIT/AFFIRMATION OF SERVICE

Lands Tribunal  
Application No. ....

Pursuant to section .....

I, ....., of .....  
.....  
make oath and say as follows:

OR

hereby sincerely and truly affirm and say as follows:

1. I did on ..... day the ..... day of ..... 19 ..... at .....  
personally serve ..... the person named as the respondent in the  
abovementioned application with a true copy of the application of which the document  
now shown to me and marked ..... is also a true copy.

OR

1. (a) I did on ..... day the ..... day of ..... 19 ..... serve ..... the person named as the respondent in the abovementioned application with a true copy of the application of which the document now shown to me and marked ..... is also a true copy by sending the same to him by ordinary post addressed to him at ..... his address for service OR at ..... his last known or usual place of abode or business in Hong Kong OR at ..... its registered office.

OR

1. (a) I did on ..... day the ..... day of ..... 19 ..... post up at the entry if the premises known as ..... a notice of intention to apply pursuant to section 4 of the Landlord and Tenant (Consolidation) Ordinance (Cap 7) that the said premises be exempt from the provisions of the said Ordinance of which notice the document now shown to me and marked ..... is a true copy.

[1.] I also did on ..... day the ..... day of ..... 19 ..... serve a duplicate of such notice on ..... who is ..... \*tenant/landlord of the said premises.

OR (in the case of substituted service give precise details and exhibit appropriate proofs that service has been effected in terms of the order for substituted service)

+ AND I solemnly sincerely and truly affirm and say that the contents of this my affirmation are true.

\*SWORN/AFFIRMED at.....  
.....Hong  
Kong this ..... day of .....  
19 ..... } .....

Before me:

- \* Strike out inapplicable words.  
+ For affirmations only.

(L.N. 417 of 1995; 25 of 1998 s. 2)

FORM 31

[rule 14]

### APPLICATION OF LIST FOR HEARING

Lands Tribunal  
Application No.: .....

Pursuant to rule 14

To: The Registrar, Lands Tribunal.

1. Application is hereby made for the hearing of this application.
2. It is estimated that the hearing will last ..... days.

3. The number of witnesses to be called is .....
4. Notice of Opposition was filed on the ..... day of ..... 19 .....

OR

No Notice of Opposition has been filed and the time limited for filing such notice expired on the ..... day of ..... 19 .....

Dated this ..... day of ..... 19 .....

.....  
Applicant/Respondent

AND To: The Respondent/Applicant.

(L.N. 417 of 1995)  
(Enacted 1994)

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Chapter:	24	Title:	SECURITIES AND FUTURES COMMISSION ORDINANCE	Gazette Number:	
Section:	22	Heading:	<b>Case stated</b>	Version Date:	30/06/1997

(1) The tribunal hearing an appeal under this Part may by way of a case stated refer to the Court of Appeal, for its opinion thereon, any question of law relating to the appeal.

(2) A case may be stated under this section by a tribunal either of its own motion or on the application in accordance with subsection (4) of any party to the relevant appeal.

(3) (a) A case stated under this section by a tribunal of its own motion shall be stated before the tribunal determines the relevant appeal and be signed by the person presiding at the hearing of such appeal.

(b) Where a case is stated under this section by a tribunal of its own motion, the tribunal shall not determine the relevant appeal until after the opinion of the Court of Appeal on the case has been given.

(4) The following provisions shall apply to any application under subsection (2)-

(a) the application shall be in writing and, subject to paragraph (b), shall be sent to the chairman of the Panel after the determination of the relevant appeal and be accompanied by the fee specified in an order made for the purposes of this subsection by the Governor in Council;

(b) the application shall be received by the chairman of the Panel before the expiration of the period of 14 days beginning on the day on which such appeal is determined;

(c) the party making the application shall at the same time send a copy thereof to any other party to such appeal;

(d) on receipt of the application the chairman of the Panel shall reconvene the tribunal by which such appeal was determined; and

(e) the tribunal shall, as soon as may be, consider the application and may allow or refuse it, and its decision shall be final and shall not be appealable.

(5) (a) A case stated under this section shall include a statement of facts and, where appropriate, the decision of the tribunal appointed under section 20 on the relevant appeal and shall be signed by the person presiding at the hearing of such appeal.

(b) The person by whom it is signed shall, as soon as may be, transmit a case stated under this section to the Court of Appeal.

(6) The Court of Appeal may require the tribunal by which a case is stated under this section to amend the case in such manner as the court shall specify.

(7) Where the Court of Appeal determines a case stated under this section it shall cause a copy of the case, together with a copy of its opinion thereon, to be sent to the person by whom the case was signed and that person shall, where appropriate, reconvene the relevant tribunal which, when reconvened, shall determine the relevant appeal or, as may be appropriate, revise its previous determination having regard (in either case) to the opinion of the court.

(Enacted 1989)

Chapter:	29	Title:	TRUSTEE ORDINANCE	Gazette Number:	29 of 1998 s. 105
Schedule:	2	Heading:	<b>AUTHORIZED INVESTMENTS</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

[section 4]

1. Any shares or debentures which are issued or allotted by a company and which satisfy the following conditions at the date the investment is made-

- (a) in the case of shares-
  - (i) the shares are listed on the Unified Exchange or on a stock market specified in Schedule 2 to the Financial Resources Rules (Cap 24 sub. leg.);
  - (ii) the market capitalization of the company issuing the shares is not less than \$10 billion (\$10000000000) or its equivalent in foreign currency; and
  - (iii) the company has paid, in each of the 5 years immediately preceding the calendar year in which the investment is made, a dividend wholly in cash (except to the extent that any shareholder may have opted to accept it other than wholly in cash) on all the shares issued by the company, excluding any shares issued after the dividend was declared and any shares which by their terms of issue did not rank for the dividend in that year; (b) in the case of debentures, the security meets the credit rating as specified in the Table.

For the purposes of subparagraph (a)(iii) a company formed-

- (i) to take over the business of another company or other companies; or
- (ii) to acquire the securities of, or control of, another company or other companies,

or for either of those purposes and for other purposes shall be deemed to have paid a dividend as mentioned in that subparagraph in any year in which such a dividend has been paid by the other company or all the other companies, as the case may be.

2. Any debt security which is issued by, or the payment of principal and interest on which is guaranteed by-

- (a) in Hong Kong, the Government of Hong Kong, the Exchange Fund established by the Exchange Fund Ordinance (Cap 66) or a company 100% of the shares in which are owned beneficially by the Government of Hong Kong; or
- (b) outside Hong Kong, the government, the central bank or an equivalent agency of a country which qualifies for the credit rating specified in the Table; or
- (c) any multilateral agency specified in Part III of the Schedule to the Protection of Investors Ordinance (Cap 335) which qualifies for the credit rating specified in the Table.

3. Any mutual fund corporation or unit trust authorized under section 15 of the Securities Ordinance (Cap 333) for the purposes of that Ordinance.

4. Any deposit (as defined in section 2 of the Banking Ordinance (Cap 55)) with an authorized institution.

5. Certificates of deposit, bills of exchange, promissory notes or short-term (i.e. less than 1 year) debt securities issued or guaranteed by an authorized institution or by an exempted body.

6. First legal mortgages of any property, including an undivided share in property, which is situated in Hong Kong and held under a Government lease of which the unexpired term at the time of investment is not less than 50 years, excluding any term for which the lease can be renewed. (Amended 29 of 1998 s. 105)

7. Any derivatives which are traded on a market listed in Schedule 5 to the Financial Resources Rules (Cap 24 sub. leg.); except that an investment under this paragraph-

- (a) shall be made for hedging purposes only, that is to say, the derivatives acquired shall be of a type and specification suitable for reducing the impact on the trust fund of a

- diminution in the value of specific assets already held by the trust fund or which are to be acquired at the same time as the derivatives; and
- (b) shall not be made except in accordance with the written advice of an investment adviser (as defined in section 2 of the Securities Ordinance (Cap 333)) or of a commodity trading adviser (as defined in section 2 of the Commodities Trading Ordinance (Cap 250)) expressly obtained as to-
  - (i) the nature and extent of the risk of diminution in the value of the assets in question, the type and specification of the derivatives suitable to reduce the impact of such diminution in value, and generally the strategy to be adopted in acquiring, holding and disposing of the derivatives;
  - (ii) the potential loss that could result from acquiring and holding the derivatives and the risk of such occurring; and
  - (iii) the nature and extent of the various risks of diminution in the value of the trust fund and the suitability of using derivatives to protect against those risks.

8. In this Schedule-

"authorized institution" (認可機構) has the meaning assigned to it in section 2 of the Banking Ordinance (Cap 155);

"bill of exchange" (匯票) and "promissory note" (承付票) have the same meanings as in the Bills of Exchange Ordinance (Cap 19);

"certificate of deposit" (存款證) means a document relating to money, in any currency, which has been deposited with the issuer or some other person, being a document-

- (a) which recognizes an obligation to pay a stated amount to bearer or to order, with or without interest; and
- (b) by the delivery of which, with or without endorsement, the right to receive that stated amount, with or without interest, is transferable;

"company" (公司) means a body corporate-

- (a) incorporated under the Companies Ordinance (Cap 32);
- (b) incorporated under any other enactment; or
- (c) incorporated or established outside Hong Kong;

"debentures" (債權證) includes debenture stock, bonds and any other securities of a company whether or not constituting a charge on the assets of the company;

"debt security" (債務證券) means-

- (a) debenture or loan stock;
- (b) debentures, bonds, notes and other securities or instruments acknowledging, evidencing or creating indebtedness, whether secured or unsecured;
- (c) options, warrants or similar rights to subscribe to or purchase any of the foregoing; and
- (d) convertible loan stock;

"derivative" (衍生工具) means any right in or to a financial contract or financial instrument the value of which is determined by reference to the value of or any fluctuation in the value of a share, index, rate of exchange or rate of interest either individually or in the aggregate;

"exempted body" (豁免團體) means a body specified in Part IV or IVA of the Schedule to the Protection of Investors Ordinance (Cap 335) but does not include any body listed in item 9 of Part IVA of that Schedule;

"shares" (股份) means shares in the capital of a company and includes the stock or any part of the stock of a company;

"Unified Exchange" (聯合交易所) has the meaning assigned to it by section 2(1) of the Stock Exchanges Unification Ordinance (Cap 361).

## TABLE

## CREDIT RATINGS

- (a) For long-term debt (one year or over)-  
Given by  
Moody's Investors Service Inc. A3  
Standard & Poor's Corporation A-  
or an equivalent rating given by any recognized credit rating agency approved  
by the Secretary for Financial Services.
- (b) For short-term debt (less than one year)-  
Given by  
Moody's Investors Service Inc. Prime-1  
Standard & Poor's Corporation A-1  
or an equivalent rating given by any recognized credit rating agency approved  
by the Secretary for Financial Services.

(Second Schedule replaced L.N. 177 of 1995)

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Chapter:	30	Title:	WILLS ORDINANCE	Gazette Number:	
Section:	19	Heading:	<b>Will to speak from death of testator</b>	Version Date:	30/06/1997

Every will shall, with reference to the property comprised in it, be construed to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears from the will.

[cf. 1837 c. 26 s. 24 U.K.]

Chapter:	32	Title:	COMPANIES ORDINANCE	Gazette Number:	
Section:	<b>47E</b>	Heading:	<b>Relaxation of section 47A for unlisted companies</b>	Version Date:	30/06/1997

Expanded Cross Reference:  
47F, 47G, 48,

#### Unlisted Companies

(1) Section 47A does not prohibit an unlisted company from giving financial assistance in a case where the acquisition of shares in question is or was an acquisition of shares in the company or, if it is a subsidiary of another unlisted company, in that other company if the following provisions of this section, and sections 47F to 48, are complied with as respects the giving of that assistance.

(2) The financial assistance may only be given if the company has net assets which are not thereby reduced or, to the extent that they are reduced, if the assistance is provided out of distributable profits and section 47D(2) applies for the interpretation of this subsection.

(3) This section does not permit financial assistance to be given by a subsidiary, in a case where the acquisition of shares in question is or was an acquisition of shares in its holding company, if it is also a subsidiary of a listed company which is itself a subsidiary of that holding company.

(4) Unless the company proposing to give the financial assistance is a wholly-owned subsidiary, the giving of assistance under this section shall be approved by special resolution of the company in general meeting.

(5) Where the financial assistance is to be given by the company in a case where the acquisition of shares in question is or was an acquisition of shares in its holding company, that holding company and any other company which is both the company's holding company and a subsidiary of that other holding company (except, in any case, a company which is a wholly-owned subsidiary) shall also approve by special resolution in general meeting the giving of the financial assistance.

(6) A majority of the directors of the company proposing to give the financial assistance and, where the shares acquired or to be acquired are shares in its holding company, a majority of the directors of that company and of any other company which is both the company's holding company and a subsidiary of that other holding company shall before the financial assistance is given make a statutory declaration in the specified form complying with section 47F. (Amended 3 of 1997 s. 13)

(Added 77 of 1991 s. 3)

[cf. 1985 c. 6 s. 155 U.K.]

Chapter:	32	Title:	COMPANIES ORDINANCE	Gazette Number:	
Section:	<b>49</b>	Heading:	<b>Power to issue redeemable shares</b>	Version Date:	30/06/1997

Expanded Cross Reference:  
49, 49A, 49B, 49BA, 49C, 49D, 49E, 49F, 49G, 49H, 49I, 49J, 49K, 49L, 49M, 49N, 49O, 49P, 49Q, 49R, 49S,

Redeemable shares; Purchase by  
a company of its own shares

Redemption and purchase generally

(1) Subject to sections 49 to 49S, a company limited by shares or limited by guarantee and having a share capital may, if authorized to do so by its articles, issue shares which are to be redeemed or are liable to be redeemed at the option of the company or the shareholder.

(2) No redeemable shares may be issued at a time when there are no issued shares of the company which are not redeemable.

(3) Redeemable shares may not be redeemed unless they are fully paid; and the terms of redemption shall provide for payment on redemption.

(Replaced 77 of 1991 s. 4)  
[cf. 1985 c. 6 s. 159 U.K.]

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Chapter:	32	Title:	COMPANIES ORDINANCE	Gazette Number:	
Section:	93	Heading:	<b>Publication of name of company</b>	Version Date:	30/06/1997

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(1) Every company-

- (a) shall paint or affix, and keep painted or affixed, its name on the outside of every office or place in which its business is carried on, in a conspicuous position, in legible characters; (Amended 3 of 1997 s. 29)
- (b) shall have as its common seal a metallic seal on which it shall have its name engraven in legible characters; (Replaced 6 of 1984 s. 57)
- (c) shall have its name mentioned in legible characters in all business letters of the company and in all notices and other official publications of the company, and in all contracts, deeds, bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all consignment notes, invoices, receipts and letters of credit of the company; (Replaced 6 of 1984 s. 57)
- (d) shall mention in legible characters in all documents in which the company is required under paragraph (c) to have its name mentioned-
  - (i) in the case of a limited company exempt from the obligation to use the word "Limited" or the expression in Chinese "有限公司" or both such word and expression, as the case may be, as part of its name as part of its name, the fact that it is incorporated with limited liability; (Amended 3 of 1997 s. 29)
  - (ii) in the case of an unlimited company, the fact that it is incorporated without limited liability. (Added 6 of 1984 s. 57)

(2) Every limited company registered by a name in English only (other than a company licensed to be registered without the addition of the word "Limited" to its name)- (Amended 3 of 1997 s. 29)

- (a) which exhibits outside or inside its registered office or outside or inside any office or place in which its business is carried on; or
- (b) which uses on its seal; or
- (c) which uses in any business letter of the company or in any notice or other official publication of the company, or in any contract, deed, bill of exchange, promissory note, endorsement, cheque, or order for money or goods purporting to be signed by or on behalf of the company, or in any consignment note, invoice, receipt or letter of credit of the company, (Replaced 6 of 1984 s. 57)

any name of or for the company in Chinese characters, whether such name be a transliteration or translation of its name in the memorandum or not, shall append to such name so used in Chinese characters the Chinese characters 有限公司: (Amended 24 of 1935 s. 2)

Provided that it shall be lawful for the Registrar by licence to direct that such company shall be exempted, wholly or in part, from the requirements of this subsection, and to revoke any such licence.

(Amended 1 of 1949 s. 11)

(2A) Every limited company registered by a name in Chinese only (other than a company licensed to be registered without the addition of the expression in Chinese "有限公司" to its name)-

- (a) which exhibits outside or inside its registered office or outside or inside any office or place in which its business is carried on; or
- (b) which uses on its seal; or
- (c) which uses in any business letter of the company or in any notice or other official publication of the company, or in any contract, deed, bill of exchange, promissory note, endorsement, cheque, or order for money or goods purporting to be signed by or on behalf of the company, or in any consignment note, invoice, receipt or letter of credit of the company,

any name of or for the company in English, whether such name be a transliteration or translation of its name in the memorandum or not, shall append to such name so used in English the word "Limited".

(Added 3 of 1997 s. 29)

(2B) Notwithstanding subsection (2A), it shall be lawful for the Registrar by licence to direct that such company shall be exempted, wholly or in part, from the requirements of that subsection, and to revoke any such licence. (Added 3 of 1997 s. 29)

(3) If a company does not paint or affix its name in manner directed by this Ordinance, the company and every officer of the company who is in default shall be liable to a fine, and if a company does not keep its name painted or affixed in manner so directed, the company and every officer of the company who is in default shall be liable to a default fine. (Amended 7 of 1990 s. 2)

(4) If a company fails to comply with any of the provisions of subsection (1), other than paragraph (a) thereof, and subsection (2) the company shall be liable to a fine. (Replaced 6 of 1984 s. 57. Amended 7 of 1990 s. 2)

(5) If any officer of a company, or any person on its behalf-

- (a) uses or authorizes the use of any seal purporting to be a seal of the company which is not a metallic seal or whereon its name is not so engraved as aforesaid; or
- (b) issues or authorizes the issue of any business letter of the company or any notice or other official publication of the company, or signs or authorizes to be signed on behalf of the company any contract, deed, bill of exchange, promissory note, endorsement, cheque or order for money or goods, wherein its name is not mentioned in manner aforesaid; or (Replaced 6 of 1984 s. 57)
- (c) issues or authorizes the issue of any consignment note, invoice, receipt, or letter of credit of the company, wherein its name is not mentioned in manner aforesaid,

he shall be liable to a fine and shall further be personally liable to the holder of the bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless it is duly paid by the company. (Amended 22 of 1950 Schedule; 7 of 1990 s. 2)

(6) Until the expiration of a period of 12 months from the date of commencement\* of the Companies (Amendment) Ordinance 1984 (6 of 1984), subsections (1)(b) and (5)(a) as amended by that Ordinance shall have effect in relation to any company registered at that date as if-

- (a) in subsection (1)(b), for the words "metallic seal" there were substituted the word "seal";
- (b) in subsection (5)(a), the words "which is not a metallic seal or" were omitted. (Added 6 of 1984 s. 57)

(Amended 6 of 1984 s. 57)

[cf. 1929 c. 23 s. 93 U.K.]

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\* Commencement date: 31 August 1984.

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(1) Where an auditor's notice of resignation contains a statement under section 140A(2)(b), there may be deposited with the notice a requisition signed by the auditor calling on the directors of the company forthwith duly to convene an extraordinary general meeting of the company for the purpose of receiving and considering such explanation of the circumstances connected with his resignation as he may wish to place before the meeting.

(2) Where an auditor's notice of resignation contains any such statement as aforesaid and the auditor requests the company to circulate to its members-

- (a) before the general meeting at which his term of office would otherwise have expired; or
- (b) before any general meeting at which it is proposed to fill the vacancy caused by his resignation or convened on his requisition,

a statement in writing (not exceeding a reasonable length) of the circumstances connected with his resignation, the company shall (unless the statement is received by it too late for it to do so)-

- (i) in any notice of the meeting given to members of the company state the fact of the statement having been made; and
- (ii) send a copy of the statement to every member of the company to whom notice of the meeting is or has been sent.

(3) If the directors do not within 21 days from the date of the deposit of a requisition under this section proceed duly to convene a meeting for a day not more than 28 days after the date on which the notice convening the meeting is given, every director who failed to take all reasonable steps to secure that a meeting was convened as mentioned above shall be guilty of an offence and liable to imprisonment and a fine, and if a copy of any such statement as is mentioned in subsection (2) is not sent out as required by that subsection because received too late or because of the company's default, the auditor may (without prejudice to his right to be heard orally) require that the statement shall be read out at the meeting. (Amended 7 of 1990 s. 2)

(4) Copies of a statement need not be sent out and the statement need not be read out at the meeting if, on the application either of the company or of any other person who claims to be aggrieved, the court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter; and the court may order the company's costs on an application under this subsection to be paid in whole or in part by the auditor, notwithstanding that he is not a party to the application.

(5) An auditor of a company who has resigned his office shall be entitled to attend any such meeting as is mentioned in subsection (2)(a) or (b) and to receive all notices of, and other communications relating to, any such meeting which any member of the company is entitled to receive, and to be heard at any such meeting which he attends on any part of the business of the meeting which concerns him as former auditor of the company.

(6) Where an auditor who has resigned is a corporate practice, the right to attend and to be heard in the manner described in subsection (5) is exercisable by an individual authorized by such auditor in writing to be its representative at the general meeting concerned. (Added 84 of 1995 s. 5)

(Added 6 of 1984 s. 95)  
[cf. 1976 c. 69 s. 17 U.K.]

(1) Where an order has been made for winding up a company by the court, and the Official Receiver has made a further report under this Ordinance stating that in his opinion-

- (a) a fraud has been committed by any person in the promotion or formation of the company or by any officer of the company in relation to the company since its formation; or
- (b) in the case of an insolvent company, a prima facie case exists against any person that would render him liable to a disqualification order under Part IVA in relation to the affairs of the company, (Replaced 30 of 1994 s. 7)

the court may, after consideration of the report, direct that that person or officer shall attend before the court on a day appointed by the court for that purpose and be publicly examined as to the promotion or formation or the conduct of the business of the company or as to his conduct and dealings as officer thereof. (Replaced 6 of 1984 s. 153)

(2) The Official Receiver shall take part in the examination, and for that purpose may, if specially authorized by the court in that behalf, employ a solicitor with or without counsel.

(3) The liquidator, where the Official Receiver is not the liquidator, and any creditor or contributory, may also take part in the examination either personally or by solicitor or counsel.

(4) The court may put such questions to the person examined as the court thinks fit.

(5) The person examined shall be examined on oath, and shall answer all such questions as the court may put or allow to be put to him.

(6) A person ordered to be examined under this section shall, before his examination, be furnished with a copy of the Official Receiver's report, and may at his own cost employ a solicitor with or without counsel, who shall be at liberty to put to him such questions as the court may deem just for the purpose of enabling him to explain or qualify any answers given by him : (Amended 6 of 1984 s. 153)

Provided that, if any such person applies to the court to be exculpated from any charges made or suggested against him, it shall be the duty of the Official Receiver to appear on the hearing of the application and call the attention of the court to any matters which appear to the Official Receiver to be relevant, and if the court, after hearing any evidence given or witnesses called by the Official Receiver, grants the application, the court may allow the applicant such costs as in its discretion it may think fit.

(7) Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him, and shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The court may, if it thinks fit, adjourn the examination from time to time.

[cf. 1929 c. 23 s. 216 U.K.]

(1) The court may on the application of the Official Receiver by order-

- (a) dispense with the summoning of first meetings of creditors and contributories as required under sections 194 and 206 for the purpose of considering the appointment of a liquidator and a committee of inspection;
- (b) appoint the Official Receiver or such other person or persons recommended by him as liquidator or liquidators; and
- (c) appoint such qualified persons as it thinks fit as a committee of inspection, and may

remove any member thereof and fill any vacancy therein.

(2) Where under subsection (1) the court makes any appointment of a liquidator or a committee of inspection, or where it removes any member of such committee of inspection or fills any vacancy therein, it shall not be necessary to ascertain the wishes of the creditors or contributories, and the provisions of section 194(b) or 206(1) and (2) or 207(6) and (7), as the case may be, shall cease to apply and any action taken under such provisions in respect of any appointment of a liquidator or committee of inspection or any removal therefrom or any filling of any vacancy therein shall cease to have effect.

(Added 22 of 1965 s. 2)

Chapter:	32	Title:	COMPANIES ORDINANCE	Gazette	
				Number:	
Section:	<b>228A</b>	Heading:	<b>Special procedure for voluntary winding up in case of inability to continue its business</b>	Version Date:	30/06/1997

Expanded Cross Reference:

241, 242, 243, 244, 245, 246, 247, 248

(1) The directors of a company or, in the case of a company having more than 2 directors, the majority of the directors, may, if they have formed the opinion that the company cannot by reason of its liabilities continue its business, resolve at a meeting of the directors and deliver to the Registrar a statutory declaration by one of the directors verifying written statements signed by the directors recording the resolution that- (Amended 75 of 1993 s. 14)

- (a) the company cannot by reason of its liabilities continue its business; and
- (b) they consider it is necessary that the company be wound up and that there are good and sufficient reasons for the winding up to be commenced under this section; and (Replaced 75 of 1993 s. 14)
- (c) meetings of the company and of its creditors will be summoned for a date not later than 28 days after the delivery of the declaration to the Registrar.

(1A) A statutory declaration made under subsection (1) shall have no effect for the purposes of this Ordinance unless it is delivered to the Registrar for registration within 7 days after the date on which it was made. (Added 75 of 1993 s. 14)

(2) Any director of a company making a declaration under subsection (1) without having reasonable grounds for the opinion that the company cannot by reason of its liabilities continue in business, shall be liable to a fine and imprisonment. (Amended 7 of 1990 s. 2)

(3) Where a statutory declaration made by a director of a company under subsection (1) is delivered to the Registrar- (Amended 75 of 1993 s. 14)

- (a) the winding up of the company shall commence at the time of the delivery of such declaration;
- (b) the directors shall forthwith appoint a person to be provisional liquidator in the winding up and deliver evidence of the appointment to the Registrar with the statutory declaration; (Amended 75 of 1993 s. 14)
- (c) the directors shall cause meetings of the company and the creditors of the company to be summoned for a date not later than 28 days after the delivery of such declaration.

(3A) A director who fails to comply with subsection (3)(b) or (c) shall be liable to a fine. (Added 75 of 1993 s. 14)

(3B) Where the directors of a company fail to comply with the requirements of subsection (3)(c) the provisional liquidator appointed under subsection (3)(b) may summon such meetings. (Added 75 of

1993 s. 14)

(3C) No person shall be appointed to be a provisional liquidator under subsection (3)(b) unless-

- (a) he has consented in writing to such appointment; and
- (b) he is a solicitor, or a professional accountant under the Professional Accountants Ordinance (Cap 50). (Added 75 of 1993 s. 14)

(4) Not later than 14 days after the appointment of a provisional liquidator by the directors of a company under this section, the directors shall give public notice in the Gazette of-

- (a) the commencement of the winding up of the company by the delivery to the Registrar of a statutory declaration made under this section, and the date of such delivery; and
- (b) the appointment of the provisional liquidator and his name and address.

(4A) A provisional liquidator appointed by the directors of a company under this section shall, within 14 days after the date of his appointment, deliver to the Registrar for registration a notice of his appointment. (Added 75 of 1993 s. 14)

(4B) If a provisional liquidator fails to comply with subsection (4A) he shall be liable to a daily default fine. (Added 75 of 1993 s. 14)

(5) (Repealed 75 of 1993 s. 14)

(6) A provisional liquidator appointed by the directors of a company under this section shall-

- (a) unless the liquidator is sooner appointed, hold office until a meeting of creditors of the company summoned under subsection (3)(c) or, if that meeting is adjourned, any adjourned meeting, may allow; (Amended 75 of 1993 s. 14)
- (b) take into his custody or under his control all the property and things in action to which the company is or appears to be entitled;
- (c) be entitled, out of the funds of the company, to such remuneration as the committee of inspection or, if there is no such committee, the creditors, may fix and to reimbursement of expenses properly incurred by him, but he shall not be liable, and no civil action or other proceedings shall lie against him, in respect of acts properly done by him. (Amended 75 of 1993 s. 14)

(7) A provisional liquidator appointed by the directors of a company under this section shall, for the period of his appointment, have the like powers and be subject to the like duties as a liquidator in a creditors' voluntary winding up, and, accordingly, all the powers of the directors shall cease during that period except so far as may be necessary for the purpose of enabling the directors to comply with this section or the provisional liquidator sanctions the continuance thereof for any other purpose.

(7A) Notwithstanding subsection (7), a provisional liquidator appointed by the directors of a company under this section shall not have power to sell any property to which the company is or appears to be entitled, except where such sale is made in the course of carrying on business in accordance with section 231, unless-

- (a) the property is of a perishable nature or likely to deteriorate if kept; or
- (b) the court, on the application of the provisional liquidator, orders the sale of the property. (Added 75 of 1993 s. 14)

(8) In relation to every winding up commenced under this section-

- (a) section 241 shall apply to a meeting of the creditors of the company summoned under this section as it applies to a meeting of the creditors of a company summoned under that section except that-
  - (i) for the words "at which the resolution for voluntary winding up is to be proposed" in subsection (1) of that section there shall be substituted the words "of the company";
  - (ia) the sending of the notices by post and the advertisement of the meeting of creditors required by subsections (1) and (2) of that section respectively shall occur at least 7 days before the meeting of creditors, and the requirement in subsection (1) of that section as to simultaneous sending of notices shall not apply; (Added 75 of 1993 s. 14)
  - (ii) subsection (5) of that section shall be omitted;

- (b) subject to paragraph (a), sections 241 to 248 shall apply as they apply in relation to a creditors' voluntary winding up.

(Added 6 of 1984 s. 161)

Chapter:	32	Title:	COMPANIES ORDINANCE	Gazette Number:	L.N. 158 of 1998
Section:	<b>275</b>	Heading:	<b>Responsibility of directors for fraudulent trading</b>	Version Date:	01/04/1998

(1) If in the course of the winding up of a company it appears that any business of the company has been carried on with intent to defraud creditors of the company or creditors of any other person or for any fraudulent purpose, the court, on the application of the Official Receiver, or the liquidator or any creditor or contributory of the company, may, if it thinks proper so to do, declare that any persons who were knowingly parties to the carrying on of the business in manner aforesaid shall be personally responsible, without any limitation of liability, for all or any of the debts or other liabilities of the company as the court may direct.

(1A) On the hearing of an application under subsection (1) the Official Receiver or the liquidator, as the case may be, may himself give evidence or call witnesses. (Added 6 of 1984 s. 191)

(2) Where the court makes any such declaration, it may give such further directions as it thinks proper for the purpose of giving effect to that declaration, and in particular may make provision for making the liability of any person under the declaration a charge on any debt or obligation due from the company to him, or on any mortgage or charge or any interest in any mortgage or charge on any assets of the company held by or vested in him, or any company or person on his behalf, or any person claiming as assignee from or through the person liable or any such company or person, and may from time to time make such further order as may be necessary for the purpose of enforcing any charge imposed under this subsection.

For the purpose of this subsection, "assignee" (承讓人) includes any person to whom or in whose favour, by the directions of the person liable under the declaration, the debt, obligation, mortgage or charge was created, issued or transferred or the interest created, but does not include an assignee for valuable consideration (not including consideration by way of marriage) given in good faith and without notice of any of the matters on the ground of which the declaration is made.

(3) Where any business of a company is carried on with such intent or for such purpose as is mentioned in subsection (1), every person who was knowingly a party to the carrying on of the business in manner aforesaid shall, whether or not the company has been or is in course of being wound up, be guilty of an offence and liable to imprisonment and a fine. (Replaced 6 of 1984 s. 191. Amended 7 of 1990 s. 2)

(4)-(5) (Repealed 6 of 1984 s. 191)

(6) The provisions of this section shall have effect notwithstanding that the person concerned may be criminally liable in respect of the matters on the ground of which the declaration is to be made. (Amended 76 of 1996 s. 77)

(7) (Repealed 6 of 1984 s. 191)

(Amended 6 of 1984 s. 191)

[cf. 1929 c. 23 s. 275 U.K.]

Chapter:	32H	Title:	COMPANIES (WINDING-UP) RULES	Gazette Number:	25 of 1998 s. 2
Schedule:	1	Heading:	APPENDIX	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

FORMS

FORM 1

[rule 7]

FORM OF SUMMONS (General)

(Title)

Let<sup>(a)</sup>  
attend at  
on the day of 19, at o'clock  
in the noon on the hearing of an application of<sup>(b)</sup>  
for an order that<sup>(c)</sup>

(a) Name of  
Respondent

(b) Name and  
description of  
applicant

Dated the day of , 19 .  
This summons was taken out by of  
Solicitors for To

(c) State object  
of application

NOTE-If you do not attend, either in person or by your solicitor, at the time and place above-mentioned, such order will be made, and proceedings taken as the court may think just and expedient.

(L.N. 50 of 1964)

FORM 2

[rule 22]

PETITION

(Title)

To the High Court of Hong Kong.

The humble petition of<sup>(a)</sup> showeth as follows-

1. The Company, Limited (hereinafter called the company), was in the month of , incorporated under the Companies Ordinance (Chapter 32).

2. The registered office of the company is at<sup>(b)</sup>

(a) Insert full  
name, title,  
etc., of  
petitioner

3. The nominal capital of the company is \$ \_\_\_\_\_, divided into \_\_\_\_\_ shares of \$ \_\_\_\_\_ each. The amount of the capital paid up or credited as paid up is \$ \_\_\_\_\_

(b) State the full address of the registered office so as sufficiently to show where it is situate

4. The objects for which the company was established are as follows-

To

and other objects set forth in the memorandum of association thereof.

[Here set out in paragraphs the facts on which the petitioner relies, and conclude as follows]:-

Your petitioner therefore humbly prays as follows-

- (1) That the \_\_\_\_\_ Company, Limited, may be wound up by the court under the provisions of the Companies Ordinance.
- (2) Or that such other order may be made in the premises as shall be just.

NOTE-(d) It is intended to serve this petition on.

(L.N. 201 of 1984; 25 of 1998 s. 2)

(d) This note will be unnecessary if the Company is petitioner

FORM 3

[rule 22]

### PETITION BY UNPAID CREDITOR ON SIMPLE CONTRACT

(Title)

Paragraphs 1, 2, 3, and 4 as in Form 2.

5. The company is indebted to your petitioner in the sum of \$ \_\_\_\_\_ for<sup>(a)</sup>

6. Your petitioner has made application to the company for payment of his debt, but the company has failed and neglected to pay the same or any part thereof.

7. The company is [insolvent and] unable to pay its debts.

8. In the circumstances it is just and equitable that the company should be wound up.

Your petitioner, therefore, & c. [as in Form 2].

(a) State consideration for the debt, with particulars so as to establish that the debt claimed is due

FORM 3A

[rule 22]

### PETITION BY MINORITY SHAREHOLDER

(Title)

Paragraphs, 1, 2, 3 and 4 as in Form 2.

[Then set out in paragraphs the facts on which the petitioner relies and continue as follows]:-

In these circumstances your petitioner submits that the affairs of the company are being conducted in a manner unfairly prejudicial to a part of the members of the company including your petitioner.

Your petitioner therefore humbly prays as follows:-

- (1) [Here set out remedy sought and conclude]
- (2) Or that such other order may be made in the premises as shall be just.

---

NOTE-It is intended to serve this petition on.

(L.N. 178 of 1978)

---

FORM 4

[rule 24]

### ADVERTISEMENT OF PETITION

(Title)

Notice is hereby given that a petition for the winding up of the above-named company by the High Court of Hong Kong was, on the            day of           , 19           , presented to the said court by the said company [or, as the case may be]. And that said petition is directed to be heard before the court at .m. on the            day of           , 19           ; and any creditor or contributory of the said company desirous to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

Signed<sup>(b)</sup> [Name]  
[Address]

(b) To be signed  
by the solicitor to  
the petitioner or  
by the petitioner  
if he has no  
solicitor

---

NOTE-Any person who intends to appear on the hearing of the said petition must serve on or send by post to the above-named, notice in writing of his intention so to do. The notice must state the name and address of the person, or, if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their solicitor (if any), and must be served, or if posted, must be sent by post in sufficient time to reach the above-named not later than 6 o'clock in the afternoon of the of            19           .

(L.N. 201 of 1984; 25 of 1998 s. 2)

---

FORM 4A

[rule 24]

### ADVERTISEMENT OF PETITION BY MINORITY SHAREHOLDER

(Title)

Notice is hereby give that a petition for an Order that (a) \_\_\_\_\_ (a) Insert  
 \_\_\_\_\_ or for such other order as shall be just was presented to the High remedy  
 Court of Hong Kong on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ by(b) \_\_\_\_\_ And that sought in  
 the said petition is directed to be heard before the Court at on the \_\_\_\_\_ day of prayer of  
 19 \_\_\_\_\_ ; and any creditor or contributory \_\_\_\_\_ of the said company desirous to support or petition  
 oppose the making of an order on the said petition may appear at the time of hearing in person (b) Insert  
 or by his counsel for that purpose; and a copy of the petition will be furnished by the name and  
 undersigned to any creditor or contributory of the said company requiring such copy on address of  
 payment of the regulated charge for the same. petitioner

Signed (c) \_\_\_\_\_ [Name]  
 \_\_\_\_\_ [Address]

(c) To be  
 signed by the  
 solicitor to the  
 petitioner or by  
 the petitioner if  
 he has no  
 solicitor

---

NOTE-Any person who intends to appear on the hearing of the said petition must  
 serve on or send by post to the above-named, notice in writing of this intention so to do. The  
 notice must state the name and address of the person, or, if a firm, the name and address of the  
 firm, and must be signed by the person or firm, or his or their solicitor (if any), and must be  
 served, or if posted, must be sent by post in sufficient time to reach the above-named not later  
 than 6 o'clock in the afternoon of the \_\_\_\_\_ of , 19 \_\_\_\_\_ .

(L.N. 178 of 1978; 25 of 1998 s. 2)

AFFIDAVIT OF SERVICE OF PETITION ON MEMBERS, OFFICERS, OR  
SERVANTS, &C.

(Title)

In the matter of a petition dated

I, \_\_\_\_\_, of \_\_\_\_\_, make oath and say-

1. [In the case of service of petition on a company by leaving it with a member, officer, or servant at the registered office, or if no registered office at the principal or last known principal place of business of the company.]

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, serve the above-named company with the above-mentioned petition by delivering to and leaving with [name and description] a member (or officer) (or servant) of the said company a copy of the above-mentioned petition, duly sealed with the seal of the court, at [office or place of business as aforesaid], before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

2. [In the case of no member, officer, or servant of the company being found at the registered office or place of business.]

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, having failed to find any member, officer, or servant of the above-named company at [here state registered office or place of business], leave there a copy of the above-mentioned petition, duly sealed with the seal of the court, before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon [add with whom such sealed copy was left, or where, e.g. affixed to door of offices, or placed in letter box, or otherwise].

3. [In the case of directions by the court as to the member, or members, officer, or servant of the company to be served.]

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, serve [name or names and description] with a copy of the above-mentioned petition, duly sealed with the seal of the court, by delivering the same personally to the said \_\_\_\_\_, at [place] before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

4. The said petition is now produced and shown to me, marked "A".

Sworn at, &c.

---

FORM 6

[rule 25]

AFFIDAVIT OF SERVICE OF PETITION ON LIQUIDATOR

(Title)

In the matter of a petition, dated \_\_\_\_\_, for winding up the above company [by] or [under the supervision of] the court [as the case may be].

I, \_\_\_\_\_, of \_\_\_\_\_, make oath and say-

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, serve [name and description] the liquidator of the above-named company, with a copy of the above-mentioned petition, duly sealed with the seal of the court, by delivering the same personally to the said \_\_\_\_\_ at [place], before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.

The said petition is now produced and shown to me, marked "A".

Sworn at, & c.

---

FORM 7

[rule 26]

AFFIDAVIT VERIFYING PETITION

(Title)

I, A. B., of &c., make oath and say, that such of the statements in the petition now produced and shown to me, and marked with the letter "A", as relate to ~~(a)~~ my own acts and deeds are true, and such of the said statements as relate to the acts and deeds of any other person or persons I believe to be true.

Sworn, &c.

(a) If the petition is by a firm, insert "the acts and deeds of my said firm"

---

FORM 8

[rule 26]

AFFIDAVIT VERIFYING PETITION OF A LIMITED COMPANY

(Title)

I, A. B., of, &c., make oath and say as follows-

1. I am (a director)(the secretary) of \_\_\_\_\_ Company, Limited, the petitioner in the above matter, and am duly authorized by the said petitioner to make this affidavit on its behalf.

2. That such of the statements in the petition now produced and shown to me marked with the letter "A", as relate to the acts and deeds of the said petitioner or to my own acts and deeds, are true, and such of the statements in the said petition as relate to the acts and deeds of any other corporation, person or persons, I believe to be true.

Sworn, &c.

---

FORM 9

[rule 28]

ORDER APPOINTING A PROVISIONAL LIQUIDATOR AFTER  
PRESENTATION OF PETITION, AND BEFORE ORDER TO WIND UP

the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Title)

Upon the application, &c., and upon reading, &c., the court doth hereby appoint the Official Receiver (or as may be) to be provisional liquidator of the above-named company. And the court doth hereby limit and restrict the powers of the said provisional liquidator to the following acts, that is to say [describe the acts which the provisional liquidator is to be authorized to do and the property of which he is to take possession].

NOTE-It will be the duty of the person who is at the time secretary or chief officer of the company and of such of the persons who are liable to make out or concur in making out the company's statement of affairs as the Official Receiver may require, to attend on the Official Receiver at such time and place as he may appoint and to give him all information he may require.

FORM 10

[rule 30]

### NOTICE OF INTENTION TO APPEAR ON PETITION

(Title)

Take notice that A.B., of<sup>(a)</sup> a creditor for \$ of (or contributory holding<sup>(b)</sup> shares in) the above company intends to appear on the hearing of the petition advertised to be heard on the day of 19 , and to support (or oppose) such petition.

(a) State full name, or if a firm, the name of the firm and address

(Signed)<sup>(c)</sup>

(b) State number and class of shares held

[Address]

To

(c) To be signed by the person or his solicitor or agent

FORM 11

[rule 31]

### LIST OF PARTIES ATTENDING THE HEARING OF A PETITION

(Title)

The following are the names of those who have given notice of their intention to attend the hearing of the petition herein, on the day of, 19 .

Name	Address	Name and address of solicitor of party who has given notice	Creditors. Amount of debt	Contributories. Number of shares	Opposing	Supporting
------	---------	---	---------------------------	----------------------------------	----------	------------

--	--	--	--	--	--	--

FORM 12

[rule 34]

NOTIFICATION TO OFFICIAL RECEIVER OF WINDING-UP ORDER

(Title)

To the Official Receiver

(Address)

Order pronounced this day by  
[or, as the case may be] for winding up the under-mentioned company under the Companies Ordinance (Chapter 32).

Name of company	Registered office of company	Petitioner's solicitor	Date of presentation of petition

FORM 13

[rule 34]

NOTIFICATION TO OFFICIAL RECEIVER OF ORDER PRONOUNCED  
FOR APPOINTMENT OF PROVISIONAL LIQUIDATOR PRIOR TO  
WINDING-UP ORDER BEING MADE

(Title)

To the Official Receiver

(Address)

Order pronounced this day by  
[or, as the case may be] for the appointment of the Official Receiver (or, as the case may be, the name, address and description of the person appointed) as provisional liquidator prior to any winding-up order being made.

Name of company	Registered office of company	Petitioner's solicitor	Date of presentation of petition

FORM 14

[rule 35]

### ORDER FOR WINDING UP BY THE COURT

day of , 19 .

(Title)

Upon the petition of the above-named company (or A.B., of &c., a creditor (or contributory) of the above-named company), on the day of , 19 , preferred unto the court, and upon hearing for the petitioner, and for and upon reading the said petition, an affidavit of (the said petitioner), filed, &c., verifying the said petition, an affidavit of L. M., filed the day of , 19 , the Gazette of the day of , 19 , the newspaper of the day of (enter any other papers), each containing an advertisement of the said petition (enter any other evidence), this court doth order that the said company be wound up by this court under the provisions of the Companies Ordinance (Chapter 32), and that the Official Receiver, or as the case may be, be constituted provisional liquidator of the affairs of the company.

And it is ordered that the costs of of the said petition be taxed and paid out of the assets of the said company.

NOTE-It will be the duty of the secretary and of every officer of the company and of such of the persons who are liable to make out or concur in making out the company's statement of affairs, as the Official Receiver may require, to attend on the Official Receiver at such time and piece as he may appoint and to give him all information he may require.

(L.N. 201 of 1984)

FORM 15

(Repealed L.N. 201 of 1984)

FORM 16

[rule 36(1)]

NOTICE OF ORDER TO WIND UP (FOR NEWSPAPER)

THE COMPANIES ORDINANCE

(Chapter 32)

In the matter of \_\_\_\_\_, Limited.  
Winding-up order made \_\_\_\_\_, 19\_\_\_\_.

Date and place of first meetings-

Creditors \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_

Contributories \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_

Official Receiver and  
Provisional Liquidator

---

FORM 17

[rule 38]

AFFIDAVIT BY SPECIAL MANAGER VERIFYING ACCOUNT

(Title)

I, \_\_\_\_\_, of \_\_\_\_\_ make oath and say as follows-

1. The account hereunto annexed, marked with the letter "A", produced \_\_\_\_\_ and shown to me at the time of swearing this my affidavit, and purporting to be my account as special manager of the estate or business of the above-named company, contains a true account of all and every sums and sum of money received by me or by any other person or persons by my order or to my knowledge or belief for my use on account or in respect of the said estate or business.

2. The several sums of money mentioned in the said account hereby verified to have been paid or allowed have been actually and truly so paid and allowed for the several purposes in the said account mentioned.

3. The said account is just and true in all and every items and particulars therein contained, according to the best of my knowledge and belief.

Sworn, &c.

---

FORM 18

[rule 109]

NOTICE TO CREDITORS OF FIRST MEETING

(Title)

(Under the order for winding up the above-named company, dated the day of , 19 .)

Notice is hereby given that the first meeting of creditors in the above matter will be held at on the day of 19 , at o'clock in the noon.

To entitle you to vote thereat your proof must be lodged with me not later than o'clock on the day of , 19 .

Forms of proof and of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than o'clock on the day of , 19 .

Official Receiver

Address

(The statement of the company's affairs <sup>(a)</sup> )

Note

(a) Here insert "has not been lodged" or "has been lodged, and summary is enclosed"

At the first meetings of the creditors and contributories they may amongst other things-

1. By resolution determine whether or not an application is to be made to the court to appoint a liquidator in place of the Official Receiver.

2. By resolution determine whether or not an application shall be made to the court for the appointment of a committee of inspection to act with the liquidator, and who are to be the members of the committee if appointed.

Note-If a liquidator is not appointed by the court the Official Receiver will be the liquidator.

---

FORM 19

[rule 109]

## NOTICE TO CONTRIBUTORIES OF FIRST MEETING

(Title)

Notice is hereby given that the first meeting of the contributories in the above matter will be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at o'clock in the \_\_\_\_\_ noon.

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with me not later than o'clock on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Official Receiver

Address \_\_\_\_\_

(The company's statement of affairs <sup>(a)</sup> \_\_\_\_\_).

(a) Here insert "has not been lodged" or "has been lodged, and summary is enclosed".

#### Note

At the first meetings of creditors and contributories they may amongst other things-

1. By resolution determine whether or not an application shall be made to the court to appoint a liquidator in place of the Official Receiver.

2. By resolution determine whether or not an application shall be made to the court for the appointment of a committee of inspection to act with the liquidator, and who are to be the members of the committee if appointed.

Note-If a liquidator is not appointed by the court the Official Receiver will be the liquidator.

\_\_\_\_\_  
FORM 20

[rule 110]

### NOTICE TO DIRECTORS AND OFFICERS OF COMPANY TO ATTEND FIRST MEETING OF CREDITORS OR CONTRIBUTORIES

(Title)

Take notice that the first meeting of creditors [or contributories] will be held on the day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ k at <sup>(a)</sup> and that you are required to attend thereat, and give such information as the meeting may require.

(a) Here insert place where meeting will be held.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
To <sup>(b)</sup>

(b) Insert name of person required to attend.

Official Receiver

\_\_\_\_\_  
NOTE-The failure of any director or officer to attend will be reported by the Official Receiver to the court.

\_\_\_\_\_

## MEMORANDUM OF PROCEEDINGS AT ADJOURNED FIRST MEETING

(No quorum)

(Title)

Before \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.

Memorandum-The adjourned meeting of<sup>(a)</sup> \_\_\_\_\_ in the above matter was held at the time and place above-mentioned; but it appearing that there was not a quorum of<sup>(a)</sup> \_\_\_\_\_ qualified to vote present or represented, no resolution was passed, and the meeting was not further adjourned.  
Chairman

(a) Insert "creditors" or "contributories", as the case may be.

FORM 22 [rule 130]  
LIST OF CREDITORS<sup>(a)</sup> PRESENT TO BE USED AT EVERY MEETING

(Title)

Meeting held at this day of \_\_\_\_\_, 19\_\_\_\_.

Number	Names of creditors <sup>(a)</sup> present or represented	Amount of proof <sup>(b)</sup>	
1		\$	Ø
2			
3			
4			
5			
6			
7			
7	Total number of creditors <sup>(a)</sup> present or represented.		

(b)In case of contributories insert "number of shares" and "number of votes according to the regulations of the company".

## FORM 23

## Rule 39 of the Companies (Winding-up) Rules

IN THE HIGH COURT OF HONG KONG  
COMPANIES (WINDING-UP) NO. \_\_\_\_\_ of 19 \_\_\_\_

In the matter of \_\_\_\_\_  
and

In the matter of the Companies Ordinance (Chapter 32).

STATEMENT OF AFFAIRS on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, the  
date of the Winding-up Order (or such other date as the Official Receiver has for special reasons directed).

Notes

- (1) Please complete this Statement of Affairs and such of the attached lists A, B, C, D, E, F, G, H, I and J as are applicable. If there is a dispute about any amount due to or by the wound-up company please specify this in the relevant list and supply details in a separate schedule which should be signed and attached as part of the Statement of Affairs.
- (2) Please do not insert figures in the shaded areas.

**I-AS REGARDS CREDITORS**

List Reference	Particulars	Amount \$	Amount \$
	<b>ASSETS</b>		
A	(1) Various assets		
B	(2) Debts due to the company		
C	(3) Excess value of assets pledged as security to creditors fully secured		
D	(4) Unpaid calls		
	(5) Total Assets, i.e. total of items (1) to (4) above		
	<b>LIABILITIES</b>		
E	(6) Claims and amounts due to employees and Government departments		
F	(7) Debenture holders		
	(8) Subtotal, i.e. total of items (6) and (7) above		
C	(9) Secured creditors (net of security)-i.e. after deducting the amount of the security		
G	(10) Unsecured creditors and other liabilities		
H	(11) Contingent liabilities		
	(12) Subtotal, i.e. total of items (9) to (11) above		
	(13) Total Liabilities, i.e. total of items (8) and (12) above		
	(14) Estimated surplus/(deficiency) subject to cost of liquidation carried forward to item (15) on page 2, i.e. total assets as in item (5) less total liabilities as in item (13). \$		

## II-AS REGARDS CONTRIBUTORIES

List Reference	Particulars	Amount \$	Amount \$
	(15) Estimated surplus/(deficiency) brought forward from page 1		
	CAPITAL ISSUED AND ALLOTTED, viz:-		
	(16) Ordinary Shares of \$_____ per share		
I	(17) No. of Ordinary Shares issued as fully paid  (specify no. of shares)		
I	(18) No. of Ordinary Shares issued as partially paid, i.e. amount called up for _____ shares at \$ _____ per (specify no. of shares) shares		
I	(19) Total for ordinary shares capital fully paid and called up, i.e. total of items (17) and (18) above		
I	(20) Any other type of shares or capital issued (give particulars)  _____ _____	_____ _____	
	(21) Subtotal for item (20)		
	(22) Total of items (19) and (21) above		
	(23) TOTAL SURPLUS/(DEFICIENCY) AS PER ITEM (15) OF THE DEFICIENCY ACCOUNT IN LIST J i.e. item (15) less item (22) \$		

### AFFIDAVIT OR AFFIRMATION

- Notes: (1) The Commissioner is particularly requested, before swearing the Affidavit or making the Affirmation, to ascertain that the full name, address and description of the Deponent are stated, and to initial all crossings-out or other alterations on the printed form. A deficiency in the Affidavit/Affirmation in any of the above respects will entail its refusal by the court, and will necessitate it being re-sworn/re-affirmed.
- (2) Where the Official Receiver has directed any date other than the date of the winding-up order, substitute such other date.
- (3) An asterisk (\*) signifies that the inapplicable words should be deleted.

I/We \_\_\_\_\_, of \_\_\_\_\_, \* make oath and say  
\*solemnly and sincerely affirm  
that the foregoing Statement and the several Lists hereunto annexed marked \_\_\_\_\_ are, to the best of my/our knowledge and belief, a full, true, and complete statement of affairs of the above-named Company, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, the date of the Winding-up Order (see Note 2).

\* Sworn at/\* Affirmed at \_\_\_\_\_ in Hong Kong.  
this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Before me.

A Commissioner, etc.

\_\_\_\_\_  
(Signature)

LIST A

VARIOUS ASSETS

Full particulars of every description of assets not included in any other lists should be specified in this list. If the space allotted to items (a) to (h) below is not adequate, please provide the requisite information by attaching additional schedule(s) and completing item (j) below.

Particulars		Estimated to produce \$
(a)	Cash at bank (Please specify the name(s) _____ of the bank(s) and all _____ account numbers) _____	_____ _____ _____
(b)	Cash in hand	_____
(c)	Stock in trade _____ Cost \$ _____	_____
(d)	Plant and machinery _____ Cost \$ _____	_____
(e)	Investment in _____ Cost \$ _____ stocks or shares, etc. (Please provide details) _____	_____ _____
(f)	Land and buildings _____ Cost \$ _____	_____
(g)	Security held by the _____ company in respect of loans granted to _____ others (Please provide details) _____	_____ _____ _____
(h)	Any other assets _____ (please provide details) _____	_____ _____
(i)	Total (show the total under "Assets" on page 1 of the Statement of Affairs) \$	
(j)	* _____ additional schedule(s) are attached/*No additional schedule(s) are (specify no.) attached.	

Dated this       day of       19       Signature)

(\*delete the inapplicable words)

LIST B

DEBTS DUE TO THE COMPANY

Show the total of column (vi) of \$ ..... under "Assets" on page 1 of the Statement of  
Affairs




Dated this                      day of                      19                      .                      (Signature)

#### LIST C

#### SECURED CREDITORS (either fully or partly secured but excluding debenture holders for whom List F should be used)/EXCESS VALUE OF ASSETS PLEDGED AS SECURITY TO CREDITORS

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)
No.	Name of creditor or claimant	Address	Amount owed to creditor \$	Date when contracted	Particulars of the asset being held or claimed or pledged as security	Date when security given	Estimated value of the asset in column (vi) \$	Estimated excess i.e. (viii) less (iv) \$	Net indebtedness i.e. (iv) less (viii) \$
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
Total amount owed to creditors, i.e. total of column (iv)				Total value of security, i.e. total of column (viii)					
Show the total of column (ix) under "Assets" at item (3) on page 1 of the Statement of Affairs									
Show the total of column (x) under "Liabilities" at item (9) on page 1 of the Statement of Affairs									

Dated this                      day of                      19                      (Signature)

Note: If the amount due to the fully-secured creditor (as stated in column (iv) above) is the same as the estimated value of security (as stated in column (viii) above), please specify a "Nil" amount in columns (ix) and (x). If any estimated surplus from security as reflected in column (ix) above is further pledged to any other creditor as partial security, that surplus should be deducted from column (ix) and shown in column (viii) for that other creditor instead. Such surplus should then be deducted from the relevant amount due to that other creditor before extending the amount to either column (ix) or (x), whichever is appropriate.

#### LIST D

UNPAID CALLS (i.e. amount called up but not yet paid by the shareholder)

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
No.	No. in share register	Name of Shareholder	Address	No. of share held	Amount of call per share unpaid \$	Total amount due i.e. (vi) multiplied by (v) \$	Estimated to realize \$
1.	.....	.....	.....	.....	.....	.....	.....
2.	.....	.....	.....	.....	.....	.....	.....
3.	.....	.....	.....	.....	.....	.....	.....
4.	.....	.....	.....	.....	.....	.....	.....
5.	.....	.....	.....	.....	.....	.....	.....
6.	.....	.....	.....	.....	.....	.....	.....
7.	.....	.....	.....	.....	.....	.....	.....
8.	.....	.....	.....	.....	.....	.....	.....
9.	.....	.....	.....	.....	.....	.....	.....
10.	.....	.....	.....	.....	.....	.....	.....
11.	.....	.....	.....	.....	.....	.....	.....
12.	.....	.....	.....	.....	.....	.....	.....
13.	.....	.....	.....	.....	.....	.....	.....
14.	.....	.....	.....	.....	.....	.....	.....
15.	.....	.....	.....	.....	.....	.....	.....
Totals (show the total of column (viii) under "Assets" on page 1 of the statement of Affairs)							
\$							

Dated this

day of

19

.

(Signature)

LIST E

CLAIMS AND AMOUNTS DUE TO EMPLOYEES AND GOVERNMENT DEPARTMENTS (e.g. Wages, Rates, Taxes, etc.)

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
No.	Name of creditor or claimant	Address	Nature of claim	Period during which claim accrued	Due date for payment	Amount of claim \$
1.	.....	.....	.....	.....	.....	.....
2.	.....	.....	.....	.....	.....	.....
3.	.....	.....	.....	.....	.....	.....
4.	.....	.....	.....	.....	.....	.....
5.	.....	.....	.....	.....	.....	.....
6.	.....	.....	.....	.....	.....	.....
7.	.....	.....	.....	.....	.....	.....
8.	.....	.....	.....	.....	.....	.....
9.	.....	.....	.....	.....	.....	.....
10.	.....	.....	.....	.....	.....	.....
11.	.....	.....	.....	.....	.....	.....
12.	.....	.....	.....	.....	.....	.....
13.	.....	.....	.....	.....	.....	.....

14.	.....	.....	.....	.....	.....	.....
15.	.....	.....	.....	.....	.....	.....
Show the total of column (vii) under "Liabilities" on page 1 of the Statement of Affairs					\$	

Dated this                      day of                      19                      .                      (Signature)

#### LIST F

DEBENTURE HOLDERS (excluding Secured Creditors for whom List C should be used)

Should there be more than one issue of debentures, separate list must be provided of holders of each issue debenture

(i) No.	(ii) Date of debenture holder	(iii) Name of debenture holder	(iv) Address	(v) Amount \$	(vi) Description of assets over which security extends
1.	.....	.....	.....	.....	.....
2.	.....	.....	.....	.....	.....
3.	.....	.....	.....	.....	.....
4.	.....	.....	.....	.....	.....
5.	.....	.....	.....	.....	.....
6.	.....	.....	.....	.....	.....
7.	.....	.....	.....	.....	.....
8.	.....	.....	.....	.....	.....
9.	.....	.....	.....	.....	.....
10.	.....	.....	.....	.....	.....
11.	.....	.....	.....	.....	.....
12.	.....	.....	.....	.....	.....
13.	.....	.....	.....	.....	.....
14.	.....	.....	.....	.....	.....
15.	.....	.....	.....	.....	.....
Show the total of column (v) under "Liabilities" on page 1 of the Statement of Affairs				\$	

Dated this                      day of                      19                      .                      (Signature)

#### LIST G

#### UNSECURED CREDITORS AND OTHER LIABILITIES

Show the total of column (iv) of \$ ..... under "Liabilities" on page 1 of the Statement of Affairs

(i) No.	(ii) Name of creditor or claimant	(iii) Address	(iv) Amount \$	(v) Date when contracted	(vi) Consideration and the nature of liability
1.	.....	.....	.....	.....	.....
2.	.....	.....	.....	.....	.....
3.	.....	.....	.....	.....	.....
4.	.....	.....	.....	.....	.....
5.	.....	.....	.....	.....	.....
6.	.....	.....	.....	.....	.....
7.	.....	.....	.....	.....	.....
8.	.....	.....	.....	.....	.....
9.	.....	.....	.....	.....	.....



(i) No.	(ii) Name of creditor or claimant	(iii) Address	(iv) Amount \$	(v) Date when contracted	(vi) Consideration and the nature of liability
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
Show the total of column (iv) under "Liabilities" on page 1 of the Statement of Affairs			\$		

Dated this

day of

19

(Signature)

#### LIST I

#### LIST OF SHAREHOLDERS

Type of Shares-\*Ordinary Shares of \$\_\_\_\_\_each nominal value  
(\* delete whichever- \*Preference Shares of \$\_\_\_each at \_\_\_\_\_% nominal  
value is inapplicable)-\*Others (please specify)\_\_\_\_\_

(i) No.	(ii) No. in share register	(iii) Name of Shareholder	(iv) Address	(v) No. of shares held	(vi) Amount per share fully paid/called up \$	(vii) Total amount i.e. (vi) multiplied by (v)		(viii) Total amount not called up (if any) \$
						Fully paid \$	Called up \$	
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								

Dated this                      day of                      19                      .                      (Signature)

Notes: Separate list(s) should be used to provide a list of shareholders for each type of share capital, i.e. use separate list(s) for ordinary shareholders, preference shareholders, etc.

## LIST J

## DEFICIENCY ACCOUNT

(1) Excess/(Deficiency) of Assets over Capital and Liabilities as per the company's latest audited balance sheet as at..... (This and the previous balance sheet to be annexed or handed to Official Receiver)			\$
(2) Gross profit (loss) arising from carrying on business from the date mentioned in (1) above or date of incorporation (whichever is the later) to date of winding-up order (as per Trading Account annexed)			
(3) Receipts, if any, during the same period as per item (2) from the following sources (see note):-			
	(a) Interest on loans	\$	
	(b) Interest on deposits		
	(c) Other receipts (please specify)		
	(d) Amounts paid on shares issued and subsequently forfeited (as per list annexed)		
(4) Subtotal of items (3)(a) to (3)(d) above			
(5) Total of items (1), (2) and (4)			

LESS

(6) Expenditure incurred and payments, if any, during the same period as per item (2):-

	(i) Amount paid \$	(ii) Amount outstanding at date of winding- up order \$	(iii) Total i.e. (i)+(ii) \$
(a) Salaries			
(b) Wages not charged in Trading Account			
(c) Rent			
(d) Rates and taxes			
(e) Legal costs			
(f) Commission			

(g)	Interest on loans			
(h)	Interest on debentures			
(i)	Miscellaneous expenditure (as per details annexed)			
(j)	Directors' fees			
(k)	Dividends declared during same period			
(7)	Subtotal of items (6)(a) to (6)(k) above			
(8)	Amount carried forward to item (9) on next page, i.e. item (5) less item (7) \$			

## LIST J

## DEFICIENCY ACCOUNT (CONTINUED)

(9)	Amount brought forward from previous page		\$
(10)	Losses and depreciation, if any, written off in the company's books during the same period as per item (2) (see note):-		
	(a) Bad debts	\$	
	(b) Losses on investments		
	(c) Depreciation of property		
	(d) Preliminary expenses written off		
	(e) Others (please specify)		
(11)	Subtotal of items (10)(a) to (10)(e) above		
(12)	Losses and depreciation not written off in company's books, now written off in the Statement of Affairs (see note):		
	(a) Bad debts		
	(b) Losses on investments		
	(c) Depreciation of property		
	(d) Preliminary expenses written off		
	(e) Others (please specify)		
(13)	Subtotal of items (12)(a) to (12)(e) above		
(14)	Total of items (11) and (13)		
(15)	SURPLUS/(DEFICIENCY) AS PER ITEM (23) IN PART II OF THE STATEMENT OF AFFAIRS i.e. item (9) less item (14) \$		

Note: Where particulars are numerous they should be inserted in a separate schedule.

Dated this                      day of                      19                      .                      (Signature)

(L.N. 24 of 1995; 25 of 1998 s. 2)

FORM 24

[rule 45]

## REPORT OF RESULT OF MEETING OF CREDITORS OR CONTRIBUTORIES

In the matter, &c.

I, A.B., the Official Receiver of the court [or as the case may be] chairman of a meeting of the creditors [or contributories] of the above-named company summoned by advertisement [or notice] dated the day of , 19 , and held on the day of 19 , at , in the , do hereby report to the court the result of such meeting as follows-

The said meeting was attended, either personally or by proxy, by creditors whose proofs of debt against the said company were admitted for voting purposes, amounting in the whole to the value of \$ [or by contributories, holding in the whole shares in the said company, and entitled respectively by the regulations of the company to the number of votes hereinafter mentioned].

The question submitted to the said meeting was, whether the creditors [or contributories] of the said company wished that [here state proposal submitted to the meeting].

The said meeting was unanimously of opinion that the said proposal should [or should not] be adopted; [or the result of the voting upon such question was as follows:]<sup>(a)</sup>

(a) Here set out the majorities by which the respective resolutions were carried.

Resolutions at meetings	Voting on resolutions					
	For			Against		
	No.	Amount		No.	Amount	
(State the substance of any resolutions passed and give names of committee of inspection (if any), and amount of their proofs if creditors or shares if contributories).						
CREDITORS-						
CONTRIBUTORIES-	No.	Shares	Votes	No.	Shares	Votes

Dated this
day of
19
.

(Signed)

H.T.

Chairman

## ORDER APPOINTING LIQUIDATOR

(Title)

the                      day of

Upon the application of the Official Receiver and provisional liquidator of the above-named company, by summons dated                      and upon hearing the applicant in person and upon reading the order to wind up the said company dated                      , and the reports of the Official Receiver of the results of the meetings of creditors and contributories made to the court and respectively dated the                      <sup>(a)</sup> [ , and the affidavit of as to the fitness of the liquidator hereinafter named filed ]. It is ordered that of be appointed liquidator of the above-named company.

<sup>(b)</sup> It is also ordered that the following persons be appointed a committee of inspection to act with the said liquidator, namely-

And it is ordered that the said liquidator do within 7 days from the date of this order give security to the satisfaction of the Official Receiver as provided by the Companies (Winding-up) Rules.

And notice of this order is to be gazetted and advertised in the <sup>(c)</sup>.

(L.N. 286 of 1997)

(a) To be inserted only if such affidavit is required.

(b) To be struck out if no committee of inspection appointed.

(c) State name of newspaper (if any).

FORM 26

[rule 47]

## CERTIFICATE THAT LIQUIDATOR OR SPECIAL MANAGER HAS GIVEN SECURITY

(Title)

This is to certify that A.B., of                      , who was on the day of                      , 19                      , appointed liquidator [or special manager] of the above-named company, has duly given security to the satisfaction of the Official Receiver.

Dated this                      day of                      , 19                      .

\_\_\_\_\_  
(Signed)                      J.S.

Official Receiver

FORM 27

[rule 45]

## ADVERTISEMENT OF APPOINTMENT OF LIQUIDATOR

In the matter of \_\_\_\_\_, Limited.

By order of the \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Mr. \_\_\_\_\_ of \_\_\_\_\_ has been appointed liquidator of the above-named company with [or without] a committee of inspection.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

---

FORM 28

[rule 46]  
Fee \$3.00

Notice of Appointment of Liquidator

MEMBERS OR CREDITORS VOLUNTARY WINDING UP OR WINDING UP BY  
THE COURT

Pursuant to Sections 195 and 253

Name of company or title of proceedings (as the case may be)

(a) Insert name(s) and

To The Registrar of Companies.

(i) Hong Kong Identity Card Number(s); or

<sup>(a)</sup>I, (or We) of hereby give you notice that I (or we) have been appointed liquidator(s) of Company, Limited by<sup>(b)</sup>

(Signature)

(ii) Passport Number(s) together with the name(s) of the issuing country (or

(c)

Dated this day of , .

(b) State whether appointed by resolution of the company or by the creditors or by order of the court and give date of resolution or order.

Presented for filing by

\_\_\_\_\_

(L.N. 286 of 1997)

FORM 29

[rules 50, 51 & 52]

(c) To be signed by each liquidator if more than one.

## ORDER DIRECTING A PUBLIC EXAMINATION

(Title)

Upon reading the reports of the Official Receiver in the above matter, dated respectively the day of 19 , the day of 19 and

It is ordered that the several persons whose names and addresses are set forth in the schedule hereto do attend before the court on a day and at a place to be named for the purpose, and be publicly examined as to the promotion or formation of the company, and as to the conduct of the business of the company, and as to their conduct and dealings as directors or officers of the company.

THE SCHEDULE REFERRED TO

Name	Address	Connection with the company

---

FORM 30

[rule 54]

### ORDER APPOINTING A TIME FOR PUBLIC EXAMINATION

(Title)

Upon the application of the Official Receiver in the above matter, it is ordered that the public examination of  
 who, by the order of the court dated the                      day of                      19                      , was directed to attend before the court to be publicly examined, be held at the Courts of Justice on the day of                      19                      , at o'clock in the                      noon.

And it is ordered that the above-named do attend at the place and time above-mentioned.

Dated this                      day of                      ,19                      .

---

NOTE-Notice is hereby given that if you, the above-named                      fail, without reasonable excuse, to attend at the time and place aforesaid, you will be liable to be committed to prison without further notice.

---

FORM 31

[rule 54]

### NOTICE TO ATTEND PUBLIC EXAMINATION

(Title)

Whereas by an order of this court, made on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, it was ordered that you, the undermentioned \_\_\_\_\_ should attend before the court on the day and at a place to be named for the purpose, and be publicly examined as to the promotion or formation of the company, and as to the conduct of the business of the company, and as to your conduct and dealings as<sup>(a)</sup>

(a) Insert director or officer [or as the case may be.]

And whereas the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock, in the \_\_\_\_\_ noon, before the \_\_\_\_\_ sitting at \_\_\_\_\_ has been appointed as the time and place for holding the said examination.

Notice is hereby given that you are required to attend at the said time and place, and at any adjournments of the examination which may be ordered, and to bring with you and produce all books, papers, and writing and other documents in your custody or power in any way relating to the above-named company.

And take notice that if you fail, without reasonable excuse, to attend at such time and place, and at the adjournments of the said public examination which may be ordered, you will be liable to be committed to prison without further notice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

To

Official Receiver

\_\_\_\_\_

FORM 32

[rule 60]

APPLICATION FOR APPOINTMENT OF SHORTHAND WRITER TO TAKE  
DOWN NOTES OF PUBLIC EXAMINATION AND ORDER THEREON

(Title)

Ex parte the Official Receiver.

I, \_\_\_\_\_ the Official Receiver herein, do hereby, pursuant to rule 60 of the Companies (Winding-up) Rules, apply to the court for an order for the appointment of \_\_\_\_\_ of \_\_\_\_\_ to take down in shorthand the notes of examination of \_\_\_\_\_ at their public examination, the costs of taking such notes, and of making a transcript thereof, to be paid in accordance with rule 60.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Official Receiver

Before

Upon the application of the Official Receiver the court hereby appoints \_\_\_\_\_ of \_\_\_\_\_ to take down in shorthand the notes of examination of the persons mentioned in the above application at their public examination, or at any adjournment thereof pursuant to rule 60 of the Companies (Winding-up) Rules, the costs of taking such notes, and of making a transcript thereof, to be paid in accordance with rule 60.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
FORM 33

[rule 60]

#### DECLARATION BY SHORTHAND WRITER

(Title)

Before  
I, \_\_\_\_\_, of \_\_\_\_\_, the shorthand writer appointed by this court to take down the examination of \_\_\_\_\_, do solemnly and sincerely declare that I will truly and faithfully take down the questions and answers put to and given by the said \_\_\_\_\_ in this matter, and will deliver true and faithful transcripts thereof as the court may direct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[Declared before me at the time and place above-mentioned.]

\_\_\_\_\_  
FORM 34

[rule 57]

#### NOTES OF PUBLIC EXAMINATION WHERE A SHORTHAND WRITER IS APPOINTED

(Title)

Public examination of<sup>(a)</sup>  
Before \_\_\_\_\_ at the court this \_\_\_\_\_ day of 19 \_\_\_\_ .  
The above-named \_\_\_\_\_, being sworn and examined at the time and  
place above-mentioned, upon the several questions following being put and  
propounded to him, gave the several answers thereto respectively following each  
question, that is say:-

(a) Mr. an  
officer [or as  
the case may  
be] of the  
above-named  
company

A.

These are the notes of the public examination referred to in the memorandum  
of public examination of \_\_\_\_\_, taken before me this \_\_\_\_\_ day of 19 \_\_\_\_ .

FORM 35

[rule 57]

NOTES OF PUBLIC EXAMINATION WHERE A SHORTHAND WRITER IS NOT  
APPOINTED

(Title)

Public examination of<sup>(a)</sup>  
Before \_\_\_\_\_ at the court  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
The above-named \_\_\_\_\_, being sworn and examined at the time and place above-  
mentioned, upon his oath saith as follows-

(a) Mr. an  
officer [or as  
the case may  
be] of the  
above-named  
company

A.

These are the notes of the public examination referred to in the memorandum  
of public examination of \_\_\_\_\_, taken before me this \_\_\_\_\_ day of  
19 \_\_\_\_ .

FORM 36

[rule 61]

REPORT TO THE COURT WHERE PERSON EXAMINED REFUSES TO  
ANSWER TO SATISFACTION OF REGISTRAR OR OFFICER

(Title)

At the examination of<sup>(a)</sup> held before me this day  
of , 19 , the following question was [allowed by me to be] put to  
the said [ ].

(a) e.g. A.B., a  
person ordered to  
attend for  
examination

Q.<sup>(b)</sup>

The<sup>(c)</sup> refused to answer the said question.

(b) Here state  
question.

(or) The<sup>(c)</sup> answered the said question as follows:-

(c) Witness

A.<sup>(d)</sup>  
I thereupon named the day of , 19 , at as the  
time and place for such [refusal to] answer to be reported to the Hon. Mr. Justice [or  
His Honour Mr. Justice ].

(d) Here insert  
answers (if any)

Dated this day of , 19 .

Registrar

[or as the case may be]

---

FORM 37

[section 222]

## ORDER ON PERSONS TO ATTEND AT CHAMBERS TO BE EXAMINED

(Title)

A.B. of &c., and E.F. of &c., are hereby severally ordered to attend at<sup>(a)</sup>  
on the day of , at of the clock in the noon,  
to be examined on the part of the Official Receiver [or the liquidator] for the purpose  
of proceedings directed by the court to be taken in the above matter. [And the said A.  
B. is hereby required to bring with him and produce, at the time and place aforesaid,  
the documents mentioned in the schedule hereto, and all other books, papers, deeds,  
writings, and other documents in his custody or power in anywise relating to the  
above-named company.]

(a) State place  
of  
examination

Dated this day of , 19 .

This order was made on the application of Messrs. C. and D., of Solicitors for

The schedule above referred to

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FORM 38

[rule 56]

## WARRANT AGAINST PERSON WHO FAILS TO ATTEND EXAMINATION

(Title)

To the bailiff of our said court, and to each and all the police officers of Hong Kong and to the Commissioner of Correctional Services.

WHEREAS by an order of this court, made on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, <sup>(a)</sup> \_\_\_\_\_ was ordered to attend before the court on a day and at a place to be named for the purpose of being publicly examined.

(a) Name of person required to attend.

AND WHEREAS by evidence taken upon oath, it hath been made to appear to the satisfaction of the court that the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at o'clock in the \_\_\_\_\_ noon before the court sitting at the Courts of Justice was appointed as the time and place for holding the said examination, and that notice of the said order and of the said time and place so appointed was duly served upon the said<sup>(a)</sup>

(AND WHEREAS the said<sup>(a)</sup> \_\_\_\_\_ did without good cause fail to attend on the said \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for the purpose of being examined, according to the requirements of the said order of this court made on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, directing him so to attend.) (or, and that the said<sup>(a)</sup> has absconded (or, and that there is good reason to believe that the said<sup>(a)</sup> is about to abscond) with a view to avoiding examination under the Companies Ordinance (Chapter 32)).

THESE ARE THEREFORE to require you the said bailiff and police officers to take the said<sup>(a)</sup> \_\_\_\_\_ and to deliver him to the Commissioner of Correctional Services, and you the said Commissioner of Correctional Services to receive the said <sup>(a)</sup> \_\_\_\_\_ and him safely keep in prison until such time as this Court may order.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Registrar

(L.N. 201 of 1984)

FORM 38A

[rule 56]

ORDER FOR WARRANT OF ARREST OF PERSON WHO HAS FAILED TO  
ATTEND PUBLIC EXAMINATION

(Title)

Upon the application of S.W. the Official Receiver and Liquidator of the above-named company by summons dated the day of , 19 , and upon hearing the applicant in person and upon reading the order to wind up the said company dated the order dated ..... and the affidavit of C.D. filed ..... and the exhibits therein referred to and by which said affidavit it has been made to appear to the court that by the said order dated A.B. was directed to attend before the court on a day to be named for the purpose and be publicly examined as to the matters referred to in the said order and that the ..... day of ..... at ..... o'clock in the ..... noon at the Courts of Justice, Hong Kong, were appointed as the day, time and place for holding the said examination and it has also been duly proved by the said affidavit of C.D. that the said order dated the ..... and the notice to attend such examination on the ..... at ..... o'clock respectively had been duly served upon the said A.B. and it appearing that the said A.B. without good cause failed to attend on the ..... in pursuance of the said order of the (date). IT IS ORDERED that a warrant do issue for the arrest of the said A.B.

Dated the                      day of                      , 19 .

Registrar

(25 of 1998 s. 2)

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FORM 39

[rule 63]

#### DISCLAIMER

(Title)

Pursuant to an order for the court dated the                      day of                      , 19                      ,  
I,                      the liquidator of the  
above-named company, hereby disclaim all interest in the lease dated the                      day of                      , 19                      , whereby the premises<sup>(a)</sup>  
were demised to                      at a rent of \$ per annum for a  
term of                      .Notice of this disclaimer has been given to

(a) Insert description of the property disclaimed.

Dated the                      day of                      , 19 .

Liquidator

---

FORM 40

[rule 63]

#### NOTICE OF DISCLAIMER OF LEASE

(Title)

Take notice that, pursuant to an order of the court dated the                      day of , 19                      , I,                      , the liquidator of the above-named company, by writing under my hand bearing date the day of                      , 19                      , disclaimed all interest in the lease dated the day of , 19                      , whereby the premises<sup>(a)</sup>                      were demised to at a rent of \$                      per annum for a term of                      .

(a) Insert description of the property disclaimed.

The above-mentioned disclaimer has been filed at the office of the Registrar at the Courts of Justice and notice thereof filed in the Land Registry.

Dated this                      day of                      , 19                      .

Liquidator

To

(address)

(8 of 1993 s. 30)

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FORM 41

[rule 67]

NOTICE BY LIQUIDATOR REQUIRING PAYMENT OF MONEY OR  
DELIVERY OF BOOKS, &C., TO LIQUIDATOR

(Title)

Take notice that I, the undersigned<sup>(a)</sup>                      have been appointed liquidator of the above-named company, and that you, the under-mentioned<sup>(b)</sup>                      , are required, within                      days after service hereof, to pay to me [or deliver, convey, surrender, or transfer to or into my hands]                      as liquidator                      of the said company at my office, situate at<sup>(c)</sup>                      &c., the sum of \$                      , being the amount of debt appearing to be due from you on your account with the said company [or any sum or balance, books, papers, estate or effects], [or specifically describe the property] now being in your hands, and to which the said company is entitled [or otherwise as the case may be].

(a) Name of liquidator.

(b) Name of person to whom notice is addressed.

(c) Address of liquidator's office.

Dated this                      day of                      , 19                      .

(Signed)

Liquidator

To<sup>(b)</sup>

(Address)

## PROVISIONAL LIST OF CONTRIBUTORIES TO BE MADE OUT BY LIQUIDATOR

(Title)

The following is a list of members of the company liable to be placed on the list of contributories of the said company, made out by me from the books and papers of the said company, together with their respective addresses and the number of shares [or extent of interest] to be attributed to each and the amount called up and the amount paid up in respect of such shares (or interest) so far as I have been able to make out or ascertain the same.

In the first part of the list, the persons who are contributories in their own right are distinguished.

In the second part of the said list, the persons who are contributories as being representatives of, or being liable to the debts of others, are distinguished.

## FIRST PART-CONTRIBUTORIES IN THEIR OWN RIGHT

Serial No.	Name	Address	Description	Number of shares [or extent of interest]	Amount called up (a)	Amount paid up (a)
					\$	\$

## SECOND PART-CONTRIBUTORIES AS BEING REPRESENTATIVES OF, OR LIABLE TO THE DEBTS OF, OTHERS

Serial No.	Name	Address	Description	In what character included	Number of shares [or extent of interest]	Amount called up (a)	Amount paid up (a)
						\$	\$

(a) At date of commencement of winding up.

NOTICE TO CONTRIBUTORIES OF APPOINTMENT TO SETTLE LIST OF  
CONTRIBUTORIES

(Title)

Take notice that I, \_\_\_\_\_ the liquidator of the above-named company, have appointed the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ of the clock in the noon, at<sup>(a)</sup> \_\_\_\_\_, to settle the list of the contributories of the above-named company, made out by me, pursuant to the Companies Ordinance (Chapter 32), and the rules thereunder, and that you are included in such list. The character and the number of shares [or extent of interest] in and for which you are included and the amount called up and the amount paid up in respect of such shares (or interest) is stated below; and if no sufficient cause is shown by you to the contrary at the time and place aforesaid, the list will be settled, including you therein.

(a) Insert place of appointment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Liquidator

To Mr. A.B. [and to Mr. C.D., \_\_\_\_\_ }  
his solicitor].

No. on List	Name	Address	Description	In what character included	Number of shares [or extent of interest]	Amount called up (a)	Amount paid up (a)
						\$	\$

(a) At date of commencement of winding up.

AFFIDAVIT OF POSTAGE OF NOTICES OF APPOINTMENT TO SETTLE LIST OF  
CONTRIBUTORIES

(Title)

I, \_\_\_\_\_ a<sup>(a)</sup> \_\_\_\_\_ make oath and say as follows:-  
1 That I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, send to each contributory mentioned in the list of contributories made out by the

(a) State the description of the deponent.

[Official Receiver and] liquidator on the day \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_, and now on the file of proceedings of the above-named company, at the address appearing in such list, a notice of the time and place of the appointment to settle the list of contributories in the form hereunto annexed, marked "A", except that in the tabular form at the foot of such copies respectively I inserted the number, name, address, description, in what character included and<sup>(b)</sup> the amount called up and the amount paid up in respect of the shares (or interest) of the person on whom such copy of the said notice was served.

2. That I sent the said notices by putting the same prepaid into the post office at before the hour of \_\_\_\_\_ o'clock in the noon on the said day Sworn, &c.

(b) "Number of shares" or "extent of interest".

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FORM 45

[rule 70]

CERTIFICATE OF LIQUIDATOR OF FINAL SETTLEMENT OF  
THE LIST OF CONTRIBUTORIES

(Title)

Pursuant to the Companies Ordinance (Chapter 32), and to the rules made thereunder, I, the undersigned, being the liquidator of the above-named company, hereby certify that the result of the settlement of the list of contributories of the above-named company, so far as the said list has been settled, up to the date of this certificate, is as follows-

1. The several persons whose names are set forth in the second column of the First Schedule hereto have been included in the said list of contributories as contributories of the said company in respect of the<sup>(a)</sup> set opposite the names of such contributories respectively in the said schedule.

I have, in the first part of the said schedule, distinguished such of the said several persons included in the said list as are contributories in their own right.

I have, in the second part of the said schedule, distinguished such of the said several persons included in the said list as are contributories as being representatives of or being liable to the debts of others.

2. The several persons whose names are set forth in the second column of the Second Schedule hereto, and were included in the provisional list of contributories, have been excluded from the said list of contributories.

3. I have, in the sixth column of the first part of the First Schedule and in the seventh column of the second part of the First Schedule and in the same column of the Second Schedule, set forth opposite the name of each of the several persons respectively the date when such person was included in or excluded from the said list of contributories.

4. I have in the seventh and eighth columns of the first part of the First Schedule hereto and in the eighth and ninth columns of the second part of the said schedule, set forth opposite the names of each of the said persons respectively the amount called up at the date of the commencement of the winding up and the amount paid at such date in respect of their shares (or interest).

(a) "Number of shares" or "extent of interest".

5. Before settling the said list, I was satisfied by the affidavit of \_\_\_\_\_, clerk to \_\_\_\_\_, duly filed with the proceedings herein, that notice was duly sent by post to each of the persons mentioned in the said list, informing him that he was included in such list in the character and for the<sup>(a)</sup> stated therein and of the amount called up and the amount paid up in respect of such shares (or interest) and of the day appointed for finally settling the said list.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

In the matter of \_\_\_\_\_ Limited.

The FIRST SCHEDULE above referred to

**FIRST PART-CONTRIBUTORIES IN THEIR OWN RIGHT**

Serial No. in List	Name	Address	Descript-ion	Number of shares [or extent of interest]	Date when included in the List	Amount called up	Amount paid up
						\$	\$

\_\_\_\_\_ In the matter of \_\_\_\_\_ Limited.

**SECOND PART-CONTRIBUTORIES AS BEING REPRESENTATIVES OF OR LIABLE TO THE DEBTS OF OTHERS**

Serial No. in List	Name	Address	Descrip-tion	In what character included	Number of shares [or extent of interest]	Date when included in the List	Amount called up	Amount paid up
							\$	\$

In the matter of

Limited.

The SECOND SCHEDULE above referred to

Serial No. in List	Name	Address	Description	In what character included	Number of shares [or extent of interest]	Date when included in the List

FORM 46

[rule 71]

NOTICE TO CONTRIBUTORY OF FINAL SETTLEMENT OF LIST OF CONTRIBUTORIES  
AND THAT HIS NAME IS INCLUDED

(Title)

Take notice that I, \_\_\_\_\_, the liquidator of the above-named company, have, by certificate, dated \_\_\_\_\_ the day of \_\_\_\_\_, 19\_\_\_\_, under my hand, finally settled the list of contributories of the said company, and that you are included in such list. The character and the number of shares [or extent of interest] in and for which you are included and the amount called up and the amount paid up in respect of such shares (or interest) is stated below.

Any application by you to vary the said list of contributories or, that your name be excluded therefrom, must be made by you to the court by summons within 21 days from the service on you of this notice, or the same will not be entertained.

The said list may be inspected by you at the chambers of the Registrar at the Courts of Justice on any day between the hours of \_\_\_\_\_ and \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed)

Liquidator

to Mr. [or to Mr.  
his solicitor]. }

No. in List	Name	Address	Description	In what character included	Number of shares [or extent of interest]	Amount called up (a)	Amount paid up (a)
						\$	\$

(a) At date of commencement of winding up.

FORM 47

[rule 73]

### SUPPLEMENTAL LIST OF CONTRIBUTORIES

(Title)

1. The following is a list of persons who, since making out the list of contributories herein, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I have ascertained are, or have been, holders of shares in [or members of] the above-named company, and to the best of my judgment are contributories of the said company.

2. The said supplemental list contains the names of such persons together with their respective addresses and the number of shares [or extent of interest] and the amount called up at the commencement of the winding up and the amount paid at such date in respect of the shares (or interest) to be attributed to each.

3. In the first part of the said list such of the said persons as are contributories in their own right are distinguished.

4. In the second part of the said list such of the said persons as are contributories as being representatives of, or being liable to the debts of others, are distinguished.

[The supplemental list is to be made out in the same form as the original list.]

FORM 48

[rule 71]

### AFFIDAVIT OF SERVICE OF NOTICE TO CONTRIBUTORY

(Title)

I, \_\_\_\_\_ (a) \_\_\_\_\_ of \_\_\_\_\_, make oath and say as follows:-

(a) State full description of the deponent.

1. I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the manner hereinafter mentioned, serve a true copy of the notice now produced and shown to me and marked "A", upon each of the respective persons whose names, addresses, and descriptions appear in the second, third, and fourth columns of the First Schedule to the list of contributories of the said company made out by the [Official Receiver and] liquidator of the company on the \_\_\_\_\_ day of 19\_\_\_\_, and now on the file of proceedings of the said company. In the tabular form at the foot of such copies respectively I inserted the number on list, name, address, description, in what character included, and<sup>(b)</sup> \_\_\_\_\_ and the amount paid up and the amount called up at the date of the commencement of the winding up in respect of the shares (or interest) of the person on whom such copy of the said notice was served, in the same words and figures as the same particulars are set forth in the said schedule.

(b) "Number of shares" or "extent of interest".

2. I served the said respective copies of the said notice, by putting such copies respectively, duly addressed to such persons respectively, according to their respective names and addresses appearing in the said schedule, and by placing the same prepaid in the Post Office at \_\_\_\_\_ before the hour of o'clock in the noon \_\_\_\_\_ of the said day of \_\_\_\_\_, 19\_\_\_\_.

Sworn, &c.

---

FORM 49

[rule 72]

ORDER ON APPLICATION TO VARY LIST OF CONTRIBUTORIES

(Title)

Upon the application of W.N., by summons dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for an order that the list of contributories of the company and the liquidator's certificate finally settling the same be varied by excluding the name of the applicant therefrom [or as the case may be], and upon hearing, &c., and upon reading &c., it is ordered, that the list of contributories of the company and the liquidator's certificate finally settling the same be varied by excluding the name of the said W.N. from the said list of contributories, or by including the name of the said W.N. as a contributory in the said list for \_\_\_\_\_ shares, [or as the case may be] [or the court does not think fit to make any order on the said application, except that the said W.N. do pay to the liquidator of the said company his costs of this application, to be taxed in case the parties differ].

---

FORM 50

[rule 74(a)]

NOTICE TO EACH MEMBER OF COMMITTEE OF INSPECTION  
OF MEETING FOR SANCTION TO PROPOSED CALL

(Title)

Take notice that a meeting of the committee of inspection of the above company will be held at \_\_\_\_\_ on the<sup>(a)</sup> day of , 19\_\_\_\_, at o'clock in the noon, for the purpose of considering and obtaining the sanction of the committee to a call of \$ \_\_\_\_\_ per share proposed to be made by the liquidator on the contributories.

(a) To be a date not less than seven days from the date when the notice will in course of post reach the person to whom it is addressed.

Annexed hereto is a statement showing the necessity for the proposed call and the amount required.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed)

Liquidator

---

### STATEMENT

1. The amount due in respect of proofs admitted against the company, and the estimated amount of the costs, charges, and expenses of the winding up, form in the aggregate the sum of \$ \_\_\_\_\_ or thereabouts.

2. The assets of the company are estimated to realize the sum of \$ \_\_\_\_\_. There are no other assets, except the amount due from certain of the contributories to the company, and in my opinion it will not be possible to realize in respect of the said amounts more than \$ \_\_\_\_\_.

3. The list of contributories has been duly settled, and persons have been settled on the list in respect of the total number of \_\_\_\_\_ shares.

4. For the purpose of satisfying the several debts and liabilities of the company, and of paying the costs, charges and expenses, of the winding up, I estimate that a sum of \$ \_\_\_\_\_ will be required in addition to the amount of the company's assets hereinbefore mentioned.

5. In order to provide the said sum of \$ \_\_\_\_\_ it is necessary to make a call on the contributories, and having regard to the probability that some of them will partly or wholly fail to pay the amount of the call, I estimate that for the purpose of realizing the amount required it is necessary that a call of \$ \_\_\_\_\_ per share should be made.

(Annex tabular statement showing amounts of debts, costs, &c., and of assets.)

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FORM 51

[rule 74(b)]

ADVERTISEMENT OF MEETING OF COMMITTEE OF INSPECTION TO  
SANCTION PROPOSED CALL

(Title)

Notice is hereby given that the undersigned liquidator of the above-named company proposes that a call should be made "on all the contributories of the said company", or, as the case may be, of \$ per share, and that he has summoned a meeting of the committee of inspection of the company, to be held at on the day of , 19 , at o'clock in the noon, to obtain their sanction to the proposed call.

Each contributory may attend the meeting, and be heard or make any communication in writing to the liquidator or the members of the committee of inspection in reference to the intended call.

A statement showing the necessity of the proposed call and the purpose for which it is intended may be obtained on application to the liquidator at his office at <sup>(a)</sup>.

a) Insert address.

Dated this day of , 19 .

Liquidator

---

FORM 52

[rule 74(d)]

## RESOLUTION OF COMMITTEE OF INSPECTION SANCTIONING CALL

(Title)

Resolved, that a call of \$ per share be made by the liquidator on all the contributories of the company [or, as the case may be].

(Signed)

Members of the Committee of  
Inspection

Dated this day of , 19 .

---

FORM 53

[rule 77]

## NOTICE OF CALL SANCTIONED BY COMMITTEE OF INSPECTION TO BE SENT TO CONTRIBUTORY

(Title)

Take notice that the committee of inspection in the winding up of this company have sanctioned a call of per share on all the contributories of the company.

The amount due from you in respect of the call is the sum of \$ .  
This sum should be paid by you direct to me at my office<sup>(a)</sup> on or  
before the day of , 19 .

(a) Insert  
address.

Dated this day of , 19 .

To Mr.

Liquidator

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NOTE-If you do not pay the sum due from you by the date mentioned interest will be claimed on such sum at the rate of 8 per cent per annum from the said date until payment.

---

FORM 54

[rule 75]

### SUMMONS FOR LEAVE TO MAKE A CALL

(Title)

Let the several persons whose names and addresses are set forth in the second column of the schedule hereto, being contributories of the above-named company, as shown in the third column of the said schedule, attend at on the day of , 19 , at o'clock in the noon, on the hearing of an application on the part of the [Official Receiver and] liquidator of the company for an order that he may be at liberty to make a call to the amount of per share on all the contributories [or as the case may be] of the said company.

Dated the day of , 19 .

This summons was taken out by of Solicitors for the  
[Official Receiver and] liquidator.

To

---

NOTE-If you do not attend either in person or by your solicitor, at the time and place above-mentioned, such order will be made and proceedings taken as the court may think just and expedient.

### SCHEDULE

Number on List	Name and address	In what character included

## AFFIDAVIT OF LIQUIDATOR IN SUPPORT OF PROPOSAL FOR CALL

(Title)

I, \_\_\_\_\_ of, &c., the liquidator of the above-named company, make oath and say as follows-

1. I have in the schedule now produced and shown to me, and marked with the letter "A", set forth a statement showing the amount due in respect of the debts proved and admitted against the said company, and the estimated amount of the costs, charges, and expenses of and incidental to the winding up the affairs thereof, and which several amounts form in the aggregate the sum of \$ or thereabouts.

2. I have also in the said schedule set forth a statement of the assets in hand belonging to the said company, amounting to the sum of \$ and no more. There are no other assets belonging to the said company, except the amounts due from certain of the contributories of the said company, and, to the best of my information and belief, it will be impossible to realize in respect of the said amounts more than the sum of \$ or thereabouts.

3. \_\_\_\_\_ persons have been settled by me on the list of contributories of the said company in respect of the total number of \_\_\_\_\_ shares.

4. For the purpose of satisfying the several debts and liabilities of the said company and of paying the costs, charges, and expenses of and incidental to the winding up the affairs thereof, I believe the sum of \$ will be required in addition to the amount of the assets of the said company mentioned in the said Schedule A, and the said sum of \$ .

5. In order to provide the said sum of \$ , it is necessary to make a call upon the several persons who have been settled on the list of contributories as before-mentioned, and, having regard to the probability that some of such contributories will partly or wholly fail to pay the amount of such call, I believe that, for the purpose of realizing the amount required as before-mentioned, it is necessary that a call of \$ per share should be made.

Sworn, &c.

## ADVERTISEMENT OF APPLICATION FOR LEAVE TO MAKE A CALL

In the matter of

Notice is hereby given that the High Court has appointed the day of 19 , at o'clock in the noon, at the Courts of Justice, to hear an application for leave to make a call on all the contributories of the said company [or as the case may be] and that the liquidator of the said company proposes that such call shall be for \$ per share. All persons interested are entitled to attend at such day, hour, and place, to offer objection to such call.

Dated this day of , 19 .

Liquidator  
(25 of 1998 s. 2)

---

FORM 57

[rule 75]

The day of 19 .

ORDER GIVING LEAVE TO MAKE A CALL

The day of 19 .

(Title)

Upon the application of the [Official Receiver and] liquidator of the above-named company, the order to wind up the above-named company, the list of contributories of the said company and the liquidator's certificate of the final settlement of the same, and the affidavit of the said [Official Receiver and] liquidator, filed the day of 19 , and the exhibit marked "A" therein referred to, and an affidavit of filed the day of 19 .

It is ordered that leave be given to the [Official Receiver and] liquidator to make a call of \$ per share on all the contributories of the said company<sup>(a)</sup>.

And it is ordered that each such contributory do on or before the day of 19 , pay to the [Official Receiver and] liquidator of the company, the amount which will be due from him or her in respect of such call.

(a) Or as  
the case  
may be

---

FORM 58

[rule 76]

DOCUMENT MAKING A CALL

(Title)

I, the [Official Receiver and] liquidator of the above-named company, in pursuance of<sup>(a)</sup> made (or passed) this day of 19 , hereby make a call of per share on all the contributories of the company, which sum is to be paid at my office<sup>(b)</sup> on the day of 19 .

Dated this day of , 19 .

(a) An order of  
court, or  
resolution of the  
committee of  
inspection  
(b) Insert  
address

## NOTICE TO BE SERVED WITH THE ORDER SANCTIONING A CALL

(Title)

The amount due from you, A.B., in respect of the call made pursuant to leave given by the above [or within] order is the sum of \$ , which sum is to be paid by you to me as the liquidator of the said company at my office, <sup>(a)</sup>.

In default of payment interest at the rate of 8 per cent per annum will be charged upon the amount unpaid from the day of until payment.

(a) Insert  
address

Dated this day of , 19 .

To Mr. A.B.

Liquidator

## AFFIDAVIT IN SUPPORT OF APPLICATION FOR ORDER FOR PAYMENT OF CALL

(Title)

I, of, &c., the liquidator of the above-named company, make oath and say as follows:-

1. None of the contributories of the said company, whose names are set forth in the schedule hereto annexed, marked "A", have paid or caused to be paid the sums set opposite their respective names in the said schedule, which sums are the amounts now due from them respectively under the call of per share, duly made under the Companies Ordinance (Chapter 32) dated the day of 19 .

2. The respective amount or sums set opposite the names of such contributories respectively in such schedule are the true amounts due and owing by such contributories respectively in respect of the said call.

A

## THE SCHEDULE ABOVE REFERRED TO

No. on List	Name	Address	Description	In what character included	Amount due
-------------	------	---------	-------------	----------------------------	------------

					\$	¢
--	--	--	--	--	----	---

Sworn, &c.

NOTE-in addition to the above affidavit, an affidavit of the service of the application for the call will be required in cases in which the committee of inspection of the court has authorized a call to be made.

FORM 61

[rule 78]

# ORDER FOR PAYMENT OF CALL DUE FROM A CONTRIBUTORY

The                      day of                      , 19                      .

(Title)

Upon the application of the liquidator of the above-named company, and upon reading an affidavit of                      filed the                      day of ,19                      , and an affidavit of the liquidator filed the                      day of                      , 19                      , it is ordered that C.D., of, &c., [or E.F., of, &c., the legal personal representative of L.M., late of, &c., deceased], one of the contributories of the said company [or, if against several contributories, the several persons named in the second column of the schedule to this order, being respectively contributories of the said company], do, on or before the                      day of                      , 19                      , or within 4 days after service of this order, pay to A.B., the liquidator of the said company at his office,<sup>(a)</sup>                      , the sum of \$                      [if against a legal personal representative add, out of the assets of the said L.M. deceased, in his hands as such legal personal representative as aforesaid, to be administered in due course of administration, if the said E.F. has in his hands so much to be administered, or, if against several contributories, the several sums of money set opposite to the respective names in the sixth column of the said schedule hereto], such sum [or sums] being the amount [or amounts] due from the said C.D. [or L.M.], [or the said several persons respectively], in respect of the call of \$                      per share duly made, dated the                      day of                      , 19                      .

(a) Insert address.

And it is ordered that the said several persons do within the like period and at the place aforesaid pay to the said A.B., as such liquidator as aforesaid, interest at the rate of 8 per cent per annum on the amounts specified in the sixth column of the said schedule from day of                      to the date of payment.

And it is ordered that the said several persons do within the like period and at the place aforesaid pay to the said A.B., as such liquidator as aforesaid, the several sums set opposite their respective names in the seventh column of the said schedule, such sums being the proportion of the applicant's costs of the said application payable by such several persons respectively.

[Add appropriate paragraphs as to amounts payable by legal personal representatives, if any.]

THE SCHEDULE REFERRED TO IN THE FOREGOING ORDER

No. on List	Name	Address	Description	In what character included	Amount due	
					\$	¢

NOTE-The copy for service of the above order must be endorsed as follows-

"If you, the undermentioned A.B., neglect to obey this order by the time mentioned therein you will be liable to process of execution, for the purpose of compelling you to obey the same."

(L.N. 286 of 1997)

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FORM 62

[rule 78]

# AFFIDAVIT OF SERVICE OF ORDER FOR PAYMENT OF CALL

(Title)

I, F.B., of, &c., make oath and say as follows-

1. I did on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, personally serve G.F. of \_\_\_\_\_, &c., with an order made in this matter by this court, dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, whereby it was ordered [set out the order] by delivering to and leaving with, the said G.F., at \_\_\_\_\_, a true copy of the said order, and at the same time producing and showing unto him, the said G.F., the said original order.

2. There was endorsed on the said copy when so served the following words, that is to say, "If you, the undermentioned G.F., neglect to obey this order by the time mentioned therein, you will be liable to process of execution for the purpose of compelling you to obey the same".

Sworn, &c.

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FORM 63A

[rule 80]

# PROOF OF DEBT-GENERAL FORM IN THE HIGH COURT OF HONG KONG COMPANIES WINDING-UP No. of 19

Except in the case of claims for wages or salary, where the debt proved for exceeds \$250 a fee of \$15 must be paid hereon otherwise the proof cannot be admitted.

IN THE MATTER of the Companies Ordinance

and

IN THE MATTER of

Date of Winding-up Order

1	Name of creditor	
2	Address of creditor	
3	Total amount of claim, including any outstanding uncapitalised interest as at the date of the winding-up order	(Analysis of claim can be supplied on separate sheet signed by creditor or person authorized to act on his behalf) \$
4	Details of any documents by reference to which the debt can be substantiated [Note: Either the originals or copies of documentary evidence should be submitted. Bills of exchange or other negotiable securities must be produced before the proof can be admitted. The Official Receiver or liquidator may call for any document or evidence to substantiate the claim at his discretion.]	
5	If total amount above includes outstanding uncapitalised interest please state amount	
6	Particulars of how and when debt incurred	
7	Particulars of any security held, the value of the security, and the date it was given	
8	<p>I hereby declare that the particulars set out in this Proof of Debt are, to the best of my knowledge and belief, true and correct.</p> <p>Signature of creditor or person authorized to act on his behalf _____</p> <p>Name in BLOCK LETTERS _____</p> <p>Position with or relation to creditor and means of knowledge of the matters declared herein _____</p>	

Warning: A person convicted of making a false statement in respect of a proof of debt shall be liable to a fine at level 6 and imprisonment for 6 months. (sections 349 and 351)

Admitted to vote for

\$

Date

Official Receiver/Provisional Liquidator

Admitted preferentially for

\$

Date

Liquidator

Admitted non-preferentially for  
\$  
Date  
Liquidator

To be returned to the Official Receiver or, if a liquidator has been appointed, to the liquidator.  
Note: The proof cannot be admitted for voting at the first meeting unless it is properly completed and lodged with the Official Receiver not later than 24 hours before the time specified in the notice convening the meeting.

(L.N. 225 of 1992; L.N. 306 of 1996; 25 of 1998 s. 2)

FORM 63B

[rule 83]

AFFIDAVIT OF DEBT

IN THE HIGH COURT OF HONG KONG

COMPANIES WINDING-UP No. of 19

IN THE MATTER of the Companies Ordinance

and

IN THE MATTER of

I,<sup>(a)</sup> \_\_\_\_\_, of \_\_\_\_\_  
make oath and say-  
(1)<sup>(b)</sup> That I am<sup>(c)</sup> \_\_\_\_\_ of the under-mentioned  
creditor, and that I am duly authorized by<sup>(d)</sup> \_\_\_\_\_

(a) Fill in full name, address and occupation of deponent.

(b) If proof made by creditor personally strike out clause (1).

to make this affidavit, and that it is within my own knowledge that the debt hereinafter deposed to was incurred and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.

(c) State capacity, e.g. director, secretary, solicitor, etc.

(2) That the above-named company was, at the date of the order for winding up the same, viz., the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and still is justly and truly indebted to<sup>(e)</sup> \_\_\_\_\_ in the sum of dollars \_\_\_\_\_ as shown in the proof of debt exhibited hereto marked "A".

(d) State full name and address of creditor.

(e) Insert "me" or in case of a firm "me and C.D. and E.F., my co-partners trading as", or, if by clerk or agent etc. insert name, address and description of principal.

Sworn at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

}

[Deponent's Signature.]

Debt .....\$ \_\_\_\_\_ :

Before me,

[Notary Public/  
Commissioner for Oaths/  
other authorized person +]

+ Delete as appropriate.

Warning: A person convicted of making a false statement in respect of a proof of debt shall be liable to a fine at level 6 and imprisonment for 6 months. (sections 349 and 351)

To be returned to the Official Receiver or, if a liquidator has been appointed, to the liquidator.

(L.N. 225 of 1992; L.N. 306 of 1996; 47 of 1997 s. 10; 25 of 1998 s. 2)

FORM 64

[rule 90]

PROOF OF DEBT OF WORKMEN

(Title)

I<sup>(a)</sup> of <sup>(b)</sup>  
make an oath and say:

(a) Fill in full  
name, address,  
and occupation  
of deponent.

1. That the above-named company was on the day of 19 , and still is justly and truly indebted to the several persons whose names, addresses, and descriptions appear in the schedule endorsed hereon in sums severally set against their names in the sixth column of such schedule for wages due to them respectively as workmen or others in the employ of the company in respect of services rendered by them respectively to the company during such periods as are set out against their respective names in the fifth column of such schedule, for which said sums, or any part thereof, I say that they have not, nor hath any of them had or received any manner of satisfaction or security whatsoever.

(b) On behalf of  
the workmen  
and others  
employed by  
the above-  
named  
company

Sworn at in  
Hong Kong  
this day of  
19  
Before me

}  
Deponent's Signature.  
}

SCHEDULE referred to on the other side

1	2	3	4	5	6
No.	Full name of workman	Address	Description	Period over which wages due	Amount due



I hereby certify that the following is a correct list of all proofs tendered to me in the above matter during the past month.

Dated this                      day of                      , 19                      .

Liquidator

Name of creditor	Proofs tendered				
	Amount of proofs		Whether admitted, rejected, or standing over for further consideration	If admitted, amount	
	\$	¢		\$	¢

FORM 67

[rule 142(1)]

## NOTICE TO CREDITORS OF INTENTION TO DECLARE DIVIDEND

(Title)

A<sup>(a)</sup>dividend is intended to be declared in the above matter. You are mentioned in the statement of affairs, but you have not yet proved your debt.

(a) Insert here  
"first" or "second",  
or "final", or as the  
case may be.

19 If you do not prove your debt by the \_\_\_\_\_ day of \_\_\_\_\_, you will be excluded from this dividend.

Dated this            day of            , 19            .

Liquidator

To [Address]

FORM 68

[rule 142(5)]

CERTIFIED LIST OF PROOFS UNDER RULE 142(5) COMPANIES (WINDING-UP) RULES, AND APPLICATION FOR ISSUE OF CHEQUES FOR DIVIDEND ON COMPANIES LIQUIDATION ACCOUNT

Companies Liquidation Account  
Ledger Folio

No.

I hereby certify that the following list has been compared with the proofs filed, and that the names of the creditors and the amounts for which the proofs are admitted are correctly stated.

(Signature)

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

I certify that by my books the sum of \$                      stands to the credit of the above company with the companies liquidation account at the bank and that the sum of \$                      is required to meet the undermentioned dividends, on proofs which have been duly made and admitted to rank for dividend upon the company, and I have to request that orders for payment may be issued to me.

The dividend is payable on the       day of       19       , and notice of declaration thereof was forwarded to the Official Receiver for insertion in the Gazette, on the day of       19       .

Liquidator

Date 19 .

**{** Address to which cheque and money orders should be sent.

To the Official Receiver.

No.	Surname	Christian name	Town on which Post Office money order should be drawn	Amount of proof		Amount of dividend			
						Sums under \$ 20		Sums of \$ 20 and above	
				\$	¢	\$	¢	\$	¢

CERTIFIED LIST OF PROOFS FILED UNDER RULE 142(5) COMPANIES  
(WINDING-UP) RULES, SPECIAL BANK CASE

(Title)

I hereby certify that the following list has been compared with the proofs filed, and that the names of the creditors and the amounts for which the proofs are admitted are correctly stated.

(Signature)

Dated the                      day of                      , 19                      .

I hereby certify that a dividend of                      per cent has been declared, and that the creditors whose names are set forth below are entitled to the amounts set opposite their respective names.

Liquidator

Dated this                      day of                      , 19                      .

To the Official Receiver.

Surname	Christian name	Amount of proof		Amount of dividend	
		\$	¢	\$	¢

\_\_\_\_\_  
FORM 70

[rule 142(1)]

NOTICE TO PERSONS CLAIMING TO BE CREDITORS OF INTENTION TO  
DECLARE FINAL DIVIDEND

(Title)

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the court on or before the day of \_\_\_\_\_, 19\_\_\_\_\_, or such later day as the court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Liquidator

To X. Y.

[Address]

---

FORM 71

[rule 142(3)]

### NOTICE OF DIVIDEND

Dividend cheques are cancelled at the expiration of 6 months from date of issue and money orders at the expiration of 12 months from date of issue.

[Please bring this Dividend Notice with you.]

(Title)

Dividend of \_\_\_\_\_ per cent

[Address]

[Date]

Notice is hereby given that a \_\_\_\_\_ dividend of \_\_\_\_\_ per cent has been declared in this matter, and that the same may be received at my office, as above, on \_\_\_\_\_ the day of \_\_\_\_\_, 19\_\_\_\_\_, or on any subsequent between, the hours of \_\_\_\_\_ and \_\_\_\_\_

Upon applying for payment this notice must be produced entire, together with any bills of exchange, promissory notes or other negotiable securities held by you. If you desire the dividend to be paid to some other person you can sign and lodge with the liquidator an authority in the prescribed Form 72. Otherwise if you do not attend personally you must fill up and sign the subjoined forms of RECEIPT and AUTHORITY TO DELIVER, when a cheque or money order payable to your order will be delivered in accordance with the AUTHORITY.

To

(Signed)

Liquidator

---

NOTE-The receipt or authority should, in the case of a firm, be signed in the firm's name, or in the case of a limited company by an officer of the company, so described.

RECEIPT

19 .

Received of \_\_\_\_\_ in this matter the sum of dollars \_\_\_\_\_ and  
cents \_\_\_\_\_, being the amount payable to me/us in respect of the \_\_\_\_\_ dividend  
of \_\_\_\_\_ per cent on my/our claim against this company.

Payee's Signature

\_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_

AUTHORITY FOR DELIVERY (a)

Sir,

Please deliver to me/us by post, at my/our risk or to the Bearer (b) ....., a specimen  
of whose signature is appended hereunder, the cheque or money order for the dividend  
payable to me/us in this matter.

.....  
Specimen signature of Bearer Payee's signature  
To the [Official Receiver and]  
Liquidator.

Date 19

Notes: (a) This is an authority only to deliver the cheque or money order, NOT to make it  
payable to another person.  
(b) Strike out words inapplicable. If not to be sent by post strike out words in  
italics and insert the name of the person who is to receive the cheque or money  
order.

(L.N. 50 of 1964)

\_\_\_\_\_  
FORM 72

[rule 142(7)]

AUTHORITY TO LIQUIDATOR TO PAY DIVIDENDS TO ANOTHER PERSON

(Title)

To the [Official Receiver and] Liquidator.

SIR,

I/We hereby authorize and request you to pay to M  
of

(a specimen of whose signature is given below), all dividends as they are declared in the above-named matter, and which may become due and payable to me/us in respect of the proof of debt for the sum of \$ \_\_\_\_\_, against the above-named company, made [by Mr. \_\_\_\_\_] on my/our behalf.

And I/we further request that the cheque or cheques drawn in respect of such dividends may be made payable to the order of the said M whose receipt shall be sufficient authority to you for the issue of such cheque or cheques in his name.

It is understood that this authority is to remain in force until revoked by me/us in writing.

Signatures

Witness to the signature  
of

Witness to the signature  
of

Date

Specimen of signature of person appointed as above.

Witness to the signature  
of

Witness to the signature of person appointed as above.

---

FORM 73

[rule 143]

## NOTICE OF RETURN TO CONTRIBUTORIES

Cheques are cancelled at the expiration of 6 months from date of issue, and money orders at the expiration of 12 months from month of issue.

[Please bring this notice with you.]

(Title)

Return of \$ \_\_\_\_\_ per share.

[Address]

[Date]

Notice is hereby given that a \_\_\_\_\_ return of \_\_\_\_\_ per share has been declared in this matter, and that the same may be received at my office, as above, on the day of \_\_\_\_\_, 19\_\_\_\_\_, or on any subsequent day, except Saturday, between the hours of \_\_\_\_\_

Upon applying for payment this notice must be produced entire, together with the share certificate. If you do not attend personally you must forward the share certificate and fill up and sign the subjoined forms of RECEIPT and AUTHORITY TO DELIVER, when a cheque or money order payable to your order will be delivered in accordance with the AUTHORITY.

(Signed)

Liquidator

---

NOTE-The receipt should be signed by the contributory personally, or in the case of joint contributories by each, and in the case of a limited company by an officer of the company, so described.

---

### RECEIPT

No. \_\_\_\_\_ 19\_\_\_\_\_. .

Received of the \_\_\_\_\_ in this matter the sum of dollars  
and cents \_\_\_\_\_  
being the amount payable to \_\_\_\_\_ in respect of the \_\_\_\_\_ return of  
per share held by \_\_\_\_\_ in this company.

Contributory's signature

\$ \_\_\_\_\_  
\_\_\_\_\_

---

### AUTHORITY FOR DELIVERY

SIR,  
PLEASE deliver to

(Insert the name of the person who is to receive the cheque or money order, or the words "me/us by post, " at " my/our risk", if you wish it sent to you in that way.)  
the cheque or money order for the return payable to me/us in this matter.

Contributory's signature

To the [Official Receiver and] Liquidator.

---

FORM 74

[rule 143]

### SCHEDULE OR LIST OF CONTRIBUTORIES HOLDING PAID-UP SHARES TO WHOM A RETURN IS TO BE PAID<sup>(a)</sup>

In the matter of \_\_\_\_\_ No. \_\_\_\_\_ of 19\_\_\_\_\_. .

Number in settled List	Name of contributory as in settled List	Address	Number of shares held as per settled List	Total called-up value		Total paid-up value		Arrears of calls at date of return		Previous return of capital appropriat ed by liquidator for arrears of calls		Amount of return payable at per share		Net return payable		Date and particulars of transfer of interest or other variation in List	
				s	c	s	c	s	c	s	c	s	c	s	c		

(a) Where the articles provide that the amount divisible among the members or any class of the members shall be divisible in proportion to the amount paid up or which ought to have been paid up at the date of winding up, or contain any other provision which will necessitate further information before a return can be made, columns should be added showing the amount called up and the amount paid up at such date in respect or shares then held by such members or class of members or such other facts as may be requisite.

FORM 75

[rule 114]

#### NOTICE OF MEETING [General Form]

(Title)

Take notice that a meeting of creditors [or contributories] in the above matter will be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at o'clock in the \_\_\_\_\_ noon.

Agenda  
(a)

(a) [Here insert purpose for which meeting called.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed) (b)

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged not later than o'clock on the day of ,19 .

(b) "Liquidator" or "Official Receiver".

FORM 76

[rule 115]

#### AFFIDAVIT OF POSTAGE OF NOTICES OF MEETING

(Title)

I, \_\_\_\_\_ a <sup>(a)</sup> \_\_\_\_\_, make oath and say as follows:-

1. That I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, send to each creditor mentioned in the company's statement of affairs [or to each contributory mentioned in the register of members of the company] a notice of the time and the place of the <sup>(b)</sup> \_\_\_\_\_ in the form hereunto annexed marked "A".

2. That the notices for creditors were addressed to the said creditors respectively, according to their respective names and addresses appearing in the statement of affairs of the company or the last known addresses of such creditors.

3. That the notices for contributories were addressed to the contributories respectively according to their respective names and registered or last known addresses appearing in the register of the company.

4. That I sent the said notices by putting the same prepaid into the post office at before the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on the said day.

Sworn, &c.

(a) State the description of the deponent.

(b) Insert here "general" or "adjourned general" or "first" meeting of creditors [or contributories as the case may be].

\_\_\_\_\_  
FORM 77

[rule 115]

#### CERTIFICATE OF POSTAGE OF NOTICES (GENERAL)

(Title)

I, \_\_\_\_\_ a clerk in the office of the Official Receiver, hereby certify-

1. That I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, send to <sup>(a)</sup> \_\_\_\_\_ a notice of the time and the place of the first meeting, or <sup>(b)</sup> \_\_\_\_\_ in the form hereunto annexed marked "A".

[Paragraphs 2, 3 and 4 as in last preceding form.]

(a) Each creditor mentioned in the statement of affairs, or each contributory mentioned in the register of members of the company, or as the case may be.

(b) "A general meeting", or "adjourned general meeting", or as the case may be.

\_\_\_\_\_  
Signature

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
FORM 78

[rule 122]

#### MEMORANDUM OF ADJOURNMENT OF MEETING

(Title)

Before \_\_\_\_\_ at \_\_\_\_\_ on  
the day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock.

Memorandum.-The<sup>(a)</sup> meeting of<sup>(b)</sup>  
in the above matter was held  
at the time and place above-mentioned; but it appearing that<sup>(c)</sup>  
the meeting was adjourned until the  
day of , 19 , at o'clock in the noon, then to be  
held at the same place.

Chairman

FORM 79

[rule 118]

AUTHORITY TO DEPUTY TO ACT AS CHAIRMAN OF MEETING AND USE  
PROXIES  
(Title)

I, the Official Receiver [or the liquidator] do hereby  
nominate Mr. of to be  
chairman of the meeting of creditors [or contributories] in the above matter, appointed  
to be held at on the day of , 19 , [and  
I depute him<sup>(a)</sup> to attend such meeting and use, on my behalf, any  
proxy or proxies held by me in this matter].

Dated this day of , 19 .

Official Receiver, or  
Liquidator

FORM 80

[rule 132]

GENERAL PROXY

(Title)

(a) "First" or  
as the case  
may be.  
(b) Insert  
"creditors" or  
"contributorie  
s" as the case  
may be.  
(c) Here state  
reason for  
adjournment.

(a) Where  
authority  
given by the  
Official  
Receiver.  
Here insert  
"being a  
person under  
my official  
control".

I/We, \_\_\_\_\_ of \_\_\_\_\_, a creditor  
(or contributory) hereby appoint (1) \_\_\_\_\_ to be  
my/our general proxy to vote at the meeting of creditors (or contributories) to be held  
in the above matter on the \_\_\_\_\_ day of \_\_\_\_\_,  
, or at any adjournment hereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Signed) (2)

Notes-(1) The person appointed general proxy may be the Official Receiver, the liquidator, or such other person as the creditor (or contributory) may approve, and the proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used.

(2) If a firm, sign the firm's trading title, and add "by A.B., a partner in the said firm". If the appointor is a corporation, then the form of proxy must be under its common seal or under the hand of some officer duly authorized in that behalf, and the fact that the officer is so authorized must be stated.

In a voluntary winding up the liquidator or if there is no liquidator the chairman of a meeting may but the Official Receiver may not be appointed proxy. The proxy form will be altered accordingly.

(L.N. 286 of 1997)

\_\_\_\_\_  
FORM 81

[rule 132]

SPECIAL PROXY  
(Title)

I/We, \_\_\_\_\_ of \_\_\_\_\_,  
a creditor (or contributory) hereby appoint (1) \_\_\_\_\_  
as my/our proxy at the meeting of creditors (or contributories) to be held on the day  
of \_\_\_\_\_, \_\_\_\_\_, or at any adjournment thereof, to  
vote \_\_\_\_\_ (a) \_\_\_\_\_ the resolution  
numbered \_\_\_\_\_ in the \_\_\_\_\_.

(a) Here insert  
the word "for"  
or the word  
"against" as  
the case may  
require, and  
specify the  
particular  
resolution.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Signed) (2)

Notes-(1) The person appointed proxy may be the Official Receiver, the liquidator, or such other person as the creditor (or contributory) may approve, and the proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used. A creditor (or contributory) may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters-

- (a) for or against the appointment or continuance in office of any specified person as liquidator or as member of the committee of inspection;
- (b) on all questions relating to any matter, other than those above referred to, arising at a specified meeting or adjournment thereof.

(2) If a firm, sign the firm's trading title, and add "by A.B., a partner in the said firm". If the appointor is a corporation, then the form of proxy must be under its common seal or under the hand of some officer duly authorized in that behalf, and the fact that the officer is so authorized must be stated.

In a voluntary winding up the liquidator or if there is no liquidator the chairman of a meeting may but the Official Receiver may not be appointed proxy. The proxy form will be altered accordingly.

(L.N. 286 of 1997)

\_\_\_\_\_  
FORM 82

[rule 157]

### APPLICATION TO OFFICIAL RECEIVER TO AUTHORIZE A SPECIAL BANK ACCOUNT

(Title)

We, the committee of inspection, being of opinion that Mr. \_\_\_\_\_  
of \_\_\_\_\_, the liquidator in the above matter, should  
have a special bank account for the purpose of <sup>(a)</sup> \_\_\_\_\_  
hereby apply to the Official Receiver to authorize him to make  
his payments into and out of the \_\_\_\_\_ bank.

(a) Here  
insert  
grounds of  
application.

All cheques to be countersigned by \_\_\_\_\_, a member of the  
committee of inspection, and by \_\_\_\_\_ of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } Committee of Inspection.

\_\_\_\_\_  
FORM 83

[rule 157]

### ORDER OF OFFICIAL RECEIVER FOR SPECIAL BANK ACCOUNT

(Title)

You are hereby authorized to make your payments in the above matter into, and out of,  
the                      bank.

[Here insert any special terms.]

All cheques to be countersigned by                      , a member of the committee of  
inspection, and by

Dated this                      day of                      , 19                      .

To

Liquidator

Official Receiver

\_\_\_\_\_  
FORM 84

(Repealed L.N. 247 of 1994)

\_\_\_\_\_  
FROM 85

(Repealed L.N. 247 of 1994)

\_\_\_\_\_  
FORM 86

[rule 161]

CERTIFICATE BY COMMITTEE OF INSPECTION AS TO AUDIT OF LIQUIDATOR'S  
ACCOUNTS

(Title)

We, the undersigned, members of the committee of inspection in the winding up of  
the above-named company, hereby certify that we have examined the foregoing account with  
the vouchers, and that to the best of our knowledge and belief the said account contains a full,  
true, and complete account of the liquidator's receipts and payments.

Dated this                      day of                      , 19                      .

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

}

Committee of Inspection.

\_\_\_\_\_  
FORM 87

(Repealed L.N. 247 of 1994)

FORM 88

[rule 163]

LIQUIDATOR'S TRADING ACCOUNT UNDER SECTION 203

(Title)

G.H. the liquidator of the above-named company in account with the estate.

RECEIPTS

PAYMENTS

Dr.				Cr.			
Date				Date			

Liquidator  
(Date)

We have examined this account with the vouchers and find the same correct, and we are of opinion the expenditure has been proper.

Dated this            day of            , 19            .

Committee of Inspection  
[or member of the Committee of Inspection]

FORM 89

(Repealed L.N. 247 of 1994)

FORM 90

[rule 169]

REQUEST TO DELIVER BILL FOR TAXATION

(Title)

I hereby request that you will, within \_\_\_\_\_ days of this date, or such further time as the court may allow, deliver to me for taxation by the proper officer your bill of costs [or charges] as <sup>(a)</sup> \_\_\_\_\_ failing which, I shall, in pursuance of the Companies Ordinance (Chapter 32) and rules proceed to declare and distribute a dividend without regard to any claim which you may have against the assets of the company, and your claim against the assets of the company will be liable to be forfeited.

(a) Here  
state nature  
of  
employment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
FORM 91 [rule 174]

### CERTIFICATE OF TAXATION

(Title)

I hereby certify that I have taxed the bill of costs [or charges] [or expenses] of Mr. C.D. [here state capacity in which employed or engaged] [where necessary add "pursuant to an order of the court dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_"], and have allowed the same at the sum of \$ [where necessary add "which sum is to be paid to the said C.D. by as directed by the said order"].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Registrar

\_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
FORM 92 [rules 181 and  
182]

### STATEMENT OF RECEIPTS AND PAYMENTS AND GENERAL DIRECTION AS TO STATEMENTS

(Name of company)

(1) Every statement must be on sheets 210 x 297 mm in size. (L.N. 397 of 1984; L.N. 247 of 1994)

(2) Every statement must contain a detailed account of all the liquidator's realizations and disbursements in respect of the company. The statement of realizations should contain a record of all receipts derived from assets existing at the date of the winding-up order or resolution and subsequently realized, including balance in bank, book debts and calls collected, property sold, &c.; and the account of disbursements should contain all payments for costs and charges, or to creditors, or contributories. Where property has been realized, the gross proceeds of sale must be entered under realizations, and the necessary payments incidental to sales must be entered as disbursements. These accounts should not contain payments into the companies liquidation account (except unclaimed dividend-see para. 5) or payments into or out of bank, or temporary investments by the liquidator, or the proceeds of such investments when realized, which should be shown separately-

- (a) by means of the bank pass book;
- (b) by a separate detailed statement of moneys invested by the liquidator, and investments realized.

Interest allowed or charged by the bank, bank commission, &c., and profit or loss upon the realization of temporary investments, should, however, be inserted in the accounts of realizations or disbursements, as the case may be. Each receipt and payment must be entered in the account in such a manner as sufficiently to explain its nature. The receipts and payments must severally be added up at the foot of each sheet, and the totals carried forward from one account to another without any intermediate balance, so that the gross totals shall represent the total amounts received and paid by the liquidator respectively.

(3) When the liquidator carries on a business, a trading account must be forwarded as a distinct account, and the totals of receipts and payments on the trading account must alone be set out in the statement.

(4) When dividends or instalments of compositions are paid to creditors, or a return of surplus assets is made to contributories, the total amount of each dividend, or instalment of composition, or return to contributories, actually paid, must be entered in the statement of disbursements as one sum; and the liquidator must forward separate accounts showing in lists the amount of the claim of each creditor, and the amount of dividend or composition payable to each creditor, and of surplus assets payable to each contributory, distinguishing in each list the dividends or instalments of composition and shares of surplus assets actually paid and those remaining unclaimed. Each list must be on sheets 210 x 297 mm in size. (L.N. 397 of 1984)

(5) When unclaimed dividends, instalments of compositions or returns of surplus assets are paid into the companies liquidation account, the total amount so paid in should be entered in the statement of disbursements as one sum.

(6) Credit should not be taken in the statement of disbursements for any amount in respect of liquidator's remuneration unless it has been duly allowed by resolution of the committee of inspection or of the creditors or of the company in general meeting, or by order of court as the case may require.

## LIQUIDATOR'S STATEMENT OF ACCOUNT

Pursuant to section 284 of the Companies Ordinance (Chapter 32)

Name of company.

Size of sheets.  
Form and  
contents of  
statement

Trading  
account.

Dividends,  
etc.

Nature of proceedings (whether wound up  
by the court, or under the supervision of  
the court, or voluntarily). }

Date of commencement of winding up.

Date of which statement is brought down.

Name and address of liquidator.

# LIQUIDATOR'S STATEMENT OF ACCOUNT PURSUANT TO SECTION 284 OF THE COMPANIES ORDINANCE (Chapter 32)

REALIZATIONS					DISBURSEMENTS				
Date	Of whom received	Nature of assets realized	Amount		Date	Of whom paid	Nature of disbursements	Amount	
		Brought forward...	\$	¢			Brought forward.....	\$	¢
			*						
		Carried forward.....					Carried forward.....		

\* NOTE-No balance should be shown on this account, but only the total realizations and disbursements, which should be carried forward to the next account.

(L.N. 247 of 1994)

## ANALYSIS OF BALANCE

Total realizations .....	\$	¢
"disbursements .....		
Balance .....	\$	¢

The Balance is made up as follows- \$

1. Cash in hands of liquidator .....

\$ ¢

(L. N. 397 of 1984; L.N. 247 of 1994)

(Name of company)

I, \_\_\_\_\_,  
of \_\_\_\_\_,  
the liquidator of the above-named company, make oath and say-That \*the account hereunto annexed marked "B", contains a full and true account of my receipts and payments in the winding up of the above-named company, from the \_\_\_\_\_ day of 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, inclusive, \*and that I have not, nor has any other person by my order or for my use during such period, received or paid any moneys on account of the said company, \*other than and except the items mentioned and specified in the said account.

I further say that the particulars given in the annexed Form 92, marked "B", with respect to the proceedings in and position of the liquidation, are true to the best of my knowledge and belief.

Sworn at \_\_\_\_\_ }  
\_\_\_\_\_ }

\* NOTE-If no receipts or payments, strike out the words in italics.  
(L.N. 247 of 1994)

\_\_\_\_\_  
FORM 94  
185]

[rules 181 and

LIQUIDATOR'S TRADING ACCOUNT UNDER SECTION 284  
(Name of company)

Insert here  
the name of  
the company.  
Insert here  
the name of  
the liquidator.

the liquidator of the above-named company in account with the estate.

This account is required in duplicate in addition to Form 92.

RECEIPTS				PAYMENTS			
Dr.							Cr.
Date				Date			

		Date				Liquidator	

FORM 95

[rules 181 and 185]

### LIST OF DIVIDENDS OR COMPOSITION

(Name of company)

I hereby certify that a dividend (or composition) of \_\_\_\_\_ per cent was declared payable on and after the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, and that the creditors whose names are set forth below are entitled to the amounts set opposite their respective names, and have been paid such amounts except in the cases specified as unclaimed.

Liquidator

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

To the Official Receiver.

Surname	Christian name	Amount of proof		Amount of dividend (or composition)			
				Paid		Unclaimed	
		\$	¢	\$	¢	\$	¢

This List is required in duplicate.

## [rules 181 and 185]

## LIST OF AMOUNTS PAID OR PAYABLE TO CONTRIBUTORIES

Liquinator

To the Official Receiver.

This List is required in duplicate.

## [rule 184]

(Title)

I, \_\_\_\_\_ of \_\_\_\_\_ make oath and say that the particulars entered in the statement hereunto annexed, marked "A", are correct, and truly set forth all money in my hands or under my control, representing unclaimed or undistributed assets of the above company, and that the amount due by me to the companies liquidation account in respect of unclaimed dividends and undistributed funds is \$ \_\_\_\_\_

Signature

Sworn, &c.

\_\_\_\_\_  
FORM 98

[rule 189]

NOTICE TO CREDITORS AND CONTRIBUTORIES OF INTENTION TO APPLY FOR  
RELEASE

(Title)

Take notice that I, the undersigned liquidator of the above-named company, intend to apply to the court for my release, and further take notice that any objection you may have to the granting of my release must be notified to the court within 21 days of the date hereof.

A summary of my receipts and payments as liquidator is hereto annexed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Liquidator

To \_\_\_\_\_

Note-Section 205(3) of the Companies Ordinance (Chapter 32), enacts that "An order of the court releasing the liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the company, or otherwise in relation to his conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact."

\_\_\_\_\_  
FORM 99

[rule 189]

APPLICATION BY LIQUIDATOR TO THE COURT FOR RELEASE

(Title)

I, \_\_\_\_\_ the liquidator of the above-named company, do hereby report to this Honourable Court as follows-

1. That the whole of the property of the company has been realized for the benefit of the creditors and contributories [and a dividend to the amount of \$ per cent has been paid as shown by the statement hereunto annexed, and a return of per share has been made to the contributories of the company];

[or That so much of the property of the company as can, according to the joint opinion of myself and the committee of inspection, hereunto annexed, in writing under our hands, be realized without needlessly protracting the liquidation, has been realized, as shown by the statement hereunto annexed, and a dividend to the amount of \$ per cent has been paid, together with a return of per share to the contributories of the company];<sup>(a)</sup>

(a)Add if necessary, "That the rights of the contributories between themselves have been adjusted".

2. I hereby make application to this Honourable Court, (i) that it cause a report on my accounts to be prepared, and (ii) that on my complying with all the requirements of the court, it take into consideration the report and make an order granting my release.

Dated this                      day of                      , 19                      .

Liquidator  
(L.N. 50 of 1964)

FORM 100

[rule 189]

# STATEMENT TO ACCOMPANY NOTICE OF APPLICATION FOR RELEASE

(Title)

Statement showing position of company at date of application for release

Dr.

Cr.

	Estimated to produce as per company's statement of affairs		Re-ceipts			Pay-ments	
			\$	¢		\$	¢
					By court fees (including stationery, printing, and postages in respect of contributories, creditors, and debtors, and fee for audit).....		
To total receipts from date of winding -up order, viz. - (State particulars under the several headings specified in the statement of affairs.	\$	¢			Law costs of petition ..... Law costs of solicitor to liquidator ..... Liquidator's remuneration, viz. -	\$	¢
Receipts per trading account.....							
Other receipts .....							

## FORM 101

[rule 201]

## REGISTER OF WINDING-UP ORDERS TO BE KEPT IN THE COURT

Number of Winding-up Order	Number of Petition	Date of Petition	Date of Winding-up Order	Dates of Public Examinations (if any)	Liquidator

## FORM 102

[rule 201]

## REGISTER OF PETITIONS TO BE KEPT IN THE COURT

No.of Petition	Name of Company	Address of registered office	Description of Company	Date of Petition	Petitioner	Date of Winding-up order

## FORM 103

[rule 202]

## NOTICES FOR GAZETTE

## (1) NOTICE OF WINDING-UP ORDER

(rule 36(1)(c))

Name of company

Address of registered office

Number of matter

Date of order

Date of presentation of petition\*

(\* Where it is known that a voluntary winding up preceded the presentation of the petition, the date of the resolution for voluntary winding up should also be given)

## (2) NOTICE OF FIRST MEETING

(rule 107)

Name of company	Number of matter	Address of registered office
Hour	Place	Creditors, Date
Hour	Place	Contributories, Date

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(3) NOTICE OF DAY APPOINTED FOR PUBLIC EXAMINATION

(rule 55(1))

Name of company	Address of registered office
Number of matter	Date fixed for examination
Names of persons to be examined	Hour
Place	

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(4) NOTICE OF INTENDED DIVIDEND

(rule 142(1))

Name of company	Address of registered office
Number of matter	Last day for receiving proofs
Name of liquidator	Address

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(5) NOTICE OF DIVIDEND

(rule 142(3))

Name of company	Address of registered office
Number of matter	Amount per cent
First and final or otherwise	When payable
Where payable	

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(6) NOTICE OF RETURN TO CONTRIBUTORIES

(rule 143)

Name of company	Address of registered office
Number of matter	Amount per share
First and final or otherwise	When payable
Where payable	

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(7) NOTICE OF APPOINTMENT OF LIQUIDATOR

(rule 45(5))

Name of company	Address of registered office
Number of matter	Liquidator's name
Address	Date of appointment

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(8) NOTICE OF REMOVAL OF LIQUIDATOR

(rule 45(7))

Name of company	Address of registered office
Number of matter	Liquidator's name
Liquidator's address	Date of removal

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(9) NOTICE OF RELEASE OF LIQUIDATOR

(rule 189(2))

Name of company	Address of registered office
Number of matter	Liquidator's name
Liquidator's address	Date of release

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FORM 104

[rule 203]

MEMORANDUM OF ADVERTISEMENT OR GAZETTING

(Title)

Name of paper	Date of issue	Date of filing	Nature of order, &c.

(Signed)

FORM 105

[rule 183(4)  
and section 285(1)]

CERTIFICATE OF RECEIPT FOR MONEY PAID INTO COMPANIES LIQUIDATION  
ACCOUNT

(Title)

This is to certify that Mr. \_\_\_\_\_, liquidator of the  
above-named company has this day paid into the companies liquidation account through me  
the sum of \_\_\_\_\_ representing  
unclaimed or undistributed assets of the above-named company or money held by the  
company in trust in respect of dividends or other sums due to members of the company.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Official Receiver

(L.N. 201 of 1984)

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Chapter: 41	Title: INSURANCE COMPANIES ORDINANCE	Gazette Number:
Section: 68	Heading: <b>Insurance agent's relationship with insurer</b>	Version Date: 30/06/1997

(1) An appointed insurance agent is the agent of the insurer in the agent's dealings with a person other than the insurer for the issue of a contract of insurance and insurance business relating to the contract.

(2) An insurer is not able to exclude or limit its liability for the actions of its appointed insurance agent in the dealings for the issue of a contract of insurance and insurance business relating to the contract.

(3) A provision in a contract of insurance or an agency contract that contravenes subsection (1) or (2) is void.

(4) Where, in an insurance transaction undertaken by an appointed insurance agent, a particular insurer is not able to be identified, the insurers which have appointed the insurance agent as an appointed insurance agent to conduct the class of business that relates to the claim by the proposed insured are jointly and severally liable for the damages arising as a result of the actions of the appointed insurance agent.

(5) The liability of an insurer under this section arises whether the appointed insurance agent purports to act as a principal or as an agent for an undisclosed or disclosed principal.

(6) In assessing liability for a claim under subsection (4), the court is required to be satisfied that the proposed insured has acted in the utmost good faith and without contributing to the failure on the part of the insurance agent to effect the proposed insurance contract.

(Added 76 of 1994 s. 4)

Chapter: 41	Title: INSURANCE COMPANIES ORDINANCE	Gazette Number:
Schedule: 3	Heading: <b>ACCOUNTS AND STATEMENTS</b>	Version Date: 30/06/1997

[sections 17, 18, 22, 50 & 52]

## PART 1: INTERPRETATION AND PRELIMINARY

1. (1) In this Schedule, unless the context otherwise requires- (Amended L.N. 391 of 1990)  
"accounting class of general business" (一般業務會計類別) and "accounting class" (會計類別) mean respectively insurance business falling under any of the headings given below, against which are shown the corresponding classes of insurance business as defined in Part 3 of the First Schedule, -

1993 s. 14)

- (3C) No person shall be appointed to be a provisional liquidator under subsection (3)(b) unless-
- (a) he has consented in writing to such appointment; and
  - (b) he is a solicitor, or a professional accountant under the Professional Accountants Ordinance (Cap 50). (Added 75 of 1993 s. 14)

(4) Not later than 14 days after the appointment of a provisional liquidator by the directors of a company under this section, the directors shall give public notice in the Gazette of-

- (a) the commencement of the winding up of the company by the delivery to the Registrar of a statutory declaration made under this section, and the date of such delivery; and
- (b) the appointment of the provisional liquidator and his name and address.

(4A) A provisional liquidator appointed by the directors of a company under this section shall, within 14 days after the date of his appointment, deliver to the Registrar for registration a notice of his appointment. (Added 75 of 1993 s. 14)

(4B) If a provisional liquidator fails to comply with subsection (4A) he shall be liable to a daily default fine. (Added 75 of 1993 s. 14)

(5) (Repealed 75 of 1993 s. 14)

- (6) A provisional liquidator appointed by the directors of a company under this section shall-
- (a) unless the liquidator is sooner appointed, hold office until a meeting of creditors of the company summoned under subsection (3)(c) or, if that meeting is adjourned, any adjourned meeting, may allow; (Amended 75 of 1993 s. 14)
  - (b) take into his custody or under his control all the property and things in action to which the company is or appears to be entitled;
  - (c) be entitled, out of the funds of the company, to such remuneration as the committee of inspection or, if there is no such committee, the creditors, may fix and to reimbursement of expenses properly incurred by him, but he shall not be liable, and no civil action or other proceedings shall lie against him, in respect of acts properly done by him. (Amended 75 of 1993 s. 14)

(7) A provisional liquidator appointed by the directors of a company under this section shall, for the period of his appointment, have the like powers and be subject to the like duties as a liquidator in a creditors' voluntary winding up, and, accordingly, all the powers of the directors shall cease during that period except so far as may be necessary for the purpose of enabling the directors to comply with this section or the provisional liquidator sanctions the continuance thereof for any other purpose.

(7A) Notwithstanding subsection (7), a provisional liquidator appointed by the directors of a company under this section shall not have power to sell any property to which the company is or appears to be entitled, except where such sale is made in the course of carrying on business in accordance with section 231, unless-

- (a) the property is of a perishable nature or likely to deteriorate if kept; or
- (b) the court, on the application of the provisional liquidator, orders the sale of the property. (Added 75 of 1993 s. 14)

(8) In relation to every winding up commenced under this section-

- (a) section 241 shall apply to a meeting of the creditors of the company summoned under this section as it applies to a meeting of the creditors of a company summoned under that section except that-
  - (i) for the words "at which the resolution for voluntary winding up is to be proposed" in subsection (1) of that section there shall be substituted the words "of the company";
  - (ia) the sending of the notices by post and the advertisement of the meeting of creditors required by subsections (1) and (2) of that section respectively shall occur at least 7 days before the meeting of creditors, and the requirement in subsection (1) of that section as to simultaneous sending of notices shall not apply; (Added 75 of 1993 s. 14)
  - (ii) subsection (5) of that section shall be omitted;

Accounting class	Corresponding classes of insurance business
1. Accident and health	1, 2
2. Motor vehicle (including damage to other land vehicles), damage and liability	3, 10
3. Aircraft, damage and liability	5, 11
4. Ships, damage and liability	6, 12
5. Goods in transit	7
6. Property damage	4, 8, 9
7. General liability	13
8. Pecuniary loss	14, 15, 16, 17
9. Non-proportional treaty reinsurance	—
10. Proportional treaty reinsurance	—;

"additional amount for unexpired risks" (未過期風險的額外款項) means the amount set aside by an insurer at the end of its financial year, in addition to any unearned premiums, which is considered necessary to meet the cost of claims and expenses of settlement arising from risks to be borne by the insurer after the end of the financial year under contracts of insurance entered into before the end of that year; "appointed actuary" means the person appointed as actuary to an insurer under section 15 of this Ordinance;

"appointed auditor" (委任精算師) means the person appointed as auditor to an insurer under section 15 of this Ordinance;

"claim" (申索) means a claim against an insurer under a contract of insurance;

"claims equalization" (申索平衡基金) means the amount set aside by an insurer as at the end of its financial year for the purpose of being used to prevent exceptional fluctuations in the amounts charged to revenue in subsequent financial years in respect of claims arising due to the occurrence of events of an exceptional nature, that is to say, events not normally occurring every year;

"claims outstanding" (未決申索) means, unless otherwise specified, the amount set aside by an insurer as at the beginning or end of its financial year as being an amount likely to be sufficient to meet-

- (a) claims in respect of incidents occurring-
  - (i) in the case of an amount set aside as at the beginning of the financial year, before the beginning of that year; and
  - (ii) in the case of an amount set aside as at the end of the financial year, before the end of that year, being claims which have not been treated as claims paid and including claims relating to business accounted for over a longer period than a financial year, claims the amounts of which have not been determined and claims arising out of incidents that have not been notified to the insurer; and
- (b) expenses (such as, for example, legal, medical, surveying or engineering costs) which have been incurred but not yet recorded as paid or which are likely to be incurred by the insurer, whether through the employment of its own staff or otherwise, and are directly attributable to the settlement of individual claims which relate to incidents occurring before the beginning or the end of the financial year (as the case may be), whether or not the individual claims in question are those mentioned above;

"claims paid" (已償付申索), in relation to general business, means unless otherwise specified the amount that is paid by an insurer in full or partial settlement of-

- (a) claims, including claims relating to business accounted for over a longer period than a financial year; and
- (b) expenses (such as, for example, legal, medical, surveying or engineering costs) which are incurred by the insurer, whether through the employment of its own staff or otherwise,

and are directly attributable to the settlement of individual claims, whether or not the individual claims in question are those mentioned above;

"claims paid and outstanding" (已償付及未決申索) means the amount obtained by taking the sum of the claims paid during a financial year and the claims outstanding as at the end of that year and deducting therefrom the claims outstanding as at the beginning of the year;

"commission payable" (須付的佣金), in relation to a financial year of an insurer, means the amounts, whether or not paid during that year, which are recorded during that year as due to intermediaries and cedants in respect of the inception, amendment or renewal of contracts of insurance;

"contract of insurance" (保險合約) includes a contract of reinsurance;

"direct business" (直接業務) means contracts of insurance, other than contracts of reinsurance, entered into by an insurer; (Added L.N. 391 of 1990)

"expenses for settling claims outstanding" (了結未決申索的開支) means the amount set aside by an insurer at the end of its financial year as being an amount likely to be sufficient to meet that part of the insurer's expenses which is likely to be incurred in respect of general business in the settlement of claims in respect of incidents occurring before the end of that year other than expenses which fall to be included under claims outstanding;

"expenses of settling claims" (了結申索的開支) means that part of an insurer's expenses which has been incurred in respect of general business in the settlement of claims;

"fund" (基金), in relation to-

- (a) general business recorded as commencing in any financial year of an insurer but accounted for over a period longer than that financial year, means, during such period, an amount not less than the aggregate amount of the premiums receivable during that period (net of reinsurance premiums payable) reduced by the aggregate amount of the claims paid (net of reinsurance recoveries), expenses for settling claims, commission (net of reinsurance commission receivable) and premium taxes in respect of that business and any management expenses attributable to the management of the fund and, after the end of such period, means such amount as is considered necessary to discharge the remaining obligations (net of reinsurance) in respect of that business;
- (b) long term business, means the amount standing to the credit of an account maintained in respect of that business in accordance with section 22 of this Ordinance;

"gross premiums" (毛保費), in relation to a financial year-

- (a) means premiums after deduction of discounts specified in policies or refunds of premiums made in respect of any termination or reduction of risks but before deduction of premiums for reinsurance ceded and of commission payable by the insurer; and
- (b) includes premiums receivable by the insurer under reinsurance contracts accepted by the insurer;

"Hong Kong insurance business" (香港保險業務) means-

- (a) any direct business or facultative reinsurance business, being general business, in relation to which the risk-
  - (i) is underwritten in Hong Kong, that is to say-
    - (A) the policy is issued;
    - (B) the proposal form is prepared or signed;
    - (C) the proposal form is submitted or received; or
    - (D) the proposal form or risk is accepted,in Hong Kong; or (Amended 26 of 1994 s. 7)
  - (ii) (Repealed 26 of 1994 s. 7)
- (b) any treaty reinsurance business, being general business, in relation to which the risk is underwritten in Hong Kong, that is to say-
  - (i) the treaty is signed;
  - (ii) the treaty is accepted; or
  - (iii) the treaty negotiation is concluded,

in Hong Kong, other than treaty reinsurance business in respect of which less than 25% of the total risk (calculated in terms of the gross premiums receivable under the treaty) arises in Hong Kong within the meaning of subparagraph (2); (Added L.N. 391 of 1990)

"intermediary" (中介人) means a person who in the course of any business or profession invites other persons to make offers or proposals or to take other step with a view to entering into contracts of insurance with an insurer, other than a person who only publishes such invitations on behalf of, or to the order of, some other person;

"management expenses" (管理開支) means expenses incurred in the administration of an insurer or its business which are not commission payable and, in the case of general business, are not included in claims paid, claims outstanding, expenses for settling claims and expenses for settling claims outstanding;

"premiums" (保費) includes the consideration for the granting of an annuity;

"profit and loss account" (損益帳), in relation to an insurer not trading for profit, means an income and expenditure account;

"provision" (準備金) means any amount written off or retained by way of providing for depreciation, amortization, renewals or diminution in value of assets or retained by way of providing for any known liability, including liabilities in respect of expenditure contracted for and all disputed or contingent liabilities, the amount of which cannot be determined with substantial accuracy;

"receivable" (可收取), in relation to income during a financial year, means, unless otherwise specified, such amounts as become due to the insurer, whether or not received by the insurer during that year, including (where including (where appropriate) income which has accrued;

"reinsurance" (再保險) and "reinsurer" (再保險人) include retrocession and retrocessionaire, respectively;

"reinsurance premiums payable" (須付的再保險保費)-

(a) means the premiums recorded in an insurer's books during a financial year as due by it to reinsurers in respect of reinsurance contracts commencing in that year or reinsurance contracts commencing in earlier financial years but not accounted for in the insurer's revenue account prior to that financial year, whether or not paid by the insurer during that financial year, after deducting discounts, refunds and rebates of premiums as recorded in the same period, and for the purpose of determining whether a premium is due no account shall be taken of any credit arrangements made in respect thereof; and

(b) in the case of general business, includes, unless otherwise specified, unearned premium portfolios and outstanding claims portfolios payable by the insurer under reinsurance contracts ceded by the insurer, after deduction of any premium portfolios or loss portfolios refunded to the insurer by reinsurers;

"reserve" (儲備金) includes any amount written off or retained other than by way of provision;

"statutory business" (法定業務) means-

(a) the business of insurance against liability described in section 6 of the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap 272);

(b) the business of insurance against liability described in section 107D of the Merchant Shipping Ordinance (Cap 281); or

(c) the business of insurance against liability described in section 40 of the Employees' Compensation Ordinance (Cap 282); (Added L.N. 391 of 1990)

"unearned premiums" (未滿期保費) means the amount set aside by an insurer at the end of its financial year out of premiums in respect of risks to be borne by the insurer after the end of the financial year under contracts of insurance entered into before the end of that year.

(2) For the purposes of this paragraph a risk is deemed to arise in Hong Kong-

(a) in the case of insurance business of "accident and health" or "pecuniary loss", if-

(i) the policy holder being an individual is resident in Hong Kong; or

(ii) the policy holder is a company within the meaning of section 2 of the Companies

Ordinance (Cap 32);

- (b) in the case of insurance business of "aircraft, damage and liability", "ships, damage and liability" and "goods in transit", if the risk is underwritten in Hong Kong as described in the definition of Hong Kong insurance business;
- (c) in all other cases of insurance business, if the risk is located in Hong Kong. (Added L.N. 391 of 1990)

2. All accounts and statements shall be produced in the Chinese or the English language or, if not so produced, be accompanied by a complete Chinese or English translation. (Replaced L.N. 599 of 1995)

3. Subject to the provisions of Part 8, the information to be submitted under this Schedule shall be submitted in respect of the total business of the insurer. (Amended L.N. 391 of 1990)

4. \*(1) The accounts and statements of an insurer carrying on long term business only to be submitted under Parts 3, 4 and 5 of this Schedule shall be audited by the appointed auditor who shall annex to the accounts and statements a report stating-

- (a) the greater of the following-
  - (i) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the insurer; or
  - (ii) the amount as may be prescribed by or determined in accordance with regulations made under section 59(1)(aa) of this Ordinance for the purpose of section 8(3)(a)(ii)(B) and (iii)(B) of this Ordinance in the case of the insurer; (Amended 29 of 1997 s. 13)
- (b) whether in the auditor's opinion the value of the assets of the insurer exceeds the amount of its liabilities by the amount stated under subparagraph (a);
- (c) whether in the auditor's opinion proper records have been maintained in accordance with section 16 of this Ordinance;
- (d) whether in the auditor's opinion the insurer's balance sheet, revenue account and profit and loss account and (if it is a holding company submitting group accounts) the group accounts have been properly prepared in accordance with the provisions of this Ordinance; and
- (e) whether in the auditor's opinion a true and fair view is given-
  - (i) in the case of the balance sheet, of the state of the insurer's affairs as at the end of its financial year;
  - (ii) in the case of the revenue account and profit and loss account (if it is not framed as a consolidated revenue account and profit and loss account), of the insurer's profit and loss for its financial year; and
  - (iii) in the case of group accounts submitted by an insurer which is a holding company, of the insurer's interest therein. (Replaced L.N. 599 of 1995)

\*(1AA) Notwithstanding subparagraph (1)(e), the appointed auditor's opinion given under that subparagraph as to whether a true and fair view is so given may, where the valuation of any asset or liability or the treatment of any income or expenditure of the insurer is in accordance with any statutory provision which, in the case of that insurer, applied to the preparation of the accounts and statements so submitted, be qualified in such respects as he may specify, indicating the items affected by such valuation or treatment and the statutory provisions in question. (Added L.N. 599 of 1995)

\*#(1AB) The accounts and statements of an insurer carrying on general business only, other than a captive insurer, to be submitted under Parts 4 and 5 of this Schedule shall be audited by the appointed auditor who shall annex to the accounts and statements a report stating- (Amended 29 of 1997 s. 13)

- (a) the relevant premium income of the insurer;
- \*\* (aa) the relevant claims outstanding of the insurer; (\*\* See 35 of 1996 s. 34) (Added 35 of 1996 s. 33)
- (b) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of

- the insurer;
- (c) whether in the auditor's opinion the value of the assets of the insurer exceeds its liabilities by that relevant amount;
- (d) whether in the auditor's opinion proper records have been maintained in accordance with section 16 of this Ordinance; and
- (e) whether in the auditor's opinion the insurer's balance sheet, revenue account and profit and loss account have been properly prepared in accordance with the provisions of this Ordinance. (Added L.N. 599 of 1995)

\*(1AC) The accounts and statements of an insurer carrying on both general business and long term business to be submitted under Parts 4 and 5 of this Schedule shall be audited by the appointed auditor who shall annex to the accounts and statements a report stating-

- (a) the relevant premium income of the insurer attributable to its general business;
- \*\*(aa) the relevant claims outstanding of the insurer attributable to its general business; (Added 35 of 1996 s. 33)
- (b) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the insurer having regard to its general business;
- (c) the greater of the following-
  - (i) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the insurer having regard to its long term business; or
  - (ii) the amount as may be prescribed by or determined in accordance with regulations made under section 59(1)(aa) of this Ordinance for the purpose of section 8(3)(a)(ii)(B) and (iii)(B) of this Ordinance in the case of the insurer having regard to its long term business; (Amended 29 of 1997 s. 13)
- (d) whether in the auditor's opinion the value of the assets of the insurer exceeds its liabilities by the aggregate of the amounts stated under sub-subparagraphs (b) and (c);
- (e) whether in the auditor's opinion proper records have been maintained in accordance with section 16 of this Ordinance;
- (f) whether in the auditor's opinion the insurer's balance sheet, revenue account and profit and loss account have been properly prepared in accordance with the provisions of this Ordinance; and
- (g) whether in the auditor's opinion the balance sheet gives a true and fair view of the financial position, as at the end of its financial year, of the business of the insurer for which an account is maintained pursuant to section 22 or 22A of this Ordinance, but his opinion as to whether a true and fair view is so given may, where the valuation of any asset or liability of the insurer is in accordance with any statutory provision which, in the case of that insurer, applied to the preparation of the balance sheet so submitted, be qualified in such respects as he may specify, indicating the items affected by such valuation and the statutory provisions in question. (Added L.N. 599 of 1995)

(1AD) The accounts and statements of a captive insurer to be submitted under Parts 3, 4 and 5 of this Schedule shall be audited by the appointed auditor who shall annex to the accounts and statements a report stating-

- (a) the net premium income of the captive insurer;
- (b) the net claims outstanding of the captive insurer;
- (c) the relevant amount (within the meaning of section 10 of this Ordinance) in the case of the captive insurer;
- (d) whether in the auditor's opinion the value of the assets of the captive insurer exceeds its liabilities by that relevant amount;
- (e) whether in the auditor's opinion proper records have been maintained in accordance with section 16 of this Ordinance;
- (f) whether in the auditor's opinion the captive insurer's balance sheet, revenue account and profit and loss account and (if it is a holding company submitting group accounts) the group accounts have been properly prepared in accordance with the provisions of this

- Ordinance; and
- (g) whether in the auditor's opinion a true and fair view is given-
- (i) in the case of the balance sheet, of the state of the captive insurer's affairs as at the end of its financial year;
  - (ii) in the case of the revenue account and profit and loss account (if it is not framed as a consolidated revenue account and profit and loss account), of the captive insurer's profit and loss for its financial year; and
  - (iii) in the case of group accounts submitted by a captive insurer which is a holding company, of the captive insurer's interest therein. (Added 29 of 1997 s. 13)

(1AE) Notwithstanding subparagraph (1AD)(g), the appointed auditor's opinion given under that subparagraph as to whether a true and fair view is so given may, where the valuation of any asset or liability or the treatment of any income or expenditure of the captive insurer is in accordance with any statutory provision which, in the case of that captive insurer, applied to the preparation of the accounts and statements so submitted, be qualified in such respects as he may specify, indicating the items affected by such valuation or treatment and the statutory provisions in question. (Added 29 of 1997 s. 13)

(1A) The forms and statements to be submitted under Parts 8 and 9 of this Schedule shall be audited by a person who is qualified for appointment as auditor of a company under the Professional Accountants Ordinance (Cap 50) and is not disqualified under section 140 of the Companies Ordinance (Cap 32), and the auditor shall-

- (a) with respect to the forms under Part 8, annex a report thereto stating whether or not in his opinion-
  - (i) the insurer maintains proper records in accordance with section 16 of this Ordinance for the purposes of preparing the forms;
  - (ii) the forms have been properly prepared in accordance with those records; and
  - (iii) the information supplied in the forms presents fairly in all material respects the underwriting results pertaining to the Hong Kong insurance business; and
- (b) with respect to the statement under Part 9, annex a report thereto stating whether or not in his opinion-
  - (i) the insurer maintains proper records in accordance with section 16 of this Ordinance for the purposes of preparing the statement;
  - (ii) the statement has been properly prepared in accordance with those records;
  - (iii) the values of the assets and liabilities have been determined in accordance with any applicable valuation regulations;
  - (iv) the relevant amount has been determined in accordance with section 25A(1) of this Ordinance; and
  - (v) where the statement is submitted pursuant to-
    - (A) section 25A(9) of this Ordinance, the assets held by the insurer, as shown in the statement, enable it to comply with the requirement stipulated in section 25A of this Ordinance as at the last day of the financial year and 2 such other dates in the financial year as the auditor preparing the report may elect, provided that the intervening period between those 2 dates shall not be shorter than 3 months; or
    - (B) section 25B(3)(b) of this Ordinance, the assets held by the insurer, as shown in the statement, enable it to comply with the requirement stipulated in section 25B of this Ordinance as at the date specified in the notice issued under that section. (Added 26 of 1994 s. 7)

(2) If he considers it necessary the appointed auditor shall add to the report such qualification, amplification or explanation as is appropriate. (Amended 26 of 1994 s. 7)

(3) Subject to the provisions of Part 8, any information required to be submitted under this Schedule may be submitted in the form of notes if, but only if, the information submitted can readily be interpreted as a whole and the appointed auditor's report is attached. (Amended L.N. 391 of 1990; 26 of

5. (1) Subject to subparagraph (1A), the information to be submitted in respect of long term business under Part 7 of this Schedule shall be accompanied by a certificate by the appointed actuary- (Amended 59 of 1993 s. 18)

- (a) stating whether in his opinion, proper records have been kept by the insurer adequate for the purpose of the valuation or the liabilities of the long term business;
- (b) stating whether he is satisfied that, as at the date to which the valuation relates, the value of the assets identified as representing the fund or funds maintained by the insurer in respect of its long term business was not less than the greater of the following-
  - (i) the aggregate of-
    - (A) the amount of the liabilities attributable to that business; and
    - (B) \$2000000 or its equivalent; or
  - (ii) the aggregate of the amount of the liabilities attributable to that business and such amount as may be required to be held in such fund or funds in accordance with regulations made under section 59(1)(ab) of this Ordinance; (Replaced 25 of 1994 s. 19)
- (c) stating whether in his opinion there is a prudent and satisfactory relationship between the nature and term of the assets and the nature and term of the liabilities; (Amended 25 of 1994 s. 19)
- (d) stating whether he is satisfied that, as at the date to which the valuation relates, the value of the assets of the insurer was not less than-
  - (i) in the case of an insurer carrying on long term business only, the aggregate of the amount of its liabilities and such amount as may be prescribed by or determined in accordance with regulations made under section 59(1)(aa) of this Ordinance;
  - (ii) in the case of an insurer carrying on both general business and long term business, the aggregate of-
    - (A) the amount which, if section 10(1) of this Ordinance applied, would be the relevant amount in the case of the insurer having regard only to its general business;
    - (B) the amount of its liabilities; and
    - (C) such amount as may be prescribed by or determined in accordance with regulations made under section 59(1)(aa) of this Ordinance; (Added 25 of 1994 s. 19. Amended 29 of 1997 s. 13)
- (e) confirming that he has complied with the standards, if any, prescribed under section 59(2)(aa) of this Ordinance, which are applicable to him; and (Added 29 of 1997 s. 13)
- (f) specifying such of those standards applicable to him with which he has complied. (Added 29 of 1997 s. 13)

(1A) In subparagraph (1), "long term business" (長期業務) does not include long term business which is of the nature specified in either class G or H in Part 2 of the First Schedule. (Added 59 of 1993 s. 18)

(2) If he considers it necessary, the appointed actuary shall add to the certificate such qualification, amplification or explanation as is appropriate.

6. Except to the extent that any statutory provisions have been followed in the preparation thereof, there shall be annexed to the accounts and statements a supplementary statement or statements describing in full and sufficient detail the accounting policies used in arriving at the values of each and every asset and liability and in making any estimate, apportionment, reserve or provision.

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\* The operation of this provision is affected by section 1 of L.N. 599 of 1995, which section is reproduced immediately after the Eighth Schedule.

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- reproduced immediately after the Eighth Schedule.
- #\* The operation of this provision is affected by section 1 of L.N. 599 of 1995, which section is reproduced immediately after the Eighth Schedule.
- \*\* See 35 of 1996 s. 34

## PART 2: DIRECTORS' REPORT

7. There shall be attached to every balance sheet submitted under this Schedule a report by the directors with respect to the profit or loss of the insurer for the financial year and the state of the insurer's affairs as at the end thereof.
8. Every directors' report so attached shall be approved by the board of directors of the insurer and signed on behalf of the board either by the chairman of the meeting at which it was approved or by the secretary of the insurer.
9. The report shall-
- (a) state the principal activities of the insurer and of its subsidiaries in the course of the financial year and any significant change in those activities in that year;
  - (b) state the amount, if any, which the directors recommend should be paid by way of dividend;
  - (c) state the amount, if any, which the directors propose to carry to reserves;
  - (d) if the insurer has no subsidiaries and has in the financial year made donations for charitable or other purposes to a total amount of not less than \$1000 or its equivalent, state the total amount of such donations;
  - (e) if the insurer has subsidiaries and the insurer and its subsidiaries have between them made donations for charitable or other purposes to a total amount of not less than \$1000 or its equivalent, state the total amount of such donations;
  - (f) if significant changes in the assets of the insurer or of any of its subsidiaries have occurred in the financial year, contain particulars of the changes;
  - (g) if, in the financial year, the company has issued any shares, state the reason for making the issue, the classes of shares issued and, as respects each class of shares, the number issued and the consideration received by the insurer for the issue;
  - (h) if, in the financial year, the insurer has issued or redeemed any debentures, state the reason for making the issue or redemption, the classes of debentures issued or redeemed and, as respects each class of debentures, the amount issued or redeemed and the consideration received by the insurer;
  - (i) state the names of the persons who, at any time during the financial year, were directors or controllers of the insurer;
  - (j) if, at the end of the financial year, there subsists a contract with the insurer or with the insurer's subsidiary or holding company or any subsidiary of the insurer's holding company in which a director or controller of the insurer has, or at any time in that year had, in any way, whether directly or indirectly, an interest, or there has, at any time in that year, subsisted a contract with the insurer in which a director or controller of the insurer had, at any time in that year, in any way, whether directly or indirectly, an interest (being, in either case, in the opinion of the directors, a contract of significance in relation to the insurer's business and in which the director's or controller's interest is or was material), contain-
    - (i) a statement of the fact of the contract's subsisting or, as the case may be, having subsisted;
    - (ii) the names of the parties to the contract (other than the insurer);
    - (iii) the name of the director or controller (if not a party to the contract);

- (iv) an indication of the nature and value of the contract; and
- (v) an indication of the nature and value of the director's or controller's interest in the contract;
- (k) state the amounts of any property transferred, payments made (whether for services or otherwise), loans advanced to or obligations assumed during the financial year by or for a director or controller of the insurer or his nominees or associates (within the meaning of section 9 of this Ordinance);
- (l) if, at the end of the financial year, there subsist arrangements to which the insurer or the insurer's subsidiary or holding company or a subsidiary of the insurer's holding company is a party, being arrangements whose objects are, or one of whose objects is, to enable directors or controllers of the insurer to acquire benefits by means of the acquisition of shares in, or debentures of, the insurer or any other body corporate, or there have, at any time in that year, subsisted such arrangements as aforesaid to which the insurer was a party, contain a statement explaining the effect of the arrangements and giving the names of the persons who at any time in that year were directors or controllers of the insurer and held, or whose nominees held, shares or debentures acquired in pursuance of the arrangements;
- (m) if, at the end of the financial year, the insurer, or the insurer together with any associate (within the meaning of section 9 of this Ordinance) or through a nominee is entitled to exercise or control the exercise of one third or more of the voting power of any body corporate, state the name of the body corporate, the country of its incorporation, its principal business activity, the number of shares so held and the number issued, the amounts owing to the body corporate by the insurer and owing to the insurer by the body corporate at the end of the financial year;
- (n) state whether the insurer has, in the financial year, carried on insurance business (other than reinsurance business) relating to liabilities or risks in respect of which persons are required by any Ordinance to be insured;
- (o) contain a summary of the material reinsurance arrangements effected by the insurer; and
- (p) contain particulars of any other matters, including events after the date of the balance sheet, so far as they are material for the appreciation of the state of the insurer's affairs.

### PART 3:            ADDITIONAL PROVISIONS RELATING TO AN INSURER WHICH IS A HOLDING COMPANY

10.     This Part shall apply to-

- (a) an insurer carrying on long term business only;
- (b) a captive insurer,

which is a holding company, whether or not it is itself a subsidiary of another body corporate.  
(Replaced 29 of 1997 s. 13)

11.     The consolidated balance sheet and profit and loss account shall combine the information contained in the separate balance sheets and profit and loss accounts of the holding company and of the subsidiaries dealt with by the consolidated accounts, but with such adjustments as the circumstances justify.

12.     Where any of the subsidiaries is an insurer, the consolidated revenue account shall combine the information in the separate revenue accounts of the holding company and of the subsidiary, with such adjustments as the circumstances justify.

13.     Subject as aforesaid, the consolidated accounts shall, in giving the said information, comply so far as practicable with the requirements of this Schedule as if they were the accounts of an insurer.

### PART 4:            GENERAL PROVISIONS RELATING TO BALANCE SHEET

14. The authorized share capital, issued share capital, assets and liabilities shall be summarized in the balance sheet, with such particulars as are necessary to disclose the general nature of the assets and liabilities, and there shall be specified-

- (a) any part of the issued share capital that consists of redeemable preference shares, the earliest and latest dates on which the insurer has power to redeem those shares, whether those shares must be redeemed in any event or are liable to be redeemed at the option of the insurer and whether any (and, if so, what) premium is payable on redemption;
- (b) so far as the information is not given in the profit and loss account under Part 5 of this Schedule, any share capital on which interest has been paid during the financial year, and the rate of interest;
- (c) the amount of the share premium accounts; and
- (d) particulars of any redeemed debentures which the company has power to reissue.

15. There shall be stated under separate headings, so far as they are not written off-

- (a) the preliminary expenses;
- (b) any expenses incurred in connection with any issue of share capital or debentures;
- (c) any sums paid by way of commission in respect of any shares or debentures;
- (d) any sums allowed by way of discount in respect of any debentures; and
- (e) the amount of the discount allowed on any issue of shares at a discount.

16. The assets and liabilities of the insurer shall be set out under the following headings and shall reflect the identification of long term assets and liabilities as required by Part 6 of this Schedule.

#### Assets

- (a) Land and buildings-  
Land held on a lease with an unexpired period of less than 10 years shall be separately identified. Where land and buildings have been valued in the year, the name or qualifications of the valuer, and the basis of valuation must be disclosed. For assets valued previously, the year and amount of each valuation must be shown.
- (b) Fixed interest securities-
  - (i) issued by, or guaranteed by, any Government or public authority;
  - (ii) other fixed interest securities (except those in associated or subsidiary companies) distinguishing between listed and unlisted securities.
- (c) Variable interest securities-
  - (i) issued by, or guaranteed by, any Government or public authority;
  - (ii) others.
- (d) Other variable interest investments-
  - (i) equity shares (except those in associated or subsidiary companies) distinguishing between listed and unlisted shares;
  - (ii) holdings in unit trusts.
- (e) Investments in associated or subsidiary companies-
  - (i) insurers-
    - (A) value of any shares held;
    - (B) debts (other than debts referred to in (g) below);
  - (ii) non-insurers-
    - (A) value of any shares held;
    - (B) debts.

The shares shall be analysed as listed and as unlisted, and the debts shall be analysed as secured, as partly secured and as unsecured
- (f) Loans secured by contracts of insurance issued by the insurer.

- (g) Insurance debts (distinguishing between those due from associated or subsidiary companies and those due from others)-
  - (i) premium income in respect of direct insurance but not yet paid to the insurer less commission payable thereon;
  - (ii) amounts due under reinsurance contracts, distinguishing as between reinsurance contracts accepted and reinsurance contracts ceded;
  - (iii) if material, recoveries due by way of salvage or from other insurers in respect of claims paid other than recoveries under reinsurance contracts ceded.
- (h) Debts not previously covered-
  - (i) fully secured;
  - (ii) partly secured;
  - (iii) unsecured.
- (i) Deposit and current accounts with banks-
  - (i) fixed term deposits;
  - (ii) current accounts.
- (j) Deposit and current accounts with deposit-taking companies registered or authorized by any governmental agency-
  - (i) fixed term;
  - (ii) at call.
- (k) Cash.
- (l) Computer equipment, office machinery, furniture, motor vehicles and other equipment.
- (m) Goodwill, patents, and trademarks.
- (n) Other assets, to be separately specified if material.

With regard to assets where a provision is made for depreciation, amortization, renewal or diminution in value, the amount so provided shall be recorded in respect of each asset.

#### Liabilities

- (o) Long term business liabilities-
  - (i) long term business funds;
  - (ii) claims admitted but not paid; for each type of business specified in paragraph 25.
- (p) Liabilities other than long term business-
  - (i) unearned premiums;
  - (ii) any additional amount for unexpired risks;
  - (iii) claims outstanding before and after deducting amounts recoverable from reinsurers-
    - (A) reported claims;
    - (B) claims incurred but not reported;
  - (iv) expenses of settling claims outstanding, if not included under (iii) above;
  - (v) funds;
  - (vi) others.
- (q) Other insurance liabilities-
  - (i) amounts due in respect of direct insurance except amounts which must be included in (o) or (p) above;
  - (ii) amounts due to insurers and intermediaries under reinsurance treaties accepted, except amounts which must be included in (o) or (p) above;
  - (iii) amounts due to reinsurers and intermediaries under reinsurance contracts coded.
- (r) Other liabilities-
  - (i) secured loans;
  - (ii) unsecured loans;
  - (iii) subordinated loan stock;
  - (iv) taxation;
  - (v) recommended dividend;

- (vi) accrued cumulative preference share dividend;
- (vii) other creditors.

17. The aggregate amounts respectively of reserves and provisions (other than provisions for depreciation, amortization, renewal or diminution in value of assets) shall be stated under separate headings.

18. There shall also be shown (unless it is shown in the profit and loss account or a statement or report annexed thereto, or the amount involved is not material)-

- (a) where the amount of the reserves or of the provisions (other than provisions for depreciation, amortization, renewal or diminution in value of assets) shows an increase as compared with the amount at the end of the immediately preceding financial year, the source from which the amount of the increase has been derived; and
- (b) where-
  - (i) the amount of the reserves shows a decrease as compared with the amount at the end of the immediately preceding financial year; or
  - (ii) at the end of the immediately preceding financial year the amount of the provisions (other than provisions for depreciation, amortization, renewal or diminution in value of assets) exceeded the aggregate of the sum since applied and amounts still retained for the purposes thereof, the application of the amounts derived from the difference.

19. If provision is made for claims equalization or to accommodate fluctuations in taxation, or for any other purpose, it shall be stated. If any of the sum so set aside has been used during the financial year for another purpose, the amount thereof and the purpose for which it has been so used shall be stated.

20. Where any liability of the insurer is secured otherwise than by operation of law on any assets of the insurer, the fact that the liability is so secured shall be stated.

21. Where any of the insurer's debentures are held by a nominee of or trustee for the insurer, the nominal amount of the debentures and the amount at which they are stated in the books of the insurer shall be stated.

22. The following shall also be stated-

- (a) where any person or class of persons has an option to subscribe for shares in the insurer-
  - (i) the name of that person or the class of persons involved;
  - (ii) the period during which it is exercisable;
  - (iii) the price to be paid or shares subscribed for under it;
- (b) the amount of any arrears of fixed cumulative dividends on the insurer's shares and the period for which the dividends or, if there is more than one class, each class of them are in arrear;
- (c) particulars of any charge on the assets of the insurer to secure the liabilities of another, including the amount secured
- (d) if it is material, the general nature of any other contingent liabilities not provided for and the aggregate amount or estimated amount of those liabilities; and
- (e) if it is material, the aggregate amount or estimated amount of authorized capital expenditure so far as not provided for.

23. Except in the case of the first balance sheet, the corresponding amounts at the end of the immediately preceding financial year shall be shown for all items.

## **PART 5: GENERAL PROVISIONS RELATING TO REVENUE ACCOUNT AND**

## PROFIT AND LOSS ACCOUNT

### Revenue Account

24. (1) There shall be shown for each accounting class of general business-
- (a) all gross premiums receivable by the insurer, distinguishing between-
    - (i) premiums from direct underwriting; and
    - (ii) premiums under reinsurance contracts accepted by the insurer;
  - (b) all reinsurance premiums payable by the insurer, distinguishing between cessions relating to direct underwriting and retrocessions relating to reinsurance contracts accepted by the insurer;
  - (c) all commissions payable by the insurer to agents, brokers or ceding companies, distinguishing between those relating to premiums from direct underwriting and those relating to premiums under reinsurance contracts accepted by the insurer;
  - (d) all commissions receivable by the insurer from reinsurers;
  - (e) all claims paid and outstanding, distinguishing between those relating to direct underwriting and those relating to reinsurance contracts accepted by the insurer, and showing-
    - (i) the gross amounts;
    - (ii) the amounts recoverable from reinsurers; and
    - (iii) the net amounts;
  - (f) expenses of settling claims;
  - (g) management expenses;
  - (h) unearned premiums and unexpired risks brought forward at the beginning of the financial year and carried forward at the end of the year.
- (2) An insurer-
- (a) which undertakes business in accounting class 4 only in respect of risks relating to hovercraft may account for such business in accounting class 3 if it also undertakes business in that class;
  - (b) may include in accounting class 5 business covering liability for loss or damage to or of goods in transit which would otherwise be included in accounting class 2 provided that the policy does not cover damage to vehicles except as an ancillary risk as defined in the First Schedule.
- (3) Accounting classes 3, 4 and 5 when accounted for on a fund accounting basis shall also include treaty reinsurance business in the corresponding classes. Subject thereto, the insurer may account for all reinsurance business in accounting classes 9 and 10, or alternatively may combine all such business with similar business falling within accounting classes 1 to 8 inclusive. (Amended L.N. 391 of 1990)
25. The following items (a) to (i) shall be shown, for long term business, for each of the following types of business (i) to (ix) (which correspond to the classes of long term business in Part 2 of the First Schedule)- (Amended 59 of 1993 s. 18)
- (i) life and annuity business;
  - (ii) marriage and birth business;
  - (iii) linked long term business;
  - (iv) permanent health business;
  - (v) tontines;
  - (vi) capital redemption business;
  - (vii) retirement scheme management category I business; (Added 59 of 1993 s. 18)
  - (viii) retirement scheme management category II business; (Added 59 of 1993 s. 18)
  - (ix) retirement scheme management category III business: (Added 59 of 1993 s. 18)

Provided that if the appointed auditor certifies that the effect of business under any of the types

business (ii) to (v) above is not material, such business may be accounted for under (i) above;

- (a) gross premiums receivable from-
  - (i) direct underwriting business;
  - (ii) reinsurance contracts accepted, distinguishing between premiums on new policies and premiums on renewal policies and single premium policies and regular premium policies;
- (b) reinsurance premiums payable, distinguishing as in (a) above;
- (c) commissions payable to agents, brokers or ceding insurers in respect of-
  - (i) direct underwriting business;
  - (ii) reinsurance contracts accepted, distinguishing as in (a) above;
- (d) commissions receivable from reinsurers, distinguishing as in (a) above;
- (e) gross claims payable in respect of-
  - (i) direct underwriting business;
  - (ii) reinsurance contracts accepted, distinguishing between those payable on death, on surrender, by way of lump sum on maturity or by way of periodic payments under the contracts of insurance;
- (f) claims recoverable from reinsurers, distinguishing as in (e) above;
- (g) interest or other income from long term business assets;
- (h) dividends to policy holders;
- (i) management and other expenses.

#### Profit and Loss Account

26. There shall be shown-

- (a) the amounts respectively of income from listed investments and income from unlisted investments;
- (b) if a substantial part of the insurer's revenue for the financial year consists of rents from land and buildings, the amount thereof (after deduction of ground-rents, rates and other out-goings);
- (c) any contribution to profits other than (a) and (b) above from sources other than insurance business;
- (d) the amount provided for depreciation, amortization, renewals or diminution in value of assets;
- (e) the amount of any provisions made other than provisions for depreciation, amortization, renewals or diminution in value of assets or, as the case may be, the amount withdrawn from such provisions and not applied for the purposes thereof;
- (f) if, as respects any assets in whose case an amount is provided for depreciation, amortization or diminution in value, an amount is provided for renewal thereof, the last-mentioned amount shall be shown separately;
- (g) if the amount provided for depreciation or diminution in value of any fixed assets (other than investments) has been determined otherwise than by reference to the amount of those assets as determined for the purpose of making up the balance sheet, that fact shall be stated. Where land or buildings have been revalued and as a result of the valuation there has been a change in the basis of depreciation in the period with regard to the land or buildings, the effect of this change shall be disclosed, if material;
- (h) the amount of interest on loans made to the insurer, whether on the security of debentures or not;
- (i) the amount of the charge for taxation;
- (j) the amounts respectively provided for redemption of share capital and for redemption of loans;
- (k) the amount set aside or proposed to be set aside to, or withdrawn from, reserves;
- (l) the amount, if material, charged in respect of the hire of plant and machinery;

- (m) the aggregate amount of the dividends paid and proposed;
- (n) the amount of any charge arising in consequence of the occurrence of an event in a preceding financial year and of any credit so arising shall, if not included in a heading relating to other matters, be stated under a separate heading;
- (o) the amount of the remuneration of the auditors shall be shown under a separate heading, and for the purposes of this paragraph, any sums paid by the insurer in respect of the auditors' expenses shall be deemed to be included in the expression "remuneration";
- (p)
  - (i) the aggregate amount of directors' emoluments;
  - (ii) if there are more than 3 directors, the aggregate amount of the emoluments of the 3 highest-paid directors;
  - (iii) the aggregate amount of compensation paid to any director or past director for loss of office as director.

27. The following shall also be stated-

- (a) if depreciation or replacement of fixed assets is provided for by some method other than a depreciation charge or provision for renewals, or is not provided for, the method by which it is provided for or the fact that it is not provided for, as the case may be;
- (b) the basis on which the charge for taxation is computed;
- (c) any special circumstances which affect liability in respect of taxation for the financial year or liability in respect of taxation for succeeding financial years;
- (d) except in the case of the first accounts, the corresponding amounts for the immediately preceding financial year for all items shown in the revenue account and the profit and loss account;
- (e) any material respects in which any items shown in the revenue account or profit and loss account are affected-
  - (i) by transactions of a sort not usually undertaken by the insurer or otherwise by circumstances of an infrequent or non-recurrent nature; or
  - (ii) by any change in the basis of accounting; or
  - (iii) by any correction of fundamental errors in any of the preceding financial years.

## PART 6:            ADDITIONAL REQUIREMENTS IN RESPECT OF INSURERS CARRYING ON LONG TERM BUSINESS

### Identification of Long Term Assets and Liabilities

28. This Part sets out the method of identification of long term assets and liabilities required under section 22 of this Ordinance.

29. All assets and liabilities not identified with its long term business at the end of the financial year of the insurer beginning next after the commencement of this Ordinance shall be so identified at that date ("the base date").

30. In the case of liabilities, the amount to be identified shall be the aggregate of the following-

- (a) the amount of the long term business fund or funds carried forward in the insurer's revenue account;
- (b) the amounts of any accounting liabilities, reserves or provisions, other than those mentioned in (a) above, shown in the insurer's balance sheet as attributable only to the insurer's long term business; (c) the amounts of any accounting liabilities, reserves or provisions, other than those mentioned in (a) and (b) above, shown or included in the insurer's balance sheet in relation to which there are records which identify them as attributable only to the insurer's long term business.

31. In the case of assets, the assets to be identified shall be such proportion of the insurer's total assets

as the amount of the identified liabilities bears to the total liabilities of the insurer. The insurer's total assets shall be valued at a fair market value on the base date, the amount of the identified liabilities shall be determined as in paragraph 30, and the total liabilities of the insurer shall be taken as including the share capital and reserves but excluding provisions or other allowances in respect of depreciation, amortization, renewal or diminution in value (whether actual or potential) of assets:

Provided that-

- (a) the value of assets to be identified shall be not less than the aggregate of \$2000000 or its equivalent and the amount of the identified liabilities; and
- (b) where the value of assets so identified is less than the aggregate of the values of the assets which were already identified as attributable to the insurer's long term business on the base date, the latter shall be taken as the identified assets.

32. Assets and liabilities which were already identified as attributable to the insurer's long term business on the base date or which are to be so identified on the base date shall be identified as attributable to its long term business on the base date.

33. Assets acquired after the base date, to the extent that they are acquired out of receipts of the insurer in respect of its long term business, shall be identified to that extent as attributable to the insurer's long term business.

34. Where any assets which were identified as attributable to the insurer's long term business in accordance with the above requirements have been disposed of, the proceeds of that disposal shall be identified as assets attributable to the insurer's long term business.

35. Any income accruing from any asset of the insurer which falls to be identified as an asset attributable to the insurer's long term business shall also be so identified.

36. (1) Every insurer to which this Part of this Schedule applies shall, not later than 6 months after the base date, deposit with the Insurance Authority a certificate that the insurer has in accordance with this Part-

- (a) identified in accordance with the provisions of paragraphs 30 and 31 any assets and liabilities which were not already identified on the base date as attributable to the insurer's long term business;
- (b) identified as assets attributable to the insurer's long term business all those assets which are required to be so identified in accordance with paragraph 32; and
- (c) established and maintained those books of account and other records which are required to be established and maintained by section 22 of this Ordinance,

and that certificate shall be signed by at least 2 directors of the insurer and the chief executive thereof or, in the case of an insurer which has no chief executive, by at least 2 directors and the secretary thereof:

Provided that if in any case it is made to appear to the Insurance Authority that the circumstances are such that a longer period than 6 months should be allowed for depositing the certificate, he may extend that period by such period not exceeding 3 months as he thinks fit.

(2) There shall be annexed to every such certificate a report signed by the appointed auditor stating whether-

- (a) the insurer has complied with subparagraph (1)(a) and (b); and
- (b) in his opinion, the insurer has complied with subparagraph (1)(c).

#### **PART 7: INFORMATION TO BE FURNISHED FOLLOWING ACTUARIAL INVESTIGATION UNDER SECTION 18 OR 32 OF This ORDINANCE**

37. The following forms and supplementary information shall be furnished in support of any actuarial valuation required to be produced under section 18 or 32 of this Ordinance, and the information

hereinafter required shall be furnished for each type of business set out in paragraph 38(1) of this Schedule for each fund and in total.

38. (1) There shall be furnished in the Form L1 below a revenue account for the period since the last valuation or, in the case of an insurer which has made no valuation, since the commencement of the business, for each of the following types of business (i) to (ix) (which correspond to the classes of long term business in Part 2 of the First Schedule)- (Amended 59 of 1993 s. 18)

- (i) life and annuity business;
- (ii) marriage and birth business;
- (iii) linked long term business;
- (iv) permanent health business;
- (v) tontines;
- (vi) capital redemption business;
- (vii) retirement scheme management category I business; (Added 59 of 1993 s. 18)
- (viii) retirement scheme management category II business; (Added 59 of 1993 s. 18)
- (ix) retirement scheme management category III business; (Added 59 of 1993 s. 18)

Provided that if the appointed actuary certifies that the effect of business under any of the types of business (ii) to (v) above is not material, such business may be accounted for under (i) above.

#### FORM L1

#### REVENUE ACCOUNT OF ..... (name of insurer)

in respect of class(es)\* ..... for the period commencing ..... and ending .....

Amount of Funds on .....	\$	Commissions Payable .....	\$
the beginning of the period .....	XX	(i) Direct Underwriting Business	XX
		.....	..
Premiums Receivable .....	XX	(ii) Reinsurance Contracts Accepted	..
		.....	XX
		Claims Payable .....	XX
		Gross Amount	Recoverable from Reinsurers
(i) Direct Underwriting Business:			
Single Premiums	...	On Death	...
Regular Premiums	...	On Surrender	...
		By Way of Lump Sums on Maturity	...
(ii) Reinsurance Contracts Accepted:		By Way of Periodic Payments	...
Single Premiums	...	.....	...
Regular Premiums	...	.....	...
		.....	XX
		(ii) Reinsurance Contracts Accepted:	
Interest or Income from Long Term Business Assets .....	XX	On Death	...
Commissions Receivable .....	XX	On Surrender	...
Other Receipts (accounts to be specified) .....	XX	By Way of Lump Sums on Maturity	...
		By Way of Periodic Payments	...
		.....	XX
		Dividends to Policy holders .....	XX

	Other Payments (accounts to be specified) .....	XX
	Amount of Funds on .....	
	the end of the period .....	XX
Transfer to Profit and Loss Account.....	XX	XX
	XX	XX

\* The classes referred to correspond to the classes of Long Term Business set out in Part 2 of the First Schedule.

- (2) The following supplementary information shall be furnished with the Form L1 above-
- the date up to which the valuation is made;
  - the principles upon which the valuation and distribution of profits among the policy holders are made, and whether these principles were determined by the instrument constituting the insurer or by its regulations or bylaws or otherwise;
  - the table or tables of mortality used in the valuation;
  - the rate or rates of interest assumed in the calculations;
  - the proportion of the annual premium income reserved as a provision for future expenses and profit (if no such provision is made in respect thereof, a statement as to what provision is made shall be furnished);
  - the time during which a policy must be in force in order to entitle the policy holders to share in the profits;
  - the results of the valuation, showing-
    - the total amount of profit made by the insurer;
    - the amount of profit divided among the policy holders, and the number and amount of the policies which participated;
    - the amount of profit brought forward from the previous valuation, the amount thereof allotted to policy holders and shareholders.

39. (1) There shall be furnished in the Forms L2 and L3 below a statement of the liabilities of the insurer under each of the types of business specified in paragraph 38(1) at the date of the valuation, showing the number of policies, the amount assured and the amount of premiums payable annually under each type of policy, both with and without participation in profits, and the net liabilities and assets of the insurer, and the amount of any surplus or deficiency.

#### FORM L2

VALUATION SUMMARY OF ..... (name of insurer)  
for the period commencing ..... and ending .....

Class	Type of insurance	1 Number of contracts	2 Amount of sums assured or annuities per annum including vested reversionary bonuses	3 Amount of yearly premiums Office premiums	4 Net premium	5 Values of sums assured or annuities per annum including vested reversionary bonuses	6 Values of yearly net premiums	7 Amount of net liability	8 Bases of valuation
(I)	Life assurance other than annuities		\$	\$	\$	\$	\$	\$	
	(a) With participation in profits:								
	Whole life .....								
	Endowment .....								
	Other types (to be specified) .....								
	Total assurances with profits.....								

	(b) Without participation in profits: Whole life .....							
	Endowment .....							
	Other types (to be specified) .....							
	Total assurances without profits.....							
	Total assurances ....							x x
(II)	Annuities							
	(a) With participation in profits:							
	Life annuities in course of payment							
	Deferred life annuities .....							
	Other types (to be specified) .....							
	Total annuities with profits .....							
	(b) Without participation in profits:							
	Life annuities in course of payment.....							
	.....							
	Deferred life annuities .....							
	Other types (to be specified) .....							
	Total annuities without profits.....							
	.....							
	Total annuities .....							x x
B	Marriage and birth	x x	x x		x x	x x		
C	Linked long term	x x	x x		x x	x x		
D	Permanent health	x x	x x		x x	x x		
E	Tontines	x x	x x		x x	x x		
F	Capital redemption	x x	x x		x x	x x		
G	Retirement scheme management category I	x x	x x		x x	x x		
H	Retirement scheme management category II	x x	x x		x x	x x		
I	Retirement scheme management category III							
	TOTALS							x x

Notes

- The classes referred to correspond to the classes of Long Term Business set out in Part 2 of the First Schedule.
- Within each class of insurance, the following are to be shown-
  - direct business and reinsurances accepted;
  - reinsurances ceded; and
  - net retained business.
- The entry under column 8 should either refer to details given as supplementary information or should state the mortality tables/statistical tables and rates of interest employed, as appropriate.
- With regard to business falling within class A-
  - separate summaries similar in form to the above must be furnished in respect of policies valued by different mortality tables, or at different rates of interest; and
  - contracts the nature of which or the method of valuation of which makes it impossible or inappropriate to give the information required in columns 4, 5 and 6 of any valuation summary are to be shown separately and the reason stated.

(Amended 59 of 1993 s. 18; 35 of 1996 s. 33)

Net liability under long term insurance business (as per Form L2) .....	\$	Long term insurance business funds (as per Balance Sheet)	\$
Surplus .....		Deficiency .....	
	<u>\$</u>		<u>\$</u>

(2) There shall be furnished with the Forms L2 and L3 above particulars of the average rate of interest yielded by the assets whether invested or uninvested constituting the long term business fund of the insurer, calculated upon the mean fund of each year during the period since the last investigation.

#### PART 8: ACCOUNTS AND INFORMATION IN RESPECT OF THE HONG KONG INSURANCE BUSINESS OF AN INSURER

40. (1) Every insurer who is authorized to carry on general business shall submit to the Insurance Authority-

- (a) if its financial year ends on 31 December, in respect of the financial year ending on 31 December 1990; and
- (b) in any other case, in respect of the first financial year ending after 31 December 1990, and thereafter in respect of every successive financial year-

- (i) the accounts or information specified in subparagraph (2), relating to the Hong Kong insurance business carried on by it, in the form described in relation to each such specified account or information; or
- (ii) where it does not carry on any Hong Kong insurance business to which any account or information specified in subparagraph (2) relates, during any financial year referred to in this subparagraph, a statement to that effect, in the form described in relation to such account or information.

(2) The accounts or information and the forms referred to in subparagraph (1) are-

- (a) subject to sub-subparagraph (e), a revenue account of direct business, in the form provided in Form 1;
- (b) subject to sub-subparagraph (e), supplementary information relating to the revenue account of the direct business, in the form provided in Form 1A;
- (c) subject to sub-subparagraph (f), a revenue account of the reinsurance business, in the form provided in Form 2;
- (d) subject to sub-subparagraph (f), supplementary information relating to the revenue account of the reinsurance business, in the form provided in Form 2A;
- (e) in the case of an insurer whose direct business is accounted for on a fund accounting basis, in lieu of the account and information referred to in sub-subparagraphs (a) and (b) respectively, revenue accounts of the direct business carried on, on a fund accounting basis, in the form provided in Form 3;
- (f) in the case of an insurer whose reinsurance business is accounted for on a fund accounting basis, in lieu of the account and information referred to in sub-subparagraphs (c) and (d) respectively, revenue accounts of the reinsurance business carried on, on a fund accounting basis, in the form provided in Form 4;
- (g) statistics of statutory business, being direct business, in the form provided in Form 5;
- (h) statistics of claims paid (Gross), in the form provided in Form 6;
- (i) statistics of outstanding claims provision (Gross), in the form provided in Form 7;
- (j) statistics of claims paid (Net), in the form provided in Form 8;
- (k) statistics of outstanding claims provision (Net), in the form provided in Form 9.

\* Delete as necessary.

HONG KONG INSURANCE BUSINESS-DIRECT BUSINESS REVENUE ACCOUNT OF ..... (Name of insurer) SUPPLEMENTARY  
INFORMATION  
for the period commencing on ..... and ending on .....

[illegible]

- |      |   |      |   |
|------|---|------|---|
| (4)  | UNEARNED PREMIUMS ADJUSTMENT                | (A)  | Amount of unearned premiums c/f                                   |
|      |   | (B)  | Amount of unearned premiums b/f                                   |
|      |   | (C)  | Increase/ (Decrease) (A)-(B)                                      |
| (8)  | UNEXPIRED RISKS ADJUSTMENT                  | (A)  | Amount of unexpired risks c/f                                     |
|      |   | (B)  | Amount of unexpired risks b/f                                     |
|      |   | (C)  | Increase/ (Decrease) (A)-(B)                                      |
| (15) | PROVISION FOR OUTSTANDING CLAIMS ADJUSTMENT | (A)  | Provision for outstanding claims                                  |
|      |   | (a)  | Gross amount  |
|      |   | (b)  | Amount recoverable from   |
|      |   | (i)  | reinsurers  |
|      |   | (ii) | others  |
|      |   | (c)  | Net amount (a)-(b)  |
|      |   | (B)  | Provision for IBNR  |
|      |   | (C)  | Amount of provision for outstanding claims incl. IBNR c/f (A)+(B) |
|      |   | (D)  | Amount of provision for outstanding claims incl. IBNR b/f         |
|      |   | (E)  | Increase/ (Decrease) (C)-(D)                                      |

Note: Amounts must be expressed in Hong Kong dollars.

FORM 2

## ACCOUNTING CLASSES OF GENERAL BUSINESS

[illegible]

(17) Profit/(Loss) (5)-(11)-  
(16)

\_\_\_\_\_  
( ) Director      ( ) Director      ( ) \*Chief Executive/Secretary

\* Delete as necessary.

HONG KONG INSURANCE BUSINESS-REINSURANCE BUSINESS REVENUE ACCOUNT OF ..... (Name of insurer) SUPPLEMENTARY  
INFORMATION  
for the period commencing on ..... and ending on ..... ACCOUNTING CLASSES OF GENERAL BUSINESS

[illegible]

- (8) UNEXPIRED RISKS  
ADJUSTMENT
- (A) Amount of unexpired risks c/f
- (B) Amount of unexpired risks b/f
- (C) Increase /(Decrease) (A)-(B)
- (15) PROVISION FOR OUTSTANDING CLAIMS ADJUSTMENT
- (A) Provision for outstanding claims
- (a) Gross amount
- (b) Amount recoverable from retrocessionaires
- (c) Net amount (a)-(b)
- (B) Provision for IBNR
- (C) Amount of provision for outstanding claims incl. IBNR c/f (A)-(B)
- (D) Amount of provision for outstanding claims incl. IBNR b/f
- (E) Increase/(Decrease) (C)-(D)

We certify that the above information is true and correct.

\_\_\_\_\_  
( Director )      ( Director )      ( \*Chief Executive/Secretary )

- Notes:
- (a) Amounts must be expressed in Hong Kong dollars.
- (b) Both treaty and facultative reinsurance business must be included.

+ In the event that it is impracticable to allocate the treaty reinsurance business to the respective first 8 accounting classes of general business, such business may be shown under 2 broad classes, namely, Non-proportional Treaty Reinsurance and Proportional Treaty Reinsurance.

\* Delete as necessary.

### FORM 3

HONG KONG INSURANCE BUSINESS-DIRECT BUSINESS REVENUE ACCOUNT ON THE FUND ACCOUNTING BASIS  
OF ..... (Name of insurer) for the period commencing on .....and ending on .....ACCOUNTING CLASS OF GENERAL BUSINESS:

	19 ____ Year of Account (Two year preceding the period)		19 ____ Year of Account (One Year preceding the period)		19 ____ Year of Account (The period)		Total Developments in current year
	All prior Years of Account Developments in current year	Developments in current year	Cumulative developments	Developments in current year	Cumulative developments	Developments in current year	
	\$	\$	\$	\$	\$	\$	\$
GROSS PREMIUMS							
(1) Gross premiums receivable							
(2) Reinsurance premiums payable							

RETAINED PREMIUMS  
(3) Premiums net of reinsurance (1)-(2)

UNDER WRITING EXPENSES

- (4) Commissions payable  
(5) Management expenses  
(6) Gross expenses (4)+(5)  
(7) Commissions receivable from reinsurers  
(8) Total net expenses (6)+(7)

CLAIMS (incl. claims settling expenses)

- (9) Gross amounts paid  
(10) Amounts recoverable from  
(a) reinsurers  
(b) others  
(11) Net amounts paid (9)-(10)  
(12) Insurance fund b/f  
(13) Insurance fund c/f

UNDER WRITING RESULT

- (14) Profit/(loss) (3)-(8)-(11)+(12)-(13)

We certify that the above information is true and correct.

( ) ( ) ( )  
Director Director \*Chief Executive/Secretary

- Notes: (a) Amounts must be expressed in Hong Kong dollars.  
(b) If the insurer's direct business is accounted for on a fund accounting basis, this form is to be completed in lieu of Forms 1 and 1A.  
(c) A separate form must be submitted in respect of each of the 8 accounting classes of general business specified in Forms 1 and 1A.

\* Delete as necessary.

#### FORM 4

HONG KONG INSURANCE BUSINESS-REINSURANCE BUSINESS REVENUE ACCOUNT ON THE FUND ACCOUNTING BASIS OF ..... (Name of insurer) for the period commencing on ..... and ending on ..... ACCOUNTING CLASS OF GENERAL BUSINESS: .....

	19 ——— Year of Account (Two year preceding the period)	19 ——— Year of Account (One Year preceding the period)	19 ——— Year of Account (The period)				
	All prior Years of Account Developments in current year	Develop- ments in current year	Cumulative developments	Develop- ments in current year	Cumulative development s	Developments in current year	Total Develop- ments in current year
	\$	\$	\$	\$	\$	\$	\$
GROSS PREMIUMS							
(1) Gross premiums receivable							
(2) Retrocession premiums payable							
RETAINED PREMIUMS							
(3) Premiums net of Retrocession (1)-(2)							
UNDER WRITING EXPENSES							
(4) Commissions payable to ceding companies							
(5) Management expenses							
(6) Gross expenses (4)+(5)							
(7) Commissions receivable from retrocessionaires							
(8) Total net expenses (6)-(7)							

CLAIMS (incl. claims settling expenses)

- (9) Gross amounts paid
- (10) Amounts recoverable from retrocessionaires
- (11) Net amounts paid (9)-(10)
- (12) Insurance fund b/f
- (13) Insurance fund c/f

UNDER WRITING RESULT

- (14) Profit/(Loss)(3)-(8)-(11)+(12)-(13)

We certify that the above information is true and correct.

(                      )
(                      )
(                      )  
Director
Director
\*Chief Executive/Secretary

- Notes:
- (a) Amounts must be expressed in Hong Kong dollars.
  - (b) If the insurer's reinsurance business is accounted for on a fund accounting basis, this form is to be completed in lieu of Forms 2 and 2A.
  - (c) Both treaty and facultative reinsurance business must be included.
  - (d) A separate form must be submitted in respect of each of the first 8 accounting classes of general business specified in Forms 2 and 2A.
  - (e) In the event that it is impracticable to allocate the treaty reinsurance business to the respective first 8 accounting classes of general business, such business may be shown under 2 broad classes, namely, Non-proportional Treaty Reinsurance and Proportional Treaty Reinsurance. However, in such circumstances the insurer must supply estimates of the gross premiums receivable (i.e. item (1) above) attributable to the treaty reinsurance business of each of the first 8 accounting classes of general business.

\* Delete as necessary.

#### FORM 5

HONG KONG INSURANCE BUSINESS-STATISTICS OF STATUTORY BUSINESS (BEING DIRECT BUSINESS) OF ..... (Name of insurer) for the period commencing on ..... and ending on .....

A. Motor Vehicle Insurance Business under section 6 of the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap 272)

No. of vehicles covered at end of period								No. of outstanding claims at end of period (All types)	
THIRD PARTY RISKS				COMPREHENSIVE					TOTAL
Private Cars	Public Hire Vehicles	Other Commercial Vehicles	Motor Cycles	Private Cars	Public Hire Vehicles	Other Commercial Vehicles	Motor Cycles		

B. Employees' Compensation Insurance Business under section 40 of the Employees' Compensation Ordinance (Cap 282)

No. of policies in force at end of period	No. of outstanding claims at end of a period

C. Launch, Ferry Vessel and Pleasure Vessel Insurance Business under section 107D of the Merchant Shipping Ordinance (Cap 281)

No. of policies in force at end of period			No. of launches, ferry vessels and pleasure vessels covered by such policies	No. of outstanding claims at end of period
THIRD PARTY RISKS	COMPREHENSIVE	TOTAL		

We certify that the above information is true and correct.

\_\_\_\_\_  
( Director )                      ( Director )                      ( \*Chief Executive/Secretary )

Note: This form is to be completed by an insurer authorized to carry on statutory business (being direct business) in Hong Kong.

\* Delete as necessary.

# FORM 6

HONG KONG INSURANCE BUSINESS-CLAIMS PAID STATISTICS (GROSS) OF ..... (Name of insurer)  
for the period commencing on ..... and ending on ..... in respect of Accounting Class of General Business: ..... (All in \$'000)

Accident/ Underwriting Year*	Claims Paid in each year of development							
	19—	19—	19—	19—	19—	19—	19—	19—
Prior years								
19—								
19—	—							
19—	—	—						
19—	—	—	—					
19—	—	—	—	—				
19—	—	—	—	—	—			
19—	—	—	—	—	—	—		
19—	—	—	—	—	—	—	—	
TOTAL								

We certify that the above information is true and correct.

\_\_\_\_\_  
( Director )                      ( Director )                      ( \*Chief Executive/Secretary )

- Notes:
- Amounts must be expressed in Hong Kong dollars.
  - A separate form must be submitted in respect of each of the classes of direct business set out in Form 1 (with a separate form for employees' compensation insurance business) and each of the classes of reinsurance business set out in Form 2.
  - This form must be completed on a gross basis (i.e. before deduction of any reinsurance).

- (d) In compiling claims statistics-
- (i) direct insurers must use accident year basis for direct and facultative business and the underwriting year basis for treaty business;
  - (ii) insurers transacting only reinsurance business must use the underwriting year basis for both facultative and treaty business.

\* Delete as necessary.

## FORM 7

### HONG KONG INSURANCE BUSINESS-OUTSTANDING CLAIMS PROVISION STATISTICS (GROSS) OF ..... (Name of insurer) AS AT ..... Accounting Class of General Business: ..... (All in \$'000)

Accident/ Underwriting Year*	Claims Paid in each year of development							
	19	19	19	19	19	19	19	19
Prior years								
19								
19	—							
19	—	—						
19	—	—	—					
19	—	—	—	—				
19	—	—	—	—	—			
19	—	—	—	—	—	—		
19	—	—	—	—	—	—	—	
TOTAL								

We certify that the above information is true and correct.

\_\_\_\_\_  
(                      )  
Director

\_\_\_\_\_  
(                      )  
Director

\_\_\_\_\_  
(                      )  
\*Chief Executive/Secretary

- Notes:
- (a) Amounts must be expressed in Hong Kong dollars.
  - (b) A separate form must be submitted in respect of each of the classes of direct business set out in Form 1 (with a separate form for employees' compensation insurance business) and each of the classes of reinsurance business set out in Form 2.
  - (c) This form must be completed on a gross basis (i.e. before deduction of any reinsurance).
  - (d) In compiling claims statistics-
    - (i) direct insurers must use accident year basis for direct and facultative business and the underwriting year basis for treaty business;
    - (ii) insurers transacting only reinsurance business must use the underwriting year basis for both facultative and treaty business.
  - (e) References to outstanding claims provision shall include outstanding claims and claims incurred but not reported.

\* Delete as necessary.

## FORM 8

HONG KONG INSURANCE BUSINESS-CLAIMS PAID STATISTICS (NET) OF .....  
(Name of insurer) for the period commencing on ..... and ending on ..... in respect of  
Accounting Class of General Business: ..... (All in \$'000)

Accident/ Underwriting Year*	Claims Paid in each year of development							
	19	19	19	19	19	19	19	19
Prior years								
19								
19	—							
19	—	—						
19	—	—	—					
19	—	—	—	—				
19	—	—	—	—	—			
19	—	—	—	—	—	—		
19	—	—	—	—	—	—	—	
TOTAL								

We certify that the above information is true and correct.

( _____ ) Director	( _____ ) Director	( _____ ) *Chief Executive/Secretary
-----------------------	-----------------------	---

- Notes:
- (a) Amounts must be expressed in Hong Kong dollars.
  - (b) A separate form must be submitted in respect of each of the classes of direct business set out in Form 1 (with a separate form for employees' compensation insurance business) and each of the classes of reinsurance business set out in Form 2.
  - (c) This form must be completed on a net basis (i.e. net of reinsurances).
  - (d) In compiling claims statistics-
    - (i) direct insurers must use accident year basis for direct and facultative business and the underwriting year basis for treaty business;
    - (ii) insurers transacting only reinsurance business must use the underwriting year basis for both facultative and treaty business.

\* Delete as necessary.

FORM 9

HONG KONG INSURANCE BUSINESS-OUTSTANDING CLAIMS PROVISION  
STATISTICS (NET) OF ..... (Name of insurer) AS AT ..... Accounting Class of General  
Business: ..... (All in \$'000)

Accident/ Underwriting Year*	Outstanding Claims Provision at the end of each year of development
------------------------------------	---

		unlisted		04	
Variable interest securities*	Issued by, or guaranteed by, any government or public authority			05	
	Others			06	
Other variable interest investments*	Equity shares except those in associated or subsidiary companies	listed		07	
		unlisted		08	
	Holdings in unit trusts			09	
Investment in associated or subsidiary companies*	Insurers	Value of any shares held	listed	10	
			unlisted	11	
		Debts (other than debts which must be included in line 20 or 21 to 28)	secured	12	
			partly secured	13	
			unsecured	14	
	Non-insurers	Value of any shares held	listed	15	
			unlisted	16	
		Debts (other than debts which must be included in line 20 or 21 to 28)	secured	17	
			partly secured	18	
unsecured			19		
Loans secured by contracts of insurance issued by the insurer				20	
	Due from associated or subsidiary companies	Premium income in respect of direct insurance but not yet paid to the insurer less commission payable thereon		21	
		Amounts due from ceding insurers and intermediaries under reinsurance contracts accepted		22	
		Amounts due from reinsurers and intermediaries under reinsurance contracts ceded (excluding recoveries in respect of outstanding claims)		23	
		Recoveries due by way of salvage or from other insurers in respect of claims paid other than recoveries under reinsurance contracts ceded		24	
		Premium income in respect of direct insurance but not yet paid to the insurer less commission payable thereon		25	
		Amounts due from ceding insurers and intermediaries under reinsurance contracts accepted		26	
		Amounts due from reinsurers and intermediaries under reinsurance contracts ceded (excluding recoveries in respect of outstanding claims)		27	

		Recoveries due by way of salvage or from other insurers in respect of claims paid other than recoveries under reinsurance contracts ceded	28	
Debts not previously covered*	Fully secured		29	
	Partly secured		30	
	Unsecured		31	
Deposits and current account*	With banks	Fixed term deposits	32	
		Current accounts	33	
	With restricted licence banks and deposit-taking companies	Fixed term	34	
		At call	35	
	Cash			36
Computer equipment, office machinery, furniture, motor vehicles and other equipment			37	
Other assets, to be separately specified if material			38	
Total			39	
Letter of credit or other commitment from banks licensed in Hong Kong			40	

B. Liabilities and relevant amount pertaining to Hong Kong insurance business

Items				\$
↑ Gross insurance liabilities (before deduction of amount reinsured)	Unearned premiums		41	
	Additional amount for unexpired risks		42	
	Claims outstanding	Reported claims	43	
		Claims incurred but not reported	44	
	Fund		45	
	Total liabilities (line 41 + 42 + 43 + 44 + 45)		46	
	Deduct: Relief permitted under section 25A(8)		47	
	Total liabilities after deduction of line 47		48	
	40% of line 48		49	
Net insurance liabilities (after deduction of amount reinsured)	Unearned premiums		50	
	Additional amount for unexpired risks		51	
	Claims outstanding	Reported claims	52	
		Claims incurred but not reported	53	
	Fund		54	
	Total liabilities (line 50 + 51 + 52 + 53 + 54)		55	
	Deduct: Relief permitted under section 25A(8)		56	
	Total liabilities after deduction of line 56		57	
	80% of line 57		58	
The greater of line 49 or line 58			59	
Relevant amount			60	
Total liabilities (line 59 + 60)			61	

We certify that the above information is true and correct.

( ) ( ) ( )

Director

Director

Chief Executive/Secretary #

Note: Amounts must be expressed in Hong Kong dollars.

\* Supply particulars of assets in a separate sheet.

# Delete as necessary.

↑ Enter N/A in line 41 to line 49 if section 25A(3)(b) is not applicable.

(Part 9 added 26 of 1994 s.7)

Chapter: 41	Title: INSURANCE COMPANIES ORDINANCE	Gazette Number:
Schedule: 4	Heading: <b>PROPOSED APPOINTMENT OF CONTROLLER WITHIN THE MEANING OF SECTION 13A(1)</b>	Version Date: 30/06/1997

[section 13A(2)(a)]

1. Application of Fourth Schedule

This Schedule sets out the information to be furnished by an insurer to the Insurance Authority under section 13A(2)(a) of this Ordinance in respect of the proposed appointment of a person as a controller (within the meaning of section 13A(1) of this Ordinance) of the insurer.

2. Particulars of proposed controller

Any particulars furnished by an insurer to the Insurance Authority pursuant to section 13A(2)(a) of this Ordinance in respect of a person proposed to be appointed as a controller (within the meaning of section 13A(1) of this Ordinance) shall contain-

- (a) in the case of an individual, the particulars in Form A in this Schedule;
- (b) in the case of a body corporate, the particulars in Form B in this Schedule; and
- (c) in the case of a partnership-
  - (i) the particulars in Form A in this Schedule in respect of each partner who is an individual;
  - (ii) the particulars in Form B in this Schedule in respect of each partner which is a body corporate.

FORM A

[paragraph 2,  
4th Schedule]

PARTICULARS REQUIRED IN RESPECT OF INDIVIDUALS WHO ARE PROPOSED TO  
BE APPOINTED AS CONTROLLERS WITHIN THE MEANING OF  
SECTION 13A(1)

Name of Insurer\* ..... The following  
are particulars of-

#(a) + .....

#(b) + + ....., of which + .....

..... is a partner.

1. Family name

Other names

.....  
Any other name(s) by which he has been known or is known  
.....

2. Private address.
3. Date of birth.  
Place of birth (including town or city).
4. Nationality, including a statement as to whether it was acquired by birth or naturalization.
5. Qualifications and experience, including those relating to insurance and allied matters.
6. Present occupation or employment and occupations and employment during the last 10 years, including the name of the employer, the nature of the business, the position held and relevant dates.
7. Has he at any time been convicted of any criminal offence (other than an offence committed when he was of or under the age of 16 years unless the same was committed within the last 10 years) by any court, including a military tribunal, in Hong Kong or elsewhere? If so, give full particulars of the court by which he was convicted, the offence and the penalty imposed and the date of the conviction.
8. Has he in the last 10 years, in Hong Kong or elsewhere, been censured, disciplined or publicly criticized by any professional body to which he belongs or belonged or been dismissed from any office or employment or refused entry to any profession or occupation? If so, give full particulars.
9. Has he at any time been adjudicated bankrupt by a court in Hong Kong or elsewhere? If so, give full particulars.
10. Has he at any time in the last 10 years failed to satisfy any debt adjudged due and payable by him as a judgment-debtor under an order of a court in Hong Kong or elsewhere? If so, give full particulars.
11. Has he, in connection with the formation or management of any body corporate or insurer, been adjudged by a court in Hong Kong or elsewhere civilly liable for any fraud, misfeasance or other misconduct by him towards such a body or insurer or towards any members thereof? If so, give full particulars.
12. Has any body corporate or insurer with which he was associated as director or controller (within the meaning of section 9 of this Ordinance) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either whilst he was associated with it or within one year after he ceased to be associated with it? If so, give full particulars.

(Note: In relation to a body corporate which is not an insurer "controller" (控權人) is to be construed as a reference to a person who would, if he were a company, be a holding company of that body in accordance with section 2(7) of the Companies Ordinance (Cap 32).

13. Of what bodies corporate or insurers-
  - (a) is he now a director or controller (within the meaning of section 9 of this Ordinance)?
  - (b) has he been a director or controller (within the meaning of section 9 of this Ordinance)?
14. Has he any other occupation other than that disclosed at items 6 and 13 above. If so, give full details.
15. In carrying out his duties will he be acting on the directors or instructions of any other person? If so, give full particulars.

I certify that the above information is complete and correct to the best of my knowledge and belief.

Date .....

Signed .....  
(individual named in paragraph 1 above.)

I certify that + .....has supplied the above  
information and that in respect of\* .....  
..... he is-

#(a) proposed to be appointed as a controller within the meaning of section 13A(1)  
of this

Ordinance;  
#(b) a partner in + + ..... which is proposed to be appointed  
as a controller within the meaning of section 13A(1) of this Ordinance.

Date .....

Signed .....  
(Director/Secretary# of the Insurer.)

- \* Insert name of Insurer.
- + Insert name of individual to whom particulars relate.
- + + Insert name of partnership.
- # Delete as necessary.

FORM B

[paragraph 2, 4th Schedule]

PARTICULARS REQUIRED IN RESPECT OF BODIES CORPORATE WHICH ARE PROPOSED TO BE  
APPOINTED AS CONTROLLERS  
WITHIN THE MEANING OF SECTION 13A(1)

Name of Insurer\* .....

The following are particulars of a body corporate which is proposed to be appointed as a controller within the meaning of section 13A(1) of this Ordinance, or which is a partner in a partnership which is proposed to be appointed as such a controller, of the above-named Insurer.

1. Name and address of body corporate and address of registered office (where different).
2. Principal business activity.
3. Address of principal place of business established in Hong Kong.
4. Date and place of incorporation.
5. Registered number (if any).
6. Full name and residential address of every director and every controller within the meaning of section 9 of this Ordinance.

(Note: In relation to a body corporate which is not an insurer, "controller" (控權人) is to be construed as a reference to a person who would, if he were a company, be a holding company of that body in accordance with section 2(7) of the Companies Ordinance (Cap 32)).

7. Name and address of main bank.
8. Accounts for the last 3 completed financial years and particulars of any reports, resolutions and other circulars issued to shareholders during the last 4 years.
9. Name, place of incorporation and principal activities of all subsidiary companies and of any holding company or ultimate holding company.

(Note: Shares held by a nominee are to be treated as shares held by his principal).

- + 10. In the case of a company to which Part XI of the Companies Ordinance (Cap 32) applies-
  - (a) name(s) and address(es) of person(s) residing in Hong Kong authorized to accept on behalf of the company service of process and any notices;
  - (b) date of registration under Part XI of the Companies Ordinance (Cap 32).

11. Has any body corporate or insurer with which the above-named body corporate was associated as director or controller (within the meaning of section 9 of this Ordinance) in the last 10 years, in Hong Kong or elsewhere, been compulsorily wound up or made any compromise or arrangement with its creditors or ceased trading in circumstances where its creditors did not receive or have not yet received full settlement of their claims, either whilst the above-named body corporate was associated with it or within one year after the above-named body corporate ceased to be associated with it? If so, give full particulars.

(Note: In relation to a body corporate which is not an insurer, "controller" (控權人) is to be construed as a reference to a person who would, if he were a company, be a holding company of that body in accordance with section 2(7) of the Companies Ordinance

(Cap 32)).

I certify that the above information is complete and correct to the best of my knowledge and belief and I certify that this notice is served with the knowledge and consent of the above-named body corporate.

Date .....

Signed .....

(Director/Secretary + of  
body corporate.)

+I certify that the above particulars have been supplied by the above-named body corporate and that in respect of\* .....

+ (a) the above-named body corporate is proposed to be appointed as a controller within the meaning of section 13A(1) of this Ordinance.

+ (b) #..... of which the above-named body corporate is a partner is proposed to be appointed as a controller within the meaning of section 13A(1) of this Ordinance.

Date .....

Signed .....

(Director/Secretary + of  
body corporate.)

\* Insert name of Insurer.

+ Delete as necessary.

# Insert name of partnership.

(Fourth Schedule added 44 of 1990 s. 10)

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Chapter:	43A	Title:	TRADE MARKS RULES	Gazette Number:	23 of 1998 s. 2
Schedule:	2	Heading:	FORMS	Version Date:	01/07/1997

Expanded Cross Reference:  
103, 104, 105

Remarks:  
Amendments retroactively made - see 23 of 1998 s. 2

			[rule 94]
Form No.	Description	Fee No. (Schedule 1)	
TM-No. 2	Request, under section 73 and rule 8, for Registrar's preliminary advice on registrability and request for search under rule 108(1) (L.N. 299 of 1996)	1 and/or 2	
TM-No. 3	Application for registration of trade mark or series of trade marks (other than defensive or certification trade marks)	3	
TM-No. 3A	Additional representation of trade mark to be filed together with an application for registration	—	
TM-No. 5	Request for statement of Registrar's grounds of decision	4	
TM-No. 6	Notice of opposition before Registrar to application for registration of a trade mark (other than a certification trade mark under section 66(2) and rule 54(2))	5	
TM-No. 7	Counter-statement to opposition, rectification, or conversion before Registrar	6	
TM-No. 8	Notice to Registrar of attendance at hearing in opposition matter, or in rectification, removal or certain other proceedings	7	
TM-No. 9	Application for entry of trade mark in register and issue of certificate of registration (L.N. 541 of 1994)	8	
TM-No. 10	Certificate of registration of a trade mark	—	
TM-No. 12	Application to Registrar, under section 24(2) and rule 39(2), to dissolve association between registered trade marks	9	
TM-No. 14	Request, under rule 40, to be registered as subsequent proprietor	10 or 10a	
TM-No. 16	Application, under section 18(3) and rule 45(3), for extension of time to request registration of corporation-assignee as subsequent proprietor	11	
TM-No. 17	Application for certificate of Registrar under sections 41(5) and 41A(5) and rule 48 with reference to proposed assignment of a registered trade mark	12	
TM-No. 18	Application, under sections 41(6) and 41A(6) and rule 49(1), for Registrar's directions for advertisement of assignment of trade mark in use, without goodwill	13	
TM-No. 19	Application, under sections 41(6) and 41A(6) and rule 49(5), for extension of time in which to apply for directions for advertisement of assignment of trade mark in use, without goodwill	14	
TM-No. 20	Application, under section 64 and rule 50, for the registration of a certification trade mark	3	

TM-No. 22	Notice to Registrar, under section 66(2) and rule 54(2) of opposition to an application for registration of a certification trade mark	5
TM-No. 25	Request, under section 68(1) and rule 55(1), for consent of Registrar to alteration of certification trade mark regulations	19
TM-No. 26	Application to Registrar, under section 68(2) and rule 56(1), for expunging or varying an entry in register relating to a certification trade mark or varying the deposited regulations	20
TM-No. 27	Application, under section 45 and rule 58, for renewal of registration of a trade mark and forwarding additional fee, appropriate) under rule 59, to accompany renewal fee within 1 month after advertisement of non-payment of renewal fee	21 and 22 (if
TM-No. 29	Application for restoration and renewal of a trade mark removed from register for non-payment of fee	21 and 23
TM-No. 30	Application, under rule 63, for rectification of register or removal of trade mark from register	24
TM-No. 31	Application, under rule 65(1), for leave to intervene in proceedings for rectification of register or removal of trade mark from register	25
TM-No. 32	Application, under section 50 and rule 66(1), for alteration of trade or business address in register	26
TM-No. 33	Request for correction of clerical error in register or amendment of application	27
TM-No. 33A	Additional representation of trade mark to be filed together with request for permission to amend a trade mark under application	—
TM-No. 34	Request, under section 50 and rule 66(1), to enter change of name of registered proprietor, or registered user, of trade mark on register	28 or 28a
TM-No. 35	Application by registered proprietor, under section 50(1)(c) and rule 66(1), for cancellation of entry of trade mark in register	29
TM-No. 36	Request by registered proprietor, under section 50(1)(d) and rule 66(1), to strike out goods or services from those for which trade mark is registered	29
TM-No. 37	Request by registered proprietor, under section 50(1)(e) and rule 66(1), to enter a disclaimer or memorandum in register	30
TM-No. 38	Request, under rule 100 or 101, for entry, alteration or cancellation in the register of address for service	—
TM-No. 39	Request, under section 75 and rule 69, for entry on register and advertisement of certificate of validity	32
TM-No. 40	Application, under section 51 and rule 70, for addition to or alteration of registered trade mark	33 or 33a
TM-No. 41	Notice of opposition, under section 51(2) and rule 71(2), to application to add to or alter a registered trade mark	34
TM-No. 42	Application, under section 54 and rule 75(1), for conversion of specification from Schedule 3 to Schedule 4	35
TM-No. 43	Notice of opposition, under section 54(3) and rule 76(2), to proposal for conversion of specification from Schedule 3 to Schedule 4	36
TM-No. 44	Application, under sections 55 and 55A and rule 78(1), for registration of a defensive trade mark	37

TM-No. 45	Application, under section 58 and rule 79, for registration of a registered user	38 or 38a
TM-No. 46	Application by a registered proprietor, under section 60(1)(a) and rule 81, for variation of the entry of a registered user	39 or 39 a
TM-No. 47	Application under section 60(1)(b) and (c) and rules 82 and 83, for cancellation of entry of registered user	40, 40a, 41 or 41a
TM-No. 49	Notice, under section 61 and rule 84(2), of intention to intervene in proceedings for variation or cancellation of an entry of a registered user	42
TM-No. 50	Authorization of agent, under rule 102(4)	—
TM-No. 51	Request for general certificate of Registrar, under rules 103 to 105	43
TM-No. 53	Notice of order of court for alteration or rectification of register (rule 111)	45
TM-No. 54	Notice, under section 92(6) and rule 15A, electing to have the registrability of a mark determined in accordance with the Ordinance, as amended by the Intellectual Property (World Trade Organization Amendments) Ordinance 1996 (11 of 1996) (L.N. 299 of 1996)	50

See Schedule 1 to the Trade Marks Rules for details of fees

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 2
		Fee No. 1 and/or 2
I. Request for Search under Rule 108(1)	FOR OFFICIAL USE	
II. Request for Registrar's Preliminary Advice as to Distinctiveness or Capability of Distinguishing under Section 73 and Rule 8		
<p>Mark the appropriate box with an X You may mark either or both requests I and II</p> <p>I. I. Request for search to ascertain whether any trade marks are on record which resemble the trade mark a representation of which is shown below (rule 108(1)) <input type="checkbox"/></p> <p style="text-align: center;">and/or</p> <p>II. Request for Registrar's preliminary advice as to whether the trade mark a representation of which is shown below appears to be prima facie inherently adapted to distinguish or inherently capable of distinguishing the goods or services to be registrable in Part A or Part B of the register within the requirements of section 9 or 10 respectively (section 73 and rule 8) <input type="checkbox"/></p>		

A representation of the mark should be affixed in this space. If the representation exceeds the space then part of the representation should be affixed. Two duplicate representations should be filed together with the form. A mark must be visually perceptible and capable of being represented graphically if it is not a word or a picture. This means you may need to give a clear description of the mark in this space

2. Representation of the trade mark	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <th colspan="3">FOR OFFICIAL USE</th> </tr> <tr> <th colspan="3">Device mark classification</th> </tr> <tr> <th style="width: 33%;">Major</th> <th style="width: 33%;">Heading</th> <th style="width: 33%;">Sub Heading</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table>	FOR OFFICIAL USE			Device mark classification			Major	Heading	Sub Heading			
FOR OFFICIAL USE													
Device mark classification													
Major	Heading	Sub Heading											
2A. If the mark is not a word or a picture, please indicate here (for example, 3-dimensional)													

Complete if no agent

3. Class of goods/services	
4. Specification of goods/services	
5. Details of applicant who proposes to apply for registration of the above mark and/or requests for search  <div style="display: flex; justify-content: space-between;"> <span>Name</span> <span></span> </div> <div style="display: flex; justify-content: space-between;"> <span>Address</span> <span></span> </div>	
6. Agent's details  <div style="display: flex; justify-content: space-between;"> <span>Name</span> <span></span> </div> <div style="display: flex; justify-content: space-between;"> <span>Address</span> <span></span> </div>	
Agent's own reference	
Signature _____	Date _____
_____ 19____	
<div style="display: flex; align-items: center;"> <span style="margin-right: 10px;">Day</span> <span>Month</span> </div> <div style="display: flex; align-items: center;"> <span style="margin-right: 10px;">Year</span> </div>	
Name (BLOCK LETTERS) _____	
Official capacity of signatory _____	

See rules 96 and 102

(L.N. 299 of 1996)

See Schedule 1 to the Trade Marks Rules for details of fees

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 3 Fee No. 3		
Application for Registration of a Trade Mark or Series of Trade Marks				
01 Part of the register in which the application is made		FOR OFFICIAL USE		
02 Class of goods or services in which the application is made				
03 Application made under section 26(1) for a series of marks		Appl. No. : Reg. No. :		
04 Applicant's details				
Name				
Address				
			Code	
Kind of incorporation _____ Country _____ of _____ incorporation _____				
State of incorporation (if appropriate) _____				
05 Application to be considered under International Convention/Priority				
Country _____ Date _____ _____ claimed _____ Day Month Year				
Presentation of mark(s) applied for		FOR OFFICIAL USE		
		Type of Mark		
		Device Mark		
		Classification		
		Major	Heading	Sub Heading
06 If the mark is not a word or a picture, please indicate here (for A example, 3-dimensional)				
07 Specification of goods or services for which registration is sought		FOR OFFICIAL USE		

Fix one representation of the mark in the space opposite. A mark must be visually perceptible and capable of being represented graphically if it is not a word or a picture. This means you may need to give a clear description of the mark in this space

--	--

08	If this application is made under section 18(1)(b), tick this box. A Form TM-No. 45 must accompany the application		FOR OFFICIAL USE
09	Agent's details  Name  Address		Agent Code
	Agent's own reference		
010	Address for service  Name  Address		
011	Signature  _____ Applicant/Agent for applicant  Name (BLOCK LETTERS) _____  Official capacity of signatory _____  Date 19  _____ Day                      Month                      Year		

See rules 96 and 102

(L.N. 299 of 1996)

Application No. \_\_\_\_\_

TRADE MARKS ORDINANCE (CHAPTER 43)	FORM TM-No. 3A
	No Fee
Additional Representation of Trade Mark to be filed together with an Application for Registration	

Fix one representation of the mark in the space opposite. It must correspond in all respects exactly with the representation on the application. The remaining 14 copies of the representation of the mark are not to be attached to this form or to the application form. A mark must be visually perceptible and capable of being represented graphically if it is not a word or a picture. This means you may need to give a clear description of the mark in this space

If the mark is not a word or a picture, please indicate here (for example, 3-dimensional)
Name of applicant (BLOCK LETTERS)

(L.N. 299 of 1996)

See Schedule 1 to the Trade Marks Rules for details of fees

If the Registrar has made any requirements to which the applicant does not object, the applicant shall comply with them before the Registrar will issue the grounds of his decision

Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 5	
		Fee No. 4	
Request to the Registrar for Statement of Grounds of Decision		FOR OFFICIAL USE	
1. Application No.	Trade Mark	Class No.	
2. Name of applicant or agent requesting the statement of grounds of decision and the address to which the decision should be sent  Name  Address			
3. Agent's own reference			
4a Date of hearing			
		Day	Month
Year		19	



An opponent who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

See rules 96 and 102

6. Agent's details			
Name			
Address			
Agent's own reference			
7. Address for service			
8. Signature		Date	
_____		19	
Name (BLOCK LETTERS)		Day	Month Year
_____		_____	
Official	capacity	of	signatory
_____		_____	

(23 of 1998 s. 2)

See Schedule 1 to the Trade Marks Rules for details of fees  
This form must be filed in duplicate

Complete the appropriate column

Only one column should be completed

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 7	
		Fee No. 6	
Form of Counter-Statement for		FOR OFFICIAL USE	
Opposition, Rectification, Alteration or Conversion			
Oppositions		Rectifications, Alterations or Conversions	
(1) Number of the trade mark application which is being opposed	(1) Registration number of the trade mark for rectification, alteration or conversion		
(2) Name of applicant for registration opposed	(2) Name of registered proprietor		
(3) On a separate sheet of paper provide the following information  Details of grounds upon which the applicant relies as supporting his application  Details of any allegations in the notice of opposition that the applicant is admitting	(3) On a separate sheet of paper provide the following information  Details of the grounds upon which the registered proprietor relies as supporting his registration or conversion  Details of any allegations in the notice of rectification, alteration or conversion that the registered proprietor is admitting		
(4) Agent's details			
Name			
Address			
Agent's own reference			

An applicant or registered proprietor who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

See rules 96 and 102

(5) Address for service			
Signature		Date	
_____		_____ 19	
		Day	Month Year
Name (BLOCK LETTERS) _____			
Official capacity of signatory _____			

(23 of 1998 s. 2)

See Schedule 1 to the Trade Marks Rules for details of fees

Mark the appropriate box with an X

If the hearing is in respect of other matters please give details

If the applicant for the hearing is resident outside Hong Kong a Hong Kong address must be given, to which all correspondence from the Trade Marks Registry will be sent

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 8 Fee No. 7	
Notice to the Registrar of Attendance at Hearing		FOR OFFICIAL USE	
1.	Application/Registration No. of trade mark in respect of which the hearing is to be held	Class No.	
2.	Reason for hearing  Opposition to registration <input type="checkbox"/> Rectification of the register <input type="checkbox"/> Other matters and details <input type="checkbox"/> _____		
3.	I confirm that the hearing of the Registrar in the Time (hours) _____ above matter arranged for will be attended by me/us or, by some person on Date my/our behalf _____ 19 Day Month Year		
4.	Address for service		
Signature		Date	
_____		_____ 19	
		Day	Month Year
Name (BLOCK LETTERS) _____			
Official capacity of signatory _____			

See Schedule 1 to the Trade Marks Rules for details of fees

Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"

An applicant who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

See rules 96 and 102

TRADE MARKS ORDINANCE		Form TM-No. 9	
(CHAPTER 43)			
Fee No. 8			
Application for Entry of a Trade Mark in the Register and issue of Certificate of Registration			FOR OFFICIAL USE
1.	Application No.	Trade Mark	Class No.
2.	Date of advertisement of the application in the Gazette		
	19	Gazette No.	Page
	Day Month Year		
3.	Address for service		
	Name		
	Address		
Declaration			
I/We declare that any written undertakings given to the Registrar to send notice of the advertisement of the application to other proprietors have been fulfilled. To the best of my knowledge and belief, either the period or extended period for filing opposition to the application has expired without any notice of opposition having been filed, or any oppositions filed have finally been determined in favour of the applicant.			
Applicant's name _____			
Signature		Date	
		19	
		Day	Month Year
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	

(L.N. 541 of 1994; 23 of 1998 s. 2)

Form TM-No. 10

TRADE MARKS ORDINANCE

(CHAPTER 43)

### CERTIFICATE OF REGISTRATION

It is hereby certified that the Trade Mark a specimen of which is hereunto annexed has been registered in Part of the Register in the name of

in Class \_\_\_\_\_ under No. \_\_\_\_\_ as of the date of \_\_\_\_\_, 19 \_\_\_\_\_, in respect of

Sealed at my direction this            day of            , 19            .

Trade Marks Registry,  
Intellectual Property Department,  
Hong Kong.

for Registrar of Trade Marks

- Note: 1. Registration is for a period of 7 years from the date first above-mentioned. At the end of that period it may be renewed for 14 years, after which it may be renewed successively for further periods of 14 years.
2. This certificate is not for use in legal proceedings or for obtaining registration outside Hong Kong.
3. Upon any change of ownership of this trade mark, or change in address, application should AT ONCE be made to the Registrar to register the change.
- (23 of 1998 s. 2)

See Schedule 1 to the  
Trade Marks Rules  
for details of fees  
Attention is drawn to  
section 24(2) and  
rule 39(2)

TRADE MARKS ORDINANCE			Form TM-No. 12
(CHAPTER 43)			Fee No. 9
Application to Dissolve the Association between a Registered Trade Mark and (an)other Registered Trade Mark(s)		FOR OFFICIAL USE	
1. Mark to have its association dissolved with those shown in Part 2			
Registration No.	Trade Mark	Class	
2. Dissolution of association with the following marks being proposed			
Registration No.	Trade Mark	Class	
3. Registered proprietor's details s			
Name			
Address			
4. A statement of case setting out the grounds for application must be attached on a separate sheet of paper			

See rules 96 and 102

5. Agent's details			
Name			
Address			
Agent's own reference			
Signature		Date	
_____		_____ 19	
		Day	Month
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees

An application under rule 36(2) and (3) for treatment of an assignee as an applicant for registration may be made on this form but only at the same time as an application under rule 40

If you do not have enough space use a separate sheet of paper

Enter the names of each subsequent proprietor. Names of individuals should be entered in full. The names of partners in a firm must be given in full. Bodies corporate should be designated by their corporate name

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 14 Fee No. 10 or 10a	
Application to Register a Subsequent Proprietor of a Trade Mark upon the same Devolution of Title		FOR OFFICIAL USE	
1	Registration or Application No. and Class No. of the mark(s) which are to be assigned		
	Registration or Application No.	Class No.	
2. Full name of registered proprietor			
3. Subsequent proprietor's details			
Name			
Address			
King of incorporation _____			
Country of incorporation _____			
State of incorporation (if appropriate) _____			

Mark the appropriate box with an X

When an assignment includes marks goodwill and others without goodwill then the list of marks in Part 1 (and on any continuation sheets) should clearly indicate those being assigned without the goodwill of the business. For those marks assigned without goodwill and where the mark was in use, a Form TM-No. 18 must be filed with this application

**NOTE**  
New proprietors who are resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent. Form TM-No. 38 should be used for this purpose  
See rules 96 and 102

6. Was (Were) the mark(s) in use by the business in respect of the goods or services in question?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If the mark(s) was (were) in use does the assignment include the goodwill of the business in the goods or services for which the mark(s) is (are) registered?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
7. Agent's details			
Name			
Address			
Agent's own reference			
Signature		Date	
_____		_____ 19	
		Day	Month Year
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	
(23 of 1998 s. 2)			

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to section 18(3) and rule 45(3)

Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 16
		Fee No. 11
Application for Extension of Time for the Registration of the Name of a Corporation as subsequent Proprietor of a Trade Mark in the Register		FOR OFFICIAL USE
1. Registration No	Trade Mark	Class No.
2. Extension of time		

\*Delete as appropriate

Filing of this form at the Trade Marks Registry will be considered as a request for the maximum allowable extension period of 6 months, beyond the 6 months period allowed by section 45(2).	
3. *Applicant's/Agent's details	
Name	
Address	
Agent's own reference	
Signature	Date
_____	_____ 19 Day Month Year
Name (BLOCK LETTERS) _____	
Official capacity of signatory _____	

See rules 96 and 102

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to sections 41(5) and 41A(5) and rule 48

If you do not have enough space use a separate sheet of paper

TRADE MARKS ORDINANCE Form TM-No. 17 (CHAPTER 43)	
Fee No. 12	
Application for the Certificate of the Registrar in connection with a Proposed Assignment of a Registered Trade Mark	
FOR OFFICIAL USE	
1. Registration Nos. and Class Nos. of the marks for which a certificate is requested	
Registration No.	Class No.
_____	_____
_____	_____
_____	_____
2. Full name of registered proprietor	
3. Proposed assignee's details	
Name	
Address	
4. Statement of case	
A statement of case and one duplicate copy setting out fully the circumstances of the proposed assignment must be attached to the form together with a copy of the proposed assignment.	
5 Agent's details	
Name	
Address	
Agent's own reference	

See rules 96 and 102

Signature _____	Date <div style="text-align: right;">           _____ 19            Day      Month      Year         </div>
Name (BLOCK LETTERS) _____	
Official capacity of signatory _____	

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to sections 41(6) and 41A(6) and rule 49(1)

One attested copy of the instrument of assignment must be attached to this form

Details of any unregistered trade marks assigned at the same time should be entered in this part

Enter the names of each subsequent proprietor. Names of individuals should be entered in full. The names of partners in a firm should be given in full. Bodies corporate should be designated by their corporate name

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 18  Fee No. 13	
Application for Directions for the Advertisement of an Assignment of Trade Marks without the Goodwill of the Business 1			FOR OFFICIAL USE
1.	Registration No.	Class No.	Goods and services in respect of which the mark has been used and is assigned
2.	Representation of mark and Application No. (if known)	Class No.	Goods and services in respect of which the mark has been used and is assigned
3. Full name of current registered proprietor (assignor)			
4. Applicant's (i.e. assignee's) details  <div style="margin-left: 20px;">Name</div> <div style="margin-left: 20px;">Address</div>			
5. Date of assignment			
<div style="display: flex; justify-content: space-around;"> <div>_____ Day</div> <div>_____ Month</div> <div>_____ 19 Year</div> </div>			
6. Suggested publications in which the advertisement of the assignment should appear			

See rules 96 and 102	7. Agent's details			
	Name			
	Address			
	Agent's own reference			
	Signature		Date	
	_____		_____ 19	
		Day	Month	Year
	Name (BLOCK LETTERS) _____			
	Official capacity of signatory		_____	

See Schedule 1 to the Trade Marks Rules for details of fees	TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 19 Fee No. 14
	Application for Extension of Time in which to apply for the Registrar's Directions for the Advertisement of an Assignment of Trade Marks without the Goodwill of the Business		FOR OFFICIAL USE
Attention is drawn to sections 41(6) and 41A(6) and rule 49(5)	1. Registration No.		Class No.
If the assignment is in respect of more than one registration give only the earliest number in the list of marks assigned			
The complete list of marks assigned must be provided with Form TM-No. 14 and Form TM-No. 18	2. Full name of current registered proprietor (assignor)		
	3. Filing of this form at the Trade Marks Registry will be considered as a request to extend by the maximum of 6 months, the period allowed for filing at the Trade Marks Registry of Form TM-No. 18 in connection with the mark shown at Part 1 and any others which are assigned with that mark.		
	<p>This form may be filed at any time before or during the period for which extension can be allowed.</p> <p>Date of assignment _____ 19</p> <p>Day Month Year</p>		
*Delete as appropriate	4. *Applicant's/Agent's details		
	Name		
	Address		
	Agent's own reference		

See rules 96 and 102

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to section 64 and rule 50

<div style="border-bottom: 1px solid black; width: 100%;"></div>	<div style="display: flex; justify-content: space-between;"> <div></div> <div>19</div> </div> <div style="display: flex; justify-content: space-between; font-size: small;"> <div></div> <div>Day</div> <div>Month</div> <div>Year</div> </div>
Name (BLOCK LETTERS) <div style="border-bottom: 1px solid black; width: 100%;"></div>	
Official capacity of signatory <div style="border-bottom: 1px solid black; width: 100%;"></div>	

Fix one representation of the mark in the space opposite. A mark must be visually perceptible and capable of being represented graphically if it is not a word or a picture. This means you may need to give a clear description of the mark in this space

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 20	
		Fee No. 3	
Application for Registration of a Certification Trade Mark			
01	Part of the register in which the application is made	A	FOR OFFICIAL USE
02	Class of goods or services in which the application is made		
03	Application made under section 26(1) for a series of marks		Appl. No.:  Reg. No.:
04	Applicant's details  Name  Address		
	Kind of incorporation		Code
	Country of incorporation		
	State of incorporation (if appropriate)		
05	Application to be considered under International Convention/Priority  Country <div style="border-bottom: 1px solid black; width: 150px;"></div> Date <div style="border-bottom: 1px solid black; width: 150px;"></div> <div style="display: flex; justify-content: space-between; font-size: small;"> <div></div> <div>claimed</div> <div>Day</div> <div>Month</div> <div>Year</div> </div>		
06	Representation of mark(s) applied for	FOR OFFICIAL USE	
		Type of Mark	
		Device Mark Classification	
		Major	Heading
		Sub	Heading
06A	If the mark is not a word or a picture, please indicate here (for example, 3-dimensional)		
07	Specification of goods or services for which registration is sought	FOR OFFICIAL USE	



section 66(2) and rule 54(2)

This form must be filed in duplicate

Insert written particulars of the certification trade mark. If the trade mark includes a device refer only to "a device"

Before setting out the grounds of opposition refer to section 66(2)

if you do not have enough space use a separate sheet of paper

An Opponent who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

See rules 96 and 102

Certification Trade Mark		
1. Application No. of the certification trade mark which is being opposed	Certification Trade Mark	Class No.
2. Details of the Gazette in which this application was advertised Date _____ Gazette No. _____ Page _____ Day Month Year		
3. Full name of applicant		
4. Opponent's details Name _____ Address _____		
5. Grounds of opposition to registration		
6. Agent's details Name _____ Address _____		
Agent's own reference		
7. Address for service		
8. Signature _____	Date _____	19 _____
Name (BLOCK LETTERS) _____	Day _____	Month _____ Year _____
Official capacity of signatory _____		

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to section 68(1) and rule 55(1)

If you do not have enough space use a separate sheet of paper

Insert written particulars of the certification trade mark. If the certification trade mark includes a device refer only to "a device"

See rules 96 and 102

<b>TRADE MARKS ORDINANCE (CHAPTER 43)</b>	<b>Form TM-No. 25</b>	
<b>Fee No. 19</b>		
Request for the Consent of the Registrar of Trade Marks to vary the deposited Regulations for Use of a Certification Trade Mark	<b>FOR OFFICIAL USE</b>	
1. Registrations Nos. and Class Nos. etc. of the certification trade mark which are to have their regulations altered		
Registration No.  _____ _____ _____	Trade Mark  _____ _____ _____	Class No.  _____ _____ _____
2. Details of alteration  The alteration should be shown in red on 2 copies of the regulations, or on a separate sheet of paper, and attached to this form.		
3. Full name of registered proprietor		
4. Agent's details  Name  Address		
Agent's own reference  Application is made by the registered proprietor for the deposited regulations governing the use of the mark to be varied in the manner shown in red in the 2 copies of the regulations filed together herewith, and for the consent of the Registrar of Trade Marks to this alteration.		
Signature  _____	Date  _____ 19____ <div style="display: flex; justify-content: space-around; font-size: small;"> <span>Day</span> <span>Month</span> <span>Year</span> </div>	
Name (BLOCK LETTERS) _____		
Official capacity of signatory _____		

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to section 68(2) and rule 56(1)

2 copies of this form must be filed

<b>TRADE MARKS ORDINANCE (CHAPTER 43)</b>	<b>Form TM-No. 26</b>	
<b>Fee No. 20</b>		
Application for an Order for the Expunging or Varying of an Entry in the Register relating to a Certification Trade Mark or Varying the deposited Regulations	<b>FOR OFFICIAL USE</b>	

Insert written particulars of the certification trade mark. If the certification trade mark includes a device refer only to "a device"

Mark the appropriate box with an X

2 copies of statement of case will have to be furnished

An applicant who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

See rules 96 and 102

1.	Registration Nos. of the Certification Trade Mark	Certification Trade Mark	Class No.
2.	Full name of current registered proprietor		
3.	Applicant's details  Name  Address		
4.	This application is for  expunging of an entry in the register <input type="checkbox"/>  variation of an entry in the register <input type="checkbox"/>  variation of the deposited regulations <input type="checkbox"/>		
5.	Details of the application  On a separate sheet of paper attach 2 copies of statement of case setting out fully the details and reasons for the application		
6.	Agent's details  Name  Address		
Agent's own reference			
7.	Address for service		
Signature		Date	
_____		_____ 19____ Day Month Year	
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to section 45 and rule 58

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 27	
		Fee Nos. 21 and 22	
Renewal of Registration of Trade Mark		FOR OFFICIAL USE	
1. Name of proprietor as entered on the register			
2. Name and address of agent or address for service			
Agent's own reference			
3. Payment of renewal fee			
Registration number	Class	Due date of renewal	Fee
_____	_____	_____	_____
If paying an addition fee tick this box			
4. Details of person paying the fee (if not the registered proprietor)			
Name			
Address			
Declaration			
I declare that I am directed by the proprietor of the above numbered mark to pay the requested renewal fee.			
Signature		Date	
_____		_____ 19	
		Day Month Year	
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	

See rules 96 and 102

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to rule 60

This form must be filed together with both the prescribed restoration fee and the renewal fee

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 29	
		Fee Nos. 21 and 23	
Application for the Restoration and Renewal of a Trade Mark removed from the Register through Non-payment of the Renewal Fee		FOR OFFICIAL USE	
1. Registration No. of the mark for which the application for restoration to register is made		Class No.	

See rules 96 and 102

2. Name of proprietor as entered on the register			
3. Agent's details			
Name			
Address			
Agent's own reference			
4. Applicant's details (if not the registered proprietor or his agent)			
Name			
Address			
Signature		Date	
_____		_____ 19	
		Day	Month Year
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to rule 63

Insert written particulars of the trade mark. If the trade mark includes device refer only to "a device"

Where application is made by the registered proprietor this form must be filed with statement of case

Where application is not made by the registered proprietor, 2 copies of this form must be filed together with 2 copies of a statement of case

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 30	
		Fee No. 24	
Application for the Rectification of the Register or the Removal of a Trade Mark from the Register		FOR OFFICIAL USE	
1. Registration No. of the mark for which rectification or removal is sought	Trade Mark	Class No.	
2. Full name of registered proprietor			
3. Applicant's details			
Name			
Address			

Insert "Rectification" or "Removal" as appropriate  *Delete as appropriate  If you do not have enough space use a separate sheet of paper	4. Is this application for rectification or removal of a mark?	
	5. Grounds for the *rectification/removal of a mark applied for	
	6. Agent's details  Name  Address	
An applicant for rectification or removal who is resident outside Hong Kong <u>must</u> give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent	Agent's own reference 7. Address for service	
	Declaration  I declare that there is no action concerning the mark in question pending in the Court. Signature _____ Date _____ 19____ _____ Day Month Year Name (BLOCK LETTERS) _____ Official capacity of signatory _____	
	See rules 96 and 102	

(23 of 1998 s. 2)

See Schedule 1 to the Trade Marks Rules for details of fees Attention is drawn to rule 65(1)	TRADE MARKS ORDINANCE Form TM-No. 31 (CHAPTER 43)	
	Fee No. 25	
	Application for Leave to Intervene in Proceedings relating to Rectification or Removal of a Trade Mark from the Register	FOR OFFICIAL USE

Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"

1. Registration No. of the mark for which rectification or removal is sought	Trade Mark	Class No.
2. Full name of registered proprietor		
3. Details of applicant for intervention		
Name		
Address		
4. Details of grounds of the application to intervene		
5. Agent's details		
Name		
Address		
Agent's own reference		
6. Address for service		
Signature		Date
_____		_____ 19
		Day Month Year
Name (BLOCK LETTERS)		_____
Official capacity of signatory		_____

If you do not have enough space use a separate sheet of paper

The intervenor who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

See rules 96 and 102

(23 of 1998 s. 2)

See Schedule 1 to the Trade Marks Rules for details of fees

TRADE MARKS ORDINANCE (CHAPTER 43)	Form TM-No. 32
Fee No. 26	

Attention is drawn

Request for Alteration of Trade or Business Address in the	FOR OFFICIAL USE
--	------------------

to section 50 and rule 66(1)	Register of Trade Marks	
If you do not have enough space use a separate sheet of paper	1. Registration No.	Class No.
	_____	_____
	_____	_____
*Delete as appropriate	2. Full name of *registered proprietor registered user currently on register applying for alteration	
	3. New address to be entered on register	
	4. Agent's details	
	Name	
	Address	
See rules 96 and 102	Agent's own reference	
	Signature	Date
	_____	_____ 19
		Day Month Year
	Name (BLOCK LETTERS)	_____
	Official capacity of signatory	_____

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees	TRADE MARKS ORDINANCE Form TM-No. 33 (CHAPTER 43)		
	Fee No. 27		
*Delete as appropriate	Request for Correction of Clerical Error in the Register or for Permission to amend an Application		FOR OFFICIAL USE
	01 *Application No. or Registration No.	Trade Mark	Class No.
	02 Full name of *applicant/registered proprietor		
	03 Details to be amended or corrected		FOR OFFICIAL USE
	Insert written particulars of the mark. If the mark includes a device refer only to "a device"		

Fix one representation of the mark in the space opposite. If the representation exceeds the space then part of the representation must be affixed in the space. The representation must be clear and durable and must not be folded. 14 copies of the mark, which must correspond exactly with the representation affixed, must be filed with the form one of which must be affixed to Form TM-No. 33A. A mark must be visually perceptible and capable of being represented graphically if it is not a word or a picture. This means you may need to give a clear description of the mark in this space

# CODES

01

02

03

04

05

06

07

08

09

10

03A If the mark is not a word or a picture, please indicate here (for example, 3-dimensional)

04 Agent's details

Name

Address

Agent's own reference

Signature

Date

19

Day

Month

Year

Name (BLOCK LETTERS)

Official capacity of signatory

See rules 96 and 102

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

(L.N. 299 of 1996)

Application No. \_\_\_\_\_

TRADE MARKS ORDINANCE  
(CHAPTER 43)

Form TM-No. 33A  
No Fee

Additional Representation of Trade Mark to be filed together with the Request for Permission to amend a Trade Mark under Application

Fix one representation of the mark in the space opposite. It must correspond in all respects exactly with the representation on Form TM-No. 33. The remaining copies of the representation of the mark are not to be attached to this form or to Form TM-No. 33. A mark must be visually perceptible and capable of being represented graphically if it is not a word or a picture. This means you may need to give a clear description of the mark in this space

If the mark is not a word or a picture, please indicate here (for example, 3-dimensional)
Name of applicant (BLOCK LETTERS)

(L.N. 299 of 1996)

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to section 50 and rule 66(1)

If you do not have enough space use a separate sheet of paper  
\*Delete as appropriate

Enter the name of each applicant. Names of individuals should be entered in full. The names of partners in a firm should be given in full. Bodies corporate should be designated by their corporate name

TRADE MARKS ORDINANCE (CHAPTER 43)	Form TM-No. 34  Fee No. 28 or 28a
Request to enter Change of Name of Registered Proprietor or Registered User of Trade Mark upon the Register	FOR OFFICIAL USE
1. Registration Nos. and Class Nos. of the marks affected by the change	
Registration No.	Class No.
_____	_____
_____	_____
2. Full name of the *registered proprietor/registered user at present on the register applying for change	
3. New name or full names of partners of the *registered proprietor/registered user to be entered in register	
4. Agent's details	
Name	
Address	
Agent's own reference	

Signature	Date		
_____	_____	_____	19
	Day	Month	Year
Name (BLOCK LETTERS)	_____		
Official capacity of signatory	_____		

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to section 50(1)(c) and rules 66(1) and 67

Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"

See rules 96 and 102

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to section 50(1)(d) and rule 66(1)

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 35	
		Fee No. 29	
Application by Registered Proprietor of a Trade Mark for Cancellation of an Entry in the Register		FOR OFFICIAL USE	
1. Registration No. of the mark to be cancelled	Trade Mark	Class No.	
2. Full name of registered proprietor			
3. Agent's details			
Name			
Address			
Agent's own reference			
Signature		Date	
_____		_____	
		Day	Month Year
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	
TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 36	
		Fee No. 29	
Application by Registered Proprietor of Trade Mark to the		FOR OFFICIAL USE	
Registrar to strike out Goods or Services from those for which the Trade Mark is registered			

Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"

See rules 96 and 102

1.	Registration No.	Trade Mark	Class No.
2.	Full name of registered proprietor		
3.	Goods or services to be struck out		
4.	Agent's details		
	Name		
	Address		
	Agent's own reference		
	Signature		Date
			19
		Day	Month Year
	Name (BLOCK LETTERS)		
	Official capacity of signatory		

NOTE: An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to section 50(1)(e) and rule 66(1)

Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"

If you do not have enough space use a separate sheet of paper

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 37	
		Fee No. 30	
1. Request by the Registered Proprietor of a Trade Mark for Entry of disclaimer or Memorandum in the Register		FOR OFFICIAL USE	
Registration No. of the mark	Trade Mark	Class No.	
2. Full name of registered proprietor			
3. Details of disclaimer or memorandum to be entered on the register			

See rules 96 and 102

4. Agent's details			
Name			
Address			
Agent's own reference			
Signature		Date	
		_____ 19	
		Day	Month Year
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

Attention is drawn to rules 100 and 101 of the Trade Marks Rules

If you do not have enough space use a separate sheet of paper

\* Delete as appropriate

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 38	
		No Fee	
Request to enter, alter or substitute an Address for Service		FOR OFFICIAL USE	
1.	Registration Nos. and Class Nos. of the mark(s) to have an address for service entered, altered or substituted		
	Registration No.	Class No.	
	_____	_____	
	_____	_____	
	_____	_____	
2.	*Registered proprietor/registered user making the request for entry, alteration or substitution of address for service		
	Name		
	Address		
3.	New address of service to be entered, altered or substituted		
4.	Agent's details		
	Name		
	Address		
Agent's own reference			

See rules 96 and 102

Signature	Date		
		19	
Name (BLOCK LETTERS)	Day	Month	Year
Official capacity of signatory			

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to rule 69

If you do not have enough space use a separate sheet of paper

An office copy of the certificate of validity will have to be supplied to the Trade Marks Registry

See rules 96 and 102

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 39	
		Fee No. 32	
Request to the Registrar by the Registered Proprietor for Entry on the Register and Advertisement of a Note of a Certificate of Validity by the Court under Section 75		FOR OFFICIAL USE	
1.	Registration Nos. and Class Nos. of the marks which are to have a note of a certificate of validity entered on the register		
	Registration No.	Class No.	
2.	Full name of the registered proprietor		
3.	Details of court proceedings		
	Give, on a separate sheet of paper, full details of the nature of the proceedings where the Court certified the validity of the registration, with the names of the parties to them, in which the certificate was given		
4.	Agent's details		
	Name		
	Address		
Agent's own reference			
Signature		Date	
		19	
		Day	Month Year
Name (BLOCK LETTERS)			
Official capacity of signatory			

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to section 51 and rule 70

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 40	
		Fee No. 33 or 33a	
Application by the Registered Proprietor for an Addition to or Alteration of a Registered Trade Mark		FOR OFFICIAL USE	
1. Registration No. and Class No. of the marks which are to be added to or altered			

If you do not have enough space use a separate sheet of paper  Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"	Registration No. _____ _____ _____	Trade Mark _____ _____ _____	Class No. _____ _____ _____
	2. Full name of registered proprietor _____ _____ _____		
6 copies of the mark as it will appear when altered must be submitted with this form    See rules 96 and 102	3. Give details of the addition or alteration to be made to the marks shown in Part 1 _____ _____ _____		
	4. Agent's details  Name _____ Address _____ _____		
	Signature _____ Date _____ 19 Day Month Year		
	Name (BLOCK LETTERS) _____ Official capacity of signatory _____		

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees  Attention is drawn to section 51(2) and rule 71(2)  This form must be filed in duplicate	TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 41 Fee No. 34			
	Notice of Opposition to Application under Section 51(2) for Addition to or Alteration of a Registered TradeMark _____ _____ _____		FOR OFFICIAL USE _____ _____ _____			
Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"	1. Registration No. and Class No. of the trade mark <table border="1"> <tr> <td>Registration No. _____</td> <td>Trade Mark _____</td> <td>Class No. _____</td> </tr> </table>			Registration No. _____	Trade Mark _____	Class No. _____
	Registration No. _____	Trade Mark _____	Class No. _____			
2. Details of the Gazette advertisement of the addition or alteration to the above numbered trade mark  Date _____ Day Month Year Gazette No. _____ Page _____						

An opponent who is resident outside Hong Kong **must** give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

See rules 96 and 102

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to section 54 and rule 75(1)

Mark the appropriate box with an X

4.	Details of person(s) opposing the application										
	Name  Address										
5.	Grounds for opposition  A statement in duplicate setting out fully the grounds of opposition must be submitted with this notice										
6.	Agent's details										
	Name  Address										
	Agent's own reference										
7.	Address for service										
	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Signature</td> <td style="width: 40%;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; height: 20px;"></td> <td style="border-bottom: 1px solid black; text-align: center;">19</td> </tr> <tr> <td></td> <td style="text-align: center;">Day      Month Year</td> </tr> <tr> <td colspan="2">Name (BLOCK LETTERS) <span style="border-bottom: 1px solid black; display: inline-block; width: 300px;"></span></td> </tr> <tr> <td colspan="2">Official capacity of signatory <span style="border-bottom: 1px solid black; display: inline-block; width: 300px;"></span></td> </tr> </table>	Signature	Date		19		Day      Month Year	Name (BLOCK LETTERS) <span style="border-bottom: 1px solid black; display: inline-block; width: 300px;"></span>		Official capacity of signatory <span style="border-bottom: 1px solid black; display: inline-block; width: 300px;"></span>	
Signature	Date										
	19										
	Day      Month Year										
Name (BLOCK LETTERS) <span style="border-bottom: 1px solid black; display: inline-block; width: 300px;"></span>											
Official capacity of signatory <span style="border-bottom: 1px solid black; display: inline-block; width: 300px;"></span>											

(23 of 1998 s. 2)

	TRADE MARKS ORDINANCE      Form TM-No. 42 (CHAPTER 43)			
	Fee No. 35			
	Application by a Registered Proprietor for the Conversion of the Specification from Schedule 3 to Schedule 4	FOR OFFICIAL USE		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. Registration No. <span style="border-bottom: 1px solid black; display: inline-block; width: 150px;"></span></td> <td style="width: 50%;">Class <span style="border-bottom: 1px solid black; display: inline-block; width: 100px;"></span></td> </tr> </table>	1. Registration No. <span style="border-bottom: 1px solid black; display: inline-block; width: 150px;"></span>	Class <span style="border-bottom: 1px solid black; display: inline-block; width: 100px;"></span>	
1. Registration No. <span style="border-bottom: 1px solid black; display: inline-block; width: 150px;"></span>	Class <span style="border-bottom: 1px solid black; display: inline-block; width: 100px;"></span>			
	2. Full name of registered proprietor			
	3. Are there any registered users associated with the mark    Yes    No			
	<input type="checkbox"/> <input type="checkbox"/>			

Insert the appropriate  
Class Nos. and  
specification

4. Proposed specification(s) on conversion to Schedule 4	
Class	
Class	
Class	
Class	
Class	
Class	
5. Agent's details	
Name	
Address	
Agent's own reference	
Signature	Date
_____	_____ 19
	Day Month Year
Name (BLOCK LETTERS)	_____
Official capacity of signatory	_____

See rules 96 and 102

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the  
Trade Marks Rules for  
details of fees  
Attention is drawn to  
section 54(3) and rule  
76(2)

Insert written particulars  
of the trade mark. If the  
trade mark includes a  
device refer

only to "a device"

This form must be filed  
in duplicate together  
with a statement, in  
duplicate, showing how

This form must be filed  
in duplicate together  
with a statement, in  
duplicate, showing how  
the proposed conversion  
would be contrary to  
section 54(2)

TRADE MARKS ORDINANCE		Form TM-No. 43	
(CHAPTER 43)		Fee No. 36	
Notice of Opposition to Proposal for Conversion of Specification		FOR OFFICIAL USE	
Registration No.	Trade Mark	Class No.	
2. Details of the Gazette advertisement of the proposal for conversion of specification			
Date			
_____		Gazette No.	Page _____
Day Month Year			

	02	Class of goods or services in which the application is made		Appl. No.:
	03	Application made under section 26(1) for a series of marks		Reg. No.:
	04	Applicant's details		
		Name		
		Address		
		Kind of incorporation		Code
		Country of incorporation		
		State of incorporation (if appropriate)		
	05	Application to be considered under International Convention/Priority		
		Country	Date claimed	
			Day Month Year	
Fix one representation of the mark in the space opposite. A mark must be visually perceptible and capable of being represented graphically if it is not a word or a picture. This means you may need to give a clear description of the mark in this space	06	Representation of mark (s) applied for	FOR OFFICIAL USE	
			Type of Mark	
			Device Mark Classification	
			Major	Sub
			Heading	Heading
	06A	If the mark is not a word or a picture, please indicate here (for example, 3-dimensional)		

07	Specification of goods or services for which registration is sought	FOR OFFICIAL USE

08	A statement of case setting out full particulars of the facts on which the applicant relies in support of his application must be attached to this application	FOR OFFICIAL USE
09	Agent's details	Agent Code
	Name	
	Address	
	Agent's own reference	

See rules 96 and 102

010	Address for service  Name  Address	
011	Signature  _____ Applicant/Agent for applicant  Name (BLOCK LETTERS) _____  Official capacity of signatory _____  Date _____ 19_____ Day Month Year	

(L.N. 299 of 1996)

See Schedule 1 to the Trade Marks Rules for details of fees  
Attention is drawn to section 58 and rule 79  
Before this application can be dealt with the applicant(s) must provide a statutory declaration made by the proprietor or some other person authorized to act on his behalf and approved by the Registrar, giving particulars as required by section 58(3)

If you do not have enough space use a separate sheet of paper

TRADE MARKS ORDINANCE		Form TM-No. 45
(CHAPTER 43)		Fee No. 38 or 38a
Application for Registration of Registered User		FOR OFFICIAL USE
1. Registration Nos./Application Nos. and Class Nos. of the marks for which this application for a registered user is made		
For registered marks		
Registration No.	Class No.	
_____	_____	
_____	_____	
_____	_____	
For pending applications		
Application No.	Class No.	
_____	_____	
_____	_____	
_____	_____	
2. Registered proprietor of or applicant for the marks shown above		
3. Proposed registered user's details		
Name		
Address		

Insert the names of the proposed registered user Names of  
Insert the names of the proposed registered user. Names of  
-individuals should be entered in full. The names of partners in a firm should be given in full. Bodies corporate should be designated by their corporate name

section 60(1)(a) and rule 81		
This application must be filed together with a statement of the grounds for the application and the written consent (if given) of the registered user		
If you do not have enough space use a separate sheet of paper	1. Registration Nos. and Class Nos. of the marks for which application to vary the registration of the registered user is made	
	Registration No.    	Class No.    

If you do not have enough space use a separate sheet of paper	2. Full name of registered proprietor of the marks shown above	
	3. Full name of registered user whose registration as a user of the marks shown in Part 1 is to be varied	
	4. Details of the variation applied for	
	5. Agent's details	
	Name  Address	
	Agent's own reference	
See rules 96 and 102	Signature	Date  19 Day      Month      Year
	Name (BLOCK LETTERS)	
	Official capacity of signatory	

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees Attention is drawn to section 60(1)(b) and (c) and rules 82 and 83	TRADE MARKS ORDINANCE		Form TM-No. 47
	(CHAPTER 43)		Fee No. 40, 40a, 41 or 41a
	Application for Cancellation of Entry of a Registered User		FOR OFFICIAL USE
	1. Registration Nos. and Class Nos. of the marks, for which application to cancel the entry of a registered user is made		

If you do not have enough space use a separate sheet of paper

	Registration No.	Class No.
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	2. Full name of registered proprietor of the marks shown above	
	3. Full name of the registered user whose registration as a user of the mark(s) shown in Part 1 is to be cancelled	
	4. Brief details of the cancellation which is applied for	
Mark the appropriate box with an X. Only one box should be completed	5. Status of the applicant for cancellation  Is the applicant: the registered proprietor of the marks shown at Part 1? <input type="checkbox"/>  a registered user of the marks shown at Part 1? <input type="checkbox"/>  other? <input type="checkbox"/>  If other give details	
If you do not have enough space use a separate sheet of paper	6. Details of person applying for cancellation  Name  Address	
	7. Statement of grounds  A statement setting out fully the grounds for this application <b>must</b> be attached to this form	
	8. Agent's details  Name  Address	
An applicant for cancellation who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent	9. Agent's own reference Address for service	

An intervenor who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

See rules 96 and 102

8. Address for service			
Signature		Date	
_____		_____ 19	
		Day	Month Year
Name (BLOCK LETTERS)		_____	
Official capacity of signatory		_____	

(23 of 1998 s. 2)

Attention is drawn to rule 102(4) of the Trade Marks Rules

Enter the name of each applicant or proprietor. Names of individuals should be given in full. The names of partners in a firm should be given in full. Bodies corporate should be designated by their corporate name. This must be an address in Hong Kong

Mark the appropriate box with an X

TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 50	
		No Fee	
Authorization of Agent where an agent is appointed during the course of proceedings before the Registrar or where one agent is substituted for another		FOR OFFICIAL USE	
1. Registration or Application No. and Class No. of the mark for which authorization in Part 4 is given			
Registration or Application No.   Class No.			
2. Details of applicant, proprietor or person who is authorizing agent			
Name			
Address			
3. Agent's details			
Name			
Address			
Agent's own reference			
4. The agent is authorized to act in the following			
Application and registration			<input type="checkbox"/>
All post registration matters			<input type="checkbox"/>
Registered user procedures			<input type="checkbox"/>
Opposition to the application shown at Part 1			<input type="checkbox"/>
Application for rectification of the register in respect of the mark shown at Part 1 by a person who is not the registered proprietor of the mark			<input type="checkbox"/>

See rules 96 and 102

I/We request that all notices and communications be sent to my/our authorized agent given in Part 3			
Signature	Date		
	19		
	Day	Month	Year
Name (BLOCK LETTERS)			
Official capacity of signatory			

See Schedule 1 to the Trade Marks Rules for details of fees

Attention is drawn to rules 103 to 105

TRADE MARKS ORDINANCE		Form TM-No. 51																
(CHAPTER 43)		Fee No. 43																
Request for General Certificate of the Registrar including Certificate of Registration of a Trade Mark (other than a Certificate under Section 17(3))		FOR OFFICIAL USE																
<p>1. Registration Nos. and Class Nos. for which a certificate is required</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Registration No.</th> <th style="width: 33%;">Trade Mark</th> <th style="width: 33%;">Class No.</th> </tr> </thead> <tbody> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> <tr><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td><td style="border-bottom: 1px solid black;"></td></tr> </tbody> </table>		Registration No.	Trade Mark	Class No.													<p>2. Details of *applicant/agent making the request for a general certificate and to which the certificate is to be sent</p> <p>Name</p> <p>Address</p>	
Registration No.	Trade Mark	Class No.																
<p>3. Certificate requirements</p> <p>If a certificate of registration is required, mark this box with an X otherwise set out below the particulars which the Registrar is requested to certify: <span style="float: right;"><input type="checkbox"/></span></p> <p style="border-bottom: 1px solid black; margin-bottom: 10px;"></p> <p>Indicate whether it is: <span style="float: right;"><input type="checkbox"/></span></p> <p>For use in legal proceedings <span style="float: right;"><input type="checkbox"/></span></p> <p>For use in obtaining registration outside Hong Kong <span style="float: right;"><input type="checkbox"/></span></p> <p>For use other than in legal proceedings or in obtaining registration outside Hong Kong <span style="float: right;"><input type="checkbox"/></span></p>		<p>Signature</p> <p style="border-bottom: 1px solid black; margin-bottom: 10px;"></p> <p>Date</p> <p style="border-bottom: 1px solid black; text-align: center;">19</p> <p style="text-align: center;">Day      Month      Year</p> <p>Name (BLOCK LETTERS)</p> <p style="border-bottom: 1px solid black; margin-bottom: 10px;"></p> <p>Official capacity of signatory</p> <p style="border-bottom: 1px solid black; margin-bottom: 10px;"></p>																

Insert written particulars of the trade mark. If the trade mark includes a device refer only to "a device"

\* Delete as appropriate

Mark the appropriate box(es) with an X

See rules 96 and 102

See Schedule 1 to the Trade Marks Rules for details of fees Attention is drawn to rule 111	TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 53 Fee No. 45	
	Notice of Order of Court for Alteration or Rectification or Register of Trade Marks		FOR OFFICIAL USE	
An office copy of the order of the Court must be attached to this form	1. Registration No. of the mark to which the order of Court refers	Class No.		
	2. Full name of the registered proprietor			
	3. Date of the order of the Court			
	<div style="text-align: right;">19</div> <div style="display: flex; justify-content: space-between;"> <span>Day</span> <span>Month</span> <span>Year</span> </div>			
	4. Details of the order of the Court			
	5. Agent's details			
See rules 96 and 102	Name			
	Address			
	Agent's own reference			
	Signature		Date	
	<div style="text-align: right;">19</div> <div style="display: flex; justify-content: space-between;"> <span>Day</span> <span>Month</span> <span>Year</span> </div>		<div style="text-align: right;">19</div> <div style="display: flex; justify-content: space-between;"> <span>Day</span> <span>Month</span> <span>Year</span> </div>	
Name (BLOCK LETTERS)				
Official capacity of signatory				

**NOTE:** An address for service if not already supplied should be filed on Form TM-No. 38.

See Schedule 1 to the Trade Marks Rules for details of fees	TRADE MARKS ORDINANCE (CHAPTER 43)		Form TM-No. 38. Fee No. 50	
	Notice under Section 92(6): Election to have registrability of a mark determined in accordance with the Trade Marks Ordinance as amended by sections 18 to 25 of the Intellectual Property (World Trade Organization Amendments) Ordinance 1996 (11 of 1996).			
Insert written particulars of the mark. If the mark includes a device refer only to "a device"	1. Application No.	Trade Mark	Class No.	
	2. Applicant's details			
Name				
Address				

An applicant who is resident outside Hong Kong must give a Hong Kong address for service to which all correspondence from the Trade Marks Registry will be sent

1

See rules 96 and 102

3. Agent's details (if appropriate)			
Name			
Address			
Agent's own reference			
4. Address for service			
Name			
Address			
Declaration			
I elect to have the registrability of the mark determined in accordance with the Trade Marks Ordinance, as amended by sections 18 to 25 of the Intellectual Property (World Trade Organization Amendments) Ordinance 1996 (11 of 1996).			
I declare that the application for registration of the trade mark has not been advertised before the commencement of sections 18 to 25 of the Intellectual Property (World Trade Organization Amendments) Ordinance 1996 (11 of 1996).			
I acknowledge that this notice is irrevocable.			
Applicant's name _____			
Signature		Date	
_____		_____ 19	
		Day	Month Year
Name (BLOCK LETTERS) _____			
Official capacity of signatory _____			

### Reminder

The new filing date of your converted application will be the commencement date of sections 18 to 25 of the Intellectual Property (World Trade Organization Amendments) Ordinance 1996 (11 of 1996).

(Enacted 1992. L.N. 299 of 1996; 23 of 1998 s. 2)

Chapter: 50	Title: PROFESSIONAL ACCOUNTANTS ORDINANCE	Gazette Number:
Section: 8	Heading: <b>Power of Society to make by-laws</b>	Version Date: 03/06/1997

(1) The Society may, subject to the approval of the Governor in Council, make by-laws-

- (a) regulating the practice of accountancy by professional accountants in Hong Kong;
- (b) (Repealed 22 of 1977 s. 3)
- (c) regulating meetings of the Society and the Council;
- (d) governing the registration, training and education of students; (Amended 22 of 1977 s. 3)
- (e) governing the discipline of students;
- (f) empowering the Council to make rules prescribing examinations of the Society, the fees payable therefor and all matters incidental to the holding thereof including exemptions or concessions which may be granted in respect of the examinations; (Amended 22 of 1977 s. 3)
- (g) regulating the conditions on which examiners shall be engaged;
- (h) regulating the appointment of an auditor;
- (i) providing for the use and custody of the common seal of the Society;
- (j) providing for the custody, investment and expenditure of the funds and the management of property of the Society;
- (k) (Repealed 14 of 1985 s. 2)
- (l) specifying the designations for professional accountants and the initials by which professional accountants may be known;
- (m) (Repealed 22 of 1977 s. 3)
- (n) regulating the nomination and election of elected members of the Council;
- (o) conferring on members of the Council and employees and auditors of the Society a right of indemnity against the Society for actions brought against them for things done by them in the execution of the Ordinance;
- (p) prescribing anything which is to be or may be prescribed by the Ordinance;
- (q) generally for the better carrying into effect of the purposes of this Ordinance and for the furtherance of the objects of the Society.

(2) A copy of any by-laws made by the Society shall, as soon as practicable after the making thereof, be duly certified by the President and transmitted by him for the approval of the Governor in Council. (Amended L.N. 137 of 1981)

(3) A by-law under subsection (1) may be made only by a majority of two-thirds of the professional accountants present and voting at a general meeting of the Society convened for the purpose of making the by-laws. Notice of such meeting and of the by-laws to be proposed thereat shall be sent by post to every professional accountant at his registered address not less than 21 days before the date fixed for the meeting, but the non-receipt of such a notice by any professional accountant shall not invalidate the proceedings thereat. (Amended 22 of 1977 s. 3)

(4) Until the first general meeting of the Society, the Governor may make by-laws for the Society in respect of any of the matters specified in subsection (1).

Chapter: 51	Title: GAS SAFETY ORDINANCE	Gazette Number:
Section: 2	Heading: Interpretation	Version Date: 30/06/1997

In this Ordinance, unless the context otherwise requires-

"appeal board" (上訴委員會) means an appeal board appointed under section 18;

"Authority" (監督) means the Gas Authority appointed under section 5;

"bulk tank" (大型石油氣缸) means a receptacle-

- which has a water capacity of more than 450 litres; and
- used, or to be used, to contain liquefied petroleum gas;

"code of practice" (工作守則) includes-

- a standard;
- a specification; and
- any other documentary form of practical guidance;

"Committee" (委員會) means the Gas Safety Advisory Committee established by section 4(1);

"company" (公司) means a body corporate-

- incorporated under the Companies Ordinance (Cap 32);
- incorporated by any other Ordinance; or
- incorporated or established outside Hong Kong;

"container" (儲存器) means a bulk tank, mini-tank or cylinder;

"contract of employment" (僱用合約) means a contract of employment or apprenticeship, whether express or implied and, if express, whether oral or in writing;

"cylinder" (石油氣瓶) means a receptacle-

- which has a water capacity of not more than 150 litres; and
- used, or to be used, to contain liquefied petroleum gas;

"cylinder wagon" (石油氣瓶車) means a motor vehicle designed and constructed, or adapted, primarily for the conveyance of cylinders on roads;

"decommission" (解除運作), in relation to a notifiable gas installation, means a procedure to take the installation out of service in a safe and orderly manner; (Added 22 of 1996 s. 2)

"disposable cylinder" (只用一次的石油氣瓶) means a cylinder which is not constructed or intended to be refilled with liquefied petroleum gas after once containing such gas, and includes an aerosol can;

"domestic premises" (住宅房產) means any premises which are constructed or intended to be used for habitation;

"employee" (僱員) means a person who works for another person under a contract of employment;

"exercise" (行使), in relation to a function, includes perform and discharge;

"function" (職能) includes a power and a duty;

"gas" (氣體) means-

- town gas;
- liquefied petroleum gas;
- natural gas; or
- any mixture of such gases,

whether in the form of a liquid or vapour;

"gas appliance" (氣體用具) means an appliance which uses gas to provide lighting, heating or cooling, but does not include a boiler within the meaning of the Boilers and Pressure Vessels Ordinance (Cap 56);

"gas fitting" (氣體配件) means a gas pipe, gas meter, gas appliance, gas valve or pressure-regulator which is supplied, or to be supplied, gas through a service pipe, and includes a service riser;

"gas main" (供氣主喉) means a pipe, other than a service pipe or installation pipe, used, or to be used, to supply gas;

"gas meter" (氣體錶) means a primary meter or secondary meter;

"gas pipe" (氣體喉管) means-

- (a) an installation pipe;
- (b) a service pipe; or
- (c) a gas main;

"gas vehicle" (氣體車輛) means a road tanker or cylinder wagon;

"gasholder" (儲氣鼓) means a receptacle-

- (a) used, or to be used, for the storage of town gas or natural gas; and
- (b) which has a storage capacity of more than 140 standard cubic metres of town gas or natural gas,

but does not include any such receptacle which is a gas main;

"improvement notice" (敦促改善通知書) means a notice under section 13(1);

"in bulk" (大量), in relation to liquefied petroleum gas, means the containment of any amount of such gas in a vessel which has a water capacity of more than 150 litres;

"inspector" (氣體安全督察) means a public officer appointed under section 11 (1) to be a gas safety inspector;

"installation pipe" (用戶喉) means a pipe used, or to be used, to supply gas to a particular consumer, and includes any gas fitting used in connection with the pipe except-

- (a) a service pipe, other than a service pipe comprised in a primary meter installation; or
- (b) a pipe comprised in a gas appliance;

"issue" (發出、發給), in relation to any document, includes grant;

"kPa" means kilopascals;

"liquefied petroleum gas" (石油氣) means any gas which is a mixture of-

- (a) hydrocarbons primarily consisting of butanes, butylenes, propane or propylene; or
- (b) all or any of the hydrocarbons referred to in paragraph (a);

"manufacture" (生產), in relation to gas, means-

- (a) the production of-
  - (i) town gas;
  - (ii) substitute natural gas; or
  - (iii) synthetic natural gas; or
- (b) the transfer of liquefied petroleum gas in liquid form from one container (except a disposable cylinder) to another container, but does not include the transfer of such gas in such form from a ship or road tanker into a tank or road tanker;

"meter bypass" (繞錶喉) means a pipe through which gas can be supplied from a service pipe to an installation pipe without passing through a gas meter, and includes any gas fitting used in connection with the pipe;

"mini-tank" (小型石油氣缸) means a receptacle-

- (a) with a water capacity of more than 150 litres but not more than 450 litres; and
- (b) used, or to be used, to contain liquefied petroleum gas;

"motor vehicle" (汽車) means a motor vehicle within the meaning of the Road Traffic Ordinance (Cap 374);

"natural gas" (天然氣) means any gas which is primarily methane obtained from natural strata, and includes-

- (a) substitute natural gas; and
- (b) synthetic natural gas;

"non-domestic premises" (非住宅房產) means any premises other than domestic premises;

"notifiable gas installation" (應具報氣體裝置) means a gas installation which is, or consists of, or uses-

- (a) terminals for the importation of-

- (i) liquefied petroleum gas; or
- (ii) natural gas in liquid form;
- (b) works for the manufacture of town gas, substitute natural gas or synthetic natural gas;
- (c) gasholders, including the pressure-raising and control equipment used in connection therewith;
- (d) high pressure gas mains or service pipes;
- (e) pressure-regulating installations which are supplied with gas from an intermediate or high pressure gas main or service pipe, but does not include such an installation the volumetric capacity of which is less than 30 standard cubic metres per hour;
- (f) stores containing liquefied petroleum gas, including, where such gas is supplied to consumers by way of pipes from such a store, any outlet pipework, vaporisers and pressure-regulating installations used in connection therewith; or
- (g) any process which involves the transfer of liquefied petroleum gas in liquid form from one container (other than a disposable cylinder) to another container, but does not include the transfer of such gas in such form from a ship or road tanker into a tank or road tanker; (Added 22 of 1996 s. 2)

"occupier" (佔用人)-

- (a) in relation to any place, means any person carrying on an occupation full-time in the place;
- (b) in relation to any domestic premises, means any person resident in such premises; and
- (c) in relation to any non-domestic premises, means any person carrying on an occupation full-time in such premises;

"officer" (高級人員), in relation to a company, means an officer within the meaning of section 2(1) of the Companies Ordinance (Cap 32);

"order" (命令) means an order under section 19(4);

"owner" (車主), in relation to a gas vehicle, means the owner within the meaning of the Road Traffic Ordinance (Cap 374) of such vehicle;

"panel" (委員團) means the appeal board panel appointed under section 17(1);

"personal injury" (身體受傷) includes death;

"premises" (房產) means-

- (a) any building where no part of the building is separately occupied, and includes any land appertaining to the building; and
- (b) in any other case, any part of a building which is separately occupied, and includes any land appertaining to such part;

"pressure-regulator" (調壓器) means a device which automatically controls the pressure of gas in a gas pipe downstream of the device;

"primary meter" (主錶) means a meter connected to a service pipe for ascertaining the quantity of gas supplied through such pipe, but does not include a secondary meter;

"primary meter installation" (主錶裝置) means a primary meter and the gas fittings used in connection with it, and includes any meter bypass, installed between the outlet of any service valve or, where there is no such valve, the outlet of the service pipe, and-

- (a) the outlet connection of the meter; or
- (b) the outlet of the common connection of the meter and any meter bypass or any other primary meter,

as the case may be;

"registered person" (注冊人) means a person registered under this Ordinance;

"requirement" (規定) includes a prohibition;

"responsible person" (負責人), in relation to any place or premises, means the occupier of the place or premises or, where there is no occupier or the occupier is away, the owner of the place or premises or the person for the time being in charge of the place or premises;

"road" (道路) means a road within the meaning of the Road Traffic Ordinance (Cap 374);

"road tanker" (缸車) means a motor vehicle designed and constructed, or adapted, primarily for the conveyance of liquefied petroleum gas in bulk on roads;

"secondary meter" (分錶) means, where any gas is supplied to a person through a primary meter, a meter for ascertaining the quantity of such gas then supplied by that person to another person;

"Secretary" means the Secretary for Economic Services;

"service pipe" (供氣分喉) means a pipe used, or to be used, to supply gas from-

(a) a gas main; or

(b) a store containing liquefied petroleum gas, to not more than one building, and includes-

(i) any gas meter control valve; and

(ii) any service valve,

to which the pipe is connected;

"service riser" (上給供氣分喉) means the vertical sections of a service pipe used, or capable of being used, to supply gas to more than one floor of a building, and includes any horizontal sections of the service pipe between such vertical sections;

"service valve" (供氣分喉閥) means a valve-

(a) incorporated in a service pipe;

(b) for controlling the supply of gas through such pipe; and

(c) not situated inside any premises;

"standard cubic metre" (標準立方米), in relation to any gas, means a cubic metre of such gas when measured-

(a) at a temperature of 15 degree celsius.

(b) at 101.325 kPa absolute pressure; and

(c) under dry conditions;

"store" (儲存、倉庫)-

(a) when used as a verb, means the containing of-

(i) town gas or natural gas in a gasholder; or

(ii) liquefied petroleum gas in-

(A) a container which has a facility for withdrawing such gas in liquid form where such gas is, or is to be, supplied to consumers by way of gas pipes from such container; or

(B) any containers (including a single container) situated in the one place (including part of any premises) where the aggregated nominal water capacity of the containers is more than 130 litres,

and "storage" shall be construed accordingly; and

(b) when used as a noun, means any place (including part of any premises) where there is or are kept-

(i) a gasholder which contains or has contained town gas or natural gas;

(ii) a container which-

(A) contains or has contained liquefied petroleum gas; and

(B) has a facility for withdrawing such gas in liquid form where such gas is, or is to be, supplied to consumers by way of gas pipes from such a container; or

(iii) any containers (including a single container)-

(A) which contain or have contained liquefied petroleum gas; and

(B) the aggregated nominal water capacity of which is more than 130 litres;

"substance" (物品) means a natural or artificial substance, whether in the form of a solid, liquid or vapour;

"substitute natural gas" (代用天然氣) means any gas which is a mixture of liquefied petroleum gas and air such that the ratio of such gas to air in such mixture is more than 1 to 9;

"supply" (供應), in relation to gas, means the supply of any gas through gas pipes or in containers, whether by sale or otherwise, to consumers of such gas, but does not include the supply of liquefied petroleum gas in disposable cylinders;

"synthetic natural gas" (合成天然氣) means any gas which is primarily methane not obtained from natural strata;

"tank" (石油氣缸) means a bulk tank or mini-tank;

"town gas" (煤氣) means any gas which is primarily a mixture of hydrogen and methane;

"transport" (運送), in relation to liquefied petroleum gas, means the conveyance of such gas by a gas vehicle;

"vehicle" (車輛) means a vehicle within the meaning of the Road Traffic Ordinance (Cap 374);

"works" (工程) means construction works, that is to say, any kind of work involving or in connection with-

- (a) building works within the meaning assigned to that term in section 2(1) of the Buildings Ordinance (Cap 123), and for the purposes of this paragraph reference in that section to "ground investigation in the scheduled areas" shall be read as a reference to "ground investigation";
- (b) the laying out, construction, alteration or repair of any road, footpath, tunnel, airport runway, canal, reservoir, pipe-line, railway or tramway;
- (c) trench works carried out by or for any public utility;
- (d) the extraction of material from land or the seabed;
- (e) landfill works;
- (f) river training works; or
- (g) reclamation works. (Added 3 of 1996 s. 2)

(Enacted 1990)

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Chapter:	57	Title:	EMPLOYMENT ORDINANCE	Gazette Number:	
Section:	310	Heading:	<b>Making of severance payment</b>	Version Date:	30/06/1997

(1) Where an employee is entitled to a severance payment under this Part, his employer shall make the severance payment to him not later than 2 months from the receipt of a notice in accordance with paragraph (b) of section 31N unless either the employer or the employee has, before the expiration of that period, made the severance payment the subject of a claim filed with-

- (a) the Registrar of the Minor Employment Claims Adjudication Board in accordance with Part IV of the Minor Employment Claims Adjudication Board Ordinance (Cap 453); or
- (b) the Registrar of the Labour Tribunal in accordance with Part IV of the Labour Tribunal Ordinance (Cap 25). (Amended 61 of 1994 s. 51)

(1A) Where the Minor Employment Claims Adjudication Board or Labour Tribunal has ordered that any sum in respect of severance payment is payable by an employer, it shall order the time within which such sum shall be payable, provided that if it has made no order as to the time within which the sum shall be payable, the sum shall be paid within 14 days from the date of the order of payment. (Added 62 of 1992 s. 8. Amended 61 of 1994 s. 51)

(2) A severance payment shall be made in legal tender except that, where the employee so consents, payment may be made-

- (a) by cheque, money order or postal order;
  - (b) into an account in his name with any bank within the meaning of section 2 of the Banking Ordinance (Cap 155); or (Amended 49 of 1995 s. 53)
  - (c) to his duly appointed agent.
- (3) (a) An employer who without reasonable excuse fails to comply with subsection (1) or (1A) shall be guilty of an offence and shall be liable on conviction to a fine at level 5.
- (b) An employer who without reasonable excuse fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine at level 3. (Replaced 103 of 1995 s. 8)

Chapter:	57	Title:	EMPLOYMENT ORDINANCE	Gazette Number:	
Section:	2	Heading:	<b>PROCEDURE FOR APPREHENSION OF ABSCONDING EMPLOYER</b>	Version Date:	30/06/1997

[section. 67]

## PART I

1. In this Part, the wages and moneys described in section 67(a) and (b) are referred to as "the debt".

2. An application under section 67 shall be as in Form 1 in Part II.

3. If a District Judge, after making such investigation as he considers necessary in respect of an application made under section 67, is satisfied that there is probable cause for believing that the employer is about to leave Hong Kong with intent to evade payment of the debt, he may issue a warrant

as in Form 2 in Part II ordering that the employer be apprehended and brought before a District Judge to show cause why the employer should not be required to give security in accordance with paragraph 5. (Amended 48 of 1984 s. 32)

4. If an employer who is brought before a District Judge in accordance with a warrant issued under paragraph 3 shows cause why he should not be required to give security in accordance with paragraph 5, the warrant shall be discharged and the employer shall be released.

5. (1) If an employer who is brought before a District Judge in accordance with a warrant issued under paragraph 3 does not show cause why he should not be required to give security in accordance with this paragraph, the District Judge may make an order requiring the employer to enter a bond, in accordance with sub-paragraph (3), for his appearance before a District Judge whenever called upon until he has paid to the employee the full amount of the debt.
- (2) If the employer offers, in lieu of entering a bond under sub-paragraph (1), to secure the payment to the employee of the full amount of the debt by any other arrangement, the District Judge may accept such other arrangement as security for the payment to the employee of the full amount of the debt in lieu of the bond.
- (3) A bond entered under sub-paragraph (1)-
- (a) shall be in favour of the employee;
  - (b) shall be as in Form 3 in Part II;
  - (c) shall be for such sum, not exceeding the amount of the debt, as the District Judge may order; and
  - (d) shall be a bond with such number of sureties, approved by the District Judge, as the District Judge may order.

6. If an employer complies with an order made under paragraph 5(1), or secures the payment to the employee of the full amount of debt by any other arrangement under paragraph 5(2), the warrant issued under paragraph 3 shall be discharged and the employer shall be released.

7. If an employer fails to comply with an order made under paragraph 5(1), a District Judge may commit him to prison until the order is complied with or until the expiration of 3 months from the date of committal, whichever event occurs first.

8. (1) On the application of the employer, or of any surety for a bond entered under paragraph 5, a District Judge, if he is satisfied that any of the conditions specified in sub-paragraph (2) have been fulfilled, shall order as may be appropriate-
- (a) that any warrant issued under paragraph 3 be discharged;
  - (b) that the employer, if apprehended or brought before a District Judge under paragraph 3, or committed to prison under paragraph 7, be released;
  - (c) that any bond entered under paragraph 5 shall be void (notwithstanding the conditions thereof); and
  - (d) that the employer be released from any arrangement made under paragraph 5(2).
- (2) The conditions referred to in sub-paragraph (1) are-
- (a) that the debt has been satisfied in full or has been abandoned;
  - (b) that no proceedings have been brought within 14 days after the application under section 67 to recover any part of the debt from the employer;
  - (c) that no proceedings brought to recover the debt or any part of the debt from the employer have been prosecuted diligently;
  - (d) that all proceedings brought to recover the debt or any part of the debt from the employer have been finally struck out or dismissed.

9. (1) Any surety for a bond entered under paragraph 5 may at any time apply to a District Judge to

- be discharged from his obligation under the bond.
- (2) On receipt of an application under sub-paragraph (1), the District Judge shall call upon the employer to appear before a District Judge.
  - (3) On the appearance of the employer before the District Judge, the District Judge shall order the surety by whom the application under sub-paragraph (1) is made to be discharged from his obligation under the bond, and shall order the employer to provide another surety or sureties, approved by the District Judge, for the bond.
  - (4) If an employer is ordered under sub-paragraph (3) to provide an approved surety or sureties for a bond, the provisions of paragraphs 6 and 7 shall apply as if the order were an order made under paragraph 5(1).

10. No fees shall be payable to the District Court in respect of or in connection with an application made under section 67 or under paragraph 8 or 9.

## PART II

### FORM 1

[Employment Ordinance,  
Second Schedule, Part I,  
paragraph 2]

### APPLICATION FOR WARRANT FOR APPREHENSION OF ABSCONDING EMPLOYER

Title

IN THE DISTRICT COURT OF HONG KONG

Held at .....

No. .... of 19 .....

IN THE MATTER of an application under section 67 of the Employment Ordinance, for a warrant for the apprehension of ..... , an employer.

EX PARTE....., an employee.

I, ....., of .....

(name of applicant)

(address of applicant)

apply for the issue of a warrant in accordance with paragraph 3 of Part I of the Second Schedule to the Employment Ordinance in respect of of .....

(name of employer)

of .....

(address of employer)

.....

(occupation of employer)

2. The grounds for my application are-

(a) that I am an employee/former employee<sup>(1)</sup> of .....;

(name of employer)

(b) that ..... is the employer/former

(name of employer)

employer<sup>(1)</sup> of each person specified in the First Column of the Schedule;

(c) that the employer owes to such employees the wages and/or<sup>(1)</sup> other moneys specified in the Second Column of the Schedule opposite their names, by reason of the facts

- specified in the Third Column of the Schedule; and
- (d) that I believe for the following reasons that the employer is about to leave Hong Kong with intent to evade payment of the wages and/or<sup>(1)</sup> other moneys specified in the Second Column of the Schedule-

.....  
.....

#### SCHEDULE

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Name and address of employee	Amount of wages and/ or <sup>(1)</sup> other moneys owing to employee	Reason for which moneys owing
Total amount owing to employees		

Dated this                      day of    19                      .

.....  
Applicant.

#### AFFIDAVIT IN SUPPORT OF APPLICATION

I, ..... make oath/do solemnly, sincerely and truly declare and affirm<sup>(1)</sup> and say that the facts stated in paragraph 2 of the above application are correct to the best of my knowledge and belief.

Sworn/affirmed<sup>(1)</sup> at

Hong Kong, the    day of    19                      .

Before me,

A Commissioner, &c.

Note: (1) Delete whichever is inapplicable.

(Amended L.N. 48 of 1972; L.N. 177 of 1981)

\_\_\_\_\_

[Title as in Form 1]

To each and all the police officers and bailiffs of Hong Kong.

Whereas I am satisfied, on application made on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ by [name of applicant that the applicant [and the other persons referred to in the application]<sup>(2)</sup> is/are/was/were<sup>(1)</sup> the employee/employees<sup>(1)</sup> of [name of employer], and that there is probable cause for believing that the said [name of employer] is about to leave Hong Kong with intent to evade payment of the sum of [amount of debt] being moneys earned by and owed to such employee/employees<sup>(1)</sup>:

This is therefore to command you, in Her Majesty's name, forthwith to apprehend the said [name of employer] and to bring him before a District Judge to show cause why he the said [name of employer] should not be required to give security in accordance with paragraph 5 of Part I of the Second Schedule to the Employment Ordinance, and to be further dealt with according to law.

Dated this                      day of                      19   .

.....  
District Judge.

[L.S.]

Notes: (1) Delete whichever is inapplicable.  
(2) Delete if inapplicable.

(Amended L.N. 177 of 1981)

## BOND TO SECURE PAYMENT OF WAGES DUE TO EMPLOYEES BY EMPLOYER

I/We<sup>(1)</sup> [name of employer] of [address], [name of surety] of [address], and [name of surety] of [[address], is/are<sup>(1)</sup> bound to [name of employee [and the other employees of (name of employer) specified in the application of (name of applicant) made on the       day of 19 to       District Judge       , under section 67 of the Employment Ordinance]<sup>(2)</sup> in the sum of \$       , to be paid to [name of employee] [and the said other employees]<sup>(2)</sup> or his/their respective<sup>(1)</sup> executors, administrators or assignees; for which payment to be made I/we jointly and severally<sup>(1)</sup> bind myself/ourselves<sup>(1)</sup>, and my/our respective<sup>(1)</sup> heirs, executors and administrators.

In witness whereof I/we<sup>(1)</sup> have hereto set my hand and seal/our hands and seals<sup>(1)</sup> this day of 19 .

The condition of this obligation is that if [name of employer] appears before a District Judge whenever called upon until he has paid [name of employee] [and the said other employees]<sup>(2)</sup> the full amount of \$ specified in the application, then this obligation shall be void but this obligation shall otherwise remain in full force.

Signed, sealed and	[Employer]	(L.S.)
delivered in the	[Surety]	(L.S.)
presence of }	[Surety]	(L.S.)

Notes: (1) Delete whichever is inapplicable.  
(2) Delete if inapplicable.

(Second Schedule added 71 of 1970 s. 7)

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Chapter:	59	Title:	Factories and Industrial Undertakings Ordinance	Gazette Number:	
Section:	4	Heading:	Powers of officers	Version Date:	30/06/1997

(1) An occupational safety officer may exercise the following powers- (Replaced 10 of 1965 s.4. Amended 73 of 1977 s.4; 71 of 1989 s. 4; 39 of 1997 s. 48)

- (a) to enter, inspect and examine at all reasonable times, by day and night, any premises or place in which he knows or has reasonable cause to believe that an industrial undertaking is being carried on;
- (b) (Repealed 73 of 1977 s. 4)
- (c) to require the production of any register or other document required to be kept under this Ordinance and inspect, examine and copy the same;
- (d) to make such examination and inquiry as may be necessary to ascertain whether the requirements of this Ordinance are complied with, and seize anything which may appear to be evidence of an offence against this Ordinance;
- (e) to examine, either alone or in the presence of any other person, as he thinks fit, respecting matters under this Ordinance, any person whom he finds in any industrial undertaking, or whom he has reasonable cause to believe has been within the preceding 2 months employed in any industrial undertaking, or require any such person to be so examined and to sign a declaration of the truth of the matters respecting which he has been so examined; (Amended 4 of 1969 s.4)
- (f) to require any person who employs or has employed any woman, young person or child in an industrial undertaking or any agent or servant of any such employer to give to him all information in the possession of such person, agent or servant with reference to such woman, young person or child and to the labour conditions and treatment of every woman, young person and child employed by such employer;
- (g) to remove and detain for inquiries in a place of refuge appointed under any Ordinance for the time being in force relating to women, young persons or children any young person or child whom he finds in any place in or in respect of which he has reasonable cause to suspect that an offence against this Ordinance has been committed;
- (h) to require the posting up, in such place and manner and for such period as he may direct, of any notice in connection with the provisions of this Ordinance or any matter related to the manufacture carried out, or machinery, plant, process or persons employed in any industrial undertaking; and (Amended 11 of 1980 s.3)
- (i) any other powers which may be conferred by any regulation made under this Ordinance.

(2) Any Health Officer, any officer of the Fire Services Department with the written authority of the Director of Fire Services and any officer specially authorized by the Commissioner may, subject to such directions as the Commissioner may impose, at any time enter and inspect any industrial undertaking for the purpose of ascertaining whether the requirements of this Ordinance are complied with. (Amended 42 of 1961 s.2; 4 of 1969 s. 4; 39 of 1997 s. 48)

(2A) An officer exercising any power conferred on him by subsection (1) may take with him any person, whether a public officer or not, whom he may reasonably need to assist him in carrying out his duties under this Ordinance and in particular may, for his assistance, take persons who have been engaged by the Commissioner, on account of their special expertise, to advise the Commissioner on the safety and health of persons employed in industrial undertakings. (Added 73 of 1977 s. 4; 39 of 1997 s. 48)

(2B) A person who accompanies an officer pursuant to subsection (2A)-

- (a) may give to the officer such assistance in the exercise of any power conferred on him by subsection (1) as the officer may reasonably require;
- (b) shall be deemed to be a public officer for the purposes of sections 5 and 6. (Added 73 of

1977 s.4)

(3) The powers conferred by this Ordinance on any officer shall be in addition to and not in substitution for any other powers which such officer may possess.

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Chapter: 59A	Title: FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS	Gazette Number:
Regulation: 17	Heading: <b>Report of accidents resulting in death or incapacity</b>	Version Date: 30/06/1997

### PART III

#### GENERAL

- (1) Where an accident in an industrial undertaking results in-
  - (a) the death of a person at the time of the accident or immediately thereafter; or
  - (b) serious bodily injury to a person,
 a report of the accident stating the name of the person, the nature of the injury and the time, place and circumstances of the accident shall be made orally or in writing by the proprietor of the industrial undertaking within 24 hours after the accident-
  - (i) to an inspector, where the accident occurs in an industrial undertaking other than a quarry; or
  - (ii) to the Superintendent of Mines, where the accident occurs in a quarry,
 and to the police station nearest to the place of accident, where the accident results in death.
- (2) Subject to paragraph (4), where an accident in an industrial undertaking results in-
  - (a) the death of a person at the time of the accident or immediately thereafter;
  - (b) serious bodily injury to a person; or
  - (c) the incapacity, for a period exceeding 3 days immediately following the accident, of a person for any employment which he was capable of undertaking at the time of the accident,
 a report of the accident (containing the particulars specified in paragraph (5)) shall, in addition to any report required to be made under paragraph (1), be made in writing by the proprietor of the industrial undertaking within 7 days after the accident-
  - (i) to an inspector, where the accident occurs in an industrial undertaking other than a quarry; or
  - (ii) to the Superintendent of Mines, where the accident occurs in a quarry.
- (3) Where a person who is injured in an accident dies subsequently as a result of the injury and the death comes to the notice of the proprietor of the industrial undertaking, the proprietor shall, in addition to any report which he may have made or is required to make under paragraphs (1)(b) and (2)(b) or (c), report the death orally or in writing within 24 hours after it comes to his notice-
  - (a) to an inspector, where the accident has occurred in an industrial undertaking other than a quarry; or
  - (b) to the Superintendent of Mines, where the accident has occurred in a quarry,
 and to the police station nearest to the place of the accident.
- (4) No report is required under paragraph (2) if notice of the accident has been given under section 15 of the Employees, Compensation Ordinance (Cap 282).
- (5) A report under paragraph (2) shall contain-
  - (a) the name and address of the proprietor of the industrial undertaking;
  - (b) the name, occupation and address of the deceased or injured person and his sex, age and identity card number;
  - (c) the date and particulars of the accident; and
  - (d) the nature of the injury, stating whether death or incapacity was caused by the injury.
- (6) For the purposes of paragraphs (1) and (2) a person shall be deemed to have suffered serious bodily injury in an accident if he is admitted to a hospital immediately following the accident for observation or treatment.

Chapter:	59A	Title:	FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS	Gazette Number:	
Regulation:	18	Heading:	<b>Reports of dangerous occurrences</b>	Version Date:	30/06/1997

(1) Every dangerous occurrence which occurs in an industrial undertaking, whether any personal injury has been caused or not, shall be reported by the proprietor of the industrial undertaking within 24 hours of its occurrence- (L.N. 7 of 1975)

(a) in the case of an industrial undertaking other than a quarry, to an inspector; and

(b) in the case of a quarry, to the Superintendent of Mines. (L.N. 29 of 1969)

(2) Every report made under this regulation shall be in writing, and in addition to any report required under regulation 17, and shall include particulars of the time of the occurrence of the accident, any damage to any building, machinery or plant in the industrial undertaking in which the accident occurred, and the circumstances in which the accident occurred. (L.N. 29 of 1969)

Chapter:	59A	Title:	FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS	Gazette Number:	
Regulation:	20	Heading:	<b>Power to take samples</b>	Version Date:	30/06/1997

(1) An inspector may at any time after informing the proprietor or, if the proprietor is not readily available, a foreman or other responsible person in the industrial undertaking, take for analysis sufficient samples of any material in use or mixed for use in a dangerous trade or scheduled trade, or of any substance used or intended to be used in an industrial undertaking being a substance which he thinks may prove on analysis to be likely to cause bodily injury to the person employed.

(2) The proprietor or the foreman or other responsible person aforesaid may, at the time when a sample is taken under this regulation, and on providing the necessary appliances, require the inspector to divide the sample into 3 parts, to mark and seal or fasten up each part in such manner as its nature permits, and-

(a) to deliver one part to the proprietor, or the foreman or other responsible person aforesaid;

(b) to retain one part for future comparison; and

(c) to submit one part to the Government Chemist for analysis.

(3) A certificate purporting to be a certificate by the Government Chemist as to the result to an analysis of a sample under this regulation shall in any proceedings under the Ordinance be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) No person shall, except in so far as is necessary for the purposes of a prosecution for an offence under the Ordinance, publish or disclose to any person the results of an analysis made under this regulation.

Chapter:	59A	Title:	FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS	Gazette Number:	
Regulation:	25	Heading:	<b>Cleaning of dangerous machinery by young persons</b>	Version Date:	30/06/1997

(1) No young person shall be permitted to clean any dangerous part of the machinery in a notifiable workplace while the machinery is in motion by the aid of any mechanical power. For the purpose of this paragraph, such parts of the machinery shall be presumed to be dangerous as are notified by an inspector to the proprietor of the notifiable workplace. (50 of 1985 s. 9)

(2) No young person shall be permitted to clean any mill-gearing while such mill-gearing is in motion for the purpose of propelling any part of the machinery in a notifiable workplace.  
(L.N. 302 of 1996)

Chapter:	59A	Title:	FACTORIES AND INDUSTRIAL UNDERTAKINGS REGULATIONS	Gazette Number:	
Regulation:	32	Heading:	<b>Cleanliness</b>	Version Date:	30/06/1997

#### Hygiene

(1) Every notifiable workplace shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance, and, without prejudice to the generality of the foregoing provisions-

- (a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floor and benches of workrooms and from the staircases and passages;
  - (b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method; and
  - (c) all inside walls and partitions, and all ceilings or tops of rooms shall be limewashed at least once in every year or, if they have been oil-painted or varnished, they shall be washed with hot water and soap at least once in every period of 14 months and repainted or varnished at least once in every period of 42 months.
- (2) The proprietor of a notifiable workplace shall maintain a record of-
- (a) the surfaces within the notifiable workplace which have been limewashed in accordance with paragraph (1)(c); and
  - (b) the painted and varnished surfaces within the notifiable workplace and the parts thereof which have been washed, or repainted or revarnished, in accordance with paragraph (1)(c); and
  - (c) the name and address of each person who carried out such work and the date or dates on which the work was carried out.
- (3) The proprietor of a notifiable workplace shall produce the record maintained under paragraph

(2) for inspection when required to do so by an inspector.

(50 of 1985 s. 9)

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Chapter:	59I	Title:	CONSTRUCTION SITES (SAFETY) REGULATIONS	Gazette Number:	
Regulation:	38K	Heading:	Inspection of scaffolds	Version Date:	30/06/1997

- (1) Subject to paragraph (3), the contractor responsible for a scaffold shall ensure that the scaffold is not used on a construction site unless-
- (a) the scaffold-
    - (i) has been inspected by a competent person within the immediately preceding month;
    - (ii) has been inspected by a competent person since exposure to weather conditions likely to have affected its strength or stability or to have displaced any part; and
  - (b) a report has been made by the person carrying out the inspection in the approved form containing the prescribed particulars which includes a statement to the effect that the scaffold is in safe working order. (see First Schedule Form 12) (L.N. 285 of 1993)
- (2) A report under this regulation of an inspection and the results thereof, signed by the person carrying out the inspection, shall be-
- (a) made in the prescribed form and contain the prescribed particulars; and
  - (b) delivered forthwith to the contractor concerned.
- (3) This regulation shall not apply in relation to a scaffold no part of which has been erected for more than a month, or a trestle scaffold or a scaffold from no part of which a person is liable to fall a distance of more than 2 metres.

Chapter:	59I	Title:	CONSTRUCTION SITES (SAFETY) REGULATIONS	Gazette Number:	
Regulation:	67	Heading:	Keeping of records	Version Date:	30/06/1997

## PART X

### MISCELLANEOUS PROVISIONS

- (1) Every contractor shall keep the certificates and reports received by him in respect of any test, inspection or examination carried out under these regulations on any plant, scaffold, excavation, or earthwork-
- (a) at the construction site where the plant is located or the excavating or earthworking operations are being carried on; or
  - (b) if the contractor has reasonable grounds for believing that the construction work at the site will be completed within a period of less than 6 weeks from its commencement, or if the work at the site has been completed or the equipment or scaffold has ceased to be located at a construction site, at his office, or if he has more than one office, at his principal office.
- (2) The contractor shall, at all reasonable times, make available for inspection by any inspector who requests to see them all certificates and reports required to be kept by the contractor under paragraph (1).
- (3) The contractor shall, on being requested to do so by an inspector within such period (being not less than 7 days) as may be specified in the request, deliver to the inspector a copy of or an extract from any certificate or report required to be kept by the contractor under paragraph (1).
- (4) Any such certificates or reports may, unless the Commissioner has previously directed to the contrary, be destroyed or otherwise disposed of after the expiration of 6 years from the date on which

they were received by the contractor.

(L.N. 238 of 1983)

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Chapter: 59J	Title: FACTORIES AND INDUSTRIAL UNDERTAKINGS (LIFTING APPLIANCES AND LIFTING GEAR) REGULATIONS	Gazette Number:
Regulation: 18C	Heading: <b>Keeping and displaying of certificates and reports</b>	Version Date: 30/06/1997

(1) The owner of a lifting appliance, or any chain, rope or lifting gear shall keep the certificates and reports issued in respect of any test, examination or inspection required by these regulations in a safe place and shall not dispose of any certificate or report until 2 years after the date on which the certificate or report of the subsequent test, examination or inspection, as the case may be, is received by the owner or until 2 years after the date on which the lifting appliance, or any chain, rope or lifting gear is disposed of.

(2) The owner of a lifting appliance shall ensure that a copy of the relevant and the most recent certificate or report is displayed in the driving cabin or other prominent place on the equipment to which it relates or in a prominent place nearby.

(3) Paragraph (1) applies whether or not the lifting appliance, chain, rope or lifting gear is still in use.

(4) The owner of a lifting appliance, or any chain, rope or lifting gear shall at all reasonable times make available for inspection by any inspector who requests to see them all certificates or reports required to be kept by him under paragraph (1).

(5) The owner of a lifting appliance, or any chain, rope or lifting gear shall, upon request in writing by an inspector within such period (being not less than 7 days) as may be specified in the request, deliver to the inspector a copy of or an extract from any certificate or report required to be kept by him under paragraph (1).

(L.N. 285 of 1993; L.N. 23 of 1994)

Chapter:	59L	Title:	FACTORIES AND INDUSTRIAL UNDERTAKINGS (ABRASIVE WHEELS) REGULATIONS	Gazette Number:	
Regulation:	6	Heading:	<b>Speeds of spindles</b>	Version Date:	30/06/1997

(1) There shall be securely affixed to every power driven machine having any spindle on which an abrasive wheel is, or is intended to be, mounted a notice, in English and Chinese, specifying-

- (a) in the case of each such spindle (other than a spindle to which subparagraph (b) or (c) applies), its maximum working speed;
- (b) in the case of any such spindle for which there are provided arrangements for operating the spindle at more than one specific working speed, each specific speed; and
- (c) in the case of any such spindle for which there are provided arrangements for operating the spindle at an infinite number of working speeds within a specified range, the maximum and minimum working speeds of the spindle.

(2) No spindle shall, while an abrasive wheel is mounted on it, be operated at a speed in excess of the maximum working speed specified under this regulation for that spindle.

(3) The proprietor of an industrial undertaking shall, when so required by an inspector, provide the inspector with all such facilities and information as are necessary to enable him to determine the working speed of any spindle, shaft, pulley or other appliance which is used to operate an abrasive wheel.

(4) The speed of every air driven spindle on which an abrasive wheel is mounted shall be controlled by a governor or other device so that the speed of the spindle does not at any time exceed the maximum working speed specified for that spindle in accordance with paragraph (1).

(5) Every governor and other device used for controlling the speed of an air driven spindle on which an abrasive wheel is mounted shall be properly maintained.

Chapter:	59M	Title:	Factories and Industrial Undertakings (Work in Compressed Air) Regulations	Gazette Number:	
Regulation:	30	Heading:	Notification of work in compressed air	Version Date:	30/06/1997

## PART VII

### MISCELLANEOUS

A contractor shall, before he commences for the first time any construction work in compressed air at a pressure exceeding 14 pounds per square inch, notify in Form 7 of the Fourth Schedule-

- (a) a factory inspector;
- (b) the Senior Occupational Health Officer; (L.N. 248 of 1982)
- (c) the police station nearest to the construction site; and
- (d) the fire services station nearest to the construction site.

Chapter:	59M	Title:	Factories and Industrial Undertakings (Work in Compressed Air) Regulations	Gazette Number:	L.N. 307 of 1998
Schedule:	4	Heading:		Version Date:	04/09/1998

## FORM 1

[regulations 11 & 14]

### Factories and Industrial Undertakings (Work in Compressed Air) Regulations

#### LOCK ATTENDANT'S REGISTER

Contractor .....

Date .....

Construction Site .....

Wet bulb temperature .....

Name of lock attendant .....

(L.N. 307 of 1998)

Record all times as a.m. or p.m.

Name of Worker	Work number or occupation	Compression		Decompression					Remarks
		Time of entry into working chamber	Working pressure	Maximum Working pressure during shift	Shift period hrs. mins.	Time decompression commenced	Time decompression finished	Decompression time	

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Note : The times recorded on this Form must be taken from the clock provided for the use of the man-lock attendant in accordance with regulation 8.

## FORM 2

[regulation 11(3)]

### FACTORIES AND INDUSTRIAL UNDERTAKINGS (WORK IN COMPRESSED AIR) REGULATIONS

#### COMPRESSED AIR WORKER'S TRANSFER RECORD

This record is to be retained by the person to whom it is issued. Entries are to be made by the lock attendant who will also make the necessary entries in the lock attendant's register (Form 1).

Name of Worker : .....

Date	Lock No. or description		Pressure	Time of entering working chamber hrs.	Time of leaving working chamber mhrs. mins.	Time in working chamber hrs. mins.	Total decompression s time in minute	Lock Attendant's Signature
	When entering	When leaving (if different)						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

## FORM 3

### FACTORIES AND INDUSTRIAL UNDERTAKINGS (WORK IN COMPRESSED AIR) REGULATIONS

#### COMPRESSED AIR WORKER'S MEDICAL CARD

CONFIDENTIAL

Contract: .....

Date: .....

Full name of worker: .....

Date of birth: .....

Permanent address: .....

Employment (this contract): .....

Recent occupation: active/sedentary

Previous compressed air experience

Contract	Dates	How long?	Max. pressure	Any bends?
----------	-------	-----------	---------------	------------

				Yes/No
				Yes/No
				Yes/No
				Yes/No

Previous X-ray examinations

Contract	Chest/joints	Date	Result

Medical history

Ever declared unfit for employment in compressed air? Yes/No

Operations .....

Injuries .....

Bronchitis Yes/No Asthma Yes/No Hay fever Yes/No

Sinusitis Yes/No Diabetes Yes/No Fits Yes/No

Ear trouble Yes/No Henia Yes/No

Signature .....

Medical examination

Height: ..... Weight: .....

Lungs: ..... Heart: ..... Blood pressure: ..... Ears: .....

Joints: ..... Urine: ..... Eustachian tubes patent: Yes/No

Test in lock: Yes/No Fit for employment in compressed air: Yes/No

Any reservations? .....

Doctor's signature: .....

Add any further notes: .....

FORM 4

[regulations 24 & 27]

## FACTORIES AND INDUSTRIAL UNDERTAKINGS (WORK IN COMPRESSED AIR) REGULATIONS

### COMPRESSED AIR WORKER'S DECOMPRESSION SICKNESS CASE SHEET

Contract: .....

Date: .....

Full name of worker: .....

Identification: .....

Occupation: .....

Activity: Manual/Supervisory/Sedentary

Maximum working pressure: .....

Decanted: Yes/No

If multiple exposures-how many? .....

Total exposure time: .....

Was decompressed according to tables? Yes/No

Man-lock temp.: ..... max. .... min.

Man-lock CO<sub>2</sub> .....

Shift: Day ..... Back ..... Night .....

Shift if new starter : 1st, 2nd, 3rd, 4th, 5th

Shift if after absence of 7 days : 1st, 2nd, 3rd, 4th, 5th

'Cold' infection: head or chest Yes/No

Type 1 (bends)

Site of pain: ..... Localized: Yes/No Spreading: Yes/No  
 How soon after decompression: ..... Time decompression finished: .....  
 Any injury to affected part: Yes/No Excessive use of limbs: Yes/No  
 Any symptom other than pain: .....

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Type 2

Signs and symptoms: .....  
 Circulatory: Yes/No Respiratory: Yes/No Visual: Yes/No  
 Neurological: Yes/No Skin mottling: Yes/No Skin irritation: Yes/No  
 Vomiting: Yes/No

---

Treatment

Time commenced: ..... Time completed: .....  
 Pressure of relief: ..... Highest pressure used: .....  
 Method of decompression: ..... Number of decompressions: .....  
 Residual symptoms: .....  
 Fit for employment in compressed air again: Yes/No (if in doubt, refer to the appointed medical practitioner)  
 Evidence of recurrence after leaving medical centre: Yes/No

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FORM 5

[regulations 24 & 27]

FACTORIES AND INDUSTRIAL UNDERTAKINGS (WORK IN COMPRESSED AIR)  
 REGULATIONS

COMPRESSED AIR WORKER'S INDIVIDUAL AIR RECORD

Contract: .....  
 Name of worker: ..... Date of birth: .....  
 Identification: .....  
 Occupation: ..... Shift worker: Yes/No .....  
 Total days employed in compressed air: .....

Date	Length of each shift	Maximum pressure	Decanting time (if applicable)	Shift			Bends		Symptoms not treated
			*WP to WP	+D	B	N	Type 1	Type 2	

\*WP = working pressure  
 +D = Day

B = Back  
N = Night

---

FORM 6

[regulations 26 & 27]

FACTORIES AND INDUSTRIAL UNDERTAKINGS (WORK IN COMPRESSED AIR)  
REGULATIONS

COMPRESSED AIR HEALTH REGISTER

PART I

Person to whom this register relates

(To be filled in by the employer)

Name: .....

Address: .....

Date of birth: .....

Name, address and telephone number of the appointed medical practitioners :

1. ....
2. ....
3. ....

PART II

Certificate of examination of the person named in Part I of this register as  
to his fitness for employment in compressed air

(To be filled in by the appointed medical practitioners)

Date of examination	Name of employer and construction site address	Result of examination and any conditions affecting employment in compressed air	Signature of the appointed medical practitioner
(1)	(2)	(3)	(4)

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FORM 7

[regulation 30]

FACTORIES AND INDUSTRIAL UNDERTAKINGS (WORK IN COMPRESSED AIR)  
REGULATIONS

NOTIFICATION OF COMMENCEMENT

## OF WORK IN COMPRESSED AIR

(To be completed and sent before commencement of construction work in compressed air)

To: \* Factory Inspector, Labour Department, Hong Kong  
\* The Senior Occupational Health Officer, Labour Department, Hong Kong  
+ The ..... Police Station .....  
+ The ..... Fire Station .....

Name of contractor	
Address of contractor	
If the contractor is a company or firm, the name under which it carries on business	
The location and telephone number of the construction site where construction work in compressed air will be carried out	
The date on which the work will commence and likely duration of the work	
Number of persons to be employed in compressed air	
(Chop of company or firm)	

Signature .....  
Position .....  
Date .....

\* delete where necessary

+ name of police or fire services station nearest to the construction site

(L.N. 248 of 1982)

FORM 8

[regulation 32]

### FACTORIES AND INDUSTRIAL UNDERTAKINGS (WORK IN COMPRESSED AIR) REGULATIONS (Regulation 32)

#### ADVISORY LEAFLET FOR ISSUE TO PERSONS WHO WORK IN OR ENTER COMPRESSED AIR

Read these rules carefully make sure you understand them  
for your own sake-follow them

Persons who work in or enter compressed air sometimes get pains in their joint soon after leaving the working chamber. These pains are the "bends", "caisson sickness", or just "pains". They may occur in muscles and other parts of the body. They can almost always be avoided. Pain is sometimes felt in the ears or head during compression. This too can be avoided.

Very rarely a more serious kind of "bends" may occur and a person may even "pass out" suddenly. Immediate recompression is necessary. This is why it is so important that you always wear the label you have been given in case you get the "bends" when you are away from the construction site.

A certain number of persons who work in or enter compressed air develop, after a time, small areas of damage in some of their bones. If these affect the hip or shoulder joints arthritis may follow. Failure to obey these rules will increase the risk of bone damage.

---

**YOU MUST NOT WORK IN OR ENTER COMPRESSED AIR UNTIL  
YOU HAVE BEEN PASSED AS FIT BY THE DOCTOR**

---

Do not go to work in or enter compressed air if you have a cold in the head, chest infection, sore throat or earache. If you have any of these complaints, you must report to the supervisor in charge of the compressed air operations at the construction site. If you have been off sick through any illness or injury for more than 3 days, you must be re-examined by the appointed medical practitioner before you go back into compressed air.

You must be passed medically fit before you start work in or enter compressed air. If the working pressure is over 14 pounds per square inch, you must be examined by the appointed medical practitioner at least once every 4 weeks. If the working pressure is below 14 pounds per square inch, you must be so examined at least once every 3 months.

The lock attendant has to keep a record of all persons who enter and leave the lock, and also has to control all decompression. Always obey his instructions.

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**YOU MUST ALWAYS WEAR THE LABEL ISSUED TO YOU**

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If you get an attack of "bends" get back to the construction site as quickly as you can and report to the medical lock attendant who will arrange for treatment in the medical lock.

You must never drink alcohol in compressed air, and smoking is also forbidden.

If you have not worked in or entered compressed air before you must not enter the lock unless an experienced compressed air worker is with you.

If the rate of compression is not controlled by the lock attendant, the contractor employing you may tell the leading man to take charge of the valves which let in the compressed air. If you feel pain or discomfort, warn the leading man or lock attendant at once, and compression will be stopped. If the pain does not go, pressure will be reduced slowly and you will be let out of the lock.

---

**TO REDUCE THE RISK OF "BENDS" DECOMPRESSION MUST BE CARRIED  
OUT STRICTLY ACCORDING TO THE RULES**

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Decompression is usually in 2 stages, the first quick and the second very slow, though other methods can be allowed under the Regulations.

The lock attendant must control all decompressions. Do not try to interfere with his control. You can get in touch with him by means of the speaking tube, the telephone or the observation window.

Attacks of "bends" usually start within 1 1/2 hours after decompression. If the working pressure is over 40 pounds per square inch you should stay near the medical lock for at least 1 1/2 hours. If it is less than this you should stay near the medical lock for at least an hour.

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IN THE INTERESTS OF YOUR HEALTH OBEY THESE RULES  
IF YOU DO NOT-YOU MAY BECOME SERIOUSLY ILL

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LABOUR DEPARTMENT,  
HONG KONG.

(L.N. 570 of 1995)

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Chapter: 590	Title: FACTORIES AND INDUSTRIAL UNDERTAKINGS (GOODS LIFTS) REGULATIONS	Gazette Number:
Regulation: 6	Heading: <b>Register of examination to be kept by owner</b>	Version Date: 30/06/1997

(1) The owner of a lift required to be examined under regulation 5 shall keep a register containing a report of every examination carried out on the lift.

(2) The register shall be in the form prescribed in the Schedule and each entry therein shall be signed by the person carrying out the examination.

(3) On being requested to do so by an inspector, the owner of a lift shall produce the register for inspection.

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Chapter:	59P	Title:	Factories and Industrial Undertakings (Dry Batteries) Regulations	Gazette Number:
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Regulation:	5	Heading:	Mixing rooms	Version Date:	30/06/1997
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Manganese dioxide shall be mixed, ground and sifted in a room which is not used for any other purpose.

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Chapter: 59Q	Title: FACTORIES AND INDUSTRIAL UNDERTAKINGS (GUARDING AND OPERATION OF MACHINERY) REGULATIONS	Gazette Number:
Schedule: 1	Heading: <b>DANGEROUS PARTS OF MACHINERY OR PLANT</b>	Version Date: 30/06/1997

[regulation 2]

1. Revolving shafts, couplings, spindles, mandrels, bars and flywheels.
2. In-running nips between pairs of rotating parts.
3. In-running nips of the belt and pulley type.
4. Projections on revolving parts.
5. Discontinuous rotating parts.
6. Revolving beaters, spiked cylinders and revolving drums.
7. Revolving mixer arms in casings fitted with openings.
8. Revolving worms and spirals in casings fitted with openings.
9. Revolving high-speed cages in casings fitted with openings.
10. Revolving cutting tools.
11. Reciprocating cutting tools.
12. Reciprocating press tools and dies.
13. Reciprocating needles.
14. Closing nips between platen motions.
15. Projecting belt fasteners and fast running belts.
16. Nips between connecting rods or links, and rotating wheel cranks or dies.
17. Traps arising from the traversing carriages of self-acting machines.

Chapter: 59T	Title: FACTORIES AND INDUSTRIAL UNDERTAKINGS (NOISE AT WORK)	Gazette Number:
Section: 3	Heading: <b>Assessment of noise exposure</b>	Version Date: 30/06/1997

(1) Where a proprietor's employee is likely to be exposed to a first action level or above or to a peak action level or above, the proprietor shall ensure that a person who by reason of his training and experience is competent to carry out a noise assessment makes a noise assessment which is adequate for the purposes-

- (a) of identifying which of his employees are likely to be so exposed; and
- (b) of providing him with information with regard to the noise to which his employees may be exposed that will enable him to comply with his duties under sections 4, 6, 8 and 9(1).

(2) Where there has been a significant change in the work to which the assessment relates or where the proprietor has reason to believe that the assessment is no longer adequate for the purposes referred to in subsection (1), the proprietor shall ensure that a further noise assessment is made under subsection (1).

(3) The person who carried out the assessment shall prepare an assessment report in the form, and containing the information, that the Commissioner may, by notice in the Gazette, require.

(4) Within 28 days after completing an assessment the proprietor shall send a copy of the assessment report to the Commissioner.

(5) The proprietor shall make the assessment report available at all reasonable times for inspection by an inspector.

(Enacted 1992)

Chapter:	59V	Title:	Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations	Gazette Number:	
Regulation:	4	Heading:	Doors	Version Date:	30/06/1997

- (1) Every door leading out of a notifiable workplace shall-
  - (a) be maintained in such condition that it can be readily opened and closed at any time;
  - (b) if it is a sliding door-
    - (i) be so designed as to be self-closing, by its own weight or otherwise; or
    - (ii) be connected to a counterweight by means of a fusible link which shall fuse at a temperature of not more than 68 °C thereby disconnecting the counterweight from the door so that the door will close;
  - (c) if it is not a sliding door, be kept closed by means of a self-closing mechanism which shall at all times be fully operational and maintained in good working order;
  - (d) if it is made of metal, be of solid steel with an overall thickness of not less than 3 mm; and (L.N. 210 of 1985)
  - (e) if it is made of materials other than metal-
    - (i) conform to the standards laid down in \*Tables F and G of the Third Schedule to the Building (Construction) Regulations (Cap 123 sub. leg.); or
    - (ii) be in accordance with the specifications shown in the plan approved by the Building Authority under section 14(1) of the Buildings Ordinance (Cap 123).
- (2) Every door in a notifiable workplace, other than a sliding door, shall be constructed to open outwards and shall not when open reduce the effective width of any means of escape-
  - (a) from the workplace, if the door is a door leading out of the workplace; or
  - (b) if the door is a door of a room in the workplace being a room in which more than 10 persons are employed, from the room. (L.N. 210 of 1985)
- (3) While any person employed in a notifiable workplace is within the workplace, whether such person is working or not, the doors, gates and shutters leading out of the workplace and the doors of every room in the workplace in which any such person is, shall not be locked or fastened in such a manner that they cannot be easily and immediately opened from the inside.
- (4) (Repealed L.N. 210 of 1985)

(50 of 1985 s. 9)

\* See Cap 123 sub. leg. B, 1985 Edition.

Chapter:	59V	Title:	Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations	Gazette Number:	
Regulation:	7	Heading:	Smoking	Version Date:	30/06/1997

Chapter: 59V	Title:	Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations	Gazette Number:
Regulation: 7	Heading:	Smoking	Version Date: 30/06/1997

(1) An inspector may, by notice in writing, prohibit smoking in any notifiable workplace, or in any part thereof, where any inflammable substance or any other substance or article which in his opinion involves danger from fire is present for the purposes of or in connexion with, any industrial process or operation, and the circumstances are such that smoking would give rise to a serious risk of fire.

(2) No person shall smoke in any part of a notifiable workplace in which smoking is prohibited under paragraph (1).

(3) The proprietor of a notifiable workplace in which smoking is prohibited under paragraph (1) shall take all reasonably practicable steps to ensure compliance with the prohibition and shall display in prominent positions within the workplace sufficient number of notices bearing the words and characters "NO SMOKING 不准吸煙", in letters and characters not less than 180 millimetres high. (71 of 1989 s. 13)

(4) All notices displayed in accordance with paragraph (3) shall be maintained in good condition by the proprietor.

(50 of 1985 s. 9)

Chapter: 59AA	Title: FACTORIES AND INDUSTRIAL UNDERTAKINGS (CARCINOGENIC SUBSTANCES) REGULATIONS	Gazette Number:
Regulation: 9	Heading: <b>Health Registers</b>	Version Date: 30/06/1997

(1) The proprietor of every industrial undertaking shall maintain a Health Register in respect of each person medically examined for the purpose of these regulations, in the form set out in the Schedule.

(2) The Health Register referred to in paragraph (1) shall be forwarded to the Commissioner on the cessation of the employment in the industrial undertaking of the person to whom it relates, by the proprietor of the industrial undertaking concerned.

(3) The register referred to in paragraph (1) shall be open to inspection at all reasonable times by an inspector.

(Enacted 1986)

Chapter: 59AB	Title: FACTORIES AND INDUSTRIAL UNDERTAKINGS (DANGEROUS SUBSTANCES) REGULATIONS	Gazette Number:
Schedule: 1	Heading: LISTED SUBSTANCES	Version Date: 30/06/1997

[regulations 2, 6, 7 & 8]

A reference in this Schedule to a concentration range of a substance is a reference to that substance in aqueous solution, the concentration being calculated on a weight to weight basis. An entry that refers to a salt without specifying a particular form of the salt refers to both the hydrated and anhydrous forms of that salt, if any.

1. Name of Substance	2.	3. Classification	4.	Particular Risks	Safety Precautions
Acetaldehyde	乙醛	Flammable and Irritant	易燃及刺激性	12, 36/37	2/6/8, 13, 25, 27
Acetic Acid, more than 90%	醋酸, 超過 90%	Flammable and Corrosive	易燃及腐蝕性	10, 35	13, 19, 22, 30/31/33
Acetic Acid, 25% or more but not more than 90%	醋酸, 25% 或以上, 但不超過 90%	Corrosive	腐蝕性	34	19, 20/21, 22
Acetic Anhydride	醋酸酐	Flammable and Corrosive	易燃及腐蝕性	10, 34	13, 20/21, 22
Acetone	丙酮	Flammable	易燃	11	6/8, 13, 19, 27
Acetyl Chloride	乙醯氯	Flammable and Corrosive	易燃及腐蝕性	11, 14, 34	6/7, 8, 13, 20/21, 22
Acetylene; Ethyne	乙炔	Flammable	易燃	5, 6, 11	8, 13, 27
Alcohol, Denatured (see Ethyl Alcohol)	變性酒精 (見乙醇)				
Allyl Alcohol; 2-Propen-1-ol	烯丙醇; 2-丙烯-1-醇	Flammable and Toxic	易燃及有毒	11, 26, 36/37/38	6/8, 13, 16, 19, 33, 39
Ammonia, Anhydrous	氨, 無水的	Flammable and Toxic	易燃及有毒	10, 23	6/8, 13, 21, 32
Ammonia Solution more than 35%	氨水, 含氨超過 35%	Corrosive	腐蝕性	34, 36/37/38	6, 20/21, 22

Ammonium Dichromate	重鉻酸鉍	Explosive and Irritant	爆炸性及刺激性	1, 8, 36/37/38, 43	13, 24, 29
Ammonium Fluorosilicate	氟硅酸鉍	Toxic	有毒	23/24/25	1, 16/17, 22, 38
Amyl Acetate; Pentyl Acetate	乙酸戊酯	Flammable	易燃	10	13, 19
Amyl Alcohol, Mixed Isomers, with the exception of tert-Pentanol; Pentanol	戊醇，異構體混合物，叔戊醇除外	Flammable and Harmful	易燃及有害	10, 20	13, 20/21
Aniline	苯胺	Toxic	有毒	23/24/25, 33	10, 24, 30/31, 38
Aniline, Salts of	苯胺鹽	Toxic	有毒	23/24/25, 33	10, 24, 30/31, 38
Antimony Pentachloride	五氯化銻	Corrosive	腐蝕性	34, 37	20/21, 22
Antimony Trichloride	三氯化銻	Corrosive	腐蝕性	34, 37	20/21, 22
Arsenic Compounds	砷化合物	Toxic	有毒	23/25	1, 16/17, 24, 38
Arsine	胂	Toxic	有毒	23/25	1, 16/ 17, 19, 24, 38
Barium Peroxide	過氧化鋇	Oxidizing and Harmful	助燃及有害	8, 20/22	10, 23
Benzal Chloride; <??> 叉二氯；<??> 基二氯		Irritant	刺激性	36/37/38	33
Benzylidene Chloride; $\alpha$ , $\alpha$ -Dichloro-to luene	$\alpha$ , $\alpha$ -二氯甲苯				
Benzaldehyde	苯甲醛	Flammable and Harmful	易燃及有害	10, 22	13, 20
Benzene	苯	Flammable and Toxic	易燃及有毒	11, 23/24, 39, 45	6/8, 10, 13, 20, 25
1, 3-Benzene-diol (see Resorcinol)	間苯二酚（見雷鎖酚）				
Benzoyl Chloride	苯甲酰氯	Corrosive	腐蝕性	34	20/21, 22
Benzoyl Peroxide; Dibenzoyl Peroxide	過氧化苯甲酰；過氧化二苯甲酰	Explosive and Irritant	爆炸性及刺激性	3, 36/37/38	2/6/8, 11, 13, 23, 28, 31/33
Benzyl Alcohol	（A09）醇	Harmful	有害	20, 22	22

Diethylenetri-amine; 2, 2'-Iminodiethylamine	二亞乙基三胺; 2, 2'-亞胺基二乙基胺 二乙醚	Corrosive	腐蝕性	21/22, 34, 22, 30/31/33 43	
Diethyl Ether		Flammable	易燃	12, 19	2/6/8, 13, 25, 27
Diethyl Ketone (see Pentan-3-one)	二乙基甲酮				
Dilauroyl Peroxide	過氧化二月桂醯	Oxidizing Irritant	and 助燃及刺激性	11, 36/37/38	2/6/8, 11, 13, 23, 31/33
3, 3'-Dimethoxybenzidine (see o-Dianisidine)	3, 3'-二甲基聯苯胺 (見鄰聯茴香胺)				
1, 2-Dimethoxyethane; Ethylene Glycol	1, 2-二甲基乙烷; 乙二醇 二甲基醚	Flammable and Harmful	and 易燃及有害	10, 19, 20	13, 20/21
Dimethyl Ether					
Dimethylamine	二乙基胺	Flammable and Irritant	and 易燃及刺激性	13, 36/37	8, 13, 22, 25
$\alpha$ , $\alpha$ -Dimethylbenzyl Hydroper-oxide (see Cumene Hydroper-oxide)	$\alpha$ , $\alpha$ -二甲基過氧化氫 (見枯烯)				
Dimethyldichlorosilane	二甲基二氯硅烷	Flammable and Irritant	and 易燃及刺激性	11, 36/37/38	6/8, 13, 20
Dimethyl Ether	二甲醚	Flammable	易燃	13	8, 13, 27
Dimethyl Formamide	二甲基甲醯胺	Flammable and Harmful	and 易燃及有害	10, 20/21, 36	13, 22, 24, 30
Dinitrobenzene, all Isomers	二硝基苯, 所有異構體	Toxic	有毒	26/27/28, 33	10, 24, 30/31, 39
Dinitrotoluene, all Isomers	二硝基甲苯, 所有異構體	Toxic	有毒	23/24/25, 33	10, 24, 31, 38
1, 4-Dioxan	1, 4-二噁烷	Flammable and Harmful	and 易燃及有害	11, 19, 20	6/8, 13, 27
Diphenylmethane-4, 4'-diisocyanate	二苯甲烷-4, 4'-二異氰酸酯	Harmful	有害	20, 36/37/38, 42	22, 24, 32, 39
Epichlorohydrin; 1-Chloro-2, 3-epoxypropane	表氯醇; 1-氯-2, 3-環氧丙烷	Flammable and Toxic	and 易燃及有毒	10, 26/27/28, 40	8, 10, 13, 19, 30/31/33, 39

Benzoyl Peroxide; Dibenzoyl Peroxide	過氧化苯甲醯; 過氧化二苯甲醯	Explosive and Irritant	爆炸性及刺激性	3, 36/37/38	2/6/8, 11, 13, 23, 28, 31/33
Benzyl Alcohol	(A09) 醇	Harmful	有害	20, 22	22
Benzyl Benzoate	苯甲酸 (A09) 酯	Harmful	有害	22	21
Benzyl Chloride; a Chlorotoluene	(A82) 基氯; - - 氯甲苯	Flammable and Irritant	易燃及刺激性	10, 36/37/38	13, 33
Benzylidene Chloride (see Benzal Chloride)	亞<??>基二氯 (見<??>叉二氯)				
Beryllium	鈹	Toxic	有毒	26/27, 37, 39	10, 18, 22, 24, 39
Beryllium Compounds with the exception of Aluminium Beryllium Silicates	鈹化合物, 鋁鈹 硅酸鹽除外	Toxic	有毒	26/27, 37, 39	10, 18, 22, 24, 39
Boron Trichloride	三氯化硼	Toxic	有毒	14, 26/28, 34	8, 16/17, 22, 24, 30, 39
Boron Trifluoride	三氟化硼	Toxic	有毒	14, 26, 35	8, 16/17, 22, 24, 30, 39
Bromine	溴	Corrosive	腐蝕性	26, 35	6/8, 19, 20/21, 22 25
Bromoacetic Acid	溴醋酸	Toxic	有毒	23/24/25, 35	16/17, 30/31/33, 38
Bromo-methane; Methyl Bromide	溴代甲烷; 基溴	Toxic	有毒	26	1, 6/8, 19, 20/21, 23, 39
Butane	丁烷	Flammable	易燃	13	8, 13, 27
Butanol, all Isomers, with the exception of Methyl-prop an-2-ol; Butyl Alcohols	丁醇, 所有異構體, 2-甲基丙-2-醇除外	Flammable and Harmful	易燃及有害	10, 20	13
Butanone; Ethyl Methyl Ketone; Methyl Ethyl Ketone	丁酮; 甲基乙基甲酮	Flammable	易燃	11	6/8, 13, 19, 27

Chapter:	59AC	Title:	Factories and Industrial Undertakings (Suspended Working Platforms)	Gazette Number:	
Section:	24	Heading:	<b>Keeping of records of maintenance</b>	Version Date:	30/06/1997

(1) The owner of a suspended working platform shall keep in a safe place records of maintenance carried out under this Regulation.

(2) If any suspended working platform is taken out of use, the owner shall keep the records of maintenance in a safe place for a period of at least 6 years after the date on which it was taken out of use.

(3) The owner shall ensure that the records of maintenance required to be kept under this section are available for inspection by an inspector at all reasonable times.

(Enacted 1994)

Chapter:	59AC	Title:	Factories and Industrial Undertakings (Suspended Working Platforms)	Gazette Number:	
Section:	25	Heading:	<b>Keeping and displaying of reports</b>	Version Date:	30/06/1997

(1) The owner of a suspended working platform shall keep the certificates or reports received by him in respect of any thorough examination or load test and thorough examination carried out under this Regulation for a period of 3 years after the date he received each of them.

(2) The owner shall display prominently a copy of the most recent certificate or report on the suspended working platform.

(3) If a suspended working platform is taken out of use, the owner shall keep the most recent certificates or reports in a safe place for a period of at least 2 years after the date on which it was taken out of use.

(4) The owner shall ensure that the certificates and reports required to be kept under this section are available for inspection by an inspector at all reasonable times.

(Enacted 1994)

Chapter:	59AC	Title:	Factories and Industrial Undertakings (Suspended Working Platforms)	Gazette Number:	
Section:	26	Heading:	<b>Reports or records to be furnished to inspector</b>	Version Date:	30/06/1997

The owner of a suspended working platform shall, on request in writing by an inspector, within such period (being not less than 7 days) as may be specified in the request, deliver to the inspector a copy of or an extract from any record or report required to be kept under this Regulation.

(Enacted 1994)

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Chapter:	59AD	Title:	Factories and Industrial Undertakings (Asbestos) Regulation	Gazette Number:	L.N. 429 of 1997
Section:	5	Heading:	Assessment of work	Version Date:	01/09/1997

## PART II

### IDENTIFICATION, ASSESSMENT AND NOTIFICATION

(1) A proprietor shall before carrying out any work which exposes or is liable to expose any workman to asbestos ensure that an adequate assessment of exposure or the likely exposure has been made by a person who by reason of his training and experience is competent to make that assessment.

(2) The assessment shall-

- (a)
  - (i) identify the type of asbestos to which any workman is or is liable to be exposed by analysis or otherwise; or
  - (ii) without performing the identification, assume that the asbestos involved is not chrysotile alone;
- (b) determine the nature and degree of exposure or the likely exposure; and
- (c) set out the steps that may be taken to prevent the exposure or to reduce it to the lowest level reasonably practicable.

(3) The proprietor shall keep a written record of the assessment and shall, on being requested by an inspector, produce the record for inspection.

(4) A proprietor shall ensure that a further assessment is made under subsection (1) when-

- (a) there is reason to suspect that the existing assessment is no longer valid; or
- (b) there is a significant change in the work to which the existing assessment relates.

Chapter:	59AD	Title:	Factories and Industrial Undertakings (Asbestos) Regulation	Gazette Number:	L.N. 429 of 1997
Section:	15	Heading:	Air monitoring	Version Date:	01/09/1997

(1) A proprietor shall ensure that-

- (a) the exposure of any workman in an industrial undertaking to asbestos in the air is monitored by means of an approved method where such monitoring is appropriate for the protection of the health of the workman and whenever there is a substantial change in the working conditions rendering the findings of the previous air monitoring no longer valid; and
- (b) the air monitoring required in paragraph (a) is carried out by a laboratory that is accredited for the relevant asbestos test by the Hong Kong Laboratory Accreditation Scheme (HOKLAS) managed by the Industry Department or by a scheme with which HOKLAS has a mutual recognition agreement.

(2) A record of any monitoring carried out in pursuance of subsection (1) shall be kept by the proprietor who shall, on being requested by an inspector, produce the record for inspection.

Chapter:	91	Title:	LEGAL AID ORDINANCE	Gazette Number:	79 of 1995 s. 50
Section:	18A	Heading:	<b>Charge on property recovered</b>	Version Date:	01/07/1997

- (1) Subject to this section-
- (a) the amount of a contribution to the extent that it is unpaid; and
  - (b) except where legal aid has been granted under the Supplementary Legal Aid Scheme, if the total contribution is less than the net liability of the Director on the aided person's account, a sum equal to the deficiency,
- shall be a first charge for the benefit of the Director on any property, whether situated in Hong Kong or otherwise, which is recovered or preserved for the aided person in the proceedings or in any other proceedings in respect of which the person was aided and which, in the opinion of the Director, were substantially related to or connected with the proceedings in which property was recovered or preserved. (Replaced 27 of 1991 s. 11)
- (2) The references in section 18 and in subsection (1) to the net liability of the Director on any person's account in relation to any proceedings refer to the aggregate amount of the following-
- (a) sums paid or payable by the Director on his account in respect of the proceedings to any solicitor or counsel (or, where the Director acts for a person, sums which would have been so payable if the Director had not so acted) and not recouped by the Director from sums recovered under an order or agreement for costs made in favour of that person with respect to the proceedings;
  - (b) any amount paid or payable by the Director under section 16C on behalf of that person; and (Amended 54 of 1984 s.17)
  - (c) the amount of any expenses defrayed by the Director under section 9(f) in respect of the grant of legal aid to that person.
- (3) The reference in subsection (1) to property recovered or preserved for an aided person in any proceedings shall include-
- (a) his rights under any compromise arrived at to avoid or bring to an end the proceedings and any sums recovered under an order or agreement for costs made in his favour with respect to the proceedings; and
  - (b) where the legal aid certificate granted to him in respect of the proceedings is revoked or discharged, any property subsequently recovered or preserved by or for him in the proceedings or by virtue of any compromise arrived at to avoid or bring to an end the proceedings; and (Amended 54 of 1984 s. 17)
  - (c) any property recovered for the benefit of any person on whose behalf the aided person is acting or for the benefit of any estate or fund out of which that aided person is entitled to be indemnified. (Added 54 of 1984 s. 17)
- (3A) Where the property recovered or preserved is land or an interest in land, a charge under subsection (1) shall vest in the Director who may enforce the charge in any manner which would be available to a chargee in respect of a charge given inter parts including registration under the Land Registration Ordinance (Cap 128). (Added 27 of 1991 s. 11)
- (3B) Where in any proceedings, there is recovered or preserved for the aided person property which by order of the court or the Court of Final Appeal or, under the terms of any agreement reached, is to be used as a home for the aided person or his dependants the following shall apply- (Amended 79 of 1995 s. 50)
- (a) Where the aided person wishes to use the property as a home for himself or his dependants and he agrees in writing to comply with the condition set out in paragraph (b) the Director may, if he is satisfied that the property will provide adequate security for any sum referred to in paragraph (b), agree to defer enforcing the charge over that property.
  - (b) The condition referred to in paragraph (a) is that from the date on which the charge is first registered, simple interest payable by the aided person shall accrue for the benefit of the

Director at the rate of 10% per annum or at the prescribed rate on such sum as, but for the provisions of this subsection, the Director would have retained in respect of property so recovered or preserved.

- (c) Interest payable by the aided person under paragraph (b) shall continue to accrue until the sum referred to is paid and the Director shall not seek to recover interest until such payment is made. Nothing shall prevent an aided person from making interim payments of interest or capital in respect of any sum referred to whether such payments are made at regular intervals or not and any such payment of capital shall reduce the sum accordingly except that no interim payment shall be used to reduce any sum while interest remains outstanding. (Added 27 of 1991 s. 11)

(4) The charge created by subsection (1) on any damages or costs shall not prevent a court or the Court of Final Appeal allowing them to be set off against other damages or costs in any case where a solicitor's lien for costs would not prevent it. (Amended 79 of 1995 s. 50)

(5) The charge on property under subsection (1) does not apply to-

- (a) any interim payment under an order or an agreement having the same effect as an order;
- (b) maintenance pending suit or a periodical payment under an order made in domestic proceedings, or under an agreement having the same effect as an order, for the maintenance of a child, spouse or former spouse unless the payments are for the maintenance of a spouse or former spouse and are at a rate exceeding \$4800 (or its equivalent) each month; (Amended 8 of 1997 s. 4)
- (c) where the payment of maintenance for a spouse or former spouse is payable at a rate exceeding \$4800 (or its equivalent) each month, the first \$4800 (or its equivalent) of each payment; (Amended 8 of 1997 s. 4)
- (d) the payment of arrears of maintenance except to the extent that paragraph (b) would otherwise apply; and
- (e) an amount recovered by way of employee's compensation to the extent that the charge would apply the deficiency attributable to a common law claim by the aided person arising out of the same circumstances. (Replaced 43 of 1995 s. 8)

(Added 60 of 1981 s. 2)

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Chapter:	91A	Title:	LEGAL AID REGULATIONS	Gazette Number:	
Regulation:	12	Heading:	<b>Conduct of proceedings by solicitors</b>	Version Date:	30/06/1997

(1) Every set of papers, whether delivered by the Director to a solicitor or to counsel or by a solicitor to counsel, shall be marked "Legal Aid". (L.N. 326 of 1984)

(2) Where it appears to the aided person's solicitor necessary for the proper conduct of the proceedings to take or to apply to the court for leave to take any one or more of the following steps, namely-

- (a) to add any further party to the proceedings; or
- (b) to bespeak any transcript of shorthand notes of any proceedings; or
- (c) to lodge any interlocutory appeal; or
- (d) to instruct more than one counsel; or
- (e) to set up or set off any right or claim having the same effect as a cross-action (other than a counter-claim or set-off arising out of the same transaction and capable of being pleaded as a defence), or to reply to any right or claim so set up or so set off by any other party; or
- (f) to file any counter-claim, cross-petition or cross-appeal, (L.N. 235 of 1988)

he shall (unless the certificate provides for the act in question to be done) apply to the Director for authority so to do, and no payment shall be allowed on taxation for any such step taken without the approval of the Director.

(3) The Director may give general authority to solicitors acting for aided persons in any particular class of case to obtain experts' opinion and to tender expert evidence, and if so he shall state the maximum fee to be paid for any report or opinion or expert witness.

(4) Where it appears to an aided person's solicitor necessary for the proper conduct of the proceedings either-

- (a) to obtain a report or opinion of one or more experts or to tender expert evidence in a case of a class not included in any general authority under paragraph (3); or
- (b) in a case of a class so included, to pay a higher fee than that stated by the Director or to obtain more reports or opinions or to tender more experts as witnesses than have been authorized,

he may apply to the Director for authority so to do and if the Director gives authority he shall state the maximum number of reports or opinions that may be obtained or the maximum number of persons who may be tendered to give expert evidence and the maximum total fee to be paid therefor.

(5) Save as provided by this regulation, no payment shall be made for the report or opinion of an expert or for expert's evidence tendered by or on behalf of an aided person.

(6) Where it appears to the aided person's solicitor necessary for the proper conduct of the proceedings for an act to be done, but that act is either unusual in its nature or involves unusually large expenditure, he shall request the Director's prior approval of the act, and, where such prior approval has been obtained, no question as to the propriety of the act shall be raised on taxation as between solicitor and client. (L.N. 326 of 1984)

(7) Without prejudice to the right of solicitor or counsel to give up a case for good reason, any solicitor or counsel may give up an aided person's case if, in his opinion, the aided person has required the proceedings to be conducted unreasonably so as to incur an unjustifiable expense to the Director or has required unreasonably that the proceedings be continued.

(8) Where any solicitor or counsel exercises the right to give up an aided person's case-

- (a) under the provisions of paragraph (7); or
- (b) on the ground that the aided person has wilfully failed to provide the information to be furnished by him or in furnishing such information has knowingly made a false representation,

the solicitor or counsel shall make a report to the Director of the circumstances in which that right was exercised.

(9) An aided person's solicitor shall give the Director such information regarding the progress and disposal of proceedings to which the certificate relates as the Director may from time to time require for the purpose of performing his functions under the Ordinance and without prejudice to the generality of the preceding words, a solicitor who has acted or is acting for an aided person, on being satisfied that the aided person has died or has had a receiving order made against him, shall report the facts to the Director.

(10) A solicitor shall not be precluded, by reason of any privilege arising out of the relationship between solicitor and client from disclosing to the Director any information or from giving any opinion which may enable the Director to perform his functions under the Ordinance.

(11) The Director may at any time, while a certificate is in force, pay to the aided person's solicitor such sums as the Director may approve for disbursements to be made by the solicitor in respect of the proceedings to which the certificate relates. Where such approval is obtained, no question shall be raised on taxation as between solicitor and client as to the propriety of any disbursements made in accordance with such approval. (L.N. 56 of 1967)

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Chapter:	97	Title:	NEW TERRITORIES	Gazette Number:	25 of 1998 s. 2
Section:	13	Heading:	<b>Court of First Instance or the District Court may enforce Chinese customs</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) Subject to subsection (2), in any proceedings in the Court of First Instance or the District Court in relation to land in the New Territories, the court shall have power to recognize and enforce any Chinese custom or customary right affecting such land. (Amended 1 of 1953 Fourth Schedule; 55 of 1994 s. 10; 25 of 1998 s. 2)

(2) In subsection (1), "proceedings" (法律程序) does not include proceedings in respect of or in relation to the Probate and Administration Ordinance (Cap 10), the Intestates' Estates Ordinance (Cap 73) or the Inheritance (Provision for Family and Dependents) Ordinance (Cap 481). (Added 55 of 1994 s. 10. Amended 58 of 1995 s. 27)

Chapter:	97	Title:	NEW TERRITORIES	Gazette Number:	29 of 1998 s. 105
Section:	15	Heading:	<b>Registration of manager of "t'ong", etc.</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

Whenever any land is held from the Government under lease or other grant, agreement or licence in the name of a clan, family or t'ong, such clan, family or t'ong shall appoint a manager to represent it. Every such appointment shall be reported at the appropriate New Territories District Office of the City and New Territories Administration, and the Secretary for Home Affairs on receiving such proof as he may require of such appointment shall, if he approves thereof, register the name of the said manager who shall, after giving such notices as may be prescribed, have full power to dispose of or in any way deal with the said land as if he were sole owner thereof, subject to the consent of the Secretary for Home Affairs, and shall be personally liable for the payment of all rents and charges and for the observance of all covenants and conditions in respect of the said land. Every instrument relating to land held by a clan, family or t'ong, which is executed or signed by the registered manager thereof in the presence of the Secretary for Home Affairs and is attested by him, shall be as effectual for all purposes as if it had been executed or signed by all the members of the said clan, family or t'ong. The Secretary for Home Affairs may on good cause shown cancel the appointment of any manager and select and register a new manager in his place. If the members of any clan, family or t'ong holding land do not within 3 months after the acquisition of the land make and prove the appointment of a manager, or within 3 months after any change of manager prove the appointment of a new manager, it shall be lawful for the Government to re-enter upon the land held by such clan, family or t'ong, which shall thereupon become forfeited. Such re-entry shall be effected by the registration of a memorial thereof in the appropriate New Territories Land Registry.

(Amended 50 of 1911 s. 4; 51 of 1911; 12 of 1912 Schedule; 13 of 1912 Schedule; 33 of 1939 Schedule; 20 of 1948 s. 4; 8 of 1993 ss. 2, 3 & 12; 29 of 1998 s. 105)

Chapter:	102	Title:	WATERWORKS ORDINANCE	Gazette Number:	29 of 1998 ss. 23 & 105
Section:	2	Heading:	<b>Interpretation</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 29 of 1998 ss. 23 & 105

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- In this Ordinance, unless the context otherwise requires-
- "agent" (代理人) means a person who is approved under section 7 as an agent of a communal service;
- "charge" (收費) means any charge for water, any fee, the cost of repairs or other works carried out by the Water Authority under section 17, and any other charge, including a surcharge, which is payable under this Ordinance;
- "communal service" (公用供水系統) means that part of a fire service or inside service which is used in common by more than one consumer in the same premises;
- "connection to the main" (總水管接駁裝配) means the pipe between the main and the control valve which is nearest to the main and which regulates the flow of a supply from the main into a fire service or inside service, such control valve and all fittings between such control valve and the main;
- "consumer" (用戶) means a person who is approved under section 7 as a consumer of a fire service or inside service;
- "consumption" (用水量) means the supply obtained;
- "deposit" (按金) means a deposit under section 19;
- "domestic purpose" (住宅用途) means a purpose connected solely with the occupation of a dwelling-house and does not include a purpose connected with a garden, lawn, playground or swimming pool appurtenant to a dwelling-house;
- "fire service" (消防供水系統) means the pipes and fittings in premises, and any pipes and fittings between the premises and a connection to the main, which are used or are intended to be used for a supply solely for the purposes of fire fighting;
- "fitting" (裝置) means-
- (a) any apparatus, cistern, cock, equipment, machinery, material, tank, tap and valve; and
  - (b) any appliance or device other than a meter, which is installed or used in a fire service or inside service;
- "gathering ground" (集水區) means any surface of land-
- (a) in or by which rain or other water is collected and from which water is, or is intended to be, drawn for the purposes of a supply; and
  - (b) which is mapped as a gathering ground under section 23;
- "inside service" (內部供水系統) means the pipes and fittings in premises, and any pipes and fittings between the premises and a connection to the main, (other than the pipes and fittings forming part of a fire service) which are used or are intended to be used for the purposes of a supply;
- "land held by the Government" (政府持有土地) means land which is not-
- (a) leased land; or
  - (b) occupied under-
    - (i) a licence issued under section 5 of the Land (Miscellaneous Provisions) Ordinance (Cap 28);
    - (ii) a licence or permit granted or issued under any other Ordinance; or
    - (iii) a deed or memorandum of appropriation; (Amended 29 of 1998 s. 23)
- "leased land" (已批租土地) means land which is-
- (a) held under a Government lease; or (Amended 29 of 1998 s. 105)
  - (b) vested in a person by an Ordinance;

"licensed plumber" (持牌水喉匠) means a person licensed under this Ordinance to construct, install, maintain, alter, repair or remove fire services or inside services; (Amended 81 of 1992 s. 2)

"main" (總水管) includes a connection to the main and any pipe owned by the Government and maintained by the Water Authority for the purposes of a supply;

"meter" (水錶) means an appliance or device owned by the Government and maintained by the Water Authority for the purpose of measuring consumption;

"premises" (處所) means any building or structure or any part thereof and any place-

(a) in which there is a fire service, inside service or any part of the waterworks; or

(b) in which a fire service or inside service is intended to be constructed or installed;

"public standpipe" (公眾街喉) means a standpipe owned by the Government and established by the Water Authority under section 13;

"supply" (供水) means a supply of water provided by the Water Authority from the waterworks;

"Water Authority" (水務監督) means the Director of Water Supplies; (Amended L.N. 76 of 1982)

"waterworks" (水務設施) means any property occupied, used or maintained by the Water Authority for the purposes of this Ordinance and any gathering ground.

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Chapter: 102A	Title: WATERWORKS REGULATIONS	Gazette Number:
Schedule: 2	Heading:	Version Date: 30/06/1997

[regulation 19]

## PART I

### PIPES AND FITTINGS

1. (1) Pipes on a fresh water fire service shall be made of cast iron, steel or copper.  
(2) Pipes and fittings on a salt water fire service shall be made of such material as the Water Authority, in consultation with the Director of Fire Services, thinks fit.  
(3) Pipes on a fresh water inside service shall be made of cast iron, unplasticized P.V.C., polybutylene, steel, copper, polyethylene, crosslinked polyethylene or chlorinated polyvinyl chloride. (L.N. 673 of 1994)  
(4) Pipes on a salt water inside service shall be made of cast iron or unplasticized P.V.C. (L.N. 320 of 1992)
2. No pipe shall be less than 20 mm diameter, except that a branch pipe may be 15 mm diameter if the pipe run is short and the pipe supplies only one draw-off point.
3. No bend or curve shall be made in any pipe so as to diminish the waterway or alter the internal diameter of the pipe in any part.
4. Changes of direction for a pipe of less than 40 mm diameter shall be effected by slow bends and no elbows shall be used.
5. (a) Cast iron pipes shall comply with BS 4622 for grey iron pipe and with BS 4772 for ductile iron pipe, except that they may incorporate a mechanical or automatic joint of approved design.  
(b) Cast iron pipes to BS 4622 and ductile iron pipes to BS 4772 shall be of a class appropriate to the duty required.
6. (Repealed L.N. 320 of 1992)
7. Cast iron fittings for use with cast iron pipes shall comply with BS 4622 for grey iron fittings and with BS 4772 for ductile iron fittings, except that they may incorporate a mechanical joint of approved design. Fittings shall be of a class appropriate to the duty required. (L.N. 320 of 1992)
8. (Repealed L.N. 252 of 1977)
9. Steel pipes shall-
  - (a) be galvanized;
  - (b) comply with BS 1387 for 'Medium' tubes and tubulars; and
  - (c) if on a fresh water inside service, be lined with internal unplasticized polyvinyl chloride or polyethylene lining approved by the Water Authority. (L.N. 673 of 1994)
10. Malleable cast iron fittings for use with steel pipes shall be galvanized and shall comply with BS 143 and 1256 for malleable cast iron and cast copper alloy pipe fittings. (L.N. 320 of 1992)

11. Wrought fittings of iron or steel for use with steel pipes shall be galvanized and shall comply with BS 1740, Part 1 for wrought iron pipe fittings. (L.N. 320 of 1992)
12. Unplasticized P.V.C. pipes and fittings shall comply with BS 3505 for Class 'D' tubes or equivalent.
13. Copper pipes incorporating screw joints shall comply with BS 2871, Part 2, for copper tubes (heavy gauge) for general purposes and screw thereof shall comply with BS 61, for screw threads for copper tubes.
14. (Repealed L.N. 320 of 1992)
15. Cast copper alloy fittings, for copper pipes screwed in accordance with Table 1 of BS 61, shall comply with the relevant requirements of BS 143 and 1256 for malleable cast iron and cast copper alloy pipe fittings. (L.N. 320 of 1992)
16. Copper pipes to be jointed with compression fittings or capillary fittings or by bronze or autogenous welding shall comply with BS 2871, Part 1.
17. Capillary fittings or compression fittings shall comply with BS 864, Parts 2 for capillary and compression fittings of copper and copper alloy and compression fittings for pipes laid under the ground shall be Type B. (L.N. 320 of 1992)
18. Polybutylene pipes and fittings shall comply with BS 7291 Parts 1 and 2. (L.N. 673 of 1994)
19. Polyethylene pipes shall comply with BS 6730 and BS 6572. (L.N. 673 of 1994)
20. Crosslinked polyethylene pipes and fittings shall comply with BS 7291 Parts 1 and 3. (L.N. 673 of 1994)
21. Chlorinated polyvinyl chloride pipes and fittings shall comply with BS 7291 Parts 1 and 4. (L.N. 673 of 1994)

(L.N. 252 of 1977)

## PART II

### TAPS AND VALVES

1. Draw-off taps and stop valves of the ordinary screw-down pattern and of nominal size not exceeding 50 mm shall comply with BS 1010, Part 2 for draw-off taps and stop valves.
2. Draw-off taps and stop valves not being of the ordinary screw-down pattern, shall be capable of resisting a pressure of at least 2000 kPa, and every valve, spindle, and other internal part and, where the nominal size of the tap or valve does not exceed 50 mm, the body thereof, shall be made of a corrosion resisting alloy.
3. Sluice valves of nominal size of 50 mm or more shall comply with BS 5163 for sluice valves for waterworks purposes of PN 10 or PN 16 according to the pressure to which the valve will be liable to be subjected under working conditions.
4. (1) Ball valves of the "Piston" type and of a nominal size not exceeding 50 mm shall comply with BS 1212, Part 1 for ball valves and shall comply with the following requirements-

- (a) valves shall be provided with a washer of suitable vulcanized rubber or some other equally suitable material and the washer shall be enclosed in an internally flanged cap screwed to the piston;
    - (b) the body and piston shall be of a corrosion-resisting alloy, and the lever shall be of a corrosion-resisting alloy or of copper and shall be of sufficient rigidity not to bend permanently under working conditions. (L.N. 320 of 1992)
  - (2) Ball valves not being of the "Piston" type shall be sound and suitable and comply with the following requirements-
    - (a) high pressure valves shall close against a test pressure of 1400 kPa, medium pressure valves against a test pressure of 700 kPa, low pressure valves against a test pressure of 300 kPa; and the valves, not being valves having an interchangeable orifice seating, shall have the letters "H.P.", "M.P." or "L.P." respectively cast or stamped on the body of the fitting, and shall, while held in a closed position, be capable of resisting a pressure of 2000 kPa;
    - (b)-(c) (Repealed L.N. 320 of 1992)
    - (d) valves of ferrous metal of a nominal size exceeding 50 mm shall be provided with a flange on their inlets complying with BS 4504, Part 1, Table 16, shall be protected against corrosion by dipping in accordance with the requirements of BS 4164 or by galvanizing in accordance with the requirements of BS 1387 and shall have all their working surfaces lined or faced with, and its orifice seating of, a corrosion-resisting alloy.
  - (3) Ball valve floats of a nominal outside diameter not exceeding 300 mm shall comply with BS 1968 for copper floats or with BS 2456 for plastic floats.
  - (4) Ball valves when fixed to a cistern shall have the size of the orifice, the size of the float and the length of the lever so proportioned to one another that, when the float is immersed to an extent not exceeding half its volume, the ball valves shall be watertight against the highest pressure at which it may be required to work.
5. Ball valves or float-operated valves fitted to storage cisterns shall be securely and rigidly fixed thereto above the water-line, and shall be supported independently of the inlet pipe (unless such inlet pipe is itself rigid and rigidly fixed to the cistern), in such a position that no part of the body of the valve will be submerged when the cistern is charged to overflowing level.
6. Where a ball valve or float-operated valve provided with a pipe so arranged as to discharge water into a cistern below its overflowing level, an air hole shall be provided in the outlet chamber of the valve above such level of a size sufficient to prevent siphonage of water back through the valve.
7. No ball valve shall be fitted to a storage cistern to contain heated water.
8. Gate valves shall comply with BS 5154 for copper alloy gate valves for general purposes.
9. Fitting with threaded outlets, or any device facilitating the connecting of rubber or other type flexible hose, shall not be permitted, except with the written permission of the Water Authority.
10. Draw-off taps, valves and valve floats for use with salt water shall, where applicable, comply with the British Standard and other requirements for such fittings for use with fresh water and shall, in addition, be manufactured from materials capable of withstanding the corrosive effect of salt water.
11. No draw-off tap or valve shall be installed or used unless it has been tested in accordance with regulation 21 or otherwise approved by the Water Authority. (L.N. 320 of 1992)

(L.N. 252 of 1977)

### PART III

## COLD WATER STORAGE CISTERNS

1. No cistern for the storage of cold water shall be installed or used except with the permission in writing of the Water Authority who shall specify the maximum permitted capacity.
2. Every cistern shall be watertight, of adequate strength, properly supported and shall be constructed of concrete, galvanized mild steel or other approved material. (L.N. 320 of 1992)
3. A cistern of mild steel not exceeding 5000 litres capacity shall comply with BS 417, Part 2 for galvanized mild steel cisterns.
4.
  - (a) Every cistern shall be located so as to minimize the risk of contamination of the stored water and shall be fitted with suitable close fitting lockable covers which shall not be air-tight. Covers shall be positioned so as to facilitate inspection and cleaning.
  - (b) Where a storage cistern for non-potable water is placed adjoining to a storage cistern for potable water there shall be an air space between such storage cisterns.
5. Cisterns shall be fitted with a ball valve controlled inlet in the case of a gravity supply or with an automatic control switch in the case of a pumped supply. The ball valve or control switch shall shut off the supply when the water level is 25 mm below the invert of the overflow pipe. The invert 25 mm above of the inlet pipe or the face of the outlet nose of the ball valve shall be not less the top of the overflow pipe.
6. An overflow pipe of one commercial size larger than the inlet pipe, and in no case less than 25 mm diameter, shall be fitted to each cistern and shall be extended to terminate in a conspicuous position. No overflow pipe shall be connected to a drain, sewer or to the overflow pipe from any other cistern.
7. A stop valve shall be provided on the outlet of every cistern and provision shall be made for a drain-off pipe to enable the cistern to be emptied.
8. No cistern for the storage of fresh water supplied from the waterworks shall, without the written permission of the Water Authority, be so connected that it can be used for the storage of any water other than that supplied from the waterworks.
9. Every cistern shall be installed so that it is easily accessible for cleaning or repair. Where a cistern is installed inside a building and, due to limited headroom available, it is fixed with limited clearance from the ceiling or underside of the roof, a quickly detachable fitting must be used to enable it to be easily removed for cleansing and repair.
10. Safe access shall be provided to all cisterns by means of a secure permanent ladder or readily available portable ladder.

(L.N. 252 of 1977)

## PART IV

### WATER HEATERS

1.
  - (1) Subject to subparagraph (2), a water heater shall be supplied with water from a cold water storage cistern.
  - (2) The following type of water heaters may, with the written permission of the Water Authority, be connected direct to a main-

- (a) non-pressure type water heaters where no restriction of flow can be effected beyond the inlet control valve;
  - (b) cistern type water heaters;
  - (c) instantaneous water heaters where the guaranteed test pressure of the water heater is at least 1 1/2 times the static head available at the water heater;
  - (d) electric water heaters of the thermal storage type-
    - (i) having a storage capacity not exceeding 200 litres;
    - (ii) having a guaranteed test pressure at least 1 1/2 times the static head available at the water heater; and
    - (iii) not being provided with an individual expansion pipe but complying with paragraph 11. (L.N. 286 of 1990)
- (3) Where a water heater is connected direct to a main-
- (a) every draw-off point of the water heater shall be not less than 15 mm above the lowest part of the top edge of the receptacle supplied from the water heater;
  - (b) if it is a water heater burning gas, the construction of the water heater shall be such that no leakage of gas into the water can occur;
  - (c) if it is a water heater using electricity, the construction of the water heater shall be according to the relevant British Standards.

2. Where mixing valves, showers or water blenders are installed, the cold water supply to these fittings shall be from the same cold water storage cistern or main that supplies the water heater and the installation shall be such that the hot water flow will stop before that of the cold water in the event of a failure in the water supply.

3. Every water heater of the thermal storage type, other than an electric water heater of the type specified in paragraph 1(2)(d), shall be provided with an individual expansion pipe taken from its highest point and shall continuously rise without obstruction until it discharges to atmosphere above the storage cistern at a sufficient height to prevent a constant out-flow of hot water therefrom. (L.N. 286 of 1990)

4. No tap or other means of drawing off water (other than a screwed plug with a removable key for emptying the system for cleansing or repair) shall be connected to any part of the hot water system below the top of the hot water cylinder in such a way that the level of the water in the cylinder can be lowered.

5. No tap used for the purpose of drawing hot water shall be fixed at a greater distance (measure along the axis of the pipe by which the tap is supplied) from a water heater or hot water cistern, cylinder or tank, or from a flow and return system, than the distance appropriate to the largest internal diameter of any part of the said pipe as shown in the following table-

TABLE

	Largest internal diameter of pipe	Distance in metres
(a)	Not exceeding 20 mm .....	12
(b)	Exceeding 20 mm but not exceeding 25 mm .....	8
(c)	Exceeding 25 mm .....	3

6. A loose jumper type valve shall be fitted on the inlet of every water heater if a non-return valve is not incorporated in such water heater; but this requirement does not apply to an electric water heater of the thermal storage type that is not provided with an individual expansion pipe. (L.N. 286 of 1990)

7. Pipes used for conveying hot water shall be of galvanized steel, copper, or of some corrosion-resisting alloy:  
 Provided that cast iron pipes of not less than 50 mm internal diameter may be used if suitable

provision for their expansion is made. (L.N. 320 of 1992)

8. Every hot water cylinder or tank of a capacity of not less than 100 litres shall-
- (a) if made of mild steel, comply with the requirements for cylinders or tanks, as the case may be, of BS 417, Part 2 for galvanized mild steel cisterns, tanks and cylinders or with BS 1565, Part 2 for galvanized mild steel indirect cylinders; and
  - (b) if made of copper, comply with BS 699 for copper cylinders for domestic purposes or with BS 1566, Parts 1 and 2 for copper indirect cylinders.

9. Every water heater of thermal storage type or the calorifier type shall comply with the requirements of BS 843 for stationary non-instantaneous electric water heater or with BS 853 for hot water calorifiers respectively.

10. (Repealed L.N. 320 of 1992)

11. Every electric water heater of the thermal storage type that is not of the type described in paragraph 1(2)(a) and is not provided with an individual expansion pipe shall be fitted with-

- (a) a thermostat with a maximum setting temperature of 80°C to control the heating of the stored water;
- (b) a thermal cut-out complying with BS 3955 and set at 85°C to cut off the supply of electricity if the stored water is heated above that temperature, the device being wired in series with the thermostat and requiring manual re-setting that is only possible when the enclosure of the water heater is dismantled; and
- (c) either-
  - (i) (A) a non-resettable temperature relief valve complying with BS 6283, having a set temperature of 90°C, and being provided with manual test easing gear; and
  - (B) a pressure relief valve complying with BS 6283, having a set pressure not greater than the maximum designed pressure of the water heater or than 1000 kPa, and being provided with manual test easing gear; or
  - (ii) a non-resettable temperature and pressure relief valve complying with the requirements of BS 6283, having a set temperature of 90°C and a set pressure not greater than the maximum designed pressure of the water heater or than 1000 kPa, and being provided with manual test easing gear. (L.N. 286 of 1990)

12. Every system incorporating an electric water heater of the thermal storage type shall be provided with-

- (a) a supply pipe that branches off from the feed pipe at a point above the top of the water heater, or some other device to prevent the water from draining down from the water heater if there is a failure at the source of water supply;
- (b) an anti-vacuum valve complying with BS 6282 or some other device to prevent heated water from being syphoned back to the supply pipe; and
- (c) a vessel to accommodate the expansion of heated water where that expansion is constrained by a non-return valve, or a similar device, incorporated at the inlet of the water heater. (L.N. 286 of 1990)  
(L.N. 252 of 1977)

## PART V

### FLUSHING APPARATUS

1. Every flushing cistern shall be of the valveless syphonic type unless otherwise approved by the Water Authority. A stop valve shall be fixed in a readily accessible position so as to control the supply to the cistern.
2. Flushing cisterns for water-closet fitments and slop sinks shall be capable of giving a flush of not less than 9 litres and not more than 15 litres of water on each occasion such fitment is used.
3. The capacity of the flushing cistern in the case of trough water-closets and urinals shall be approved by the Water Authority subject to the discharge in the case of trough water-closets being not less than 9 litres of water for every metre of the channel and the discharge in the case of urinals being not less than 4.5 litres of water for every basin or stall, or in the case of a trough urinal, every metre thereof.
4. The internal diameter of flushing pipes shall-
  - (a) in the case of water-closet fitments, trough water-closets and slop sinks, be not less than 30 mm;
  - (b) in the case of urinals (other than trough urinals), be not less than 15 mm for each basin and stall; and
  - (c) in the case of trough urinals, be not less than 15 mm for every metre thereof.
5. Every flushing apparatus shall be operated by hand, except in cases where written permission from the Water Authority has been granted for the installation of automatic flushing. In such cases the method of control and the amount and frequency of the flushes shall be decided by the Water Authority.
6. Every flushing cistern operated by hand shall be provided with a ball valve so arranged as to refill the cistern within 2 minutes.
7. Flushing cisterns shall in all cases be supplied from storage cisterns and such storage cisterns shall not be used to supply any other apparatus, appliance or fitting. Every such cistern shall be fitted with a suitable close fitting cover and provided with adequate access to enable the cistern to be entered and cleaned.
8. Every flushing cistern shall have an overflow which shall discharge in a conspicuous position.
9. Flushing apparatus without flushing cisterns shall not be used.

(L.N. 252 of 1977)

## PART VI

### BATHS, LAVATORY BASINS AND SINKS

1. Every inlet to a bath, lavatory basin or sink shall be distinct from, and unconnected with, any outlet therefrom and every outlet for emptying such bath, lavatory basin or sink shall be provided with a well-fitting and easily accessible watertight plug or some other equally suitable apparatus.
2. The level of the point of discharge of hot or cold water to a bath, lavatory basin or sink shall be above the level of the overflow, or if there be no overflow, of the top edge of the bath, basin or sink.
3. The water supply to any bidet, sitz bath, slop or sluicing sink or similar apparatus, shall, if the inlet is liable to be submerged, be provided by-
  - (a) a storage cistern supplying water to such apparatus only;
  - (b) a storage cistern for flushing purposes only; or
  - (c) a hot water distribution system supplying such apparatus only.

4. All taps supplying baths, lavatory basins, sinks or similar apparatus shall have a stop valve fixed in a readily accessible position to control the supply to each fitting or branch pipe supplying a range of fittings.

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Note: Section 6 of L.N. 176 of 1996 reads as follows-

"6. Transitional

Notwithstanding anything in this Regulation the charges in force under regulation 46 of the principal Regulations immediately before 1 July 1996 shall apply in relation to any bill of charges for a period of supply which includes 30 June 1996."

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Chapter:	113	Title:	HOSPITAL AUTHORITY ORDINANCE	Gazette Number:	
Schedule:	3	Heading:	<b>PROVISIONS WITH RESPECT TO THE AUTHORITY AND COMMITTEES AND THEIR MEMBERS</b>	Version Date:	30/06/1997

[sections 3(5), 6(2)(c), 13(3) & (4),  
14(b) & 20]

1. Interpretation

In this Schedule-

"Director of Operations" (執行總監) means the principal officer appointed by the Authority to be the Director of Operations for the Authority;

"Hospital Chief Executive" (醫院行政總監), in relation to a public hospital, means the person appointed by the Authority to be the Hospital Chief Executive for the public hospital;

"teaching hospital" (教學醫院) means the Prince of Wales Hospital or the Queen Mary Hospital where such hospital is a public hospital.

2. Terms and conditions of appointment of Chairman

The Governor shall determine the terms and conditions of appointment of the Chairman.

3. Employment of principal officers

(1) The Authority shall determine the terms and conditions of employment of the principal officers but shall obtain the approval of the Governor to any proposed employment of a principal officer (including the terms and conditions thereof) and to any suspension or dismissal of the principal officers.

(2) A principal officer shall, on behalf of the Authority, perform such functions and exercise such powers as the Authority assigns, or delegates under section 6, to him.

(3) A principal officer shall not without the permission of the Chairman take part in any deliberation of the Authority which concerns the terms of his own employment, suspension or dismissal and shall not vote on any question concerning those matters.

4. Terms of appointment of members

(1) Subject to paragraphs 2, 3 and 7 and subparagraph (2), a member of the Authority shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment.

(2) Any member of the Authority, not being a public officer, shall be appointed for a term not exceeding 3 years.

(3) A member of the Authority appointed under section 3(3)(a) or (d) may at any time by notice in writing to the Governor resign his office.

5. Members of Authority to disclose interests in respect of certain contracts

(1) A member of the Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by-

(a) the Authority;

(b) an employee, agent or a partner of the Authority; or

(c) a body corporate established by the Authority, shall disclose the nature of his interest at a meeting of the Authority

(2) The Authority shall record the disclosure in the minutes of the meeting of the Authority

(3) A member who has an interest in a contract referred to in subparagraph (1)-

- (a) shall not without the permission of the Chairman or other member presiding take any part in any deliberation of the Authority with respect to that contract; and
  - (b) shall not in any event vote on any matter concerning it.
- (4) For the purposes of subparagraph (1), a member may give a notice in writing at a meeting of the Authority to the effect that he is a member of a company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm and the notice shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.
- (5) A member of the Authority need not attend in person at a meeting of the Authority to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.
- 6. Fees and allowances payable to members of Authority
  - (1) The Authority may pay its members such fees and allowances as the Secretary for Health and Welfare, after consulting with the Secretary for the Treasury, determines.
  - (2) The provisions of this paragraph shall not apply to any member of the Authority who is a public officer.
- 7. Governor may in certain circumstances declare office of member of Authority to be vacant

If the Governor is satisfied that a member of the Authority appointed under section 3(3)(d)-

  - (a) has been absent from 3 consecutive meetings of the Authority without the permission of the Authority;
  - (b) has become bankrupt or made an arrangement with his creditors;
  - (c) is incapacitated by physical or mental illness; or
  - (d) is otherwise unable or unfit to discharge the functions of a member,

the Governor may declare his office as a member of the Authority to be vacant, and shall notify the fact in such manner as the Governor thinks fit; and upon such declaration the office shall become vacant.
- 8. Quorum of Authority, etc.
  - (1) The quorum of the Authority shall be not less than half the members thereof for the time being but, in any case, not less than 10 and, while a member is disqualified from taking part in a decision or deliberation of the Authority in respect of a matter, he shall be disregarded for the purpose of constituting a quorum of the Authority for deciding, or deliberating on, that matter.
  - (2) All matters for determination at a meeting of the Authority shall be decided by a majority of votes of the members present and voting and where there is an equality of votes the Chairman or other member presiding shall have a casting vote in addition to his original vote.
- 9. Procedure of Authority

Subject to the provisions of this Schedule, the Authority shall have power to regulate its own procedure including the manner in which decisions of the Authority may be made by a quorum of its members otherwise than at a meeting of the Authority.
- 10. Employees, etc. of the Authority
  - (1) Subject to paragraph 3(1), the Authority shall determine-
    - (a) the remuneration, and the terms and conditions of employment, of its employees; and
    - (b) the standards of work and conduct of its employees, and matters relating to their suspension or dismissal from office.
  - (2) The Authority shall determine the remuneration and the terms and conditions of engagement of technical and professional advisers, and the manner of their engagement.
  - (3) The Authority may-
    - (a) grant, or make provision for the grant of, pensions, gratuities and retirement benefits to

- employees;
- (b) provide other benefits for the welfare of employees and their dependants;
- (c) authorize payments, whether or not legally due, to the personal representatives of a deceased employee or to any person who was dependent on such employee at his death; and
- (d) pay to the Government amounts representing the cost of pensions, allowances, gratuities, or pension benefits payable by the Government pursuant to section 5 of the Pensions (Special Provisions) (Hospital Authority) Ordinance (Cap 80) in respect of service under the Authority rendered by persons transferred from service under the Government to service under the Authority. (Amended 4 of 1992 s. 7)
- (4) The Authority may-
  - (a) establish, manage and control; or
  - (b) enter into an arrangement with the Government, any company or association for the establishment, management and control by the Government, that company or association either alone or jointly with the Authority of, (Amended 4 of 1992 s. 7) any fund or scheme for the purpose of providing for the pensions, gratuities, benefits and payments referred to in subparagraph (3).
- (5) The Authority may make contributions to and may require employees to make contributions to any fund or scheme referred to in subparagraph (4).
- (6) In this paragraph "employees" (僱員) includes any class of employee which the Authority specifies and in subparagraph (3) includes former employees.

#### 11. Members of Regional Advisory Committee

The Authority shall appoint to a Regional Advisory Committee established for a region-

- (a) a chairman of the Regional Advisory Committee who-
  - (i) is a member of the Authority referred to in section 3 (3)(d); and
  - (ii) is not the chairman of another Regional Advisory Committee;
- (b) the Director of Operations or his representative;
- (c) the Director of Health or his representative;
- (d) 1 representative of each public hospital in the region;
- (e) where a region contains a teaching hospital, 1 representative of the university concerned; and
- (f) not more than 10 other members whom the Authority considers have suitable attributes or qualifications (in particular, involvement in community or district organizations) to serve the Regional Advisory Committee.

#### 12. Functions of Regional Advisory Committee

A Regional Advisory Committee established for a region shall-

- (a) advise the Authority on planning to meet the need for hospital services and the provision of specific services in particular public hospitals in the region having regard to the relationship between health services provided by the Department of Health, and hospital services, in the region;
- (b) review the performance of particular public hospitals in the region;
- (c) monitor public opinion and review the pattern of any complaints about hospital services in the region and suggest improvements to the provision of hospital services in the region;
- (d) advise the Authority and public hospitals in the region on the allocation of resources within the region; and
- (e) advise the Authority on any specific matters relating to the region at the request of the Authority.

#### 13. Members of Hospital Governing Committee established for teaching hospital

(1) The Authority shall appoint to a Hospital Governing Committee established for a teaching hospital-

- (a) the Director of Operations or his representative;
- (b) the Hospital Chief Executive;
- (c) 1 representative, not being a public officer or member of the staff of the Authority, of the Regional Advisory Committee, if any, established for the region in which the teaching hospital is situated;
- (d) 2 representatives of the medical faculty of the university concerned; and
- (e) 2 members whom the Authority considers, because of their expertise in administration and management, interests in health services, or involvement in community or district organizations, have suitable attributes or qualifications to serve the Hospital Governing Committee.

(2) The Authority shall appoint the chairman of a Hospital Governing Committee referred to in subparagraph (1) from one of the members appointed under subparagraph (1)(c) or (e). (Amended 80 of 1997 s. 102)

14. Functions of Hospital Governing Committee established for teaching hospital

A Hospital Governing Committee established for a teaching hospital shall-

- (a) oversee the management of the teaching hospital and monitor its overall efficiency and cost-effectiveness to ensure that the hospital services and teaching requirements are met having regard to the overall needs of the public; and
- (b) having regard to the functions of the Authority, provide policy guidance to the Hospital Chief Executive on ways to optimise the utilization of the hospital beds, staff and equipment of the teaching hospital and improve the teaching.hospital environment to ensure the provision of hospital services of the highest possible standard within the resources obtainable.

15. Members of Hospital Governing Committee established for public hospital which is a prescribed hospital specified in Schedule 2

The Authority shall appoint to a Hospital Governing Committee established for a public hospital which is a prescribed hospital specified in Schedule 2-

- (a) a chairman, for which purpose the Authority shall consult with the governing body of the prescribed hospital;
- (b) the Director of Operations or his representative;
- (c) the Hospital Chief Executive;
- (d) such number of members as is agreed between the Authority and the governing body of the prescribed hospital and nominated by the governing body; and
- (e) not less than 3 other members.

16. Functions of Hospital Governing Committee established for public hospital other than teaching hospital

A Hospital Governing Committee established for a public hospital other than a teaching hospital shall-

- (a) advise the Authority of the needs of the public hospital to provide hospital services to the public and of the resources required to meet those needs; and
- (b) oversee the management of the public hospital in ways which are conducive to achieving the following objectives-
  - (i) to optimize the utilization of hospital beds, staff and equipment to ensure the public hospital provides hospital services of the highest possible standard within the resources obtainable;
  - (ii) to improve the public hospital environment for the benefit of patients; and
  - (iii) to attract, motivate and retain qualified staff.

17. Members of committee to disclose interests in respect of certain contracts

(1) A member of a committee who is in any way directly or indirectly interested in a contract made or proposed to be made by-

- (a) the Authority;
- (b) the committee;
- (c) an employee, agent or a partner of the Authority or the committee; or
- (d) a body corporate established by the Authority,

shall disclose the nature of his interest at a meeting of the committee.

(2) The committee shall record the disclosure in the minutes of the meeting of the committee.

(3) A member who has an interest in a contract referred to subparagraph (1)-

- (a) shall not without the permission of the chairman of the committee or other member presiding take any part in any deliberation of the committee with respect to that contract; and
- (b) shall not in any event vote on any matter concerning it.

(4) For the purposes of subparagraph (1), a member may give a notice in writing at a meeting of a committee to the effect that he is a member of a company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm and the notice shall be regarded as a sufficient disclosure of his interest in relation to any contract so made or proposed to be so made.

(5) A member of a committee need not attend in person at a meeting of the committee to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice in writing which is brought up and read at the meeting.

18. Fees and allowances payable to members of committee

(1) The Authority may pay to the members of a committee such fees and allowances as the Secretary for Health and Welfare, after consulting with the Secretary for the Treasury, determines.

(2) The provisions of this paragraph shall-

- (a) not apply in the case of any member of a committee who is a public officer; and
- (b) apply in the case of a member of a committee who is a member of the Authority only to such extent as the Secretary for Health and Welfare, after consulting with the Secretary for the Treasury, determines.

19. Authority not to delegate certain functions and powers

The Authority shall not delegate under section 6 any functions or powers imposed or conferred on it under paragraph 3, 6 or 10(1)(a), (4) or (5).

20. Fixing of seal of the Authority

The fixing of the seal of the Authority shall be-

- (a) authorized by the Authority; and
- (b) authenticated by the signatures of the Chairman and any 2 members of the Authority authorized by the Authority, either generally or specifically, to act for that purpose.

21. Documents of the Authority

(1) The Authority may make and execute any document in the performance of its functions or the exercise of its powers or in connection with any matter reasonably incidental to or consequential upon the performance of its functions or the exercise of its powers.

(2) Any document purporting to be executed under the seal of the Authority shall be admitted in evidence and shall, unless the contrary is proved, be deemed to have been duly executed.

22. Certain documents not required to be sealed

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

(Enacted 1990)

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Chapter:	115	Title:	IMMIGRATION ORDINANCE	Gazette Number:	
Schedule:	2	Heading:	<b>TRANSITIONAL PROVISIONS</b>	Version Date:	30/06/1997

[section. 66]

1. In this Schedule-

"commencement date" (生效日期) means 1 April 1972;

"Deportation (British Subjects) Ordinance" (遞解 (英籍人士) 條例), "Deportation of Aliens Ordinance" (入境 (管制及罪行) 條例), and "Immigration (Control and Offences) Ordinance" mean respectively-

(a) the repealed Deportation (British Subjects) Ordinance;

(b) the repealed Deportation of Aliens Ordinance; and

(c) the repealed Immigration (Control and Offences) Ordinance.

"Immigrants Control Ordinance" (入境者管制條例) means the Immigrants Control Ordinance (Cap 243 Revised Edition 1950) repealed by the repealed Immigration (Control and Offences) Ordinance;

"Police Supervision Ordinance" (警方監管條例) means the Police Supervision Ordinance (Cap 224 Revised Edition 1972) repealed by the Police Supervision (Repeal) Ordinance 1983 (55 of 1983); (Added 55 of 1983 s. 3)

"repealed" (廢除), except in relation to the Immigrants Control Ordinance and the Police Supervision Ordinance, means repealed by this Ordinance. (Replaced 55 of 1983 s. 3)

2. Section 4(1)(a)

Section 4(1)(a) shall have effect as if it included a reference to a person who arrived in Hong Kong before the commencement date, being a person who immediately before the commencement date was being examined or further examined under section 11 of the Immigration (Control and Offences) Ordinance or was about to be so examined or further examined; and the provisions of this Ordinance shall apply to any such person accordingly.

3. Section 5(4)(a) & (5)(a)

The references in section 5(4)(a) and 5(5)(a) to an entry permit and a re-entry permit include references to an entry permit and a re-entry permit issued under the Immigration (Control and Offences) Ordinance.

4. Section 9(1)(b)

Section 9(1)(b) shall have effect as if the references to a person having been refused permission to land in Hong Kong and having been given permission to land in Hong Kong included references to having been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance or the repealed Immigrants Control Ordinance and to having been given permission to enter Hong Kong under either of those Ordinances.

5. Section 10(2)

Section 10(2) shall have effect as if it included a reference to a serviceman who ceased to be such before the commencement date, being a serviceman who had not made an application under section 38 of the Immigration (Control and Offences) Ordinance before that date or whose application had not been determined under the said Ordinance before that date.

6. Section 11(2)

Any conditions imposed in respect of a person who entered Hong Kong before the commencement date under section 15 of the Immigration (Control and Offences) Ordinance and in force immediately before that date (whether the same were imposed at the time of entry or subsequent thereto) shall, subject to section 8(2), continue in force and have effect as if they were conditions of stay imposed under section 11(2) of this Ordinance; and the provisions of this Ordinance shall apply accordingly.

7. Section 14(1)

Section 14(1) shall have effect as if it included a reference to an alien who is in Hong Kong on the commencement date, being an alien who had become liable before that date to comply with section 25(1) of the Immigration (Control and Offences) Ordinance but had not complied therewith.

8. Section 16

Section 16 shall have effect as if the references to particulars furnished in an arrival card and to particulars furnished in the prescribed form pursuant to section 14(1) include respectively references to corresponding particulars furnished to the Director or to the former immigration officer or to the former Registrar of Aliens in accordance with the Immigration (Control and Offences) Ordinance or the repealed Immigrants Control Ordinance or a requirement made under either of those Ordinances.

9. Sections 18, 24 & 32(1)

Sections 18, 24 and 32(1) shall apply to a person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who before the commencement date has been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance as they apply to a person who is refused permission to land under this Ordinance.

10. Section 18(1)(b)

Section 18(1)(b) shall have effect, except in the case of a person who has the right to land in Hong Kong by virtue of section 8(1), as if it included a reference to a condition imposed under section 15 of the Immigration (Control and Offences) Ordinance and in force immediately before the commencement date, being a condition making the same requirement as the condition of stay referred to in the said section 18(1)(b); and the provisions of this Ordinance shall apply accordingly.

11. Section 19(1)(b)(ii)

Section 19(1)(b)(ii) shall have effect as if it included a reference to a person who has contravened section 3(1)(a)(ii) or (b) of the Immigration (Control and Offences) Ordinance or any condition imposed under section 15 of the said Ordinance and in force immediately before the commencement date (whether such condition was imposed at the time of entry or subsequent thereto), but in whose case an order has not been made under section 43(4) of the said Ordinance; and the provisions of this Ordinance shall apply accordingly.

12. Section 19

Any order made in respect of a person under section 43(4) of the Immigration (Control and Offences) Ordinance, not being a person who has the right to land in Hong Kong by virtue of section 8(1), shall, if in force immediately before the commencement date, continue in force and have effect for all purposes of this Ordinance as if it were a removal order made in respect of that person under section 19 of this Ordinance.

13. Section 20(1)

Any deportation order made against a person under the Deportation (British Subjects) Ordinance or the Deportation of Aliens Ordinance and in force immediately before the commencement date shall continue in force and have effect for all purposes of this Ordinance as if it were a deportation order made under section 20(1) of this Ordinance.

14. Sections 19(4) & 20(7)  
Sections 19(4) and 20(7) shall have effect as if-
- (a) the reference to permission to land in Hong Kong included a reference to permission to enter Hong Kong given under the Immigration (Control and Offences) Ordinance;
  - (b) the reference to authority to remain in Hong Kong included a reference to a permit of the Director granted under the Immigration (Control and Offences) Ordinance.
15. Sections 24(2), 25(3) & 33  
A person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who immediately before the commencement date was on board a ship or aircraft, having been placed thereon with a view to his removal from Hong Kong in accordance with the Immigration (Control and Offences) Ordinance, the Deportation (British Subjects) Ordinance or the Deportation of Aliens Ordinance or any order or requirement made or issued thereunder, shall be deemed to have been placed thereon under section 24(2) or section 25(3), as the case may be, and it shall be presumed that an immigration officer, immigration assistant or police officer has made a requirement under section 33 of this Ordinance; and the provisions of this Ordinance shall apply accordingly.
16. Section 26  
Any person detained immediately before the commencement date under section 13(1)(a) of the Immigration (Control and Offences) Ordinance may, if any member of the Immigration Service of or above the rank of chief immigration officer or a police officer of or above the rank of assistant commissioner of police is satisfied as to the matters referred to in section 26(a), be detained on the authority of such member or police officer for a total period of seven days, taking account of the period for which such person had been detained before the commencement of this Ordinance.
17. Section 29(2)  
A person detained immediately before the commencement date-
- (a) following his arrest on a warrant issued under section 5(3) of the Deportation (British Subjects) Ordinance; or
  - (b) in accordance with the direction of a judge, court or magistrate given under section 7 of that Ordinance, may continue to be detained as if a detention warrant had been issued in respect of him on the commencement date under section 29(2); and the provisions of this Ordinance shall apply accordingly.
18. Section 29(2)  
A person detained immediately before the commencement date under the authority of a warrant issued under section 4 or 5 of the Deportation of Aliens Ordinance may continue to be detained as if a detention warrant had been issued in respect of him on the commencement date under section 29(2); and the provisions of this Ordinance shall apply accordingly.
19. Section 32(3) & (3A)  
A person detained immediately before the commencement date under section 9(2) of the Deportation (British Subjects) Ordinance or section 8(2) of the Deportation of Aliens Ordinance may continue to be detained as if his detention had been authorized by the Secretary for Security under section 32(3) or by the Director of Immigration or Deputy Director of Immigration under section 32(3A) of this Ordinance, whichever is appropriate in the particular case.
20. Section 32(3) & (3A)  
A person detained immediately before the commencement date under section 43(4) of the Immigration (Control and Offences) Ordinance may, unless he is a person who has the right to land in Hong Kong by virtue of section 8(1), continue to be detained as if his detention had been authorized by the Secretary for Security under section 32(3) or by the Director of Immigration or Deputy Director of

Immigration under section 32(3A) of this Ordinance, whichever is appropriate in the particular case.

21. Section 33

Section 33 shall apply to a person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who before the commencement date has been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance as it applies to a person who has been refused permission to land in Hong Kong under this Ordinance; and it shall be presumed that an immigration officer, immigration assistant or police officer has made a requirement under the said section 33.

22. Section 38(1)(b)

The reference in section 38(1)(b) to the authority of the Director includes a reference to a permit of the Director granted under the Immigration (Control and Offences) Ordinance.

23. Section 42(2)(a)

The reference in section 42(2)(a) to a travel document, entry permit, re-entry permit, certificate of identity, document of identity or Vietnamese refugee card or other document issued, kept or made under or for the purposes of Part II, III or IV of this Ordinance includes a reference to a travel document, entry permit, re-entry permit or other document issued, kept or made under or for the purposes of the Immigration (Control and Offences) Ordinance.

24. Section 42(2)(b) & (c)(i)

The references in section 42(2)(b) to a travel document, entry permit, re-entry permit, certificate of identity, document of identity, Vietnamese refugee card or other document and the references in section 42(2)(c)(i) to a travel document, entry permit, re-entry permit, certificate of identity, document of identity or Vietnamese refugee card include references to a travel document, entry permit or re-entry permit issued under the Immigration (Control and Offences) Ordinance.

25. Section 47(1) & (2)

Section 47(1) and (2) shall have effect as if they included, respectively, a reference to a ship not exceeding two hundred and fifty gross tons, and a vehicle, which has been used in the contravention or attempted contravention of any of the provisions of the Immigration (Control and Offences) Ordinance (whether or not any person has been convicted of such contravention or attempted contravention), being a ship or vehicle in respect of which notice of seizure has not been served before the commencement date under section 46(2) of the said Ordinance; and the provisions of this Ordinance shall apply accordingly.

26. Section 55(2)

Any condition imposed under section 17(1) of the Deportation of Aliens Ordinance and in force immediately before the commencement date shall, if it has not been complied with, be deemed to be a requirement under section 55(2) of this Ordinance; and any recognizance entered into in accordance with an order under the said section 17(3) and in force immediately before the commencement date shall be deemed to be a recognizance entered into in accordance with a requirement under section 55(2) of this Ordinance and shall continue in force for the remainder of the period for which it would have continued in force in accordance with the order under the said section 17(3).

27. Section 56(1)(e) & (1A)(b)

References in section 56(1)(e) and (1A)(b) to an offence under this Ordinance include references to an offence under the Immigration (Control and Offences) Ordinance.

28. Police Supervision Ordinance-s. 3(1) & (2)

Any police supervision order made under section 3(1) or (2) of the repealed Police Supervision Ordinance (Cap 224 Revised Edition 1972) and in force immediately before the commencement of this

Ordinance shall continue in force and have effect for all purposes of the Police Supervision Ordinance as if it were made under section 3(1) or (2) of that Ordinance as amended.

(Schedule 2 added 64 of 1981 s. 2. Amended 78 of 1982 s. 13; 55 of 1983 s. 3)

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Chapter:	132BQ	Title:	PUBLIC SWIMMING POOLS (REGIONAL COUNCIL) BYLAWS	Gazette Number:	
Bylaw:	10	Heading:	<b>Fees and charges</b>	Version Date:	30/06/1997

(1) Subject to this bylaw, a person using a swimming pool shall pay to the Council a fee in the amount as determined by the Council under section 42AA(1)(a) of the Ordinance. (L.N. 65 of 1989; L.N. 81 of 1995))

(2) In the case of any organized party of persons sponsored by and under the care of any organization approved by the Council, the Council may reduce or waive the fees prescribed in paragraph (1) or may permit such organization to pay a compounded fee in respect of the use of a swimming pool by such party, or any number of such parties, over such period of time as may be agreed between the Council and the organization.

(3) In any case where a swimming pool is closed to the public under bylaw 9 for the purpose of any organized swimming practice, contest, aquatic sport or entertainment, the Council may make such charges for the use of a swimming pool or the entry of spectators thereto as the Council shall consider reasonable, or, in the case of any other persons organizing the same, may make such consolidated charge against such persons as shall be agreed between the Council and such persons, and in addition thereto may prescribe such limitations or restrictions upon the charges which such persons may recover from the public in respect of the use of or entry to a swimming pool; is the Council may consider reasonable in the circumstances.

(4) The Council may reduce or waive the fees prescribed in paragraph (1) and may permit a person to pay a compounded fee for the use of a swimming pool for such period and in respect of such sessions as the Council may see fit. (L.N. 108 of 1988)

(5) The Council may waive or reduce the fees prescribed under paragraph (1) in respect of the use of it children's swimming or paddling pool.

(6) Except with the prior permission of an attendant, no person shall enter the precincts of a swimming pool-

- (a) without first having paid-
  - (i) the appropriate fee prescribed in paragraph (1) or that fee reduced by the Council in accordance with this bylaw; or
  - (ii) where applicable, the appropriate fee or charge payable under paragraph (3); or
- (b) unless the appropriate fee compounded under paragraph (2) or (4) has been paid.

(L.N. 86 of 1976; 10 of 1986 s. 32(2))

Chapter:	132BQ	Title:	PUBLIC SWIMMING POOLS (REGIONAL COUNCIL) BYLAWS	Gazette Number:	
Bylaw:	11	Heading:	<b>Fees for the use of public address system</b>	Version Date:	30/06/1997

A person using the public address system installed at a swimming pool shall pay to the Council a fee in the amount as determined by the Council under section 42AA(1)(a) of the Ordinance.

(L.N. 37 of 1991; L.N. 81 of 1995)

Chapter:	136	Title:	MENTAL HEALTH ORDINANCE	Gazette Number:	L.N. 29 of 1999
Section:	<b>10E</b>	Heading:	<b>Preservation of interests in mentally incapacitated person's property</b>	Version Date:	01/02/1999

(1) Where any property of a mentally incapacitated person has been disposed of under this Part, and under his will or his intestacy, or by any gift perfected or nomination taking effect on his death, any other person would have taken an interest in the property but for the disposal-

- (a) he shall take the same interest, if and so far as circumstances allow, in any property belonging to the estate of the deceased which represents the property disposed of; and
- (b) if the property disposed of was real property any property representing it shall so long as it remains part of his estate be treated as if it were real property.

(2) The Court, in ordering, directing or authorizing under this Part any disposal of property which apart from this section would result in the conversion of personal property into real property, may direct that the property representing the property disposed of shall, so long as it remains the property of the mentally incapacitated person or forms part of his estate, be treated as if it were personal property.

(3) References in subsections (1) and (2) to the disposal of property are references to-

- (a) the sale, exchange, charging or other dealing (otherwise than by will) with property other than money;
- (b) the removal of property from one place to another;
- (c) the application of money in acquiring property; or
- (d) the transfer of money from one account to another,

and references to property representing property disposed of shall be construed accordingly and as including the result of successive disposals.

(4) The Court may give such directions as appear to it necessary or expedient for the purpose of facilitating the operation of subsection (1), including the carrying of money to a separate account and the transfer of property other than money.

(5) Where the Court has ordered, directed or authorized the expenditure of money for the carrying out of permanent improvements on, or otherwise for the permanent benefit of, any property of the mentally incapacitated person, it may order that the whole or any part of the money expended or to be expended shall be a charge upon the property, whether without interest or with interest at a specified rate; and an order under this subsection may provide for excluding or restricting the operation of subsection (1).

(6) A charge under subsection (5) may be made in favour of such person as may be just, and in particular, where the money charged is paid out of the mentally incapacitated person's general estate, may be made in favour of a person as trustee for the mentally incapacitated person; but no charge under that subsection shall confer any right of sale or foreclosure during the lifetime of the mentally incapacitated person.

(Added 81 of 1997 s. 9)

Chapter:	136	Title:	MENTAL HEALTH ORDINANCE	Gazette Number:	L.N. 29 of 1999
Section:	<b>59ZI</b>	Heading:	<b>Consent of Court</b>	Version Date:	01/02/1999

(1) Without prejudice to section 59ZF(1), if, after conducting a hearing into an application under section 59ZG(1) or (2), the Court is satisfied that it is appropriate that treatment or special treatment, as

the case may be, should be carried out in the best interests of the mentally incapacitated person to whom this Part applies, the Court may consent to the carrying out of that treatment or that special treatment and make an order to the applicant to that effect.

(2) Nothing in this section requires the Court to consider an application under section 59ZG(1) or (2) if the Court is not satisfied that the applicant has a sufficient interest in the health and well-being of the mentally incapacitated person to whom this Part applies.

(Added 81 of 1997 s. 52)

Chapter:	136	Title:	MENTAL HEALTH	Gazette Number:	L.N. 29 of 1999
Section:	74	Heading:	ORDINANCE		
			<b>Transitional savings</b>	and	Version Date: 01/02/1999

(1) Subject to subsection (3), despite-

- (a) the repeal of sections 34(1) and (5)(a) and 35(1) and (2);
- (b) the amendment of sections 42A and 59B(2)(c);
- (c) the repeal and substitution of section 59E(5),

("the original provisions") by the Mental Health (Amendment) Ordinance 1997 (80 of 1997) ("the relevant Ordinance") a person received into guardianship under section 33 (as repealed by the relevant Ordinance) shall remain under guardianship as if the original provisions had not been repealed or amended, as the case may be, by the relevant Ordinance.

(2) The amendments of Part IIIA by the relevant Ordinance shall not affect the validity of any guardianship orders made before the commencement of those amendments or the powers conferred by such orders.

(3) Where a guardianship order is made under Part IVB in respect of a person who has been received into guardianship under section 33 (as repealed by the relevant Ordinance) that guardianship shall cease to have effect on the making of that guardianship order.

(4) The amendment of section 72(1) by section 54 of the relevant Ordinance shall not affect any regulations made by the Governor in Council under that first-mentioned section in force immediately before the commencement of that amendment and those regulations shall continue to apply as if they had been made by the Secretary for Health and Welfare.

(5) Despite the repeal of section 12(4) of the High Court Ordinance (Cap 4) by item 1 of Schedule 2 to the relevant Ordinance, any application made before the relevant date under the provisions of Part VII of the Mental Health Act 1983 (1983 c. 20 U.K.) as applied to Hong Kong shall be dealt with under Part II, subject to such modifications as may be necessary, as if the application had been made under Part II and not under the provisions of Part VII of that Act. (Amended 25 of 1998 s. 2)

(6) The repeal of section 12(4) of the High Court Ordinance (Cap 4) by item 1 of Schedule 2 to the relevant Ordinance shall not affect the validity of any orders, directions or authorities made or given before the relevant date under the provisions of Part VII of the Mental Health Act 1983 (1983 c. 20 U.K.) as applied to Hong Kong, and any receiver appointed under that Part of that Act shall be treated as if he were appointed a committee of the estate of a mentally incapacitated person under Part II. (Amended 25 of 1998 s. 2)

(7) For the purposes of this section, "relevant date" (有關日期) means the date on which item 1 of Schedule 2 to the relevant Ordinance comes into operation.

(Added 81 of 1997 s. 56)

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Chapter: 136C	Title: MENTAL HEALTH REVIEW	Gazette Number:
	TRIBUNAL RULES	
Rule: 14	Heading: <b>Further information</b>	Version Date: 30/06/1997

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(1) Before or during any hearing the tribunal may call for such further information or reports as it may think desirable, and may give directions as to the manner in which and the persons by whom such material is to be furnished.

(2) Rule 11 shall apply to any further information or reports obtained by the tribunal.

(Enacted 1988)

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Chapter: 138	Title:	PHARMACY POISONS ORDINANCE	AND Gazette Number:
Section: 8	Heading:	<b>Qualifications for registration as pharmacists</b>	Version Date: 30/06/1997

(1) Subject to the provisions of this Ordinance, there may be registered as a pharmacist any person who-

- (a) holds a diploma in pharmacy of the University of Hong Kong;
- (b) is duly registered as a pharmaceutical chemist or chemist and druggist with the Pharmaceutical Society of Great Britain;
- (c) holds a certificate of a Commonwealth pharmaceutical institution which has entered into an agreement for reciprocity of registration with the Pharmaceutical Society of Great Britain;
- (d) has successfully completed a course of training and study and who has passed any examinations thereon that may have been prescribed by the Board; and
- (e) holds any diploma or certificate, other than a certificate to which paragraph (c) refers, and who has satisfied the Board by examination or otherwise that he has the skill and experience in pharmacy equivalent to that possessed by a person to whom paragraphs (a) to (d) relate.

(2) Notwithstanding anything contained in subsection (1), the Board may require any applicant for registration to pass such examinations as it may determine or to undergo such period of training as the Board may specify. (Replaced 50 of 1977 s. 4)

(3) For the purposes of conducting examinations on behalf of the Board, there shall be a committee of examiners consisting of the following persons-

- (a) 1 person qualified in pharmacology who is on the full time teaching staff of the University of Hong Kong or The Chinese University of Hong Kong and appointed by the Board; (Replaced 58 of 1986 s. 4)
- (b) the Government Chemist;
- (c) the Chief Pharmacist of the Department of Health; (Amended L.N. 76 of 1989)
- (d) 1 medical officer in the Department of Health appointed by the Board; and (Amended L.N. 76 of 1989)
- (e) 1 registered pharmacist (not being a public officer) appointed by the Board.

[cf. 1954 c. 61 ss. 3 & 4 U.K.]

Chapter: 138C	Title: COURSE OF TRAINING, STUDY AND EXAMINATION FOR APPLICANTS FOR REGISTRATION AS PHARMACISTS REGULATIONS	Gazette Number:
Regulation: 11	Heading: <b>Requirements for Entry to the Final Examination</b>	Version Date: 30/06/1997

The Examination shall be held twice a year in March and October. When applying to enter the Examination for the first time a candidate shall-

- (a) have passed or be deemed to have passed the Intermediate Examination;
- (b) pay the prescribed fee;
- (c) produce to the registrar-

- (I) a certificate of registration of birth;
- (II) a declaration, signed by the candidate on the official form obtainable from the registrar, that he has been trained under the supervision of a registered pharmacist in the dispensing and compounding of medicines for a period of not less than four thousand hours, spread over not less than two years, in one of the following places-

- (i) a set of premises registered under Part I of the Ordinance;
- (ii) a manufacturing pharmaceutical laboratory;
- (iii) a dispensary of a hospital or similar institution.

The declaration shall state the address of the place or places at which the course has been undergone with the dates and periods of such training and shall be signed by the pharmacist who supervised the training. The declaration shall only be valid if the course was undergone by the candidate subsequent to registration as an apprentice or student and while serving under Articles of Pupilage in accordance with regulations, and only if the course was subsequent to such Articles of Pupilage having been endorsed by the registrar and a copy lodged with him;

- (III) a certificate on the official form obtainable from the registrar signed by the candidate's principal or his deputy that, subsequent to having passed or being deemed to have passed the Intermediate Examination, the candidate has attended at a recognized educational institution an approved systematic course of instruction in the subjects of the Final Examination and has completed the work to the satisfaction of the principal. The course of instruction shall be spread over a period of not less than 250 hours in Pharmaceutics, 250 hours in Pharmaceutical Chemistry and 250 hours in Physiology, Pharmacognosy and Forensic Pharmacy.

Chapter:	153	Title:	CHINESE TEMPLES ORDINANCE	Gazette Number:	
Section:	9	Heading:	<b>General Chinese Charities Fund</b>	Version Date:	30/06/1997

(1) The General Chinese Charities Fund referred to in section 8 shall be held in such manner as the Chinese Temples Committee may direct, and may in the discretion of the Chinese Temples Committee be applied-

- (a) to the pay of the necessary staff and the other expenses incurred by the Chinese Temples Committee in the exercise of its powers under this Ordinance; and (Amended 33 of 1939 Supp. Schedule; G.N. 840 of 1940)
- (b) for the purposes of any Chinese charity in the Colony.

(2) The Chinese Temples Committee may, subject to the approval of the Governor in Council, direct the manner in which the accounts of the General Chinese Charities Fund shall be kept and audited. (Replaced 26 of 1961 s. 3)

Chapter:	163A	Title:	MONEY LENDERS REGULATIONS	Gazette Number:	
Regulation:	5	Heading:	<b>Application for licence</b>	Version Date:	30/06/1997

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- (1) An application for a licence made under section 8(1) of the Ordinance shall-
- (a) where the applicant is an individual (alone or as a partner of a firm), be in Form 2 in Schedule 2; or
  - (b) where the applicant is a company, be in Form 3 in Schedule 2.
- (2) An application referred to in paragraph (1) shall be accompanied by-
- (a) a statement-
    - (i) where the applicant is an individual (alone or as a partner of a firm), in Form 4 in Schedule 2; or
    - (ii) where the applicant is a company, in Form 5 in Schedule 2; and
  - (b) the prescribed fee.
- (3) An application referred to in paragraph (1)(a) shall be further accompanied by a character or business reference, in writing, signed by any one of the following-
- (a) a director or manager of a bank within the meaning of section 2 of the Banking Ordinance (Cap 155); or (49 of 1995 s. 53; 47 of 1997 s. 10)
  - (b) a barrister, solicitor or professional accountant (within the meaning of the Professional Accountants Ordinance (Cap 50)), of at least 5 years standing and in actual practice in Hong Kong. (47 of 1997 s. 10)
  - (c) (Repealed 47 of 1997 s. 10)
- (Enacted 1988)
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Chapter: 178C	Title: MARRIAGE REFORM (FORMS) REGULATIONS	Gazette Number:
Schedule: 1	Heading:	Version Date: 30/06/1997

[regulation 2]

# FORM 1

## APPLICATION FOR REGISTRATION OF VALIDATED MARRIAGE 舊式婚姻登記申請書

### MARRIAGE REFORM ORDINANCE, SECTION 9(2) 婚姻制度改革條例第 9 ( 2 ) 條

To the Registrar of Marriages, Hong Kong  
致香港婚姻登記官

We hereby apply for the registration of our marriage celebrated in Hong Kong in accordance with Chinese law and custom on the                      day of                      19                      . Particulars of the marriage are described herein.

現申請將我倆於 19                      年                      月                      日按照中國法律與習俗在香港舉行婚禮的婚姻，予以登記。  
該婚姻的詳情如下：

	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Condition at the time of marriage 結婚時的婚姻狀況	(Bachelor/Widower/ Divorced person) (未婚/鰥夫/離婚)	(Spinster/Widow/ Divorced person) (未婚/寡婦/離婚)
Age at the time of marriage 結婚時年齡		
Rank or profession at the time of marriage 結婚時的職位或職業		
Residence at the time of marriage 結婚時住址		

Surname and names and addresses of witnesses at the marriage ceremony 婚禮見證人的姓名及地址		
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We do solemnly, sincerely and truly declare that all the particulars given herein relating to our marriage are true.

我倆謹鄭重至誠據實聲明：上述婚姻詳情均屬真實。

.....  
.....

Before me, .....  
在本人面前提出聲明 Deputy Registrar of Marriage.

副婚姻登記官

Date .....19 .  
日期： 19 年 月 日

(L.N. 501 of 1995)

FORM 2

APPLICATION FOR REGISTRATION OF VALIDATED MARRIAGE  
認可婚姻登記申請書

MARRIAGE REFORM ORDINANCE, SECTION 9(2)  
婚姻制度改革條例第 9 ( 2 ) 條

To the Registrar of Marriages, Hong Kong  
致香港婚姻登記官

We hereby apply for the registration of our marriage celebrated in Hong Kong as a modern marriage on the day of 19 . Particulars of the marriage are described herein.

現申請將我倆於 19 年 月 日在香港舉行婚禮的新式婚姻，予以登記。  
該婚姻的詳情如下：

	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Condition at the time of marriage 結婚時的婚姻狀況	(Bachelor/Widower/ Divorced person) (未婚/鰥夫/離婚)	(Spinster/Widow/ Divorced person) (未婚/寡婦/離婚)
Age at the time of marriage 結婚時年齡		
Rank or profession at the time of marriage 結婚時的職位或職業		
Residence at the time of marriage 結婚時住址		

Surname and names and addresses of witnesses at the marriage ceremony 婚禮見證人的姓名及地址		
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We do solemnly, sincerely and truly declare that all the particulars given herein relating to our marriage are true.

我倆謹鄭重至誠據實聲明：上述婚姻詳情均屬真實。

.....

Before me, .....  
在本人面前提出聲明 Deputy Registrar of Marriage.  
副婚姻登記官

Date ..... 19 ....  
日期：19 年 月 日

(L.N. 501 of 1995)

FORM 3

APPLICATION FOR REGISTRATION OF CUSTOMARY MARRIAGE  
舊式婚姻登記申請書

MARRIAGE REFORM ORDINANCE, SECTION 9(4)  
婚姻制度改革條例第 9 (4) 條

To the Registrar of Marriages, Hong Kong  
致香港婚姻登記官

I hereby apply for the registration of my marriage celebrated in Hong Kong in accordance with Chinese law and custom on the ..... day of ..... 19 ..... . Particulars of the marriage are described herein.  
現申請將本人於 19 年 月 日按照中國法律與習俗在香港舉行婚禮的婚姻，予以登記。  
該婚姻的詳情如下：

	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Condition at the time of marriage 結婚時的婚姻狀況	(Bachelor/Widower/ Divorced person) (未婚/鰥夫/離婚)	(Spinster/Widow/ Divorced person) (未婚/寡婦/離婚)
Age at the time of marriage 結婚時年齡		
Rank or profession at the time of marriage 結婚時的職位或職業		
Residence at the time of marriage 結婚時住址		
Surname and names and addresses of witnesses at the marriage ceremony 婚禮見證人的姓名及地址		

Annexed hereto is  
現隨申請書附上

{

- \* the consent of my husband/wife to this application.
- \* 本人丈夫／妻子對此項申請的同意書。
- \* a declaration by the District Court dated the       day of  
19       as to the substance of the marriage.
- \* 19       年       月       日由地方法院發出證  
明此項婚姻存續的聲明書。

I do solemnly, sincerely and truly declare that all the information given herein is true.  
本人謹鄭重至誠據實聲明：此申請書所載各項均屬真實。

Before me, .....  
在本人面前提出聲明       Deputy Registrar of Marriage.  
副婚姻登記官

Date ..... 19       .  
日期：19       年       月       日  
\* Delete as a appropriate.  
\* 將不適用者刪去。

(L.N. 501 of 1995)

FORM 4

APPLICATION FOR REGISTRATION OF VALIDATED MARRIAGE  
認可婚姻登記申請書  
MARRIAGE REFORM ORDINANCE, SECTION 9(4)  
婚姻制度改革條例第 9 (4) 條

To the Registrar of Marriages, Hong Kong  
致香港婚姻登記官

I hereby apply for the registration of my marriage celebrated in Hong Kong as a modern marriage on  
the day of       19       . Particulars of the marriage are described herein.  
現申請將本人於 19       年       月       日在香港舉行婚禮的新式婚姻，予以  
登記。  
該婚姻的詳情如下：

	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Condition at the time of marriage 結婚時的婚姻狀況	(Bachelor/Widower/ Divorced person) (未婚/鰥夫/離婚)	(Spinster/Widow/ Divorced person) (未婚/寡婦/離婚)
Age at the time of marriage 結婚時年齡		
Rank or profession at the time of marriage 結婚時的職位或職業		

Residence at the time of marriage 結婚時住址		
--	--	--

Surname and names and addresses of witnesses at the marriage ceremony 婚禮見證人的姓名及地址		
--	--	--

Annexed hereto is

{

- \* the consent of my husband/wife to this application.
- \* 本人丈夫／妻子對此項申請的同意書。
- \* a declaration by the District Court dated the       day of 19       as to the subsistence of the marriage.
- \* 19       年       月       日由地方法院發出證明此項婚姻存續的聲明書。

I do solemnly, sincerely and truly declare that all the information given herein is true.  
本人謹鄭重至誠據實聲明：此申請書所載各項均屬真實。

.....  
Before me, .....  
在本人面前提出聲明       Deputy Registrar of Marriage.  
副婚姻登記官

Date ..... 19 .

日期：19       年       月       日

\* Delete as appropriate.

\* 將不適用者刪去。

(L.N. 501 of 1995)

## FORM 5

### CERTIFICATE OF MARRIAGE 結婚證書 MARRIAGE REFORM ORDINANCE, SECTION 9 婚姻制度改革條例第 9 條

Marriage celebrated in Hong Kong in accordance with Chinese law and custom 已經按照中國法律與習俗在香港舉行婚禮的婚姻		
Registration No. 登記編號		
When and where married 結婚日期及地點		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		

Condition at the time of marriage 結婚時的婚姻狀況	(Bachelor/Widower/ Divorced person) (未婚／鰥夫／離婚)	(Spinster/Widow/ Divorced person) (未婚／寡婦／離婚)
Age at the time of marriage 結婚時年齡		
Rank or profession at the time of marriage 結婚時的職位或職業		
Residence at the time of marriage 結婚時住址		
Surname and name of father 父親姓名		
Rank or profession of father 父親的職位或職業		

This marriage was solemnized between us ..... and .....  
結婚人 ..... 及 .....  
in the presence of us ..... and .....  
婚禮見證人 ..... 及 .....  
This marriage was registered by me in accordance with section 9 of the Marriage Reform Ordinance (Cap 178) this ..... day of ..... 19 .....  
上述婚姻已於 19 ..... 年 ..... 月 ..... 日由本人按照《婚姻制度改革條例》  
(第 178 章) 第 9 條予以登記。

\* I am satisfied that one/both of the above witnesses to the marriage,

\* 本人信納上述其中一名／兩名婚禮見證人 ..... ,  
is/are not available, and cannot reasonably be made available, to sign this certificate.  
無法前來及在合理情況下不能使其前來在本證書上簽署。

.....  
Deputy Registrar of Marriages.  
副婚姻登記官

\* Delete as appropriate.

\* 將不適用者刪去。

(L.N. 501 of 1995)

FORM 6

CERTIFICATE OF MARRIAGE  
結婚證書  
MARRIAGE REFORM ORDINANCE, SECTION 9  
婚姻制度改革條例第 9 條

Marriage celebrated in Hong Kong in accordance with Chinese law and custom 已經在香港舉行婚禮的新式婚姻		
Registration No. 登記編號		
When and where married 結婚日期及地點		
	Bridegroom 新郎	Bride 新娘
Surname and name 姓名		
Condition at the time of marriage 結婚時的婚姻狀況	(Bachelor/Widower/ Divorced person) (未婚／鰥夫／離婚)	(Spinster/Widow/ Divorced person) (未婚／寡婦／離婚)
Age at the time of marriage 結婚時年齡		
Rank or profession at the time of marriage 結婚時的職位或職業		
Residence at the time of marriage 結婚時住址		
Surname and name of father 父親姓名		
Rank or profession of father 父親的職位或職業		

This marriage was solemnized between us ..... and .....  
結婚人 ..... 及 .....  
in the presence of us ..... and .....  
婚禮見證人 ..... 及 .....  
This marriage was registered by me in accordance with section 9 of the Marriage Reform Ordinance

(Cap 178) this ..... day of ..... 19 .....  
上述婚姻已於 19 ..... 年 ..... 月 ..... 日由本人按照《婚姻制度改革條例》  
(第 178 章) 第 9 條予以登記。

\* I am satisfied that one/both of the above witnesses to the marriage,

\* 本人信納上述其中一名／兩名婚禮見證人 ..... ,  
is/are not available, and cannot reasonably be made available, to sign this certificate.  
無法前來及在合理情況下不能使其前來在本證書上簽署。

.....  
Deputy Registrar of Marriages.  
副婚姻登記官

\* Delete as appropriate.

\* 將不適用者刪去。

(L.N. 501 of 1995)

## FORM 7

### MARRIAGE REFORM ORDINANCE SUMMONS UNDER SECTION 10

TO: .....  
of .....

You are hereby required to appear before me in my office at .....  
.....  
.....  
on the ..... day of ..... 19 .....  
to answer questions for the purpose of determining an application for the registration of a  
marriage between .....  
and .....

If you fail without lawful excuse to comply with this summons, you will be guilty of  
an offence under section 10(2) of the Marriage Reform Ordinance (Cap 178) and will be liable  
to a fine of \$1000 and to imprisonment for 6 months.

Dated this                      day of                      19                      .

p. Registrar of Marriages.

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## FORM 8

### MARRIAGE REFORM ORDINANCE

#### SECTION 16(1)

#### NOTICE OF INTENTION TO DISSOLVE A MARRIAGE

No. .... of 19 .....

To: ....., a designated public officer.

In the Headquarters, City and New Territories Administration.

We, the parties to a \*customary/validated marriage particulars of which are given  
below, hereby give you notice in accordance with section 16(1) of the Marriage Reform  
Ordinance (Cap 178) of our intention to dissolve our marriage in accordance with Part V of  
the Ordinance.

2. Our marriage, which took place on the ..... day  
of ....., 19 ....., has been registered in accordance with Part IV of the Ordinance and was  
subsisting on the appointed day (7 10 1971). A copy of the certificate of marriage (issued  
under section 9 of the Ordinance) is attached.

3. \*Both of us have [One of us, namely ....., has]

a substantial connexion with Hong Kong.

Dated this ..... day of ....., 19 .....

.....  
(Signature of husband).

Hong Kong Identity Card No. ....

Address: .....  
.....  
.....

.....  
(Signature of wife).

Hong Kong Identity Card No. ....

Address: .....  
.....  
.....

Fee: \$10

\* Delete whichever is not applicable.

(L.N. 125 of 1971; L.N. 260 of 1982; L.N. 67 of 1985)

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FORM 9

MARRIAGE REFORM ORDINANCE

SECTION 16(2)

NOTICE OF CANCELLATION OF A NOTICE OF INTENTION TO DISSOLVE A  
MARRIAGE

No. .... of 19 .....

To: ....., a designated public officer.

In the Headquarters, City and New Territories Administration.

On the ..... day of ....., 19 .....,  
my \*husband/wife (state name ..... ) and I gave you  
notice in accordance with section 16(1) of the Marriage Reform Ordinance (Cap 178) of our  
intention to dissolve our \*customary/validated marriage in accordance with Part V of the  
Ordinance.

2. I hereby cancel the abovementioned notice in accordance with section 16(2) of  
the Ordinance.

Dated this ..... day of ....., 19 .....

.....  
(Signature of \*husband/wife).

Hong Kong Identity Card No. ....

Address: .....

.....  
.....

Fee: \$10

\* Delete whichever is not applicable.

Note: This notice must be given to the same designated public officer to whom the notice under section 16(1) of the Ordinance was given.

(L.N. 125 of 1971; L.N. 260 of 1982; L.N. 67 of 1985)

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FORM 10

MARRIAGE REFORM ORDINANCE

SECTION 17(2)

STATEMENT OF DESIGNATED PUBLIC OFFICER

(WARNING: This is not a Certificate of Dissolution of a Marriage)

No. .... of 19 .....

On the ..... day of .....,  
19 ....., ..... (husband) and ..... (wife), who are parties to a  
\*customary/validated marriage, gave me notice in accordance with section 16(1) of the  
Marriage Reform Ordinance (Cap 178) of their intention to dissolve their marriage in  
accordance with Part V of the Ordinance. The marriage, which took place on the ..... day  
of ....., 19 ..... has been registered in accordance with Part IV of the  
Ordinance and was subsisting on the appointed day (7 10 1971). \*Both the parties have [One  
of the parties, namely ....., has] a substantial  
connexion with Hong Kong.

2. I, having interviewed the above mentioned parties in accordance with sections  
17 and 18 of the Ordinance, hereby state that I am satisfied that-

- (a) the notice of intention to dissolve the marriage was given to me by the  
abovementioned parties under section 16(1) of the Ordinance and that  
no notice of changed intention under section 16(2) was given; and
- (b) the parties understand that the effect of dissolution is to put an end to  
the marriage so as to permit them to marry again should either of them  
so wish; and
- (c) the parties freely and voluntarily desire to dissolve the marriage.

Dated this ..... day of ....., 19 .....

.....  
Designated Public Officer.

Headquarters, City and New Territories Administration.

Fee: \$100

\* Delete whichever is not applicable.

- Note: (a) This statement is to be signed in duplicate and delivered one copy to each of the parties.
- (b) The parties are advised to note carefully the provisions of sections 19 and 20 of the Marriage Reform Ordinance (Cap 178) which are reproduced overleaf.

(Back page)

## MARRIAGE REFORM ORDINANCE

(Chapter 178)

### "19. Memorandum of dissolution of marriage

(1) The parties to marriage may, within one month of the delivery to them under section 17 of the prescribed forms by a designated public officer, sign, in Hong Kong in the presence of each other and in the presence of 2 other adult persons who shall also sign as attesting witnesses, an agreement or memorandum in writing for the dissolution of the marriage unequivocally with effect from registration under section 20.

(2) An agreement or memorandum for the dissolution of a marriage, signed and witnessed in the manner required by subsection (1), shall have the effect, as from registration under section 20 of dissolving the marriage.

### 20. Registration of memorandum for dissolution of marriage

The parties to an agreement or memorandum for the dissolution of a marriage signed under and in accordance with section 19 shall, within 14 days from the date of signature or such longer period as the designated public officer before whom the parties appeared under section 17 may for special reasons in any particular case permit, register, either personally or through their duly authorized agent, particulars of the agreement or memorandum for dissolution of marriage with the designated public officer before whom the parties appeared under section 17; and that officer shall endorse on the agreement or memorandum a record of registration under this section."

(L.N. 125 of 1971; L.N. 260 of 1982; L.N. 67 of 1985)

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Chapter: 179A	Title: MATRIMONIAL CAUSES	Gazette Number: 25 of 1998 s. 2
Rule: 39	Heading: Evidence by affidavit, etc	Version Date: 01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

- (1) The court may order- (L.N. 135 of 1972)
  - (a) that the affidavit of any witness may be read at the trial on such conditions as the court thinks reasonable;
  - (b) that the evidence of any particular fact shall be given at the trial in such manner as may be specified in the order and in particular-
    - (i) by statement on oath of information or belief; or
    - (ii) by the production of documents or entries in books; or
    - (iii) by copies of documents or entries in books; or
    - (iv) in the case of a fact which is or was a matter of common knowledge either generally or in a particular district, by the production of a specified newspaper containing a statement of that fact; and
  - (c) that not more than a specified number of expert witnesses may be called.
- (2) An application to the registrar for an order under paragraph (1) shall-
  - (a) if no notice of intention to defend has been given; or
  - (b) if the petitioner and every party who has given notice of intention to defend consents to the order sought,
 be made ex parte by filing an affidavit stating the grounds on which the application is made.
- (3) Where an application is made before the trial for an order that the affidavit of a witness may be read at the trial or that evidence of a particular fact may be given at the trial by affidavit, the proposed affidavit or a draft thereof shall be submitted with the application; and where the affidavit is sworn before the hearing of the application and sufficiently states the grounds on which the application is made, no other affidavit shall be required under paragraph (2).
- (4) The court may, on the application of any party to a cause begun by petition, make an order under R.H.C. Order 39, rule 1, for the examination on oath of any person, and R.H.C. Order 38, rule 9, and Order 39, rules 1 to 14, (which regulate the procedure where evidence is to be taken by deposition) shall have effect accordingly with the appropriate modifications. (L.N. 135 of 1972; 25 of 1998 s. 2)
- (5) On any application made-
  - (a) in a district court, by originating application; or
  - (b) in the Court of First Instance, by originating summons, summons, notice or motion, (25 of 1998 s. 2)
 evidence may be given by affidavit unless these rules otherwise provide or the court otherwise directs, but the court may, on the application of any party, order the attendance for cross-examination of the person making any such affidavit; and where, after such an order has been made, that person does not attend, his affidavit shall not be used as evidence without the leave of the court. (L.N. 135 of 1972)

Chapter: 204	Title: INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE	Gazette Number:
Section: 17A	Heading: Welfare fund	Version Date: 30/06/1997

(1) There shall be established a fund to be known as the "Independent Commission Against Corruption Welfare Fund".

(2) The fund shall consist of-

- (a) such donations and voluntary contributions as may be made thereto;
- (b) such sums as may, from time to time, be voted thereto by the Legislative Council; and
- (c) such sums as may accrue by way of dividend or interest from the investment of the fund or any part thereof.

(3) The fund shall be controlled by the Commissioner and applied to the following purposes-

- (a) procuring for officers of the Commission and other persons employed by the Commission or for former officers or persons so employed who have ceased employment or retired on pension, gratuity or other allowance, comforts, conveniences or other benefits not chargeable to the general revenue;
- (b) granting loans to officers of the Commission and other persons employed by the Commission or former officers of the Commission and other persons formerly employed by the Commission who have ceased to be employed or retired on pension, gratuity or other allowance;
- (c) making grants to persons who were wholly or partially dependent at the time of his death on-
  - (i) a deceased officer or a deceased former officer of the Commission who had ceased to be employed or had retired on pension, gratuity or other allowance; or
  - (ii) a deceased person employed by the Commission or a deceased person who was at any time employed by the Commission and who had ceased to be employed or had retired on pension, gratuity or other allowance,

and who are in need of financial assistance, whether towards the payment of funeral expenses of the deceased or otherwise.

(Added 27 of 1980 s. 7)

Chapter: 208	Title: COUNTRY PARKS ORDINANCE	Gazette Number:
Section: 25	Heading: <b>Exclusions from country parks and special areas</b>	Version Date: 30/06/1997

## PART VII

### EXCLUSIONS

The Governor may by order in the Gazette exclude from any country park or special area-

- (a) village areas, traditional burial grounds, temples and other religious buildings;
- (b) any area in respect of which a lease is issued or to be issued by the Director of Lands, after consultation with the Authority, for the purposes of recreation or tourism; and (Amended L.N. 370 of 1981; L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)
- (c) any place, building, site or structure that has been declared a monument under section 3 of the Antiquities and Monuments Ordinance (Cap 53).

Chapter: 208A	Title: COUNTRY PARKS AND SPECIAL AREAS REGULATIONS	Gazette Number: 29 of 1998 s. 105
Regulation: 2	Heading: <b>Interpretation</b>	Version Date: 01/07/1997

Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

In these regulations, unless the context otherwise requires-  
"arms" (槍械) includes-

- (a) any firearm of any description from which any shot, bullet or other missile can be discharged;
- (b) any air gun, air rifle or air pistol from which any shot, bullet or other missile can be discharged; and
- (c) any propelling or releasing instrument or mechanism from or by which any shell, cartridge or projectile can be discharged, including a bow and arrow or catapult;

"authorized officer" (獲授權人員) means any person appointed by the Authority as an authorized officer under regulation 16;

"designated barbecue site" (指定燒烤地點) and "designated camping site" (指定露營地點) means a barbecue site or camping site designated by the Authority under regulation 14;

"hunting or trapping appliance" (獵捕或陷阱類器具) means any net, gin, snare, poison or poisoned weapon, bird lime, trap or bright light;

"plant" (植物) includes-

- (a) timber, trees and shrubs; and
- (b) leaves, roots, flowers, fruit, tubers, bulbs, corms, stocks, cuttings, layers, slips, suckers, seeds and any part of a plant;

"road" (道路) includes every highway, thoroughfare, street, lane, alley, court, square, archway, passage, path, way and place to which the public have access, either continuously or intermittently and either of right or by licence, whether the same be the property of the Government or otherwise; (29 of 1998 s. 105)

"soil" (土壤) includes earth, sand, clay and peat;

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

Chapter:	211	Title:	AERIAL ROPEWAYS (SAFETY) ORDINANCE	Gazette Number:	
Section:	28	Heading:	Regulations	Version Date:	30/06/1997

## PART VII

### MISCELLANEOUS

(1) The Secretary for Planning, Environment and Lands may by regulation provide for - (Amended 37 of 1981 s. 18; 43 of 1992 s. 2)

- (a) the manner of making application for and granting of approval of plans of installation works, specifications, calculations and the method and programme of installation, and the granting of approval to commence operation of an aerial ropeway;
- (b) the design, manufacture and installation of aerial ropeways including-
  - (i) the properties and design strength of materials to be used;
  - (ii) track and section, gradients and deviations;
  - (iii) the support of cables;
  - (iv) the distance of carriers and cables from the ground, and lateral clearances;
  - (v) profile of free space;
  - (vi) passage above buildings;
  - (vii) alignment of cables and crossing of other tracks;
  - (viii) speed;
  - (ix) rescue equipment;
  - (x) cables;
  - (xi) drives and brakes;
  - (xii) safety devices;
  - (xiii) signalling and communication;
  - (xiv) anchorages and tensioning devices;
  - (xv) pylon equipment;
  - (xvi) carriers;
  - (xvii) carriages, clamps and attachments;
  - (xviii) stations and pylons;
  - (xix) testing; and
  - (xx) calculations;
- (c) the operation, maintenance and examination of aerial ropeways including-
  - (i) empowering the Director to approve persons who may be employed in the operation and maintenance of aerial ropeways;
  - (ii) examinations and tests;
  - (iii) records and logs; and
  - (iv) reports of accidents and investigations thereof;
- (d) the safety of persons using or being in the vicinity of, or employed in the operation and maintenance of, aerial ropeways; (Amended 37 of 1981 s. 18)
- (e) the prevention and abatement of nuisances arising from the use and operation of an aerial ropeway;
- (f) the abatement of fire hazards in relation to an aerial ropeway;
- (g) the illumination or marking of an aerial ropeway, including any cables or pylons used in connexion therewith;
- (h) the number of persons who may be carried on an aerial ropeway at any one time;
- (i) what are major alterations to an aerial ropeway for the purposes of this Ordinance;
- (j) (Repealed 43 of 1992 s. 2)
- (k) forms; and

(l) the better carrying into effect of this Ordinance.

(1A) The Governor in Council may by regulation provide for fees. (Added 43 of 1992 s. 2)

(2) Regulations under this section may provide that a contravention of any specified provision shall be an offence and may prescribe a penalty therefor not exceeding a fine of \$50000 and imprisonment for 2 years, and in the case of a continuing offence, a further fine of \$1000 for each day on which the offence continues. (Added 37 of 1981 s. 18)

(3) Where regulations under this section impose any requirement or obligation upon any person employed by the owner of an aerial ropeway to be in charge of the aerial ropeway or in the control, operation or maintenance of the ropeway, the regulations may make the following provisions-

- (a) that the owner shall cause the requirement or obligation to be complied with;
  - (b) that, if it is not complied with and the owner does not exculpate himself, the owner commits an offence (whether or not any other person is also convicted of the offence) and is liable to such penalty as may be provided for in the regulations;
  - (c) that in order to exculpate himself as provided in paragraph (b) the owner must satisfy the court that he took all such precautions to prevent the non-compliance as the court considers reasonable in the circumstances. (Added 37 of 1981 s. 18)
-

Chapter: 226	Title: JUVENILE OFFENDERS	Gazette Number:
	ORDINANCE	
Section: 11	Heading: <b>Restrictions on punishment of children and young persons</b>	Version Date: 30/06/1997

(1) No child shall be sentenced to imprisonment or committed to prison in default of payment of a fine, damages, or costs.

(2) No young person shall be sentenced to imprisonment if he can be suitably dealt within any other way. (Amended 15 of 1973 s. 11)

(3) A young person sentenced to imprisonment shall not be allowed to associate with adult prisoners.

(4) (Repealed 50 of 1991 s. 4)

[cf. 1908 c. 67 s. 102 U.K.]

Chapter:	263A	Title:	TRADE MARKS (EMERGENCY) RULES	Gazette Number:	
Rule:	9	Heading:	<b>Copies to accompany application</b>	Version Date:	30/06/1997

An application as aforesaid shall be accompanied by a copy thereof and by a copy of any evidence or statement accompanying it. A copy of the application and of any such evidence or statement shall, unless, having regard to the circumstances, the Registrar considers it inexpedient (as to the whole or a part of those documents) or impossible, be sent by the Registrar to the registered proprietor of the trade mark at his address for service in Hong Kong, or at any other address that may appear to the Registrar to be proper, to any other person whose name, with an address in Hong Kong, appears upon the relevant Registrar to indicate that he has an interest in the trade mark in question, and to any other person who may appear to the Registrar to be sufficiently interested in the matter.

(G.N. 1346 of 1941)

[cf. R9]

Chapter:	282	Title:	EMPLOYEES' COMPENSATION ORDINANCE	Gazette Number:	
Section:	3	Heading:	<b>Interpretation</b>	Version Date:	30/06/1997

In this Ordinance, unless the context otherwise requires-

"accident insurance business" (意外保險業務) means the business of effecting contracts of insurance against the liability of an employer for personal injury by accident to any employee in his employment arising out of and in the course of such employment; (Added 55 of 1969 s. 3)

"Commissioner" (處長) means the Commissioner for Labour; (Replaced 13 of 1966 Schedule. Amended 55 of 1969 s. 3; L.N. 142 of 1974)

"compensation" (補償) means any of the following-

- (a) compensation payable under section 6, 7, 8, 9 or 10, including the expenses of burial and medical attendance payable under section 6(5);
- (b) medical expenses payable under section 10A;
- (c) wages or salary payable under section 16I(3) or 36MA; (Amended 36 of 1996 s. 3)
- (d) the cost of the supplying and fitting of a prosthesis or surgical appliance payable under section 36B, and the probable cost of repair and renewal thereof payable under section 36I;
- (e) any surcharge or interest payable under this Ordinance on the compensation referred to in paragraph (a), (b), (c) or (d); (Replaced 76 of 1982 s. 3)

"contract of apprenticeship" (學徒訓練合約) includes a contract of improvership or learnership; (Added 55 of 1969 s. 3)

"Court" (法院) means-

- (a) in relation to any proceedings for the recovery of compensation in or required to be in the District Court, the District Court; or
- (b) in relation to any proceedings for the recovery of compensation in any other court or tribunal, or to be determined by the Commissioner, that court or tribunal, or the Commissioner, as the case may be; (Replaced 76 of 1982 s. 3)

"damages" (損害賠償) means any damages recoverable by an employee independently of this Ordinance in the case of personal injury to the employee by accident arising out of and in the course of his employment, and any interest payable on such damages; (Added 55 of 1969 s. 3. Amended 54 of 1991 s. 47)

"dependants" (受養人) means those members of the family of an employee who were wholly or in part dependent upon his earnings at the time of his death, or would but for the incapacity due to the accident have been so dependent, and, where the employee, being the parent or grandparent of an illegitimate child, leaves such child so dependent upon his earnings, or being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child or parent or grandparent respectively:

Provided that a person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position:

And provided further that where on application being made by a person in accordance with rules made under this Ordinance the Court is satisfied that- (Amended 36 of 1996 s. 3)

- (a) such person and the deceased were living together as man and wife at the time of the accident; and (Amended 36 of 1996 s. 3)
- (b) such person was wholly or partially dependent on the earnings of the deceased at the time of his death or would but for the incapacity due to the accident have been so dependent, (Amended 36 of 1996 s. 3)

the Court may, in its absolute discretion, order that such person be deemed to be a dependant for

the purposes of this Ordinance: (Amended 63 of 1992 s. 3; 36 of 1996 s. 3)

And provided further that-

- (a) if any child is born to an employee after his death and would but for the death of the employee have been reasonably expected to be wholly or in part dependent upon his earnings, that child shall be deemed to be a dependant for the purposes of this Ordinance; and (Added 63 of 1992 s. 3)
- (b) if the father, mother, grandfather, grandmother, stepfather or stepmother of the deceased employee retires within 2 years after the death of the deceased employee and would but for the death of the employee have been reasonably expected to be wholly or in part dependent upon the earnings of the deceased employee after his retirement, such person shall be deemed to be a dependant for the purposes of this Ordinance; (Added 63 of 1992 s. 3)

"earnings" (收入) means any wages paid in cash to the employee by the employer and any privilege or benefit which is capable of being estimated in money and includes the value of any food, fuel, or quarters supplied to the employee by the employer if as a result of the accident the employee is deprived of such food, fuel or quarters; and any overtime payments or other special remuneration for work done, whether by way of bonus, allowance or otherwise, if of constant character or for work habitually performed and including tips if the employment be of such a nature that the habitual giving and receiving thereof is open and notorious and is recognized by the employer: but shall not include remuneration for intermittent overtime, or casual payments of a non-recurrent nature, or the value of a travelling allowance, or the value of any travelling concession or a contribution paid by the employer of an employee towards any pension or provident fund, or a sum paid to an employee to cover any special expenses entailed on him by the nature of his employment;

"employer" (僱主) includes Her Majesty in Her Government of Hong Kong and any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of an employee are temporarily lent or let on hire to another person by the person with whom the employee has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Ordinance, be deemed to continue to be the employer of the employee whilst he is working for that other person; and in relation to a person engaged, employed or paid through a club or hostel, the manager or members of the managing committee of the club or hostel shall, for the purposes of this Ordinance, be deemed to be the employer; (Amended 76 of 1982 s. 37; 68 of 1995 s. 2)

"hospital" (醫院) means any hospital registered under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165) or maintained by the Crown or which is a public hospital within the meaning of the Hospital Authority Ordinance (Cap 113); (Added 74 of 1977 s. 2. Amended 82 of 1991 s. 2)

"insurance company" (保險公司) and "insurer" (保險人) mean a person carrying on accident insurance business in Hong Kong and include-

- (a) a company authorized under section 8 of the Insurance Companies Ordinance (Cap 41) to carry on class 13 of the classes of insurance business specified in Part 3 of the First Schedule to that Ordinance;
- (b) an association of underwriters approved by the Governor in Council before 1 July 1994 or by the Insurance Authority on or after 1 July 1994 under section 6 of that Ordinance; (Amended 47 of 1995 s. 2)
- (c) the society of underwriters known in the United Kingdom as Lloyd's; (Replaced 33 of 1990 s. 31)

"medical expenses" (醫療費)-

- (a) in relation to medical treatment given in Hong Kong, means all or any of the following expenses incurred in respect of the medical treatment of an employee-
  - (i) the fees of a medical practitioner, registered dentist, registered chiropractor,

- registered physiotherapist or registered occupational therapist;
    - (ii) the fees for any surgical or therapeutic treatment;
    - (iii) the cost of nursing attendance;
    - (iv) the cost of hospital accommodation as an in-patient;
    - (v) the cost of medicines, curative materials and medical dressings;
  - (b) in relation to medical treatment given outside Hong Kong, means such expenses incurred in respect of the medical treatment of an employee as the Commissioner, by certificate in writing issued under section 10B(1)(b), determines to be medical expenses; (Replaced 1 of 1995 s. 2)
- "medical practitioner" (醫生) means a medical practitioner who-
  - (a) is registered under the Medical Registration Ordinance (Cap 161); or
  - (b) is deemed to be a registered medical practitioner by virtue of section 29(a) of the said Ordinance; (Replaced 13 of 1966 Schedule. Amended 34 of 1995 s. 45)
- "medical treatment" (醫治), in relation to an employee to whom a personal injury is caused by accident arising out of and in the course of his employment, means medical treatment of any kind whatsoever given to the employee-
  - (a) in the case of medical treatment given in Hong Kong, by, or under the supervision of, a medical practitioner, registered dentist, registered chiropractor, registered physiotherapist or registered occupational therapist;
  - (b) in the case of medical treatment given outside Hong Kong, by, or under the supervision of, a person who is allowed to practise medicine, surgery, dentistry, chiropractic, physiotherapy or occupational therapy in the place where such medical treatment is given,
 in a hospital, whether as an in-patient or other than as an in-patient, or elsewhere; (Added 74 of 1977 s. 2. Amended 1 of 1995 s. 2)
- "member of the family" (家庭成員) means-
  - (a) a wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law and any such person is included whether the relationship is created by blood or by any adoption recognized as valid by the law of Hong Kong; and (Amended 76 of 1982 s. 37; 36 of 1996 s. 3)
  - (b) any other person who at the time of the injury resides with the employee as a member of his household; (Replaced 55 of 1969 s. 3)
- "occupational disease" (職業病) means any of the diseases specified in the second column of the Second Schedule and any recurrence or sequelae thereof; (Added 19 of 1964 s. 3)
- "Ordinary Assessment Board" (普通評估委員會) means an Employees' Compensation (Ordinary Assessment) Board appointed under section 16D; (Added 76 of 1982 s. 3)
- "outworker" (外發工) means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;
- "partial incapacity" (部分喪失工作能力) means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of an employee in any employment in which he was engaged at the time of the accident resulting in the incapacity, and, where the incapacity is of a permanent nature, such incapacity (which may include disfigurement) as reduces his earning capacity, present or future, in any employment in which he was capable of undertaking at that time; (Amended 55 of 1969 s. 3; 49 of 1985 s. 2)
- "principal contractor" (總承判商) means a person referred to as a principal contractor in section 24; (Added 76 of 1982 s. 3)
- "registered dentist" (註冊牙醫) means a dentist who is admitted to the register of dentists under section

9 of the Dentists Registration Ordinance (Cap 156); (Added 74 of 1977 s. 2)

"Special Assessment Board" (特別評估委員會) means an Employees' Compensation (Special Assessment) Board appointed under section 16E; (Added 76 of 1982 s. 3)

"sub-contractor" (次承判商) means-

- (a) any person who enters into a contract, express or implied, with a principal contractor to perform all or any part of the work which the principal contractor has undertaken to perform; and
- (b) any other person who enters into a contract, express or implied, to perform all or any part of the work which a sub-contractor within the meaning of paragraph (a) has undertaken to perform; (Added 76 of 1982 s. 3)

"total incapacity" (完全喪失工作能力) means such incapacity whether of a temporary or permanent nature as incapacitates an employee for any employment which he was capable of undertaking at the time of the accident resulting in such incapacity. (Amended 49 of 1985 s. 2)

(Amended 44 of 1980 s. 15)

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Chapter:	282	Title:	EMPLOYEES' COMPENSATION ORDINANCE	Gazette Number:	
Section:	4	Heading:	<b>Application to employees employed under the Crown</b>	Version Date:	30/06/1997

(1) This Ordinance shall apply to employees employed by or under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of-

- (a) members of the armed forces of the Crown; and
- (b) persons in the civil employment of Her Majesty, otherwise than in Her Government of Hong Kong, who have been engaged in a place outside Hong Kong:

Provided that this Ordinance shall not apply in the case of an employee in the service of the Government of Hong Kong where, in consequence of injury received by any such employee in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him or, in the case of his death, to any of his dependants as defined in this Ordinance, under any Ordinance or regulation providing for the grant of such pension or gratuity. (Replaced 50 of 1954 s. 3. Amended 11 of 1958 s. 4; 55 of 1969 s. 4; 44 of 1980 s. 15; 76 of 1982 s. 37)

(2) The exercise and performance of the powers and duties of any public body shall for the purposes of this Ordinance, unless a contrary intention appears, be deemed to be the trade or business of such public body. (Added 55 of 1969 s. 4)

Chapter:	282	Title:	EMPLOYEES' COMPENSATION ORDINANCE	Gazette Number:	
Section:	9	Heading:	<b>Compensation in case of permanent partial incapacity</b>	Version Date:	30/06/1997

(1) Subject to subsection (1A), where permanent partial incapacity results from the injury the amount of compensation shall be- (Amended 76 of 1982 s. 6)

- (a) in the case of an injury specified in the First Schedule, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is specified therein as being the percentage of the loss of earning capacity caused by that injury;
- (aa) in the case of a combination of injuries specified in the First Schedule, the aggregate of the compensation which would have been payable in respect of the injuries; and (Added 4 of 1973 s. 2)
- (b) in the case of an injury not specified in the First Schedule, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is proportionate to the loss of earning capacity permanently caused by the injury in any employment which the employee was capable of undertaking at that time: (Amended 19 of 1964 s. 7; 55 of 1969 s. 9; 44 of 1980 s. 15)

Provided that-

- (i) in the case of injury to any part of the body specified in the First Schedule not amounting to the loss of that part, the loss of earning capacity permanently caused by that injury, expressed as a percentage, shall not exceed the appropriate percentage specified in the First Schedule in respect of the loss of such part; (Added 4 of 1978 s. 3)

(ii) in the case of injury not specified in the First Schedule, the loss of earning capacity permanently caused by such injury shall be assessed as a percentage having regard so far as possible to the scale of percentages specified in that Schedule and to the Note thereto. (Replaced 49 of 1985 s. 4)

(1A) Where-

(a) permanent partial incapacity results from an injury or a combination of injuries (whether or not specified in the First Schedule); and

(b) the percentage of the loss of earning capacity specified or assessed in relation to that injury or combination of injuries in accordance with subsection (1) would be substantially less than the percentage of the loss of earning capacity permanently caused by the injury or injuries in the special circumstances of the employee, including, without limiting the generality of the foregoing-

(i) the nature of the injury or injuries in relation to the nature of his former usual employment; and

(ii) his qualifications, previous training and experience,

the amount of compensation shall be such percentage of the compensation which would have been payable in the case of permanent total incapacity as is proportionate to the loss of earning capacity permanently caused by the injury or injuries in any employment which, having regard to those special circumstances, the employee was capable of undertaking at that time. (Added 76 of 1982 s. 6)

(2) Where more injuries than one are caused by the same accident, the amount of compensation payable under the provisions of this section shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total incapacity had resulted from the injuries.

(3) For the purposes of this section, permanent partial incapacity shall be deemed to result from an injury where the percentage or aggregate percentage of the loss of earning capacity amounts-

(a) in the case of an incapacity of a permanent nature which results from an injury specified in the First Schedule, to less than 100 per cent as specified in that Schedule; or

(b) in the case of an incapacity of a permanent nature which results from an injury not specified in the First Schedule, to less than 100 per cent as assessed by an Ordinary Assessment Board, a Special Assessment Board or the Court,

and a reference in this subsection to an injury shall include a reference to a combination of injuries whether they are mentioned in paragraph (a) or (b) or in both those paragraphs. (Added 49 of 1985 s. 4)

(4) In assessing the loss of earning capacity for the purposes of subsection (3)(b), an Ordinary Assessment Board, a Special Assessment Board or the Court, as the case may be, may but shall not be obliged to give weight to any actual earnings of the employee earned after the accident causing the injury. (Added 49 of 1985 s. 4)

Chapter:	282	Title:	EMPLOYEES' COMPENSATION ORDINANCE	Gazette Number:	25 of 1998 s. 2
Section:	26	Heading:	<b>Remedies independently of Ordinance against employer</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) Where any injury is caused to an employee by the negligence, breach of statutory duty or other wrongful act or omission of the employer, or of any person for whose act or default the employer is

responsible, nothing in this Ordinance shall limit or in any wise affect any civil liability of the employer independently of this Ordinance:

Provided that any damages awarded to an employee in an action at common law or under any enactment in respect of any such negligence, breach of statutory duty, wrongful act or omission, shall be reduced by the value, as decided by the Court of First Instance or the District Court, as the case may be, of any compensation which has been paid or is payable under the provisions of this Ordinance in respect of the injury sustained by the employee. (Replaced 55 of 1969 s. 20. Amended 44 of 1980 s. 15; 76 of 1982 s. 20; 25 of 1998 s. 2)

(2) If, within the time limited for taking proceedings under this Ordinance by section 14(1), an action is brought to recover damages independently of this Ordinance for injury caused by an accident, and it is determined in such action or on appeal that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Ordinance, the action shall be dismissed; but the court in which the action is tried, or, if the determination is (on an appeal by either party) by an appellate tribunal, that tribunal, shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs, which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Ordinance. In any proceeding under this subsection, when a court or appellate tribunal assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, and such certificate shall have the force and effect of an order of the District Court under this Ordinance:

Provided that an appellate tribunal may, instead of itself assessing such compensation, remit the case to the District Court for the assessment of the compensation, and in such case may order the District Court to deduct from the amount of compensation assessed by it all or part of such costs as aforesaid. (Amended 76 of 1982 s. 20)

(3) Where, within the time limited for taking proceedings under this Ordinance by section 14(1), an action is brought to recover damages independently of this Ordinance in respect of an injury giving rise to a claim for compensation under this Ordinance, and it is determined in that action that-

- (a) damages are recoverable independently of this Ordinance subject to such reduction as is mentioned in section 21(1) of the Law Amendment and Reform (Consolidation) Ordinance (Cap 23); and
- (b) the employer would have been liable to pay compensation under this Ordinance,

subsection (2) shall apply in all respects as if the action had been dismissed, and, if the plaintiff chooses to have compensation assessed and awarded in accordance with the said subsection (2), no damages shall be recoverable in the said action.

(4) Without prejudice to section 21(3), where a court or appellate tribunal assesses compensation in accordance with subsection (2) it may include in the sum awarded interest at such rate as it thinks fit on the whole or any part of such sum for the whole or any part of the period between the date of the accident and the date of the certificate given under that subsection. (Added 76 of 1982 s. 20)

[cf. 1925 c. 84 s. 29 U.K.]

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Chapter: 303B	Title: RADIATION (CONTROL OF IRRADIATING APPARATUS) REGULATIONS	Gazette Number:
Regulation: 2	Heading: <b>Interpretation</b>	Version Date: 30/06/1997

In these regulations, unless the context otherwise requires-

"approved laboratory" (認可檢驗所) means a laboratory approved by the Board for the purposes of regulation 16;

"dental practitioner" (牙科輻照儀器) means a person for the time being registered or deemed to be registered under the Dentists Registration Ordinance (Cap 156);

"dental irradiating apparatus" (牙醫) means a type of irradiating apparatus specifically designed for the taking of radiographs of the teeth or jaws; (L.N. 225 of 1990)

"diagnostic irradiating apparatus" (診斷用輻照儀器) means an irradiating apparatus designed for medical diagnosis; (L.N. 225 of 1990)

"does" (劑量) is the quantity of absorbed energy from radiation;

"dose limit" (劑量限值) in relation to persons employed in radiation work means a dose of radiation-

- in the case of the whole body, as a result of exposure of the whole or part of the body, of 20 millisieverts in any calendar year;
- without prejudice to paragraph (a), in the case of an individual organ or tissue (other than the lens of the eye) or any body extremity or area of skin averaged over any 1 square centimetre, of 500 millisieverts in any calendar year;
- in the case of the lens of the eye, of 150 millisieverts in any calendar year;
- in the case of the abdomen of a woman with reproductive capacity, of 5 millisieverts in any consecutive 3 months interval; and
- in the case of a pregnant woman, of 1 millisievert to the fetus during the pregnancy of the woman; (L.N. 225 of 1990; L.N. 154 of 1995)

"dosemeter" (劑量計) means an instrument for measuring exposure to radiation;

"dose rate" (劑量率) is the dose per unit of time, usually expressed as grays per minute and symbolized Gy/min. or as sieverts per minute and symbolized Sv/min.;

"employ" and "employment" (僱用、受僱) include reference to any kind of work carried out in furtherance of apprenticeship or any agreement for training;

"equivalent thickness of lead" (鉛的等厚) means such thickness of lead as is equally opaque to a specific quality of radiation;

"filter" (射線過濾器) means any substance interposed in a beam of radiation for the purpose of changing its quality or intensity, or both; and "filtration" has a meaning corresponding therewith;

"Gray" (戈瑞) means a unit of absorbed dose of energy from radiation which is equivalent to 1 joule per kilogram of material irradiated; (L.N. 410 of 1982)

"half-value layer" (半值層) means the thickness of material which reduces to half the exposure rate of a particular beam of radiation;

"intensity" (強度) means the quantity of radiation passing through a unit area perpendicular to the direction of the beam of radiation per unit of time;

"ionometric method" (離子濃度測量法) means a method of measurement based on the ionization produced by the radiation which is being measured;

"licence" (牌照) means a licence issued under section 9 of the Ordinance;

"licensee" (持牌人), in relation to any irradiating apparatus, means a person holding a licence for the time being in force issued under the Ordinance with respect to that apparatus;

"medical practitioner" (醫生) means a medical practitioner for the time being registered or exempted

from registration under the Medical Registration Ordinance (Cap 161);

"panel" (醫務小組) means such committee as the Board may from time to time appoint under section 5 of the Ordinance for the purpose of advising the Board upon matters affecting or concerning the state of health of persons employed or to be employed on, or engaged in, radiation work;

"personnel radiation monitoring device" (工作人員輻射監測器具) means a device designed to be worn or carried by an individual for the purpose of measuring exposure to radiation and includes a photographic film suitable for that purposes, placed in an appropriate film holder; (L.N. 229 of 1985)

"photograph" (照片) means a photograph of approximate size neither greater than 50 x 70 mm nor smaller than 40 x 50 mm; (L.N. 225 of 1990)

"proximity" (接近), in relation to any irradiating apparatus, means a position in which a person may be liable to receive a dose of radiation exceeding 6 millisieverts to any part of the body if such position were retained by him for one calendar year; (L.N. 154 of 1995)

"quality" (質量), in relation to radiation, means the property of the radiation which determines the manner in which it affects and is itself altered by the matter it traverses, expressed quantitatively in terms of equivalent constant potential or half-value layer;

"radiation" (輻射) and "rays" (射線) mean ionizing radiation;

"radiation hazard" (輻射危害) means the danger to health arising from exposure to ionizing radiation whether such danger is due to radiation arising from sources outside the human body or to radiation from radioactive substances within the body;

"radiation work" (輻射性工作) means work by any person which involves proximity to any irradiating apparatus in operation;

"sealed source" (密封源) means a radioactive substance which is permanently enclosed in a container in such a manner that it or any part of it cannot be separated from the container unless the container is damaged, but also in such a manner as to permit of the emission of radiation;

"sievert" (希沃特) means that quantity of radiation which when absorbed by man produces an effect biologically equivalent to the absorption by man of one gray of X-rays with average specific ionization of 100 ion pairs per micrometre of water, in terms of its air equivalent, in the same region; (L.N. 410 of 1982)

"therapeutic irradiating apparatus" (治療用輻照儀器) means an irradiating apparatus designed for medical therapy; (L.N. 225 of 1990)

"useful beam" (有用束流) means, in the case of X-rays, that part of the radiation from an X-ray tube that passes through the aperture, cone or other device for collimating the X-ray beam, and, in other cases, any radiations from a sealed source that can be employed for the purposes for which the sealed source is used;

"X-ray machine" (X 射線機) means any machine that can be used for the production of X-rays.

(L.N. 410 of 1982; L.N. 225 of 1990)

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Chapter: 336D	Title: DISTRICT COURT CIVIL PROCEDURE (FORMS) RULES	Gazette Number: L.N. 381 of 1997
Schedule: 2	Heading: <b>FORMS</b>	Version Date: 01/07/1997

[rule 4]

## FORM 1

### TITLE TO ACTION: GENERAL FORM

#### IN THE DISTRICT COURT OF HONG KONG

Holden at .....\*

Action No. .... of 19 .....

BETWEEN

A.B.  
and  
C.D.

Plaintiff.  
  
[Defendant  
or  
Defendants].

\* The appropriate court under rule 4 of the District Court Civil Procedure (General) Rules (Cap 336 sub. leg.).

## FORM 2

### TITLE TO MATTER: GENERAL FORM

#### IN THE DISTRICT COURT OF HONG KONG

Holden at .....\*

No. .... of 19 .....

IN THE MATTER of [name of enactment, other than Part IV of the District Court Ordinance, Chapter 336, by which the court is empowered to entertain the proceedings]

and

IN THE MATTER of [name the trust, settlement or other matter in respect of which the proceedings arise]

BETWEEN

A.B.  
  
and  
C.D.

[Applicant, Petitioner  
or Appellant].  
  
Respondent.

\* The appropriate court under rule 4 of the District Court Civil Procedure (General) Rules (Cap 336 sub. leg.).

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FORM 3

AFFIDAVIT OF SERVICE

I,  
make oath/do solemnly and sincerely and truly declare and affirm\* and say that the within Writ and Notice to the Defendant ..... were served by me on the said defendant(s) on the ..... day of ..... 19 ....., by delivering a copy thereof to Sworn/Affirmed\* at the Courts of Justice, District Court Registry, Hong Kong the ..... day of ..... 19 .....

Before me,

A Commissioner, &c.

\* Delete whichever is inapplicable.

Note. When there is an Order for substituted service, the return should strictly follow the words of the order.

(L.N. 183 of 1970; L.N. 314 of 1997)

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FORM 4

WRIT-DEBT OR LIQUIDATED DAMAGES

(front)

[title as in Form 1]

TO THE DEFENDANT.

THE PLAINTIFF CLAIMS-

\$      Ø

DEBT/LIQUIDATED DAMAGES .....

(Particulars overleaf)

COSTS-

Court fee .....

Solicitor's charge .....

Total .....                     

Judgment may be obtained against you and enforced without further notice unless, within 14 days of the service of this writ, you-

(a) Admit the claim and pay, in cash or by banker's or postal order, the total amount of the claim and costs into Court in which event further proceedings will be stayed and you will not be further liable; or

(b) File at the Court a defence or counterclaim.

Dated this                      day of                      19                      .

Registrar.  
L.S.

The address(es) of the  
Plaintiff(s) is(are)

1. ....  
2. ....

The address(es) of the  
Defendant(s) is(are)

1. ....  
2. ....

Filed by .....

of .....

.....  
Solicitors for the Plaintiff.

SEE OVER

(Reverse as in Form 5)  
(L.N. 183 of 1970; L.N. 164 of 1981; L.N. 178 of 1986; L.N. 180 of 1996)

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FORM 5

WRIT-DEBT OR LIQUIDATED DAMAGES

(reverse)

PARTICULARS OF CLAIM

The Plaintiff's claim is for-

and the Plaintiff(s) abandon(s) any excess of his/their claim over \$40000.00 in accordance with the provisions of section 34 of the District Court Ordinance, Chapter 336.

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Affidavit of Service.

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Bailiff's Notes, etc.

I,  
make oath/do solemnly, sincerely and truly  
declare and affirm\* and say that the within Writ  
was served by me on the said defendant(s) on  
the       day of       19       by delivering a  
copy thereof to

Sworn/Affirmed at the Courts of Justice,  
District Court Registry, Hong Kong, the       day  
of 19 .

Before me,

A Commissioner, &c.

\* Delete whichever is inapplicable.

(L.N. 183 of 1970; L.N. 330 of 1983; L.N. 180 of 1996; L.N. 314 of 1997)

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FORM 5A

NOTICE TO BE SERVED WITH WRIT

TO THE DEFENDANT.

1. If you admit the claim but are not in position to make immediate payment, you may file an application for time to pay or to make payment by instalments. The application must be accompanied by an affidavit setting out in full ALL the details of your financial position.

NOTE that the filing of an application will not prevent the plaintiff from enforcing judgment against you unless and until your application is granted by a Judge.

2. If you dispute the claim or part of it, or if you have a counterclaim against the plaintiff, you must file a defence or counterclaim setting out the reasons why you dispute the claim or upon which you base your counterclaim.
3. Any defence or counterclaim must be-
  - (a) written in the Chinese language or English language;
  - (b) delivered by hand to the registry of this Court together with a copy.  
Note. If there is more than one plaintiff, you should deliver as many copies of your defence or counterclaim as there are plaintiffs.
4. If you are in any doubt as to what to do on receipt of this writ, or in any other matter connected with this case, you should consult a solicitor or the registry clerk of this Court.

\* If you are not represented by counsel or a solicitor you may find it convenient to use a form similar to the following-

"Defence to Action No. .... (here insert the number on the writ)

I dispute the plaintiff's claim for the following reasons-

1. .... (each separate matter should be dealt with
2. .... in a separate paragraph)
3. ....

and/or I counterclaim against the plaintiff as follows-

1. ....
2. ....
3. ....

Signed .....

Full name and  
address of defendant .....

(L.N. 183 of 1970; L.N. 180 of 1996; L.N. 314 of 1997)

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## WRIT-RECOVERY OF IMMOVABLE PROPERTY

(front)

[title as in Form 1]

TO THE DEFENDANT.

THE PLAINTIFF CLAIMS-

Recovery of property together with arrears of rent and mesne profits up to the date on which possession is given (particulars overleaf) .....

Costs-

Court fee .....

Solicitor's charge .....

Total .....

Judgment may be obtained against you and enforced without further notice unless, within 14  
days of the service of this writ, you-

- (a) Admit the claim and give up possession of the property claimed and pay into Court, in cash or by banker's or postal order, the total amount of the arrears of rent and mesne profits claimed and costs, in which event further proceedings will be stayed and you will not be further liable; or
- (b) File at the Court a defence or counterclaim.

Dated this            day of            19    .

Registrar.  
L.S.

The address(es) of the  
Plaintiff(s) is(are)

1. ....
2. ....

The address(es) of the  
Defendant(s) is(are)

1. ....
2. ....

Filed by .....

of .....

Solicitors for the Plaintiff.

SEE OVER

(Reverse as in Form 7)

(L.N. 183 of 1970; L.N. 164 of 1981; L.N. 178 of 1986; L.N. 180 of 1996)

FORM 7

WRIT-RECOVERY OF IMMOVABLE PROPERTY

(reverse)

[title as in Form 1]

PARTICULARS OF CLAIM

The Plaintiff's claim is for-

Affidavit of Service.	Bailiff's Notes, etc.
<hr/>	
I, make oath/do solemnly, sincerely and truly declare and affirm* and say that the within Writ was served by me on the said defendant(s) on the day of 19 by delivering a copy thereof to  Sworn/Affirmed* at the Courts of Justice, District Court Registry, Hong Kong, the day of 19 .	

Before me,

A Commissioner, &c.

\* Delete whichever is inapplicable.

(L.N. 183 of 1970; L.N. 180 of 1996; L.N. 314 of 1997)

FORM 8

WRIT-GENERAL FORM

(front)

[title as in Form 1]

TO THE DEFENDANT.

Particulars of THE PLAINTIFF'S CLAIM against you are set out overleaf.

Judgment may be obtained against you and enforced without further notice unless within 14 days of the service of this writ you file at the Court a defence or counterclaim.

Dated this            day of            19    .

Registrar.  
L.S.

The address(es) of the  
Plaintiff(s) is(are)  
Filed by .....

1. ....  
2. ....  
of .....

.....  
Solicitors for the Plaintiff.

SEE OVER

(Reverse as in Form 7)  
(L.N. 183 of 1970; L.N. 164 of 1981; L.N. 178 of 1986; L.N. 180 of 1996)

FORM 9

(Repealed L.N. 183 of 1970)

FORM 10

SUMMONS INTER PARTES

(front)

[title as in Form 1]

TO .....  
OF .....

YOU ARE HEREBY SUMMONED to appear before His Honour .....  
at his Chambers at the said Court on ..... day, the..... day of .....  
19 ..... at ..... o'clock in the fore/afternoon on the hearing of an  
application on the part of the Plaintiff(s)/Defendant(s) for an Order to be made  
that<sup>(1)</sup>-

<sup>(1)</sup> State the  
Object of the  
application.

And you are to take notice that if you do not appear the Court may  
consider and deal with the application in a summary way.

Dated this ..... day of ..... 19 .....

The address of the Plaintiff(s)/Defendant(s)\* is .....

.....  
The address of the Plaintiff's'/Defendant's'\* solicitor(s) is .....

.....

..... +  
Seal of the Court.

.....  
\*Plaintiff(s)/Defendant(s)/Solicitor/Counsel.

\* Delete whichever is inapplicable.  
+ Name of Registrar.

SEE OVER

(Reverse as in Form 11)

(L.N. 180 of 1996)

---

FORM 11

SUMMONS INTER PARTES

(reverse)

---

Affidavit of Service.

Bailiff's Notes, etc.

---

I,  
make oath/do solemnly, sincerely and truly  
declare and affirm\* and say that the within  
Summons  
was served by me on the said defendant(s) on  
the day of 19 by delivering a copy  
thereof to

Sworn/Affirmed at the Courts of Justice,  
District Court Registry, Hong Kong,  
the day of 19 .

Before me,

A Commissioner, &c.

\* Delete whichever is inapplicable.

(L.N. 180 of 1996; L.N. 314 of 1997)

---

FORM 12

EX PARTE SUMMONS

(front)

[title as in Form 1]

Application on the part of .....  
of .....  
is made for an Order that<sup>(1)</sup>-

<sup>(1)</sup> State the Object of  
the application.

The address of the Plaintiff(s)/Defendant(s)\* is .....  
.....

The address of the Plaintiff's'/Defendant's'\* solicitor(s) is.....  
.....

.....+  
Seal of the Court.

.....  
\*Plaintiff(s)/Defendant(s)/Solicitor/Counsel.

\* Delete whichever is inapplicable.

+ Name of Registrar.

\_\_\_\_\_

FORM 13

PETITION

[title as in Form 1]

To His Honour the Judge of the said Court

THE PETITION OF .....

of.....

SHEWETH:

That [here state the grounds upon which the Petitioner claims to be entitled to an Order].

your Petitioner prays that an Order may be made in the following terms [here state your terms of the Order for which the Petitioner prays].

\*The names and addresses of the persons upon whom it is intended to serve this Petition are shown in the Schedule overleaf.

\*It is not intended to serve any person with this Petition.

\*The name and address of the Petitioner's solicitor is .....  
.....of .....

Dated this ..... day of ..... 19 .....

.....  
Seal of the Court.

.....  
\*Petitioner/Solicitor for Petitioner.

\* Delete whichever is inapplicable.

SEE OVER

(Reverse as in Form 14)

---

FORM 14

PETITION

(reverse)

SCHEDULE

Names and addresses of the persons upon whom it is intended to serve this Petition.

---

Affidavit of Service.

Bailiff's Notes, etc.

---

I,  
make oath/do solemnly, sincerely and truly  
declare and affirm\* and say that the within  
Petition was served by me on the said  
respondent(s) on the day of 19  
by delivering a copy thereof to

Sworn/Affirmed at the Courts of Justice,  
District Court Registry, Hong Kong, the  
day of 19 .

Before me,

A Commissioner, &c.

\* Delete whichever is inapplicable.

(L.N. 314 of 1997)

---

FORM 15

THIRD PARTY NOTICE

(front)

[title as in Form 1]

and

Third Party.

TAKE NOTICE that this action has been brought by the Plaintiff against the  
Defendant and that the Defendant claims against you-

- (a) that he is entitled to contribution from you to the extent of ;
- (b) that he is entitled to be indemnified by you against liability in respect  
of ;
- (c) that he is entitled to the following relief or remedy relating to or connected  
with the original subject-matter of the action,  
namely ; or
- (d) that the following question or issue relating to or connected with the subject-  
matter of the action should properly be determined as between the Plaintiff and  
the Defendant and the third

party, namely

The particulars of the Defendant's claim are

AND TAKE NOTICE that if you dispute the Plaintiff's claim against the Defendant or the Defendant's claim against you, you must, within 14 days of the service of this notice, file at the Court a defence.

AND FURTHER TAKE NOTICE that in default of your filing a defence within the specified time you will be deemed to admit-

- (i) the Plaintiff's claim against the Defendant;
- (ii) the Defendant's claim against you;
- (iii) your liability to contribute to the extent claimed or to indemnify the Defendant;
- (iv) the Defendant's right to the relief or remedy claimed in paragraph (c),

and will be bound by any judgment in the action which may be enforced against you.

Dated this            day of            19    .

Registrar.

L.S.

(L.N. 183 of 1970; L.N. 164 of 1981; L.N. 330 of 1983; L.N. 178 of 1986)

---

FORM 15A

NOTICE OF DEFENCE

[title as in Form 1]

TO THE PLAINTIFF.

1. I enclose a copy of the defence which has been filed in the action brought by you.
2. If you wish this action to be tried you should complete the attached form of application and return it to the Court.
3. If you desire any particular date, or if any particular date is not suitable to you, you may mention this and the reasons therefor in space headed "Remarks" and as far as is consonant with the commitments of the Court consideration will be given to your request.

.....  
Registrar.

(L.N. 183 of 1970; L.N. 180 of 1996)

---

FORM 15B

APPLICATION TO FIX A DATE FOR TRIAL

[title as in Form 1]

TO THE REGISTRAR.

1. Application is hereby made for a date to be fixed for the trial of this action. It is estimated that the trial will last ..... days. The number of witnesses to be called is .....

\*2. Application is also made for an order for mutual discovery and inspection of documents within 10 days of the order fixing the date of the trial.

Remarks.

Signed .....  
Plaintiff/Solicitor for Plaintiff or  
Defendant/Solicitor for Defendant.

\* Strike out if discovery and inspection not required.

(L.N. 183 of 1970)

---

FORM 16

APPLICATION FOR ENTRY OF JUDGMENT IN DEFAULT OF DEFENCE - DEBT,  
LIQUIDATED DAMAGES OR RENT

(front)

[title as in Form 1]

To the Registrar of the District Court of Hong Kong, holden at .....

APPLICATION is hereby made in accordance with the provisions of rule 22 of the District Court Civil Procedure (General) Rules (Cap 336 sub. leg.), that judgment be entered for the Plaintiff(s) in the above action in the amount claimed, with costs, namely-

Amount claimed .....	\$
Fixed costs and court fees .....	\$
Additional costs and court fees on judgment .....	\$
Total .....	\$
*Less at amount paid by the Defendant(s) to the Plaintiff(s) since the issue of the writ .....	\$
Net Total .....	\$

pursuant to leave granted on the ..... day of ..... 19 .....,  
by the above-mentioned Court in accordance with the provisions of that rule.

Dated this ..... day of ..... 19 .....

.....+  
Seal of the Court.

.....  
\*Plaintiff(s)/Solicitor/Counsel.

\* Delete whichever is inapplicable.

+ Name of Registrar.

SEE OVER

(Reverse as in Form 17 or Form 18)

(L.N. 183 of 1970)

---

FORM 17

AFFIDAVIT GROUNDING APPLICATION FOR ENTRY OF  
JUDGMENT IN DEFAULT OF DEFENCE-DEBT  
OR LIQUIDATED DAMAGES

(reverse)

[title as in Form 1]

I, .....  
OF .....  
make oath/do solemnly, sincerely and truly declare and affirm\* and say that-

1. \*I am the plaintiff in the above action.

\*I am the solicitor for the above-named plaintiff and am duly authorized by him to make this affidavit/affirmation.

\*I am the sole proprietor, partner, manager, salesman of the plaintiff firm and I am duly authorized by the plaintiffs to make this affidavit/affirmation.

\*I am one of the plaintiffs in the above action and I am duly authorized by my co-partners to make this affidavit/affirmation.

and the facts deposed hereto are within my own knowledge.

2. The \_\_\_\_\_ defendant(s)\* \_\_\_\_\_ me\* is/are justly and truly indebted to \_\_\_\_\_ in the sum of \$ \_\_\_\_\_ 1st defendant(s)\* plaintiff firm\* for (describe the claim) and was so indebted at the commencement of this action.

3. The particulars of the said claim appear by the endorsement on the writ in this action.

4. \*Since the commencement of this action the sum of \$ ..... has been paid to the plaintiff(s) on account of the said debt. The defendant(s) is still justly and truly indebted to the plaintiff(s) in the sum of \$.....

5. \*The exhibits marked \_\_\_\_\_ and annexed hereto are in support of my\* \_\_\_\_\_ claim. the plaintiff(s)\*

OR

\*There are no documents supporting this claim.

SWORN/AFFIRMED at the District Court Registry, Hong Kong this day of 19 , having first been duly interpreted to the Deponent/Affirmant in dialect of the Chinese language by-

Sworn Interpreter\*.

\* Delete whichever is inapplicable.

Before me,  
A Commissioner, &c.

(L.N. 183 of 1970; L.N. 314 of 1997)

---

FORM 18

AFFIDAVIT GROUNDING APPLICATION FOR ENTRY OF JUDGMENT IN DEFAULT OF DEFENCE-RENT

(reverse)

[title as in Form 1]

I,.....  
OF .....make  
oath/do solemnly, sincerely and truly declare and affirm\* and say that-

1. \*I am the plaintiff in the above action.

\*I am the solicitor for the above-named plaintiff and am duly authorized by him to make this affidavit/affirmation.

\*I am the sole proprietor, partner, manager, salesman of the plaintiff firm and I am duly authorized by the plaintiffs to make this affidavit/affirmation.

\*I am one of the plaintiffs in the above action and I am duly authorized by my co-partners to make this affidavit/affirmation.

and the facts deposed hereto are within my own knowledge.

2. The \_\_\_\_\_ defendant(s)\*  
\_\_\_\_\_ is/are justly and truly indebted to me in the sum of \$  
1st defendant(s)\*  
for rent and was/were so indebted at the commencement of this action.

3. The particulars of the said claim appear by the endorsement on the writ in this action.

4. \*The premises in respect of which the rent is claimed are not excepted from the provisions of Part I of the Landlord and Tenant (Consolidation) Ordinance (Cap 7).

\*The premises in respect of which the rent is claimed are excepted from the provisions of Part I of the Landlord and Tenant (Consolidation) Ordinance (Cap 7), because e.g. the premises

form part of an entirely new building in respect of which the written permit of the Building Authority to occupy the same was granted after 16 August 1945.

If the premises ARE EXCEPTED from the provisions of Part I of the Landlord and Tenant (Consolidation) Ordinance (Cap 7), FURTHER ADD:

5. \*The tenancy in respect of which the rent is claimed are not excepted from the provisions of Part II of the Landlord and Tenant (Consolidation) Ordinance (Cap 7).  
  
\*The tenancy in respect of which the rent is claimed are excepted from the provisions of Part II of the Landlord and Tenant (Consolidation) Ordinance (Cap 7), because e.g. on 30 March 1963, the said tenancy enjoyed protection under section 117 of that Ordinance.  
  
\*The said tenancy is for a fixed term of three years or more the agreement for which contains no provision for earlier determination of the same other than for breach of any of the provisions of that agreement.
6. \*Since the commencement of this action the sum of \$ ..... has been paid to the plaintiff(s) on account of the said debt. The defendant(s) is/are still justly and truly indebted to the plaintiff(s) in the sum of \$ .....
7. The rent claimed is not in excess of the amount recoverable by law.

SWORN/AFFIRMED at the District Court Registry, Hong Kong this day of 19 , having first been duly interpreted to the Deponent/Affirmant in the dialect of the Chinese language by-

Sworn Interpreter\*.

Before me,  
A Commissioner, &c.

\* Delete whichever is inapplicable.

(L.N. 183 of 1970; L.N. 314 of 1997)

FORM 19

[rule 61B(3)]

### PRAECIPE FOR ISSUE OF JUDGMENT SUMMONS

in the District Court of Hong Kong holden at

No. of

{ Matter Judgment  
summons

Between Applicant  
and Respondent  
Judgment creditor's full name and address .....

[AND TAKE NOTICE that the judgment creditor intends to apply to the Court at the hearing of this judgment summons for leave to enforce arrears which became due more than twelve months before

the date of this summons].

Dated this	day of	19	.	
Amount due and unpaid in respect of order and costs .....		\$		
Costs of this summons .....		\$		
Travelling expenses to be paid to the judgment debtor .....		\$		_____
Sum on payment of which this summons will be discharged .....		\$		_____

Note: If payment is made too late to prevent the judgment creditor's attendance on the day of hearing, you may be liable for further costs.

[The judgment creditor's solicitor is \_\_\_\_\_]  
(L.N. 11 of 1978)

FORM 21

APPLICATION FOR A DECLARATION THAT A CUSTOMARY / VALIDATED  
MARRIAGE SUBSISTS

[title as in Form 1]

SHEWETH:

1. That ....., a ..... (hereinafter called the "Applicant")  
was on the .... day of ..... married to ....., a .....,  
at .....

2. The said marriage was a customary marriage/a validated marriage.

3. The following persons were witnesses to the marriage-

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

4. There are the following children of the marriage-

- (i)
- (ii)
- (iii)
- (iv)
- (V)
- (vi)

5. That the Applicant's present address and occupation are-

6. That the Respondent's present address and occupation are-

7. PARTICULARS

[Here set out full particulars of the marriage and give a list of any documents in support of the application].

8. And your Applicant prays that a declaration be made that a customary/validated marriage subsists between the parties.

Dated this                      day of                      19                      .

.....

Applicant.

(L.N. 101 of 1970)

---

Chapter:	349	Title:	HOTEL AND GUESTHOUSE ACCOMMODATION ORDINANCE	Gazette Number:	
Section:	17	Heading:	<b>Case may be stated for Court of Appeal</b>	Version Date:	30/06/1997

(1) The Appeal Board may, before an appeal is determined, refer any question of law arising in the appeal to the Court of Appeal for determination by way of case stated.

(2) On the hearing of the case the Court of Appeal may amend the case or order it to be sent back to the Appeal Board for amendment.

(Enacted 1991)

Chapter:	354C	Title:	WASTE DISPOSAL (CHEMICAL WASTE) (GENERAL) REGULATION	Gazette Number:	
Section:	16	Heading:	<b>Storage in working area</b>	Version Date:	30/06/1997

The requirements relating to storage specified in sections 13, 14 and 15 shall not apply where-

- (a) the chemical waste is stored in the working or processing area;
- (b) the quantity of chemical waste stored in a single working or processing area does not exceed 50 litres;
- (c) the chemical waste so stored is packed or stored in containers and labelled as required by this Regulation;
- (d) the containers referred to in paragraph (c) are kept in a cupboard, cabinet or receptacle which is safe and suitable having regard to the nature of the chemical waste; and
- (e) in the case of different chemical wastes which are likely in the event of contact with one another to produce consequences dangerous to the health or safety of any person are stored, that they are separated inside the cupboard, cabinet or receptacle, as the case may be, by an impermeable partition.

(Enacted 1992)

Chapter:	354C	Title:	WASTE DISPOSAL (CHEMICAL WASTE) (GENERAL) REGULATION	Gazette Number:	
Section:	18	Heading:	<b>Warning signs on the storage area</b>	Version Date:	30/06/1997

- (1) A waste producer shall ensure that-
  - (a) every storage area where;
  - (b) every cupboard, cabinet, storage tank or receptacle in which, chemical waste is stored displays a warning panel, notice or marking at or near the entrance or the opening, as the case may be.
- (2) Every warning panel, notice or marking referred to in subsection (1) shall-
  - (a) indicate in bold legible red English words and Chinese characters not less than 6 cm in height on a white background "CHEMICAL WASTE 化學廢物";
  - (b) be securely attached to or marked, as the case may be, on a vertical plane of the storage structure;
  - (c) be durable, weather resistant and rigid or attached so as to be rigid;
  - (d) be kept clean and free from obstruction.
- (3) A waste producer who fails to comply with subsection (1) commits an offence and is liable to a fine of \$50000 and to imprisonment for 6 months.

(Enacted 1992)

Chapter:	358AK	Title:	TECHNICAL MEMORANDUM STANDARDS FOR EFFLUENTS DISCHARGED INTO DRAINAGE AND SEWERAGE SYSTEMS, INLAND AND COASTAL WATERS	Gazette Number:	
Annex:	1	Heading:	<b>REFERENCE TO ANALYTICAL METHODS</b>	Version Date:	30/06/1997

Annex 1

This table lists the methods used by the Government Chemist.

Parameter	Reference	
pH	APHA 17ed 4500-H+B	
Temperature	Note (a)	
Colour	Lovibond Tintometer, 25mm cell	
Conductivity	BS 2690: Part 9: 1970: Method 6	
Total Suspended Solids	APHA 17ed 2540 D	
Settleable Solid	APHA 17ed 2540 F	
Dissolved Oxygen	APHA 17ed 4500-O G	
Biochemical Oxygen Demand (BOD)	BS 6068: Section 2.14: 1984	
Chemical Oxygen Demand (COD)	ASTM D 1252-88 Test Method B or APHA 17ed 5220 C & D	
Oil & Grease	APHA 17ed 5520 C	
Metals		
Pretreatment for total metals	Sample Digestion APHA 17ed 3030 A and 3030 F.3b	
Antimony	}	APHA 17ed 3111, 3113 and 3120 as appropriate
Beryllium		
Barium		
Cadmium	}	
Chromium		
Copper		
Iron	}	
Lead		
Manganese		
Nickel	}	
Silver Thallium		
Vanadium		
Zinc	}	
Arsenic		
Selenium		
Mercury		
		APHA 17ed 3113 and 3114 as appropriate
		APHA 17ed 3112

$$\}$$
[illegible]

Oil & Grease	100	100	50	50	50	40	30	20	20	20	20	20	20
Iron	30	25	25	25	15	12.5	10	7.5	5	3.5	2.5	2	1.5
Boron	8	7	6	5	4	3	2.4	1.6	1.2	0.8	0.6	0.5	0.4
Mercury	0.2	0.15	0.1	0.1	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001
Cadmium	0.2	0.15	0.1	0.1	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001
Copper	4	4	4	3	1.5	1.5	1	1	1	1	1	1	1
Nickel	4	3	3	2	1.5	1.5	1	0.8	0.7	0.7	0.6	0.6	0.6
Chromium	2	2	2	2	1	0.7	0.6	0.4	0.3	0.2	0.1	0.1	0.1
Zinc	5	5	4	3	1.5	1.5	1	0.8	0.7	0.7	0.6	0.6	0.6
Silver	4	3	3	2	1.5	1.5	1	0.8	0.7	0.7	0.6	0.6	0.6
Other toxic metals individually	2.5	2.2	2	1.5	1	0.7	0.6	0.4	0.3	0.2	0.15	0.12	0.1
Total toxic metals	10	10	8	7	3	2	2	1.6	1.4	1.2	1.2	1.2	1
Cyanide	2	2	2	1	0.7	0.5	0.4	0.27	0.2	0.13	0.1	0.08	0.06
Phenols	1	1	1	1	0.7	0.5	0.4	0.27	0.2	0.13	0.1	0.1	0.1
Sulphide	10	10	10	10	5	5	4	2	2	2	1	1	1
Sulphate	1000	1000	1000	1000	1000	1000	1000	900	800	600	600	600	600
Total nitrogen	200	200	200	200	200	200	200	100	100	100	100	100	100
Total phosphorus	50	50	50	50	50	50	50	25	25	25	25	25	25
Surfactants (total)	200	150	50	40	30	25	25	25	25	25	25	25	25

(Enacted 1990)

Table 2 Standards for effluents discharged into foul sewers leading into Government sewage treatment plants with microbial treatment  
(All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

Determinand	Flow rate (m <sup>3</sup> /day)	≤ 10	>10 and ≤ 200	>100 and ≤ 200	>200 and ≤ 400	>400 and ≤ 600	>600 and ≤ 800	>800 and ≤ 1000	>1000 and ≤ 1500	>1500 and ≤ 2000	>2000 and ≤ 3000	>3000 and ≤ 4000	>4000 and ≤ 5000	>5000 and ≤ 6000
Copper		1.5	1	1	1	0.8	0.6	0.5	0.4	0.3	0.2	0.15	0.1	0.05

NOTE : Standards in this table apply in place of those in Table 1 for the corresponding determinand.  
(Enacted 1990)

Table 3 Standards for effluents discharged into Group A inland waters (All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

Determinand	Flow rate (m <sup>3</sup> /day)	≤ 10	>10 and ≤ 100	>100 and ≤ 500	>500 and ≤ 1000	>1000 and ≤ 2000
pH (pH units)		6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5
Temperature (°C)		35	35	30	30	30
Colour (lovibond units) (25mm cell length)		1	1	1	1	1
Conductivity (230s/cm at 20 °C)		1000	1000	1000	1000	1000
Suspended solids		10	10	5	5	5
Dissolved oxygen		≥ 4	≥ 4	≥ 4	≥ 4	≥ 4
BOD		10	10	5	5	5
COD		50	50	20	20	10
Oil & Grease		1	1	1	1	1
Boron		2	2	1	0.5	0.5
Barium		2	2	1	0.5	0.5
Iron		2	2	1	0.5	0.5
Arsenic		0.05	0.05	0.05	0.05	0.05
Total chromium		0.05	0.05	0.05	0.05	0.05
Mercury		0.001	0.001	0.001	0.001	0.001
Cadmium		0.001	0.001	0.001	0.001	0.001
Selenium		0.01	0.01	0.01	0.01	0.01

Copper	0.2	0.2	0.2	0.2	0.1
Lead	0.1	0.1	0.1	0.1	0.1
Manganese	0.5	0.5	0.5	0.5	0.5
Zinc	1	1	1	1	1
Other toxic metals individually	0.1	0.1	0.1	0.1	0.1
Total toxic metals	0.3	0.3	0.2	0.2	0.15
Cyanide	0.05	0.05	0.05	0.05	0.05
Phenols	0.1	0.1	0.1	0.1	0.1
Hydrogen sulphide	0.05	0.05	0.05	0.05	0.05
Sulphide	0.2	0.2	0.1	0.1	0.1
Fluoride	1	1	1	1	0.5
Sulphate	800	600	500	400	200
Chloride	800	500	500	200	200
Total reactive phosphorus	1	0.7	0.7	0.5	0.5
Ammonia nitrogen	1	1	1	1	0.5
Nitrate+nitrite nitrogen	15	15	15	10	10
<u>E. coli</u> (count/100 ml)	<1	<1	<1	<1	<1

(Enacted 1990)

Table 4 Standards for effluents discharged into Group B inland waters  
(All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

	Flow rate (m <sup>3</sup> /day)	≤200	>200 and ≤400	>400 and ≤600	>600 and ≤ 800	>800 and ≤1000	>1000 and ≤ 1500	>1500 and ≤ 2000	>2000 and ≤ 3000
Determinand									
pH (pH units)		6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5
Temperature (°C)		35	30	30	30	30	30	30	30
Colour (lovibond units) (25mm cell length)		1	1	1	1	1	1	1	1
Suspended solids		30	30	30	30	30	30	30	30
BOD		20	20	20	20	20	20	20	20
COD		80	80	80	80	80	80	80	80
Oil & Grease		10	10	10	10	10	10	10	10
Iron		10	8	7	5	4	3	2	1
Boron		5	4	3	2.5	2	1.5	1	0.5
Barium		5	4	3	2.5	2	1.5	1	0.5
Mercury		0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001
Cadmium		0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001
Selenium		0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1
Other toxic metals individually		0.5	0.5	0.2	0.2	0.2	0.1	0.1	0.1
Total Toxic metals		2	1.5	1	0.5	0.5	0.2	0.2	0.2
Cyanide		0.1	0.1	0.1	0.08	0.08	0.05	0.05	0.03
Phenols		0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Sulphide		0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
Fluoride		10	10	8	8	8	5	5	3
Sulphate		800	800	600	600	600	400	400	400
Chloride		1000	1000	800	800	800	600	600	400
Total phosphorus		10	10	10	8	8	8	5	5
Ammonia nitrogen		5	5	5	5	5	5	5	5
Nitrate + nitrite nitrogen		30	30	30	20	20	20	10	10
Surfactants (total)		5	5	5	5	5	5	5	5
E. coli (count/100ml)		100	100	100	100	100	100	100	100

(Enacted 1990)

Table 5 Standards for effluents discharged into Group C inland waters  
(All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

Determinand	Flow rate (m <sup>3</sup> /day)	≤ 100	>100 and ≤ 500	>500 and ≤ 1000	>1000 and ≤ 2000
pH (pH units)		6-9	6-9	6-9	6-9
Temperature (°C)		30	30	30	30
Colour (lovibond units) (25mm cell length)		1	1	1	1
Suspended solids		20	10	10	5
BOD		20	15	10	5
COD		80	60	40	20
Oil & Grease		1	1	1	1
Boron		10	5	4	2
Barium		1	1	1	0.5
Iron		0.5	0.4	0.3	0.2
Mercury		0.001	0.001	0.001	0.001
Cadmium		0.001	0.001	0.001	0.001
Silver		0.1	0.1	0.1	0.1
Copper		0.1	0.1	0.05	0.05
Selenium		0.1	0.1	0.05	0.05
Lead		0.2	0.2	0.2	0.1
Nickel		0.2	0.2	0.2	0.1
Other toxic metals individually		0.5	0.4	0.3	0.2
Total Toxic metals		0.5	0.4	0.3	0.2
Cyanide		0.05	0.05	0.05	0.01
Phenols		0.1	0.1	0.1	0.1
Sulphide		0.2	0.2	0.2	0.1
Fluoride		10	7	5	4
Sulphate		800	600	400	200
Chloride		1000	1000	1000	1000
Total phosphorus		10	10	8	8
Ammonia nitrogen		2	2	2	1
Nitrate + nitrite nitrogen		30	30	20	20
Surfactants (total)		2	2	2	1
<u>E. coli</u> (count/100ml)		1000	1000	1000	1000

(Enacted 1990)

Table 6 Standards for effluents discharged into Group D inland waters  
(All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

Determinand	Flow rate (m <sup>3</sup> /day)	≤ 200	>200 and ≤ 400	>400 and ≤ 600	>600 and ≤ 800	>800 and ≤ 1000	>1000 and ≤ 1500	>1500 and ≤ 2000	>2000 and ≤ 3000
pH (pH units)		6-10	6-10	6-10	6-10	6-10	6-10	6-10	6-10
Temperature (°C)		30	30	30	30	30	30	30	30
Colour (lovibond units) (25mm cell length)		1	1	1	1	1	1	1	1
Suspended solids		30	30	30	30	30	30	30	30
BOD		20	20	20	20	20	20	20	20
COD		80	80	80	80	80	80	80	80
Oil & Grease		10	10	10	10	10	10	10	10
Iron		10	8	7	5	4	2.7	2	1.3
Boron		5	4	3.5	2.5	2	1.5	1	0.7
Barium		5	4	3.5	2.5	2	1.5	1	0.7
Mercury		0.1	0.05	0.001	0.001	0.001	0.001	0.001	0.001

Other toxic metals individually	1	1	0.8	0.8	0.5	0.5	0.2	0.2
Total Toxic metals	2	2	1.6	1.6	1	1	0.5	0.4
Cyanide	0.4	0.4	0.3	0.3	0.2	0.1	0.1	0.05
Phenols	0.4	0.3	0.2	0.1	0.1	0.1	0.1	0.1
Sulphide	1	1	1	1	1	1	1	1
Sulphate	800	600	600	600	600	400	400	400
Chloride	1000	800	800	800	600	600	400	400
Fluoride	10	8	8	8	5	5	3	3
Total phosphorus	10	10	10	8	8	8	5	5
Ammonia nitrogen	20	20	20	20	20	20	20	10
Nitrate + nitrite nitrogen	50	50	50	30	30	30	30	20
Surfactants (total)	15	15	15	15	15	15	15	15
E. coli (count/100ml)	1000	1000	1000	1000	1000	1000	1000	1000

(Enacted 1990)

Table 7 Standards for effluents discharged into the coastal waters of Tolo and Port Shelter Water Control Zones  
(All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

Determinand	Flow rate (m <sup>3</sup> /day)	≤ 10	>10 and ≤ 200	>200 and ≤ 400	>400 and ≤ 600	>600 and ≤ 800	>800 and ≤ 1000	>1000 and ≤ 1500	>1500 and ≤ 2000	>2000 and ≤ 3000	>3000 and ≤ 4000	>4000 and ≤ 5000	>5000 and ≤ 6000
pH (pH units)		6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9
Temperature (°C)		45	45	45	45	45	45	45	45	45	45	45	45
Colour (lovibond units) (25mm cell length)		1	1	1	1	1	1	1	1	1	1	1	1
Suspended solids		30	30	30	30	30	30	15	15	15	15	15	15
BOD		20	20	20	20	20	20	10	10	10	10	10	10
COD		80	80	80	80	80	80	50	50	50	50	50	50
Oil & Grease		20	20	20	20	20	20	10	10	10	10	10	10
Iron		10	10	10	7	5	4	2.7	2	1.3	1	0.8	0.6
Boron		5	4	3	2.5	2	1.6	1.1	0.8	0.5	0.4	0.3	0.2
Barium		5	4	3	2.5	2	1.6	1.1	0.8	0.5	0.4	0.3	0.2
Mercury		0.1	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001
Cadmium		0.1	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001
Other toxic metals individually		1	1	0.8	0.5	0.5	0.4	0.1	0.1	0.1	0.1	0.1	0.1
Total toxic metals		2	2	1.6	1	1	0.8	0.2	0.2	0.2	0.2	0.14	0.1
Cyanide		0.1	0.1	0.1	0.1	0.1	0.1	0.05	0.05	0.03	0.02	0.02	0.01
Phenols		0.5	0.5	0.5	0.25	0.25	0.25	0.1	0.1	0.1	0.1	0.1	0.1
Sulphide		5	5	5	5	5	5	2.5	2.5	1.5	1	1	0.5
Total residual chlorine		1	1	1	1	1	1	1	1	1	1	1	1
Total nitrogen		20	20	20	15	15	15	15	15	10	10	10	10
Total phosphorus		8	8	5	5	5	5	5	5	5	5	5	5
Surfactants (total)		15	15	15	15	15	15	10	10	10	10	10	10
E. coli (count/100ml)		1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000

(Enacted 1990)

Table 8 Standards for effluents discharged into the coastal waters of Deep Bay Water Control Zone  
(All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

Determinand	Flow rate (m <sup>3</sup> /day)	≤ 10	>10 and ≤ 200	>200 and ≤ 400	>400 and ≤ 600	>600 and ≤ 800	>800 and ≤ 1000	>1000 and ≤ 1500	>1500 and ≤ 2000	>2000 and ≤ 3000	>3000 and ≤ 4000	>4000 and ≤ 5000	>5000 and ≤ 6000
pH (pH units)		6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9	6-9
Temperature (°C)		45	45	45	45	45	45	45	45	45	45	45	45
Colour (lovibond units) (25mm cell length)		1	1	1	1	1	1	1	1	1	1	1	1
Suspended solids		50	50	50	50	50	50	25	25	25	25	25	25
BOD		20	20	20	20	20	20	10	10	10	10	10	10
COD		80	80	80	80	80	80	50	50	50	50	50	50
Oil & Grease		20	20	20	20	20	20	10	10	10	10	10	10
Iron		10	10	10	7	5	4	3	2	1	1	1	1
Boron		5	4	3	2.5	2	1.6	1.1	0.8	0.5	0.4	0.3	0.2
Barium		5	4	3	2.5	2	1.6	1.1	0.8	0.5	0.4	0.3	0.2
Mercury		0.1	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001
Cadmium		0.1	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001	0.001
Other toxic metals individually		1	0.5	0.5	0.5	0.4	0.4	0.25	0.2	0.15	0.1	0.1	0.1

(Enacted 1990)

Standards for effluents discharged into the inshore waters of Victoria Harbour Water Control Zone  
(All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

(Enacted 1990)

Standards for effluents discharged into the marine waters of Victoria Harbour Water Control Zone  
(All units in mg/L unless otherwise stated; all figures are upper limits unless otherwise indicated)

[illegible]



supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(3) In any proceedings for an offence under section 7(1)(a)(ii) or (b) it shall be a defence for the person charged to prove that he did not know, had no reason to suspect and could not with reasonable diligence have ascertained, that the goods did not conform to the description or that the description had been applied to the goods.

(4) In any proceedings for an offence under section 9(2) it shall be a defence for the person charged to prove that he did not know, had no reason to suspect and could not with reasonable diligence have ascertained, that a forged trade mark had been applied to the goods or that a trade mark or mark so nearly resembling a trade mark as to be calculated to deceive had falsely been applied to the goods.

[cf. 1968 c. 29 s. 24 U.K.]

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Chapter:	362	Title:	TRADE DESCRIPTIONS	Gazette Number:	25 of 1998 s. 2
Section:	<b>16C</b>	Heading:	<b>Disclosure of information, etc.</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) Where goods seized or detained under section 15 are, or are reasonably suspected by the Commissioner to be, goods to which a forged trade mark is applied, or to which a trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, the Commissioner shall, wherever reasonably practicable, notify the proprietor of the trade mark or his authorized agent of the seizure or detention, as the case may be.

(2) In the circumstances specified in subsection (1), the Commissioner may disclose to the proprietor of the trade mark or to his authorized agent-

- (a) the time, and the address of the place, of seizure or detention of the goods;
- (b) the name and address of the person from whom the goods have been seized or detained;
- (c) the nature and quantity of the goods seized or detained;
- (d) any statement made to the Commissioner by any person in connection with the seizure or detention, either with the prior consent in writing of that person or without such consent where that person is dead or cannot after reasonable enquiries by the Commissioner as to his whereabouts be found by the Commissioner;
- (e) any other information or document relating to the goods seized or detained which the Commissioner thinks fit to disclose.

(3) The proprietor of a trade mark or his authorized agent-

- (a) where he seeks disclosure of any information or document that is not referred to in subsection (2); or
- (b) where information or a document that is referred to in subsection (2) is not disclosed by the Commissioner,

may apply to the Court of First Instance for an order requiring the Commissioner to disclose such information or document and the Court of First Instance may on such an application make such order for disclosure as it deems fit. (Amended 25 of 1998 s. 2)

(4) An application under subsection (3) may be begun by motion with previous notice to the Commissioner.

(Added 2 of 1987 s. 2)

Chapter:	369M	Title:	MERCHANT SHIPPING (SAFETY) (CARRIAGE OF NAUTICAL PUBLICATIONS) REGULATIONS	Gazette Number:	
Regulation:	2	Heading:	<b>Interpretation</b>	Version Date:	30/06/1997

In these regulations, unless the context otherwise requires-

"Notices to Mariners" (海員公告) means notices to mariners published or issued by a recognized hydrographer;

"Radio Navigational Warning" (無線電航海警告) means any radio message received from any source warning of the presence of any danger or hazard to navigation or any alteration or fault in any aid to navigation;

"recognized hydrographer" (認可水道測量局) means-

- (a) any hydrographer, organization or maritime authority specified in Schedule 2; and
- (b) any national authority in any country duly exercising the functions of or functions similar to those of any hydrographer, organization or maritime authority specified in Schedule 2;

"river trade limits" (內河航限) has the same meaning as in the Shipping and Port Control Ordinance (Cap 313).

(Enacted 1989)

Chapter:	369M	Title:	MERCHANT SHIPPING (SAFETY) (CARRIAGE OF NAUTICAL PUBLICATIONS) REGULATIONS	Gazette Number:	
Regulation:	4	Heading:	<b>Specification of charts for safe operation of ships</b>	Version Date:	30/06/1997

The charts necessary or expedient for the safe operation of ships shall be those-

- (a) which are of such a scale and contain sufficient detail as clearly to show in respect of the waters comprised in the chart-
  - (i) all navigational marks which may be used by a ship when navigating such waters;
  - (ii) all known dangers affecting such waters; and
  - (iii) information concerning any traffic separation schemes, 2-way routes, recommended tracks, inshore traffic zones and deep water routes applicable to such waters, and areas therein which are to be avoided;
- (b) which are published by a recognized hydrographer; and
- (c) which in all cases, are of the latest obtainable edition and-
  - (i) in the case of charts published by a recognized hydrographer, have been corrected and kept up to date from the latest relevant obtainable Notices to Mariners and Radio Navigational Warnings; and
  - (ii) in the case of charts published otherwise than by a recognized hydrographer, have been adequately corrected and kept up to date.

(Enacted 1989)

Chapter: 369M	Title: MERCHANT SHIPPING (SAFETY) (CARRIAGE OF NAUTICAL PUBLICATIONS) REGULATIONS	Gazette Number:	
Regulation: 5	Heading: <b>Specification of directions and information</b>	Version Date:	30/06/1997

The directions and information necessary or expedient for the safe operation of ships shall be such directions and information as are contained in the publications mentioned in Schedule 1, being publications which-

- (a) are of the latest obtainable edition and incorporate the latest relevant supplements; and
- (b) unless the respective publishers are mentioned in Schedule 1 in relation to the publications, are published by a recognized hydrographer or are of an equivalent standard and content to a publication by a recognized hydrographer.

(Enacted 1989)

Chapter: 369M	Title: MERCHANT SHIPPING (SAFETY) (CARRIAGE OF NAUTICAL PUBLICATIONS) REGULATIONS	Gazette Number:	
Schedule: 1	Heading: <b>PUBLICATIONS, DIRECTIONS AND INFORMATION</b>	Version Date:	30/06/1997

[regulation 5]

#### Publications

1. International Code of Signals
2. Merchant Shipping Notices
3. Mariners Handbook
4. Notices to Mariners
5. Nautical Almanac
6. Navigational Tables
7. Lists of Radio Signals
8. Lists of Lights
9. Sailing Directions
10. Tide Tables
11. Tidal Stream Atlases
12. Operating and maintenance instructions for navigational aids carried by the ship

(Enacted 1989)

Chapter:	369M	Title:	MERCHANT SHIPPING (SAFETY) (CARRIAGE OF NAUTICAL PUBLICATIONS) REGULATIONS	Gazette Number:	
Schedule:	2	Heading:		Version Date:	30/06/1997

[regulation 2]

Hydrographer of the Navy

(Enacted 1989)

Chapter: 369N	Title: MERCHANT SHIPPING	Gazette Number:
	(SAFETY)(SIGNALS OF DISTRESS AND PREVENTION OF COLLISIONS) REGULATIONS	
Regulation 2	Heading: Interpretation	Version Date: 30/06/1997
n:		

- (1) In these regulations, unless the context otherwise requires-
- "appropriate authority" (有關主管當局) means, in relation to Hong Kong the Director of Marine, and in relation to any other country the authority responsible under the law of that country for promoting the safety of life at sea and the avoidance of collisions;
- "date of entry into force of these regulations" (本規例生效之日) (in rule 38 of the International Regulations) means-
- (a) in the case of ships registered in Hong Kong, 15 July 1977; and
  - (b) in the case of ships registered outside Hong Kong the date of entry into force of the International Regulations for the State whose flag the ship is entitled to fly;
- "International Regulations" (國際規則) means the International Regulations for Preventing Collisions at Sea 1972 as amended by Resolution A464(XII) of the Inter-governmental Maritime Consultative Organization and Resolutions A.626(15), A.678(16) and A.736(18) of the International Maritime Organization and set out in the Schedule; (L.N. 365 of 1989; L.N. 135 of 1991; L.N. 486 of 1995)
- "Merchant Shipping Notice" (商船公告) means a Notice described as such and issued by the Department of Transport of the United Kingdom;
- "Notice to Mariners" (海員公告) means an Admiralty Notice to Mariners published in the United Kingdom by the Hydrographer of the Navy;
- "Organization" (組織) means the International Maritime Organization.
- (2) (a) Any reference in the International Regulations to the traffic separation schemes adopted by the Organization (referred to in rules 1(d) and 10(a) of those regulations) is a reference to the schemes listed in Notice to Mariners No. 17 and therein specified as being so adopted by being marked "\*" in the margin, each such scheme being shown in detail on the charts specified in that Notice in relation to that scheme.
  - (b) "Notice to Mariners No. 17" means Notice to Mariners No. 17 in the current issue of the Annual Summary of Admiralty Notices to Mariners, as amended by any Notice to Mariners subsequent to the coming into force of the said Annual Summary which the Hydrographer of the Navy considers relevant from time to time. (L.N. 486 of 1995)
- (3) The diagram mentioned in paragraph 7 of Annex I to the International Regulations shall be the diagram specified in the Chromaticity Chart (1975) published by the International Commission on Illumination (CIE).
- (4) The reference to the International Code of Signals in paragraph 3 of Annex IV to the International Regulations is a reference to the International Code of Signals (1969), Consolidated Edition 1991, published in the United Kingdom by Her Majesty's Stationery Office, and the reference to the Merchant Ship Search and Rescue Manual in that paragraph is a reference to the manual of that name published in 1993 by the Organization; and such references include a reference to any document amending either of those publications which is considered by the Secretary of State in the United Kingdom to be relevant from time to time and is specified in a Merchant Shipping Notice. (L.N. 486 of 1995)

(Enacted 1989)

Chapter:	369X	Title:	MERCHANT SHIPPING (SAFETY)(FIRE APPLIANCES)(SHIPS BUILT ON OR AFTER 25 MAY 1980 BUT BEFORE 1 SEPTEMBER 1984) REGULATIONS	Gazette Number:	
Regulation:	<b>33</b>	Heading:	<b>Fixed fire extinguishing arrangements in cargo spaces</b>	Version Date:	30/06/1997

(1) In every ship of Class VII engaged in the carriage of dangerous goods there shall be provided a fixed fire extinguishing system complying with the requirements of Schedule 9 which shall be so arranged as to protect every cargo space.

(2) In every ship of Class VII of 2000 tons or over other than ships to which subregulation (1) applies there shall be provided a fixed fire extinguishing system complying with the requirements of Schedule 9 which shall be so arranged as to protect every cargo space.

(3) The Director may exempt any ship from the requirements of subregulation (2) to provide a fixed fire-extinguishing installation in the cargo holds of the ship if he is satisfied that the holds therein are provided with steel hatch covers and effective means of closing all ventilators and other openings leading to the holds and the ship is employed solely in the carriage of ore, coal, grain, unseasoned timber or non-combustible cargoes or of cargoes which, in the opinion of the Director, constitute a low fire risk. (L.N. 412 of 1995)

(4) In every ship of Class VII engaged in the carriage of dangerous goods and in every other ship of Class VII of 2000 tons or over there shall be provided in each open ro/ro cargo space having a deck over and each space which is a closed ro/ro cargo space not capable of being sealed, a fixed pressure water spraying system complying with Schedule 3. Due consideration shall be given to bilge pumping arrangements and drainage facilities.

(Enacted 1991)

Chapter:	372	Title:	KOWLOON-CANTON RAILWAY CORPORATION ORDINANCE	Gazette Number:	29 of 1998 ss. 80 & 105
Schedule:	2	Heading:		Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 29 of 1998 ss. 80 & 105

[section 7(1)]

## PART I

1. There shall be vested in the Corporation for the interest specified in paragraphs 2, 3, 4 and 5 and for a period commencing on the appointed day and ending-

- (a) in the case of land situated in Kowloon, 75 years thereafter; and
- (b) in the case of land situated in the New Territories, on 30 June 2047, (Amended L.N. 325 of 1993)

all the Government land (in this Schedule called "the said land") described in the said paragraphs by reference to plans (in this Schedule called "the said plans"), certified under the hand of the Director of Lands as being the plans referred to in this Schedule, one set of which shall be deposited in the offices of the Land Registry, Victoria. (Amended 8 of 1993 s. 2; 29 of 1998 s. 105)

2. All that land bounded by a bold continuous black line on the said plans shall be vested absolutely:

Provided that there shall be excluded from the land so vested the land registered in the District Land Registry, Sha Tin, as Sha Tin Town Lot No. 87. (Amended 8 of 1993 s. 2)

3. In respect of the land bounded by a bold discontinuous black line on the said plans there shall be vested such underground wayleaves or rights of passage as are necessary for the Corporation to operate the railway as existing immediately prior to the appointed day, including the right to maintain or reconstruct all railway tracks, tunnels and other works which were constructed for the purposes of or in connection with the railway and in existence immediately prior to the appointed day and to construct and maintain new works for the better exercise of such wayleave or right of passage.

4. In respect of the land shown hatched black on the said plans there shall be vested-

- (a) such wayleaves or rights of passage as are necessary for the Corporation to operate the railway as existing immediately prior to the appointed day or, as the case may be, as it will be after the execution of the works under the scheme referred to in section 10(1)(c)\*;
- (b) the right to maintain or reconstruct all railway tracks, railway bridges and other works on such land and to construct and maintain new works for the better exercise of such wayleave or right of passage.

5. In respect of the top of the concrete platform at Sha Tin Station, including all the under surface thereof, being a platform situated on Government land remaining in the possession of the Government and coloured grey on the said plans, there shall be vested in the Corporation the right to the exclusive use thereof and to permit other persons to use it, together with the right to construct on such platform, so long as the stability thereof is not affected, buildings and other structures. (Amended 29 of 1998 s. 105)

6. In respect of the Government land adjacent to the land vested under paragraphs 2, 3, 4 and 5 there shall be vested in the Corporation such rights as are appurtenant to the land so vested, being rights to continue to use such Government land for a purpose (being a railway purpose) for which the land was used immediately prior to the appointed day and, without derogation from the generality of the foregoing, such rights shall include-

- (a) the right to discharge storm water upon such Government land in the places and manner in which such water was discharged, or capable of being discharged, at such time;
  - (b) such rights of way over such Government land as may have been so used; and
  - (c) where any power under any repealed Ordinance relating to the railway was exercised for the benefit of the railway over any such Government land, the right to continue to use the Government land for the purposes for which the power was exercised.
- (Amended 29 of 1998 s. 105)

7. The Government and the Corporation may by agreement adjust the boundaries of the said land so as to transfer-

- (a) to the Government any lands included within the said land which ought not to have been so included, as not having been used for railway purposes immediately prior to the appointed day; (Amended 29 of 1998 s. 105)
- (b) to the Corporation any lands which ought to have been so included as having been used for railway purposes immediately prior to the appointed day.

8. The provisions of paragraphs 1(2) and 2 of the Third Schedule shall apply to an agreement under paragraph 7 as they do to an agreement under paragraph 1(1) of that Schedule and any certificate under paragraph 2 of the Third Schedule as read with this paragraph shall, as soon as may be, be annexed to the said plans and be deemed to form part thereof:

Provided that in applying the said paragraphs for the purposes of this paragraph references to the Secretary for Transport shall be deemed to be references to the Director of Lands.

9. Nothing in this Schedule shall vest in the Corporation any rights which were not vested in the Government immediately prior to the appointed day and nothing in this Schedule shall affect the exercise by any person, other than the Government, of any rights in respect of the said land which he possessed immediately prior to the appointed day. (Amended 29 of 1998 s. 80)

## PART II

10. There shall be reserved to the Government liberty-

- (a) to use and permit the public to use the following together with all roads appurtenant thereto-
  - (i) the bridges designated on the said plans by a number prefixed by the letter "B" and shown cross hatched black;
  - (ii) the subways designated on the said plans by a number prefixed by the letter "S" and shown cross hatched black;
  - (iii) the pedestrian ways along the railway bridges designated on the said plans by a number prefixed by the letter "P" and shown hatched black,
 and to keep all bridges, roads, tunnels and other works appertaining thereto on the said land;
- (b) to use exclusively, and to permit other persons to use, whether in accordance with a lease, tenancy agreement or otherwise-
  - (i) the top of the concrete platform at Sha Tin situated on land vested in the Corporation and coloured grey on the said plans, including all the under surface thereof;
  - (ii) that portion of the top of the concrete platform at Kowloon Station coloured grey on the said plans, including all the under surface of the said platform;
  - (iii) the top of the concrete platform at Mong Kok constructed under the rights reserved under sub-paragraph (c) hereof, including all the under surface thereof,
 together with all necessary rights of access and the right to construct on such platforms, so long as the stability thereof is not affected and having regard to the rights of other

- persons to the use of such platforms, buildings and other structures;
- (c) to construct at Mong Kok at the places coloured grey on the said plans, concrete platforms over the railway in accordance with the scheme therefor as existing immediately prior to the appointed day and as may be subsequently modified by agreement between the Government and the Corporation;
- (d) to construct vehicular and other ways on the said land over or under the railway and intersecting at right angles or diagonally the railway and to use, or permit the public to use, such vehicular or other ways for any purpose whatsoever;
- (e) to lay mains, pipes, wires, cables and drains within or upon the said land and to keep upon the said land any such mains, pipes, wires, cables and drains which existed upon the said land immediately prior to the appointed day and were used wholly or mainly for purposes other than railway purposes;
- (f) to cleanse, repair and maintain any works constructed or kept under the provisions of sub-paragraphs (a), (b), (c), (d) and (e) (including any of the platforms referred to in sub-paragraph (b)) and for its servants or agents to enter upon the said land for such purposes and for the inspection of such works or for the exercise of the rights conferred by this paragraph;
- (g) to exercise on the said land such rights appurtenant to the beneficial enjoyment by the Government or its successors of land retained by the Government, being rights to continue to use land for a purpose for which the land was used immediately prior to the appointed day, and without derogation from the generality of the foregoing, such rights shall include-
  - (i) the right to discharge storm water upon the said land in the places in which such water was discharged, or capable of being discharged, at such time; and
  - (ii) such rights of way as may have been so used.

11. In the exercise of the rights conferred upon it by paragraph 10 the Government shall-

- (a) not, without the consent of the Corporation, (which consent shall not unreasonably be withheld) do anything which might adversely affect the operation or safety of the railway and in the event of any injurious affection make reasonable compensation therefor;
- (b) do as little damage as possible and make reasonable compensation for all damage done;
- (c) reimburse the Corporation for any expenses incurred by it in undertaking works to facilitate, or enable the Government to exercise, such rights.

12. The Corporation shall not interfere with, or do anything which may injuriously affect, any works kept or constructed by the Government in accordance with the rights reserved under paragraph 10, with any of the platforms referred to in that paragraph, or with any road or way constructed for the use of the public without the consent in writing of the Director of Lands, which consent shall not unreasonably be withheld:

Provided that-

- (a) such consent shall not be withheld should the Corporation desire to affix cables, pipes, signalling equipment or other equipment for the operation of the railway to the underside or supports of any bridge or concrete platform or to any retaining wall, but the Director of Lands may, in granting his consent, impose reasonable conditions for safeguarding the structure of the bridge, platform or wall, or the users thereof;
- (b) where a pedestrian way referred to in paragraph 10(a)(iii) is an integral part of the structure of any railway bridge, nothing in this paragraph shall prevent the Corporation from effecting any necessary repairs to such structure or from rebuilding such bridge;
- (c) nothing in this paragraph shall affect any right of the Corporation to use any portion of the top of any concrete platform the use of which is not reserved to the Government, and to permit others to use it, and to construct buildings or other structures thereon so long as the stability of the platform is not affected and the rights reserved to the Government in

respect of that platform are not injuriously affected.

13. There shall be reserved to the Government in respect of all land within the said land occupied by the Mass Transit Railway Corporation immediately prior to the appointed day the right to lease such land or any part thereof to the Mass Transit Railway Corporation upon such terms and conditions as the Government may determine, so however that nothing in any such lease shall affect the right of the Corporation established under this Ordinance to use the surface of such land for railway or other purposes and to have reasonable support for such use.

14. The Corporation shall not withdraw or vary the terms of any licence granted prior to the appointed day by the Government to the Mass Transit Railway Corporation or to the Government of the United Kingdom entitling the Mass Transit Railway Corporation or the Government of the United Kingdom to use any part of the said land, or any arrangement made to that effect, without the written approval of the Secretary for Transport.

15. The Corporation may-

- (a) use and permit the use of the portion of the said land described in paragraphs 2 and 5-
  - (i) for railway purposes;
  - (ii) for any purpose in the exercise of the powers conferred on it by the Governor under section 4(1)(c),  
and for purposes ancillary thereto, excluding staff housing and including, within station premises only, the provision of services or articles for the use or enjoyment of passengers on the railway; or
- (b) where any portion of the said land described in paragraphs 2 and 5 was, immediately prior to the appointed day, used for other than railway purposes, or for staff housing, use and permit the use of the said land for such other purposes or such housing but only to the extent that such part of the said land was so used immediately prior to the appointed day,

and may not use the said land, or any portion thereof, for any other purpose without the consent in writing of the Director of Lands who may, in granting such permission, impose such conditions as he thinks fit including the payment by the Corporation of a reasonable premium to the Government for payment into general revenue as consideration for the grant of such consent.

16. The Corporation shall not assign, underlet, part with possession or otherwise dispose of the said land or any part thereof or any interest therein, or enter into any agreement so to do, for a period in excess of 3 years without the consent in writing of the Director of Lands:

Provided that nothing in this paragraph shall relate to the part of the said land referred to in paragraph 15(b).

17. The Corporation shall keep the railway and other works and erections made or erected on the said land in good and substantial repair:

Provided that nothing in this Schedule shall impose on the Corporation any obligation to repair any-

- (a) bridge or subway referred to in paragraph 10(a)(i) and (ii) and shown cross hatched black on the said plans;
- (b) pedestrian ways referred to in paragraph 10(a)(iii) and shown hatched black on the said plans except in the case of structural defects to a bridge on which a pedestrian way is situated and which affect the safety of the way;
- (c) concrete platform referred to in paragraph 10 and coloured grey on the said plans or an access used exclusively in connection therewith save to the extent that the Corporation has any interest in the top of the platform, and then only to the extent of that interest.

18. The Government may at any time enter upon any cutting, embankment or retaining wall on the said

land which, by reason of its condition, injuriously affects or is likely to affect any Government land and execute such work thereon as may be reasonably necessary to prevent such injurious affection. The reasonable costs so incurred shall be a debt owing by the Corporation to the Government. (Amended 29 of 1998 s. 105)

19. The Corporation shall maintain in good and substantial repair fences erected on the said land to prevent access to the railway by members of the public or livestock and, in places where such fences are required for the protection of the public or livestock and were not in existence immediately prior to the appointed day, shall construct fences adequate for such purpose and so maintain them.

20. Subject to the proviso to paragraph 17 the Corporation shall be liable to pay a reasonable portion of all expenses incurred by the Government, and the Government a reasonable portion of all expenses incurred by the Corporation, in repairing and rebuilding and cleansing all party walls, fences, sewers, drains, roads, pavements and other things the use of which is common to the said land and to any adjoining land held by the Government. In the absence of agreement on the sum the Government or the Corporation shall pay, this shall be determined in accordance with the Arbitration Ordinance (Cap 341) by reference to 2 arbitrators, one to be appointed by each party. (Amended 29 of 1998 s. 105)

21. The Government shall have the right to such facilities as it may reasonably require for police, immigration or customs purposes on railway premises:

Provided that nothing in this paragraph shall require the Corporation to carry out any building or other works otherwise than at the expense of the Government.

### PART III

22. The Governor may by order in the Gazette amend-

- (a) Part I of this Schedule by extending the term of years for which the said land, or any part thereof, is vested in the Corporation;
- (b) Part II of this Schedule:

Provided that the prior consent of the Corporation shall be required to any amendment which has the effect of imposing any new restriction on the Corporation as to the manner in which it may use the said land or any part thereof or which otherwise limits the rights granted in this Schedule.

23. That part of the said land lying below the land registered in the District Land Registry, Sha Tin, as Sha Tin Town Lot No. 87 shall be subject to the mutual rights and obligations reserved in and imposed by, and the agreements and conditions contained in, the Conditions of Sale registered in the said District Land Registry as New Grant No. 11326. (Amended 8 of 1993 s. 2)

24. (1) In this Schedule the expressions "the said land" (所述土地) and "the said plans" (所述圖則) have the meanings assigned to them by paragraph 1.

(2) Any reference to the Government or the Corporation shall where the reference relates to any right to go onto any land or do anything thereon be deemed to refer also to their servants or agents.

(3) In this Schedule references to "the railway" shall be construed as referring to the Kowloon-Canton Railway and references to "railway purposes" shall be construed accordingly.

(Added 56 of 1986 s. 19)

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\* Repealed-see 13 of 1998. s. 6

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Chapter: 374A	Title: ROAD TRAFFIC (CONSTRUCTION AND MAINTENANCE OF VEHICLES) REGULATIONS	Gazette Number:
Schedule: 12	Heading:	Version Date: 30/06/1997

[regulation 122]

## PART I

### PROVISIONS OF THE ROAD TRAFFIC (CONSTRUCTION AND USE) REGULATIONS WHICH CORRESPOND WITH REGULATIONS 12, 16, 17, 20, 26, 28, 29, 65, 66, 67, 68, 69, 70, 71, 72, 73, 76, 77, 115 AND THE TENTH SCHEDULE

#### 14. Brakes

(1) Every motor vehicle shall be equipped with an efficient braking system or efficient braking systems, in either case having two means of operation, so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin), through or by means of which the force necessary to apply the brakes is transmitted, there shall still remain available for application by the driver brakes sufficient under the most adverse conditions, to bring the vehicle to rest within a reasonable distance:

Provided that-

- (a) in the event of failure as aforesaid it shall not be necessary for brakes to be available for application by the driver in the case of a vehicle the weight unladen of which does not exceed 1 ton and having less than 4 wheels, to more than 1 wheel;
- (b) this paragraph shall not apply to invalid carriages.

(2) In the case of a motor vehicle having more than 3 wheels, at least one means of operation shall be capable of causing brakes to be applied to all the wheels of the vehicle:

Provided that-

- (a) in the case of an articulated vehicle it shall be deemed sufficient compliance with this paragraph if the rearmost wheels are equipped with brakes capable of being applied by some other means of operation;
- (b) in the case of a vehicle having more than 2 steering wheels only half the number of steering wheels shall be counted in all the wheels of the vehicle.

(3) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.

(4) No braking system shall be rendered ineffective by the non-rotation of the engine.

(5) All the brakes of a motor vehicle which are operated by one means of operation shall be capable of being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(6) One at least of the means of operation required by this regulation shall be capable of causing brakes to be applied directly and not through the transmission gear to not less than half the number of wheels of the vehicle:

Provided that where a motor vehicle has more than 4 wheels and the drive is transmitted to all wheels other than the steering wheels without interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels it shall be deemed to be sufficient compliance with this paragraph if the brakes applied by one means of operation act directly on 2 driving wheels on opposite sides of the vehicle and the brakes applied by the other means of operation act directly on all other driving wheels.

(7) For the purpose of this regulation every moving shaft to which any part of the braking system

or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system.

(8) Every motor vehicle shall be equipped with a braking system (which may be one of the systems required by this regulation) so designed and constructed that it can at all times be set so as to prevent two at least, or in the case of a vehicle with only 3 wheels, one of the wheels from revolving when the vehicle is not being driven or is left unattended:

Provided that this paragraph shall not apply to-

- (a) motor cycles with or without side-cars attached; or
- (b) invalid carriages.

(9) Every motor vehicle which is fitted with a servo braking system which embodies a vacuum or pressure reservoir or reservoirs shall be provided with a warning device so placed as to be readily visible to the driver of the vehicle when in the driving seat in order to indicate any impending failure or deficiency in the vacuum or pressure system.

## 16. Wheels

(1) Every motor vehicle and every trailer shall be so constructed that the entire weight of the vehicle and of the trailer, if any, is transmitted to the road surface by wheels or by tracks, or by a combination of wheels and tracks:

Provided that-

- (a) in the case of a track laying vehicle the parts of the track which come into contact with the road surface shall be flat and have a minimum width of half an inch. The total area of each track actually in contact with the road surface at any one time shall not be less than 36 square inches in respect of each ton of the weight unladen;
- (b) a track laying motor tractor shall not draw any trailer.

(2) Every wheel of a motor vehicle other than a road roller and every wheel on a trailer when the trailer is being drawn on a road other than a trailer used solely on road repair work shall be equipped with pneumatic tyres of suitable size and design:

Provided that-

- (a) this regulation shall not apply to the following motor vehicles or trailers if they are equipped with tyres of soft or elastic material of a design and type approved by the Commissioner on every wheel-
  - (i) a motor tractor;
  - (ii) a motor vehicle designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood; and
- (b) the Commissioner by permit in writing, subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a motor vehicle in contravention of this regulation.

(3) All wheels of a motor vehicle or trailer which are equipped with tyres other than pneumatic tyres shall have a rim diameter of not less than 26 2/5 inches:

Provided that this regulation shall not apply to-

- (a) any motor vehicle or trailer not exceeding 30 cwt. in weight unladen designed for use in works or on private premises and used on a road only in passing from one part of the works or premises to another or to works or premises in the immediate neighbourhood;
- (b) any mobile crane.

(4) Every wheel of a vehicle shall be truly circular accurately centred on its axle and fitted to work thereon without oscillation or side play.

## 18. Driver's accommodation

Every motor vehicle shall be so designed and constructed that the driver-

- (a) has adequate room and can easily reach and quickly operate the controls;
- (b) while controlling the vehicle can at all times have a full view of the road and traffic ahead of the motor vehicle.

19. Placing of driver's seat

The driver's seat of every vehicle shall be so placed as to permit him to give by hand the usual traffic signals on the right or off side of the vehicle:

Provided that the Commissioner by permit in writing, subject to such terms and conditions and for such period as appears to him fit, may authorize the use of a motor vehicle which does not comply with this regulation.

21. Safety glass

(1) The glass of all windscreens and windows on the outside of every motor vehicle shall be safety glass of such transparency that it does not obscure the view of the interior of the vehicle.

(2) No alteration or addition shall be made to the windscreens and windows referred to in paragraph (1) whereby the reflecting effect of the glass is increased.

22. Windscreen wiper

Two efficient automatic windscreen wipers shall be fitted to the windscreen of every motor vehicle unless the motor vehicle is so constructed that either-

- (a) the driver, by opening the windscreen or otherwise, can obtain an adequate view to the front of the vehicle without looking through the windscreen; or
- (b) the driver can obtain an adequate view to the front of the vehicle even though the vehicle is fitted with only one windscreen wiper.

25. Stop lights

- (1) Not less than 2 stop lights shall be fitted at the back of-
  - (a) every motor vehicle except a motor cycle; and
  - (b) every trailer which is being towed by a motor vehicle.
- (2) Not less than 1 stop light shall be fitted at the back of every motor cycle.
- (3) Every stop light shall be fitted so that the centre thereof is at a height not exceeding 5 feet from the ground.
- (4) If 2 or more stop lights are fitted at the back of a vehicle-
  - (a) 1 stop light shall be situated on the near side of the back of the vehicle; and
  - (b) a second stop light shall be situated on the off side of the back of the vehicle, so that-
    - (i) no part of the vehicle extends laterally more than 12 inches beyond the centres of the stop lights referred to in subparagraphs (a) and (b); and
    - (ii) both the stop lights referred to in sub-paragraphs (a) and (b) are equidistant from the centre of the back of the vehicle.
- (5) When in operation every stop light shall show a steady red or amber light.
- (6) Every light shown by a stop light shall be diffused by means of frosted glass or any other adequate method.

(7) No person shall use a motor vehicle unless every stop light required under this regulation to be fitted to it and to any trailer being towed by it is in good working order.

39. Turning circle

(1) Every omnibus shall be so constructed as to be capable of turning in either direction in a circle not exceeding in diameter 66 feet. For the purpose of this regulation such diameter shall be determined by reference to the extreme outer edge of the wheel track at ground level:

Provided that the Commissioner by permit in writing, subject to such terms and conditions and for such period as appears to him fit, may authorize the use of an omnibus with a turning circle exceeding 66 feet but not exceeding 76 feet, if the omnibus has a swept circle not exceeding 80 feet in diameter.

(2) In this regulation, the expression "swept circle" (掃掠圓圈) means the circle traced at ground level by a vertical line passing through any part of the omnibus included in the overall length and overall width of the omnibus.

56. Steps

- (1) In every omnibus and every light bus-
  - (a) the top of the tread of the lowest step for any entrance or exit (other than an emergency exit) shall not be more than 17 inches or less than 10 inches above the ground when the vehicle is empty;
  - (b) all steps shall be fitted with non-slip treads; and
  - (c) fixed steps shall in no case project laterally beyond the body of the vehicle, unless they are so protected by the front wings or otherwise that they are not liable to injure pedestrians.
- (2) In every omnibus-
  - (a) the tread of each step shall be not less than 9 inches deep; and
  - (b) risers shall be not more than 11 inches in height.

57. Steps in case of double-decked omnibuses

In the case of a double-decked omnibus-

- (a) the risers of all steps leading from the lower to the upper deck shall be closed and no unguarded aperture shall be left at the top landing board;
- (b) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;
- (c) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase, excluding any grab rail which does not project more than 3 inches from the back of the seat, shall not be less than 26 inches;
- (d) the outer stringer of an outside staircase shall be so constructed, or a band so placed, as to act as a screen to persons ascending or descending, and the height of the outer guard rail shall not be less than 3 feet 3 inches above the front of the tread of each step.

58. Number and position of entrances and exits

- (1) On a single-decked omnibus and on the lower deck of every double-decked omnibus, either-
  - (a) the deck of the vehicle shall communicate with the rear platform by means of a doorless opening and the exit from the platform to the rear side of the vehicle shall be continuous

- with the exit to the rear of the vehicle; or
    - (b) there shall be not less than 2 exits (one of which may be an emergency exit) which shall not both be situated on the same side of the vehicle.
  - (2) On a light bus there shall be either-
    - (a) not less than 2 exits (one of which may be an emergency exit) which shall-
      - (i) not both be situated on the same side of the vehicle; and
      - (ii) be situated to the rear of the driver's seat; or
    - (b) one exit in the back of the vehicle.
  - (3) If there is access to the upper deck of an omnibus by means of an enclosed staircase, an emergency exit shall be provided on the upper deck which-
    - (a) need not be provided with a staircase; and
    - (b) shall not be on the near side of the omnibus.

## 59. Width of entrances and exits

Every entrance and exit of an omnibus shall be at least 21 inches in width:  
Provided that-

- (a) where in accordance with proviso (a) to regulation 58(1) one exit only is provided, the width of such exit measured along the rear of the vehicle need not exceed 18 inches if the width of the exit to the side of the vehicle complies with the preceding provisions of this regulation;
- (b) the size of an emergency exit from the upper deck of an omnibus shall not be less than 4 feet by 2 feet;
- (c) where the same entrance is used for both the upper and the lower deck of an omnibus no part of the entrance exclusive of a stanchion measured along the near side of the vehicle shall be less than 36 inches in width.

## 59A. Width of entrances on light buses

- (1) Every entrance and every exit of a light bus shall, subject to paragraph (2), be not less than 21 inches wide.
- (2) Notwithstanding paragraph (1), the Commissioner may permit in writing the use of a light bus the entrances or exist of which are less than 21 inches wide.

## 60. Doors

- (1) Every entrance and exit door of an omnibus and of a light bus shall be capable of being opened by one operation of the locking mechanism:

Provided that for the purpose of securing the vehicle when unattended it shall be permissible to fit to any entrance or exit door a supplementary lock with or without a detachable actuating mechanism if such lock is so designed and constructed that the door can at all times be opened by a person inside the vehicle by one operation of the ordinary locking mechanism.

- (2) Door handles or levers to door catches shall be recessed or so designed and fitted that they are not liable to be dislodged or to be operated accidentally. Where any entrances are provided with doors which are intended to remain open when the vehicle is in motion suitable fastenings shall be provided to hold such doors securely open.

- (3) A grab handle shall be fitted to each entrance or exit other than an emergency exit to assist passengers in boarding or alighting from the omnibus or light bus.

- (4) All doors including those of emergency exits shall be so designed as to be readily opened in

case of need from both the inside and the outside of the omnibus or light bus.

(5) All doors shall open so as not to obstruct clear access to any entrance or exit either from inside or from outside the omnibus or light bus.

#### 61. Emergency exit

- (1) The means of operation of all emergency exits of-
  - (a) an omnibus; and
  - (b) a light bus,shall be clearly indicated in English and in Chinese characters.
- (2) All emergency exits shall-
  - (a) be clearly marked as such in English and in Chinese characters;
  - (b) be designed to open outwards;
  - (c) be easily accessible to the passengers; and
  - (d) be connected with any gangway by a passage which shall not be of less dimensions than those prescribed in regulation 63(1) for a gangway, and shall be so designed that a vertical line projected upwards at any point from the centre line of the passage at floor level is laterally not less than 6 inches from any part of the vehicle in the case of-
    - (i) an omnibus to a height of 4 feet 6 inches; and
    - (ii) a light bus to a height of 4 feet.
- (3) The actuating mechanism of all emergency exits other than those fitted to an upper deck of an omnibus shall be easily accessible to persons of normal height standing on ground level outside the omnibus.
- (4) For the purposes of paragraph (2)(d) a seat on the upper deck of an omnibus placed below or in front of an emergency exit, shall be deemed to form part of the passage.

#### 62. Access to exits

- (1) Subject to paragraph (2), there shall be unobstructed access from every seat on-
  - (a) an omnibus; and
  - (b) a light bus,to at least 2 exits from the vehicle or to 1 exit if only 1 exit is required by these regulations.
- (2) Paragraph (1) shall not apply to any seats that are alongside the driver if there is access to them by an entrance other than the driver's entrance.
- (3) Direct access shall be provided to the driver's seat either-
  - (a) from the off side of the vehicle; or
  - (b) by means of a passage which shall not be of less dimensions than those prescribed in regulation 63(1) for a gangway.
- (4) No seat in an omnibus or light bus shall be fitted to a door so that when the seat is in position for use it obstructs any passage to an exit or gangway required by these regulations.

#### 63. Width of gangways

- (1) The width of every gangway in an omnibus or light bus shall be not less than 1 foot up to a height of 2 feet 6 inches from the floor level and above that height not less than 1 foot 2 inches and shall be so designed that a vertical line projected upwards from the centre line of any gangway at floor level shall, to the height prescribed in regulation 64 as the height of that gangway be laterally not less than 6 inches from any part of the omnibus or light bus other than the roof over the gangway.
- (2) No part of any gangway which serves as a joint means of access from any entrance to both the

upper and lower deck of an omnibus shall be less than 36 inches in width.

(3) For the purposes of this regulation when any space in front of a seat is required for the accommodation of seated passengers the space within 9 inches of the seat shall not be taken into account in measuring the width of a gangway.

#### 64. Height of gangways

(1) The clear height at every point along the centre line of any gangway between the limits specified in paragraph (3) shall be as follows-

- (a) in the case of a single-decked omnibus not less than 5 feet 8 inches;
- (b) in the case of a double-decked omnibus not less than 5 feet 8 inches on both decks; and
- (c) in the case of a light bus not less than 4 feet 6 inches.

(2) The clear height at every point along the centre line of any gangway shall, outside the limits specified in paragraph (3), be not less than 4 inches lower than the clear height prescribed in paragraph (1).

(3) The limits referred to in paragraph (1) extend from the front edge of the foremost passenger seat adjacent to the gangway to the front edge of the rearmost passenger seat adjacent to the gangway.

#### 65. Seats

(1) The supports of all seats in an omnibus and in a light bus shall be firmly fixed in position and at least 15 inches measured in a straight line along the back of each seat shall be allowed for each passenger.

(2) Every seat in an omnibus and in a light bus shall have a back rest so closed or otherwise constructed as to prevent as far as possible the pockets of passenger being picked.

(3) No part of the back rest of any seat placed lengthwise in an omnibus or light bus shall be less than 54 inches from the corresponding part of the back rest of the seat facing it.

(4) In an omnibus and in a light bus transverse seats shall be so fitted that-

- (a) there is clear space of at least 26 inches in front of the whole length of the top of the back rest of every seat, any handles or grips which do not project more than 4 inches from the back rest being disregarded when measuring the clear space herein referred to; and
- (b) there is a clear space of at least 19 inches between any part of the front edge of a seat and any part of any other seat which faces it.

(5) All passenger seats on omnibuses and light buses shall provide an adequate degree of comfort with suitable seats and seat backs.

(6) Seats over a wheel arch shall not be placed in such a position as to cause discomfort to passengers in an omnibus or light bus.

(7) If any transverse seat on an omnibus is so placed that a passenger seated upon it is liable to be thrown forward through an entrance or down a stairway an effective screen or guard shall be placed so as to provide protection for any passenger occupying the seat.

(8) No part of any seat on the left hand side of the driver of an omnibus or light bus shall be in front of a line passing through the front edge of the driver's seat at right angles to the longitudinal axis of the vehicle and any seat on the left of the driver's seat and in line with it must face forward.

#### 66. Step wells

The shortest distance between the edge of any step well and a vertical plane passing through the front edge of a seat of an omnibus shall not be less than 9 inches.

67. Safety glass

All glass used in the construction of-

- (a) an omnibus; and
- (b) a light bus,

shall be safety glass.

68. Side windows

In the case of a single-decked omnibus with a permanent top or the lower deck of a double-decked vehicle the side windows, when open, shall be adequately guarded to a height of 39 inches from the floor.

71. Driver's accommodation

- (1) Every omnibus and light bus shall be-
  - (a) so designed that the driver has adequate room and can easily reach and quickly operate the controls;
  - (b) so constructed and maintained that the accommodation for the driver is weather-proof; and
  - (c) provided with means to prevent light from the interior of the vehicle from incommoding the driver.
- (2) (Repealed L.N. 95 of 1969)
- (3) The accommodation for the driver of an omnibus shall be divided off by means of a partition behind the driver's seat extending upwards not less than 30 inches from the floor level, and by a continuation of the partition, or guard rails on the left of the driver not less than 18 inches from the centre of the steering wheel at any point.

72. Steering pillar

The steering pillar of an omnibus shall be on the right or off side of the vehicle and the driver's seat shall be so placed as to permit him to give by hand the usual traffic signals, on the off side of the vehicle.

73. Driver's seat

- (1) There shall not be any seat, gangway or passage on the right hand side of the driver's seat in an omnibus or a light bus.
- (2) The driver's seat of an omnibus and a light bus shall be capable of being adjusted in relation to the steering wheel of the vehicle so that it can be moved from 12 inches to at least 16 inches from the steering wheel measured from the nearest point on the periphery of the steering wheel to the nearest part of the back of the driver's seat.
- (3) In an omnibus and a light bus the centre of the driver's seat shall not be offset more than 4 inches in relation to the centre of the steering wheel and adequate comfort shall be provided for the driver.
- (4) In an omnibus the driver's seat shall be adequately protected by guard rails or a partition providing adequate room for the driver and being not less than 18 inches from the centre of the steering wheel at any point.

(5) Where passengers are carried on an omnibus on the left-hand side of the driver a space of at least 18 inches from the centre of the steering column to the left thereof shall be reserved for the driver, to be divided off from such passengers by means of a solid partition at least 9 inches high from seat level and extending for the whole depth of the seat.

(6) In every light bus the driver's seat shall be adequately protected by a guardrail which-

- (a) is situated to the left of the driver's seat;
- (b) provides adequate room for the driver; and
- (c) is at any point not less than 15 inches from the centre of the steering wheel.

## PART II

### PROVISIONS OF THE ROAD TRAFFIC (PUBLIC SERVICE VEHICLES) REGULATIONS WHICH CORRESPOND WITH REGULATIONS 41, 42, 43 and 44

(In these regulations "Authority"(主管當局) means the Commissioner for Transport.)

#### 17. Taximeter

(1) Every taxi shall be fitted with a taximeter of a design and construction approved by the Authority and which in every respect complies with the provisions of these regulations.

(2) Every taximeter shall be fitted to the taxi in such position and in such manner as may be approved by the Authority.

(3) No taximeter shall be fitted to a taxi without the prior approval of the Authority.

(4) If the registered owner of a taxi removes the taximeter from a taxi or ceases to use the taximeter, he shall notify the Authority within 24 hours of such removal or cessation.

#### 18. Construction of taximeter

(1) Every taximeter shall be so constructed that it may be effectually sealed to the satisfaction of the Authority.

(2) Every taximeter shall be provided with an indicator (hereinafter referred to as the "flag") of a size not less than 2 inches by 1 inch showing the words "for hire" or the word "taxi".

(3) Every taximeter shall be so constructed that the flag can be placed in any one of the following positions-

- (a) the flag is raised in such manner that it is clearly visible by any person standing in front of a taxi at a distance of not more than 20 yards and, at all times during which the lights of the taxi are required to be illuminated, the flag is adequately illuminated and the mechanism of the taximeter is not in motion;
- (b) the flag is lowered to the recording position in such manner that it is not visible outside the taxi and the mechanism of the taximeter is in motion; and
- (c) the flag is placed in the non-recording position in such manner that it is not visible outside the taxi and the mechanism of the taximeter is not in motion.

#### 19. Sealing and testing of taximeters

(1) Every taximeter shall be-

- (a) tested by the Authority before it is fitted to a taxi and at intervals of not more than 6 months thereafter; and
  - (b) stamped and sealed by the Authority after every such test.
- (2) The registered owner of every taxi shall cause the taxi to be made available at such place and time as the Authority may from time to time require for the purpose of inspecting, testing and regulating the taximeter fitted therein.

20. Lighting of taximeter

(1) Every taxi shall be provided with a lamp so placed on the taximeter as to render the readings on the dial of the taximeter easily legible at all times of the day and night and such lamp shall be maintained in proper working order and condition.

(2) The driver shall keep such lamp properly lit through any part of a hiring which is during such time as the lights on the taxi are required to be illuminated and shall light such lamp during a hiring at any other time at the request of a hirer so as to enable the hirer to read the dial of the taximeter.

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Chapter:	374E	Title:	ROAD TRAFFIC (REGISTRATION AND LICENSING OF VEHICLES) REGULATIONS	Gazette Number:	
Regulation:	2	Heading:	<b>Interpretation</b>	Version Date:	30/06/1997

In these regulations, unless the context otherwise requires-

"articulated vehicle" (掛接式車輛) has the meaning assigned to it by regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374 sub. leg.);

"closed road permit" (封閉道路通行許可證) means a closed road permit issued under regulation 49;

"1926 Convention" (1926 年國際公約) means the International Convention relative to the international circulation of cars concluded at Paris on 24 April 1926;

"1931 Convention" (1931 年國際公約) means the International Convention regarding the taxation of foreign motor vehicles concluded at Geneva on 30 March 1931;

"1949 Convention" (1949 年國際公約) means the International Convention relative to the international circulation of motor traffic concluded at Geneva on 19 September 1949;

"excess passengers permit" (超額載客許可證) means an excess passengers permit issued under regulation 52;

"goods permit" (裝載貨物許可證) means a goods permit issued under regulation 51;

"Government vehicle" (政府車輛) has the meaning assigned to it by regulation 2 of the Road Traffic (Driving Licences) Regulations (Cap 374 sub. leg.);

"identity document" (身分證明文件) means-

- an identity card issued under the Registration of Persons Ordinance (Cap 177);
- a passport furnished with a photograph of the holder, or some other travel document establishing to the satisfaction of an immigration officer or immigration assistant the identity and nationality of the holder for the purposes of the Immigration Ordinance (Cap 115);
- in the case of a police officer, a warrant card issued to him under the Police Force Ordinance (Cap 232);
- in the case of a body corporate, a certificate of incorporation relating to it; or
- any other document of identity acceptable to the Commissioner for the purposes of these regulations;

"international circulation permit" (國際通行許可證) means an international circulation permit issued under regulation 31;

"long load permit" (運載特長貨物許可證) means a long load permit issued under regulation 54;

"movement permit" (車輛行駛許可證) means a movement permit issued under regulation 53;

"nationality sign" (國籍標誌) means a sign complying with the provisions of Annex 4 to the 1949 Convention or of Annex C to the 1926 Convention and bearing the distinctive letters specified in or under the Convention for the country under the law of which the vehicle is registered;

"policy of insurance" (保險單) means a policy of insurance, or a security, in respect of third party risks as required by the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap 272);

"special registration mark" (特殊登記號碼) means a registration mark referred to in regulation 9;

"trade licence" (試車牌照) means a trade licence issued under regulation 43;

"trade plate" (試車字牌) means a trade plate issued under regulation 43;

"van-type light goods vehicle" (客貨車) means a light goods vehicle constructed with a fully enclosed body which is an integral part of the vehicle; (40 of 1991 s. 6)

"vehicle licence" (車輛牌照) means a vehicle licence issued under regulation 21(8), 23 or 39(1);

"visitor" (到港人士) means any person who arrives in Hong Kong other than to take up residence for a

period exceeding 12 months;

"visitor's registration document" (到港人士登記文件) means-

- (a) in the case of a vehicle registered in a country outside Hong Kong which is a party to the 1949 Convention, a registration certificate issued under the law of that country and containing the serial number or registration number, the name or the trade name of the maker of the vehicle, the maker's identification or serial number, the date of its registration and the full name and permanent place of residence of the applicant for the said certificate; or
- (b) a certificate in accordance with Form 2 of Schedule 8 issued under the law of a country outside Hong Kong which is a party to the 1926 Convention;

"wide load permit" (運載特闊貨物許可證) means a wide load permit issued under regulation 54.

(L.N. 262 of 1984; L.N. 277 of 1992; 34 of 1993 s. 12)

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Chapter:	374G	Title:	ROAD TRAFFIC (TRAFFIC CONTROL) REGULATIONS	Gazette Number:	
Regulation:	54	Heading:	<b>Vehicles exceeding the permitted gross vehicle weight</b>	Version Date:	30/06/1997

(1) Subject to subregulations (2) and (3), no person shall drive or use, or cause or permit to be driven or used, on a road a goods vehicle or special purpose vehicle that is so loaded that its gross vehicle weight exceeds the permitted gross vehicle weight assigned or deemed to have been assigned to the vehicle under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg.).

(1A) Subject to subregulations (2) and (3), where a goods vehicle or special purpose vehicle is driven or used on a road and it is so loaded that its gross vehicle weight exceeds the permitted gross vehicle weight assigned or deemed to have been assigned to the vehicle under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg.), the owner of the vehicle commits an offence and is liable on first conviction to a fine of \$5000 and on second or subsequent conviction to a fine of \$10000 unless he proves that-

- (a) the offence was committed without his consent or connivance; and
- (b) he had exercised due diligence and reasonable supervision to prevent the commission of the offence. (L.N. 63 of 1994)

(2) In the case of a goods vehicle or special purpose vehicle which has at any time been assigned a maximum laden weight under the revoked regulations, and until the vehicle is licensed under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg.), subregulation (1) shall apply to the vehicle as if such assigned maximum laden weight which is entered in the registration book and the licence issued in respect of the vehicle under the revoked regulations is the permitted gross vehicle weight of the vehicle assigned to the vehicle under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg.).

(3) Subregulation (1) shall not apply where-

- (a) the Commissioner has, under regulation 7(8) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap 374 sub. leg.), by permit authorized the use of the vehicle exceeding its maximum gross vehicle weight or maximum gross combined weight, as the case may be, specified in relation to that class or type of vehicle in Part II, III or IV of the Second Schedule to those regulations; and
- (b) the vehicle is driven or used, or caused or permitted to be driven or used, on a road in accordance with the terms and conditions, if any, of the permit.

(4) For the purposes of subregulation (2)-

- (a) the revoked regulations are the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 220 sub. leg.) revoked by regulation 61 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg.); and
- (b) where the maximum laden weight assigned to a vehicle is expressed in hundredweight, such weight shall be converted to tonnes on the basis that 1 cwt. is equivalent to 0.0508 tonne.

(L.N. 241 of 1985)

Chapter:	374G	Title:	ROAD TRAFFIC (TRAFFIC CONTROL) REGULATIONS	Gazette Number:	
Schedule:	3	Heading:	<b>LIGHT SIGNALS</b>	Version Date:	30/06/1997

1. Light signals prescribed by regulation 16 shall be of the size, colour and type prescribed by paragraph 2, 3, 4, 5, 6, 7 or 8. (L.N. 242 of 1987)

2. Light signals prescribed by this paragraph shall be of the following size, colour and type-
- (a) 3 lights facing the approaching vehicular traffic, one red, one amber and one green shall be used;
  - (b) the lights shall be arranged either vertically or horizontally and where they are arranged vertically the lamp showing a red light shall be uppermost and that showing a green light shall be lowermost and where they are arranged horizontally the lamp showing a red light shall be nearest to the right hand side of the carriageway viewed by the drivers of approaching vehicles and the lamp showing a green light shall be nearest to the left hand side of the carriageway as viewed by the drivers of such vehicles;
  - (c) the sequence of the light signals shall be as follows-
    - (i) red;
    - (ii) amber and red together;
    - (iii) green;
    - (iv) amber,but the lights described in sub-subparagraph (ii) may be omitted from the sequence;
  - (d) each lamp shall be separately illuminated and the effective diameter of the lens of the lamp shall be either-
    - (i) not less than 190 mm nor more than 220 mm; or
    - (ii) not less than 275 mm nor more than 310 mm;
  - (e) the height of the centre of the green lens from the surface of the carriageway in its immediate vicinity shall be, where light signals are placed at the side of the carriageway, not less than 2.1 m nor more than 3.5 m and where light signals are placed over the carriageway not less than 5.3 m nor more than 9 m;
  - (f) the centre of adjacent lenses shall, when the effective diameter of each lens is not less than 190 mm nor more than 220 mm be not more than 360 mm apart and, when the effective diameter of each lens is not less than 275 mm nor more than 310 mm, be not more than 440 mm apart;
  - (g) the head of the signals enclosing the lamps shall be coloured black and any post supporting the head shall be coloured grey;
  - (h) where a backing board is used in conjunction with the light signals it shall be coloured black with a white border.

3. Light signals prescribed by this paragraph shall be used for the control of vehicular traffic at level crossings, at approaches to swing bridges, at ferry boat landings, at fire stations and ambulance stations and shall be of the following size, colour and type-

- (a) 2 lights each showing an intermittent red light shall be used;
- (b) the lamps shall be arranged horizontally so that there is a distance of not less than 500 mm nor more than 700 mm between the centres of the lenses of the lamps;
- (c) each lamp shall be separately illuminated and the effective diameter of the lamp shall be either-
  - (i) not less than 190 mm nor more than 220 mm; or
  - (ii) not less than 275 mm nor more than 310 mm,but the 2 lamps on the same signal head shall both have the effective diameter of not less than 190 mm nor more than 220 mm or both have such diameter of not less than 275 mm nor more than 310 mm;
- (d) when the signal is operated each lamp shall show its intermittent red light at a rate of

flashing of not less than 60 nor more than 90 flashes per minute and in such a manner that the light of one lamp is always shown when the light of the other lamp is not shown;

- (e) the height of the centre of each lens from the surface of the carriageway in its immediate vicinity shall be in the case of signals placed at the side of the carriageway not less than 2.1 m nor more than 3.5 m and in the case of signals placed over the carriageway not less than 5.3 m nor more than 9 m;
- (f) where a backing board is used in conjunction with the light signals it shall be coloured black with a white border;
- (g) no lettering or characters shall be used on the lenses.

4. (1) Subject to the following subparagraphs, a lens which when illuminated shows a green arrow or an amber "T" characteristic-

- (a) may be substituted for the lens showing the green light in the light signals referred to in paragraph 2 of this Schedule; or
- (b) may be affixed to the light signal referred to in paragraph 2 of this Schedule.

(2) The direction of any green arrow may be varied to suit the particular circumstances providing-

- (a) that no arrow points below the horizontal position;
- (b) that no adjacent arrows point within 45 degrees of one another.

(3) The effective diameter of a lens showing either a green arrow or an amber "T" characteristic shall be either-

- (a) not less than 190 mm nor more than 220 mm; or
- (b) not less than 275 mm nor more than 310 mm.

5. (1) Portable light signals prescribed by regulation 21 shall comply with paragraphs 2 and 4 of this Schedule subject to the following-

- (a) the height of the centre of the green lens shall be not less than 1.5 m nor more than 2.5 m from the surface of the carriageway;
- (b) the signal head may be mounted on a post or a tripod but in either case the colour of the post or tripod shall be yellow.

(2) The type of portable light signals, including any control equipment and lens used in conjunction with them shall, in addition to complying with these regulations, be approved in writing by or on behalf of the Commissioner before being used on or near any carriageway.

6. (1) Light signals prescribed by regulation 33 shall, subject to sub-subparagraphs (a), (b), (c) and (d) of this subparagraph, be of the following type-

- (a) 2 lights, one red and one green, both as shown in Figure No. 701 in this Schedule, shall be provided facing the direction from which pedestrians are crossing;
- (b) the red light and the green light shall be arranged vertically, the red light being upper and the sequence of lights shall be-
  - (i) red;
  - (ii) green;
  - (iii) intermittent green;
- (c) each light shall be separately illuminated and the effective diameter of the lens shall be either-
  - (i) not less than 190 mm nor more than 220 mm; or
  - (ii) not less than 275 mm nor more than 310 mm,but the diameters of the lenses of the red and green lights shall both have the measurements prescribed either in sub-sub-subparagraph (i) or (ii) above;
- (d) the centre of adjacent lenses shall not be more than-
  - (i) 360 mm apart when the effective diameter of each lens is not less than 190 mm nor more than 220 mm; or
  - (ii) 440 mm apart when the effective diameter of each lens is not less than 275 mm nor

more than 310 mm apart.

(2) The height of the centre of the green lens from the surface of the carriageway in its immediate vicinity shall not be less than 2.1 m nor more than 2.5 m.

(3) The head enclosing the lamps shall be coloured black, and any post supporting the head shall be coloured grey.

(4) A sign of the type shown in Figure No. 702 in this Schedule may be erected for the purpose of conveying to pedestrians instructions for operating the light signals.

7. (1) Light signals prescribed by this paragraph shall be of the following size, colour and type-

(a) 2 lights which face approaching vehicles of the North-west Railway or trams and of which, when illuminated, one shows a red "T" characteristic and one a white symbol in accordance with Figure No. 703 in this Schedule;

(b) the red light and the white light referred to in sub-subparagraph (a) shall be arranged vertically, the lamp showing a red light being upper and the sequence of light signals shall be as follows-

(i) red;

(ii) white;

(iii) intermittent white.

(2) A lens which when illuminated shows a white symbol of the type shown in Figure No. 703 in this Schedule but with the apex of the symbol pointing to the left or to the right, as the case may be-

(a) may be substituted for the white light referred to in subparagraph (1)(b) of this paragraph; or

(b) may be affixed to the light signal referred to in this paragraph.

(3) The effective diameter of a lens showing either a red "T" characteristic or the white symbol referred to in this paragraph shall be either-

(a) not less than 190 mm nor more than 220 mm; or

(b) not less than 275 mm nor more than 310 mm.

(4) The head of the signals enclosing the lamps shall be coloured black, and any posts supporting the head shall be coloured grey.

(5) When the white symbol of the type shown in Figure No. 703 is illuminated by an intermittent light, the intermittent light so illuminated shall flash at a rate of not less than 60 and not more than 90 flashes per minute.

(L.N. 242 of 1987)

8. A lens which when illuminated shows a red "T" characteristic-

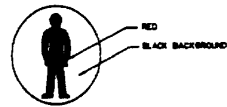
(a) may be substituted for the lens showing the red light in the light signals referred to in paragraph 2 of this Schedule; or

(b) may be affixed to the light signals referred to in paragraph 2 of this Schedule.

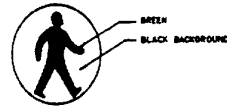
(L.N. 242 of 1987)

REGULATORY

FIGURE No. 701



THE RED SIGNAL



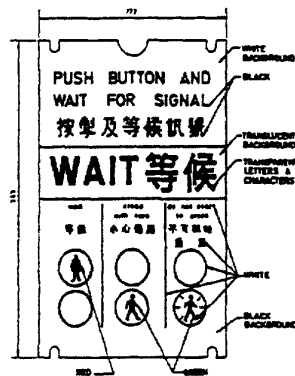
THE GREEN SIGNAL

LIGHT SIGNAL CROSSING

THE SIGNALS SHALL BE ARRANGED VERTICALLY, THE RED SIGNAL BEING ABOVE THE GREEN SIGNAL.

INFORMATORY

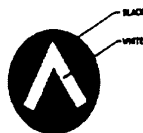
FIGURE No. 702



LIGHT SIGNAL CROSSING

REGULATORY

FIGURE No. 703



THE SIGNAL

VEHICLE OF THE NORTH-WEST RAILWAY SIGNAL

(L.N. 242 of 1987)

Chapter: 376	Title: CLUBS (SAFETY OF PREMISES) ORDINANCE	Gazette Number:
Section: 17	Heading: <b>Case may be stated for Court of Appeal</b>	Version Date: 30/06/1997

(1) The Appeal Board may, before an appeal is determined, refer any question of law arising in the appeal to the Court of Appeal for determination by way of case stated.

(2) On the hearing of the case the Court of Appeal may amend the case or order it to be sent back to the Appeal Board for amendment.

(Enacted 1991)

Chapter: 380	Title: PROTECTION OF WAGES ON INSOLVENCY ORDINANCE	Gazette Number: L.N. 34 of 1999
Section: 16	Heading: <b>Payment</b>	Version Date: 05/02/1999

(1) Subject to subsections (1B) and (2) where it appears to the Commissioner that an employer has failed to pay any wages, wages in lieu of notice or severance payment, as the case may be, or all or any of them to an applicant and that-

- (a) in the case of an employer who is not a company-
  - (i) a bankruptcy petition has been presented against him; or
  - (ii) he would, but for the existence of section 6(2)(a) of the Bankruptcy Ordinance (Cap 6), be liable to have a bankruptcy petition presented against him; or (Replaced 76 of 1996 s. 84)
- (b) in the case of an employer who is a company, a winding-up petition has been presented against that employer,

he may make an ex gratia payment to the applicant out of the Fund of the amount of the wages, wages in lieu of notice or severance payment, as the case may be, or all or any of them.

(1A) When the Commissioner makes a payment under subsection (1)(a)(ii), he shall give notice of the payment and the reasons therefor in the Gazette. (Added 41 of 1988 s. 2)

(1B) Where an application has been made in respect of a severance payment which is not due at the date of the application, the Commissioner may defer consideration of the application until the severance payment becomes due. (Added 38 of 1989 s. 4)

(2) The Commissioner shall not make any payment under subsection (1)-

- (a) to the applicant unless the applicant has verified his application by a statutory declaration in a form approved by the Commissioner;
- <sup>@</sup>(b) of an amount exceeding \$36000 in respect of wages; (Replaced 15 of 1993 s. 3. Amended L.N. 63 of 1996)
- (c) (Repealed 15 of 1993 s. 3)
- (d) in respect of wages-
  - (i) for services rendered more than 4 months prior to an applicant's last day of service; or
  - (ii) for which an application is made to the Fund more than 6 months after the applicant's last day of service; (Replaced 68 of 1996 s. 2)
- (e) in respect of wages in lieu of notice-
  - (i) of an amount exceeding-
    - (A) the equivalent of 1 month's wages of the applicant; or
    - <sup>@</sup>(B) \$22500, (Amended L.N. 63 of 1996)
 whichever is the lesser; or (Amended 15 of 1993 s. 3)
  - (ii) subject to subsection (2A), which became due more than 6 months prior to the date of application; or (Replaced 38 of 1989 s. 4. Amended 68 of 1996 s. 2)
- (f) in respect of a severance payment-
  - <sup>\*</sup>(i) of an amount exceeding the aggregate of \$50000 and half of that part of the applicant's entitlement to severance payment in excess of \$50000; or (Replaced 45 of 1991 s. 3. Amended L.N. 332 of 1995; L.N. 63 of 1996; L.N. 34 of 1999)
  - (ii) the liability for payment of which arose more than 6 months prior to the date of application. (Added 38 of 1989 s. 4. Amended 68 of 1996 s. 2)

(2A) Subsection (2)(e)(ii) shall not apply to wages in lieu of notice arising out of a contract of employment terminated before the commencement of the Protection of Wages on Insolvency (Amendment) Ordinance 1989 (38 of 1989). (Added 38 of 1989 s. 4)

(3) The Legislative Council may by resolution amend the period specified in subsection

(2)(e)(i)(A) or the amount specified in subsection (2)(b), (e)(i)(B) or (f)(i). (Added 48 of 1987 s. 4. Amended 15 of 1993 s. 3)

(4) For the purposes of this section, "last day of service" (服務的最後一天) means the last day on which an applicant renders services to an employer who fails to pay him wages to which his application relates. (Added 68 of 1996 s. 2)

(Amended 48 of 1987 s. 4; 38 of 1989 s. 4)

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@ For transitional provisions, see paras. (b) and (c) of L.N. 63 of 1996.

\* For transitional provisions, see paras. (2) and (3) of L.N. 34 of 1999.

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Chapter:	380	Title:	PROTECTION OF WAGES ON INSOLVENCY ORDINANCE	Gazette Number:	37 of 1998 s. 7
Section:	18	Heading:	<b>Additional power of Commissioner</b>	Version Date:	20/11/1998

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(1) Notwithstanding that in any particular case a petition referred to in section 16(1)(a)(i) or (b) has not been presented against an employer, the Commissioner may, subject to subsection (2) of that section, make an ex gratia payment under that section in that case if in his opinion- (Amended 41 of 1988 s. 3)

- (a) the employer employs less than 20 employees;
- (b) sufficient evidence exists to support the presentation of a petition in that case on the ground-
  - (i) if the employer is a company, that he is unable to pay his debts; or
  - (ii) if the employer is a person other than a company, that he is liable to have a bankruptcy petition presented against him; and(Amended 37 of 1998 s. 7)
- (c) it is unreasonable or uneconomic to present a petition in that case.

(2) Where the Commissioner exercises his discretion under subsection (1) to make payment, he shall give notice in the Gazette stating that, in his opinion, sufficient evidence exists to support the presentation of a petition on the ground-

- (a) if the employer is a company, that he is unable to pay his debts; or
- (b) if the employer is a person other than a company, that he is liable to have a bankruptcy petition presented against him. (Amended 37 of 1998 s. 7)

(3) Nothing in subsection (2) shall require the Commissioner to give more than one notice in respect of each employer.

(4) No action shall lie against the Commissioner in respect of any notice given under subsection (2).

(Enacted 1985)

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Chapter:	386	Title:	HONG KONG WAR MEMORIAL PENSIONS ORDINANCE	Gazette Number:	
Section:	15	Heading:	<b>Case may be stated for Court of Appeal</b>	Version Date:	30/06/1997

(1) Before or after the determination of an appeal, the Appeal Board may refer any question of law arising for determination by the Court of Appeal by way of case stated.

(2) On the hearing of the case the Court of Appeal may amend the case or require the Appeal Board to amend the case in such manner as the Court shall specify.

(3) Where the Court of Appeal determines a case stated under this section it shall cause a copy of the case, together with a copy of its opinion thereon, to be sent to the Chairman.

(4) Where the Court of Appeal sends its opinion under subsection (3), the Appeal Board shall determine the relevant appeal having regard to the opinion of the Court.

(Enacted 1991)

Chapter: 391	Title: BROADCASTING AUTHORITY ORDINANCE	Gazette Number:
Section: 14	Heading: <b>Delegation of powers, etc. to principal executive officer</b>	Version Date: 30/06/1997

(1) Subject to subsection (2), the Authority may by resolution, with or without restrictions or conditions as it sees fit, delegate in writing to the principal executive officer any of its powers and functions.

(2) The Authority shall not delegate to the principal executive officer any of its powers or functions under-

- (a) this section or section 10, 12, 15, 19, 20, or 24; (Replaced 52 of 1989 s. 5)
- (aa) section 13C or 13E of the Telecommunication Ordinance (Cap 106); or (Added 52 of 1989 s. 5)
- (b) section 8, 13, 14, 15, 20, 28, 35, 36A or 37 of the Television Ordinance (Cap 52). (Amended 22 of 1993 s. 53)

(Enacted 1987)

Chapter:	411	Title:	EMPLOYEES' COMPENSATION INSURANCE LEVIES ORDINANCE	Gazette Number:	
Section:	15	Heading:	<b>Insurer to receive and remit levy to Board</b>	Version Date:	30/06/1997

(1) Where during any relevant period a levy is payable on a premium by an insured under section 14-

- (a) the insured shall pay the levy to the insurer or the agent of the insurer at the time of paying the premium;
- (b) the insurer or his agent, as the case may be, shall receive that levy;
- (c) in the case of an agent who receives the levy under paragraph (b), the agent shall, as soon as practicable, pay that levy to the insurer (whose agent he is) and that insurer shall receive that levy; and
- (d) the insurer who receives the levy under paragraph (b) or (c) shall deal with that levy according to subsection (4).

(2) Subject to subsection (3), where during any relevant period an insurer issues an insurance policy to an insured but no payment of levy is made to the insurer in accordance with subsection (1)(a) or (c), the insurer shall, during that relevant period, be deemed to have received from that insured the levy payable on the premium payable in respect of that policy and shall deal with it according to subsection (4).

(3) Where during any relevant period an insured, in accordance with subsection (1)(a), pays to the agent of the insurer a premium together with the levy payable thereon at the prescribed rate, the insurer shall, during that relevant period, be deemed to have received from that insured the levy so payable and shall deal with it according to subsection (4).

(4) Subject to subsections (5) and (6), an insurer who, during any relevant period, receives any levy under subsection (1), or who is deemed under subsection (2) or (3) to have so received that levy, shall-

- (a) hold that levy as so received, or an amount equivalent thereto deemed to have been so received, as the case may be, on behalf of the Board;
- (b) deposit those sums in any bank within the meaning of the Banking Ordinance (Cap 155); and
- (c) not later than 2 months after the end of that relevant period, remit those sums to the Board.

(5) Where during any relevant period amounts of levy have been received by an insurer under subsection (1), or are deemed under subsection (2) or (3) to have been so received by him, the insurer may deduct from the sums to be remitted to the Board under subsection (4)-

- (a) a handling charge to be calculated as prescribed by the Secretary for the Treasury from time to time;
- (b) the amount of any refund of levy paid to an insured during that relevant period under section 20(1); and
- (c) subject to subsections (6) and (9) and section 17(3), the amount of any levy deemed under subsection (2) or (3) to have been received by him but not actually so received on expiry of a period of 3 months from the date of issue of the insurance policy to which that levy related.

(6) Any levy payable on a premium under section 14 in respect of an insurance policy and so received by an insurer after a deduction has been made under subsection (5)(c) in respect of that levy (as then unpaid or, if paid, not then received by him) shall be remitted forthwith by that insurer to the Board together with such information as may be necessary to identify that policy.

(7) Any person who, without reasonable excuse, contravenes subsection (1)(a), (b) or (c) or (4)(a) or (b) commits an offence and is liable to a fine of \$10000.

(8) An insurer who, without reasonable excuse, contravenes subsection (4)(c) or (6) commits an offence and is liable to a fine of \$10000 or 20 times the amount of levy that was not remitted to the Board, whichever is the greater.

(9) No deduction under subsection (5)(c) shall be made by any insurer in respect of any levy not actually received by that insurer once a period of 12 months has elapsed from the date of issue of the insurance policy to which that levy related.

(10) Subject to section 20, this section shall not apply-

- (a) to an insurer or his agent who has received any levy payable under section 14 on a premium payable by an insured in respect of an insurance policy; or
- (b) to an insurer who is deemed under subsection (2) or (3) to have received any levy so payable,

where that insurance policy is not in force for whatever reason, or has been cancelled by the insurer and the insurer or his agent, as the case may be, has, as soon as practicable, returned or refunded the premium and, where the levy thereon has been paid, that levy in respect of that policy to the insured.

(Enacted 1990)

Chapter:	411	Title:	EMPLOYEES' COMPENSATION INSURANCE LEVIES ORDINANCE	Gazette Number:	
Schedule:	1	Heading:	<b>PROVISIONS WITH RESPECT TO THE BOARD AND MEMBERS THEREOF</b>	Version Date:	30/06/1997

[section 3(4)]

1. The Board shall have a common seal.

2. The Board shall not be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

3. (1) Subject to subparagraph (3), a member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) Any member appointed under section 3(2)(a), (b), (c), (d) or (e) may at any time-

(a) resign his office by notice in writing to the Governor; or  
(b) be removed from office by the Governor for permanent incapacity or other sufficient cause, and upon such resignation or removal the term for which he was appointed shall be deemed to have expired.

(3) Where any member appointed under section 3(2)(a), (b), (c), (d) or (e) is precluded by temporary incapacity or other cause from exercising his functions as a member for any period, the Governor may appoint another person to act in place of that member during that period.

(4) Where any question arises under subparagraph (2)(b) or (3) as to whether any incapacity or cause exists or whether any incapacity is temporary or permanent or any cause sufficient, the decision of the Governor shall be final.

4. If the Governor is satisfied that a member of the Board appointed under section 3(2)(a), (b), (c), (d) or (e)-

- (a) has failed to attend 3 consecutive meetings of the Board without the permission of the Board; or
- (b) has become bankrupt or made an arrangement with his creditors; or
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member,

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

5. The quorum of the Board shall be 4 and, while a member is disqualified from taking part in a decision or deliberation of the Board in respect of a matter, he shall be disregarded for the purposes of constituting a quorum of the Board for deciding, or deliberating on, that matter.

6. (1) Subject to the foregoing provisions of this Schedule and to subparagraphs (2) to (5), the Board shall have power to regulate its own procedure including the manner in which decisions of the Board may be made by a quorum of its members otherwise than at a meeting of the Board.

(2) Meetings of the Board shall be held at such times and places as the Chairman may appoint.

(3) The Chairman shall preside at any meeting of the Board.

(4) If the Chairman is absent from any meeting of the Board, the members present at the meeting shall elect one of their number to act as Chairman in his place.

(5) The Chairman or the member acting in his place shall have a deliberative vote on all matters coming before the Board and in the case of an equality of votes he shall also have a casting vote.

7. The Board may transact any of its business by circulation of papers amongst members whether any such member is in or outside Hong Kong, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Board.

8. (1) The Board may create, and appoint the members of, such committees for the better carrying out of the powers and functions of the Board as it thinks fit.

(2) Persons who are not members of the Board are eligible for appointment to committees.

(3) The Chairman of a committee created under subparagraph (1) shall be appointed by the Board and the number of members of a committee shall be determined by the Board.

(4) Subject to the terms of any delegation by the Board or to any directions of the Board, a committee-

(a) may exercise and perform the delegated powers and functions with the same effect as if it were the Board itself;

(b) shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary;

(c) may regulate its own procedure.

(5) The proceedings of any committee created under subparagraph (1) shall not be invalidated by any defect in the appointment of any member thereof, the absence of any member from the meeting at which any such proceeding occurred or any vacancy amongst such members.

9. (1) Subject to subparagraph (2), the Board may, with or without restrictions or conditions as it thinks fit, delegate in writing any of its powers to any committee created under paragraph 8(1).

(2) The Board shall not delegate the power-

(a) to create any committee;

(b) to determine matters relating to the remuneration and terms and conditions of appointment or employment of the employees of the Board;

(c) to establish, manage and control, or enter into an arrangement for the establishment,

management and control of any fund or scheme for the purpose of providing for the payment of allowances, benefits, gratuities, pensions and remuneration to the employees of the Board; or

- (d) to furnish after the expiry of the financial year, a report on the activities and affairs of the Board for that year, a copy of its statements of accounts therefor and the auditor's report on the accounts.

10. Every document purporting to be an instrument made or issued by or on behalf of the Board and to be duly executed under the seal of the Board or to be signed or executed by a person authorized by the Board to act in that behalf, shall be received in evidence and deemed, without further proof, to be so made or issued unless the contrary is shown.

11. The Board may engage the services of technical and professional advisers as it thinks fit, and may determine all matters relating to their remuneration and terms and conditions of engagement.

(Enacted 1990)

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Chapter:	413A	Title:	MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS	Gazette Number:	
Schedule:	1	Heading:	<b>OIL POLLUTION AND PREVENTION CERTIFICATES</b>	Version Date:	30/06/1997

[regulation 7(5)]

## 1. CONTENTS

APPENDIX I	INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE FOR OIL TANKERS
APPENDIX II	INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE FOR SHIPS OTHER THAN OIL TANKERS
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## 2. NOTES

- Each of the oil pollution and prevention certificates listed above shall be supplemented by a Record of Construction and Equipment.
- Any reference in this Schedule to a regulation means-
  - in the IOPP Certificate a regulation of that number in Annex I of the Convention;
  - in the HKOPP Certificate a regulation of that number in these Regulations.
- Any reference in this Schedule to a Resolution means a reference to a Resolution of that number published by the Organization.
- In this Schedule-
  - SBT means segregated ballast tanks;
  - PL means protective location;
  - COW means crude oil washing;
  - CBT means clean ballast tanks.

SUR  
(OIL TANKER)

## APPENDIX I

In duplicate

## INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE AND SUPPLEMENT

Issued under the provisions of the  
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM  
SHIPS, 1973 AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO,  
UNDER THE AUTHORITY OF THE GOVERNMENT OF HONG KONG

Name of Ship	Official Number	Port of Registry	Gross Tonnage

Type of ship-

\*Oil tanker

\*Ship other than an oil tanker with cargo tanks coming under regulation 2(2) of Annex I of the Convention

THIS IS TO CERTIFY-

1. That the ship has been surveyed in accordance with regulation 4 of Annex I of the Convention; and
2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Certificate is valid until .....  
subject to surveys in accordance with regulation 4 of Annex I of the Convention.

Issued at .....  
(Place of issue of certificate)



.....19.....

.....  
(Signature of duly authorized  
official issuing the Certificate)

\* Delete as appropriate.

### ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey require by regulation 4 of Annex I of the Convention the ship was found to comply with the relevant provisions of the Convention-

Annual survey-

Signed .....  
(Signature of duly authorized  
official conducting the survey)



Place .....  
Date .....

Annual\*/Intermediate\* survey-

Signed .....  
(Signature of duly authorized official  
conducting the survey)



Place .....  
Date .....

Annual\*/Intermediate\* survey-

Signed .....  
(Signature of duly authorized official  
conducting the survey)



Place .....  
Date .....

Annual\*/Intermediate\* survey-

Signed .....  
(Signature of duly authorized official  
conducting the survey)



Place .....  
Date .....

Annual\*/Intermediate\* survey-

Signed .....  
(Signature of duly authorized official  
conducting the survey)



Place .....  
Date .....

\* Delete as appropriate.

THE GOVERNMENT  
OF  
HONG KONG

SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION  
PREVENTION CERTIFICATE  
(IOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS

in respect of the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention").

Notes-

1. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
2. Entries in boxes shall be made by inserting either (Y) for the answers "yes" and "applicable" or (N) for the answers "no" and "not applicable" as appropriate.
3. Regulations mentioned in this Record refer to Regulations of Annex I of the Convention and resolutions referred to those adopted by the International maritime Organization.

1. PARTICULARS OF SHIP

- 1.1 Name of ship .....
- 1.2 Official number .....
- 1.3 Port of registry .....
- 1.4 Gross tonnage .....
- 1.5 Carrying capacity of ship ..... (m3)
- 1.6 Deadweight of ship ..... (metric tons)(regulation 1(22))
- 1.7 Length of ship ..... (m)(Regulation 1(18))
- 1.8 Date of build-
  - 1.8.1 Date of building contract .....
  - 1.8.2 Date on which was laid or ship was at a similar stage of construction .....
  - 1.8.3 Date of delivery .....
- 1.9 Major conversion (if applicable)-
  - 1.9.1 Date of conversion contract .....
  - 1.9.2 Date on which conversion was commenced .....
  - 1.9.3 Date of completion or conversion .....
- 1.10 Status of ship-
  - 1.10.1 New ship in accordance with regulation 1(6) ☐
  - 1.10.2 Existing ship in accordance with regulation 1(7) ☐
  - 1.10.3 New oil tanker in accordance with regulation 1(26) ☐
  - 1.10.4 Existing oil tanker in accordance with regulation 1(27) ☐
  - 1.10.5 The ship has been accepted by the Administration as an "existing ship" under regulation 1(7) due to unforeseen delay in delivery ☐
  - 1.10.6 The ship has been accepted by the Administration as an "existing oil tanker" under regulation 1(27) due to unforeseen delay in delivery ☐
  - 1.10.7 The ship is not required to comply with the provisions of regulation 24 due to the unforeseen delay in delivery ☐
- 1.11 Type of ship-
  - 1.11.1 Crude oil tanker ☐
  - 1.11.2 Product carrier ☐

- 1.11.3 Crude oil/product carrier ☐
- 1.11.4 Combination carrier ☐
- 1.11.5 Ship, other than an oil tanker, with cargo tanks coming under regulation 2(2) of Annex I of the Convention ☐
- 1.11.6 Oil tanker dedicated to the carriage of products referred to in regulation 15(7) ☐
- 1.11.7 The ship, being designated as a "crude oil tanker" operating with COW, is also designated as a "product carrier" operating with CBT, for which a separate IOPP Certificate has also been issued ☐
- 1.11.8 The ship being designated as a "product carrier" operating with CBT, is also designated as a "crude oil tanker" operating with COW, for which a separate IOPP Certificate has also been issued ☐
- 1.11.9 Chemical tanker carrying oil ☐

## 2. EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (Regulations 10 and 16)

- 2.1 Carriage of ballast water in oil fuel tanks-
  - 2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks ☐
  - 2.1.2 (Repealed L.N. 641 of 1994)
- 2.2 Type of oil filtering equipment fitted-
  - 2.2.1 oil filtering (15 ppm) equipment (regulation 16(4)) ☐
  - 2.2.2 oil filtering (15 ppm) equipment with alarm and automatic stopping device (regulation 16(5)) ☐ (L.N. 641 of 1994)
- 2.3 The ship is allowed to operate with the existing equipment until 6 July 1998 (regulation 16(6)) and fitted with-
  - 2.3.1 oily-water separating (100 ppm) equipment ☐
  - 2.3.2 oil filtering (15 ppm) equipment without alarm ☐
  - 2.3.3 oil filtering (15 ppm) equipment with alarm and manual stopping device ☐ (L.N. 641 of 1994)
- 2.4 Approval standards-
  - 2.4.1 The separating / filtering system-
    - .1 has been approved in accordance with resolution A.393(X) ☐
    - .2 has been approved in accordance with resolution A.233(VII) ☐
    - .3 has been approved in accordance with National Standards not based upon resolution A.393(X) or A.233(VII) ☐
    - .4 has not been approved ☐
  - 2.4.2 The process unit has been approved in accordance with resolution A.444(XI) ☐
  - 2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) ☐
- 2.5 Maximum throughput of the system is ..... m3/h
- 2.6 Waiver of regulation 16-
  - 2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in accordance with regulation 16(3)(a). The ship is engaged exclusively on-
    - .1 voyages within special area(s)-
      - .....
      - .....

- ..... ☐
- .2 voyages within 12 miles of the nearest land outside special area(s) restricted to- .....  
 ..... ☐
- 2.6.2 The ship is fitted with holding tank(s) having a volume of ..... m3 for the total retention on board of all oily bilge water ..... ☐
- 2.6.3 In lieu of the holding tank the ship is provided with arrangements to transfer bilge water to the slop tank ..... ☐

### 3. MEANS FOR RETENTION AND DISPOSAL OF OIL RESIDUES (SLUDGE) (Regulation 17)

#### 3.1 The ship is provided with oil residue (sludge) tanks as follows-

Tank Identification	Tank Location		Volume m3
	Frames (from)-(to)	Lateral Position	
			Total volume ..... m3

#### 3.2 Means for the disposal of residues in addition to the provision of sludge tanks-

- 3.2.1 incinerator for oil residues; capacity ..... 1/h ☐
- 3.2.2 auxiliary boiler suitable for burning oil residues ☐
- 3.2.3 tank for mixing oil residues with fuel oil; capacity ..... m3 ☐
- 3.2.4 other acceptable means- ..... ☐

(L.N. 641 of 1994)

### 4. STANDARD DISCHARGE CONNECTION (Regulation 19)

- 4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in compliance with regulation 19 ☐

### 5. CONSTRUCTION (Regulations 13, 24 and 25)

#### 5.1 In accordance with the requirements of regulation 13, the ship is-

- 5.1.1 Required to be provided with SBT, PL and COW ☐
- 5.1.2 Required to be provided with SBT and PL ☐
- 5.1.3 Required to be provided with SBT ☐
- 5.1.4 Required to be provided with SBT or COW ☐

(L.N. 641 of 1994)

- 5.1.5 Required to be provided with SBT or CBT ☐

- 5.1.6 Not required to comply with the requirements of regulation 13 ☐
- 5.2 Segregated ballast tanks (SBT)-
- 5.2.1 The ship is provided with SBT in compliance with regulation 13 ☐
- 5.2.2 The ship is provided with SBT which are arranged in protective locations (PL) in compliance with regulation 13E ☐
- 5.2.3 SBT are distributed as follows-

Tank	Volume (m <sup>3</sup> )	Tank	Volume (m <sup>3</sup> )
		Total	

- 5.3 Dedicated clean ballast tanks (CBT)-
- 5.3.1 The ship is provided with CBT in compliance with regulation 13A, and may operate as a product carrier ☐ (L.N. 641 of 1994)
- 5.3.2 CBT are distributed as follows-

Tank	Volume (m <sup>3</sup> )	Tank	Volume (m <sup>3</sup> )
		Total	

- 5.3.3 The ship has been supplied with a valid Dedicated Clean Ballast Tank Operation Manual, which is dated ..... ☐
- 5.3.4 The ship has common piping and pump arrangements for ballasting the CBT and handling cargo oil ☐
- 5.3.5 The ship has separate independent piping and pumping arrangements for ballasting the CBT ☐
- 5.4 Crude oil washing (COW)-
- 5.4.1 The ship is equipped with a COW system in compliance with regulation 13B ☐
- 5.4.2 The ship is equipped with a COW system in compliance with regulation 13B except that the effectiveness of the system has not been confirmed in accordance with regulation 13(6) and paragraph 4.2.10 of the Revised COW Specifications (resolution A.446(XI)) ☐
- 5.4.3 The ship has been supplied with a valid Crude Oil Washing Operations and Equipment Manual, which is dated ..... ☐
- 5.4.4 The ship is not required to be but is equipped with COW in compliance with the safety aspects of Revised COW Specifications (resolution A.446(XI)) ☐

- 5.5 Exemption from regulation 13-
- 5.5.1 The ship is solely engaged in trade between .....  
in accordance with regulation 13C and is therefore exempted from the  
requirements of regulation 13 ☐
- 5.5.2 The ship is operating with special ballast arrangements in accordance with  
regulation 13D and is therefore exempted from the requirements of regulation  
13 ☐
- 5.6 Limitation of size and arrangements of cargo tanks (regulation 24)-
- 5.6.1 The ship is required to be constructed according to, and complies with, the  
requirements of regulation 24 ☐
- 5.6.2 The ship is required to be constructed according to, and complies with, the  
requirements of regulation 24(4) (see regulation 2(2)) ☐
- 5.7 Subdivision and stability (regulation 25)-
- 5.7.1 The ship is required to be constructed according to, and complies with, the  
requirements of regulation 25 ☐
- 5.7.2 Information and data required under regulation 25(5) in an approved form have  
been supplied to the ship ☐
- 5.8 Double hull construction-
- 5.8.1 The ship is required to be constructed according to regulation 13F and  
complies with the requirements of-
- .1 paragraph (3) (double hull construction) ☐
- .2 paragraph (4) (mid-height deck tankers with double side construction)  
☐
- .3 paragraph (5) (alternative method approved by the Marine Environment  
Protection Committee) ☐
- 5.8.2 The ship is required to be constructed according to and complies with  
regulation 13F(7) (double bottom requirements) ☐
- 5.8.3 The ship is not required to comply with the requirements of regulation 13F ☐
- 5.8.4 The ship is subject to regulation 13G and-
- .1 is required to comply with regulation 13F not later than .....  
☐
- .2 is so arranged that the following tanks or spaces are not used for the  
carriage of oil .....  
.....  
..... ☐
- 5.8.5 The ship is not subject to regulation 13G ☐  
(L.N. 641 of 1994)

## 6. RETENTION OF OIL ON BOARD (Regulation 15)

### 6.1 Oil discharge monitoring and control system-

- 6.1.1 The ship comes under category ..... oil tanker as defined in  
resolution A.496(XII) or A.586(14)\* (delete as appropriate) ☐

\* Oil tankers the keel of which is laid, or which are at a similar stage of construction, on or  
after 2 October 1986 should be fitted with a system approved under resolution A.586(14).  
(L.N. 641 of 1994)

### 6.1.2 The system comprises-

- .1 control unit ☐
- .2 computing unit ☐
- .3 calculating unit ☐

### 6.1.3 The system is-

- .1 fitted with a starting interlock ☐
- .2 fitted with automatic stopping device ☐
- 6.1.4 The oil content meter is approved under the terms of resolution A.393(X) or A.586(14) (delete as appropriate) suitable for-
- .1 crude oil ☐
- .2 black products ☐
- .3 white products ☐
- .4 oil-like noxious liquid substances as listed in the attachment to the certificate ☐
- (L.N. 641 of 1994)
- 6.1.5 The ship has been supplied with an operations manual for the oil discharge monitoring and control system ☐
- 6.1.6 (Repealed L.N. 641 of 1994)
- 6.2 Slop tanks-
- 6.2.1 The ship is provided with ..... dedicated slop tank(s) with the total capacity of ..... m3 which is ..... % of the oil carrying capacity, in accordance with-
- .1 regulation 15(2)(c) ☐
- .2 regulation 15(2)(c)(i) ☐
- .3 regulation 15(2)(c)(ii) ☐
- .4 regulation 15(2)(c)(iii) ☐
- 6.2.2 Cargo tanks have been designated as slop tanks ☐
- 6.2.3 (Repealed L.N. 641 of 1994) ☐
- 6.3 Oil/water interface detectors-
- 6.3.1 The ship is provided with oil/water interface detectors approved under the terms of resolution MEPC.5(XIII) ☐
- 6.4 Exemptions from regulation 15-
- 6.4.1 The ship is exempted from the requirements of regulation 15(1), (2) and (3) in accordance with regulation 15(7) ☐
- 6.4.2 The ship is exempted from the requirements of regulation 15(1), (2) and (3) in accordance with regulation 2(2) ☐
- 6.5 Waiver of regulation 15-
- 6.5.1 The requirements of regulation 15(3) are waived in respect of the ship in accordance with regulation 15(5)(b). The ship is engaged exclusively on-
- .1 specific trade under regulation 13C- .....  
..... ☐
- .2 voyages within special area(s)- .....  
..... ☐
- .3 voyages within 50 miles of the nearest land outside special area(s) of 72 hours or less in duration restricted to- .....  
..... ☐
- (L.N. 641 of 1994)
7. PUMPING, PIPING AND DISCHARGE ARRANGEMENTS (Regulation 18)
- 7.1 The overboard discharge outlets for segregated ballast are located-

- 7.1.1 above the waterline ☐
- 7.1.2 below the waterline ☐
- 7.2 The overboard discharge outlets, other than the discharge manifold, for clean ballast are located\*-
- 7.2.1 above the waterline ☐
- 7.2.2 below the waterline ☐
- 7.3 The overboard discharge outlets, other than the discharge manifold, for dirty ballast are located\*-
- 7.3.1 above the waterline ☐
- 7.3.2 below the waterline in conjunction with the part flow arrangements in compliance with regulation 18(6)(e) ☐
- 7.3.3 below the waterline ☐

\* Only those outlets which can be monitored are to be indicated.

- 7.4 Discharge of oil from cargo pumps and oil lines (regulation 18(4) and (5))-
- 7.4.1 Means to drain all cargo pumps and oil lines at the completion of cargo discharge-
- .1 drainings capable of being discharged to a cargo tank or slop tank ☐
- .2 for discharge ashore a special small diameter line is provided ☐

## 8. SHIPBOARD OIL POLLUTION EMERGENCY PLAN (Regulation 26)

- 8.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 26 ☐
- (L.N. 641 of 1994)

## 9. EQUIVALENT ARRANGEMENTS FOR CHEMICAL TANKERS CARRYING OIL

- 9.1 As equivalent arrangements for the carriage of oil by a chemical tanker, the ship is fitted with the following equipment in lieu of slop tanks (paragraph 6.2 above) and oil / water interface detectors (paragraph 6.3 above)-
- 9.1.1 oily-water separating equipment capable of producing effluent with oil content less than 100 ppm, with the capacity of ..... m<sup>3</sup>/h ☐
- 9.1.2 a holding tank with the capacity of ..... m<sup>3</sup> ☐
- 9.1.3 a tank for collecting tank washings which is-
- .1 a dedicated tank ☐
- .2 a cargo tank designated as a collecting tank ☐
- 9.1.4 a permanently installed transfer pump for overboard discharge of effluent containing oil through the oily-water separating equipment ☐
- 9.2 The oily-water separating equipment has been approved under the terms of resolution A.393(X) and is suitable for the full range of Annex I products ☐
- 9.3 The ship holds a valid Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk ☐
- (L.N. 641 of 1994)

## 10. OIL-LIKE NOXIOUS LIQUID SUBSTANCES

- 10.1 The ship is permitted in accordance with regulation 14 of Annex II of the Convention to carry the oil-like noxious liquid substances specified in the list attached (The list of oil-like noxious substances permitted for carriage, signed, dated and certified by a seal or a stamp of the issuing authority shall be

attached.).

(L.N. 641 of 1994)

11. EXEMPTION

- 11.1 Exemptions have been granted by the Administration from the requirements of Chapters II and III of Annex I of the Convention in accordance with regulation 2(4)(a) on those items listed under paragraph(s) .....  
..... of this Record.

(L.N. 641 of 1994)

12. EQUIVALENTS (Regulation 3)

- 12.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s) .....  
..... of this Record.

(L.N. 641 of 1994)

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....

(Place of issue of the Record)

..... 19 .....



.....  
(Signature of duly authorized officer issuing  
the Record)

SUR  
(SHIP OTHER THAN OIL TANKER)

APPENDIX II

In duplicate

INTERNATIONAL OIL POLLUTION PREVENTION  
CERTIFICATE AND SUPPLEMENT

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION  
FROM SHIPS, 1973 AS MODIFIED BY THE PROTOCOL OF 1978  
RELATING THERETO, UNDER THE AUTHORITY OF THE GOVERNMENT  
OF HONG KONG

Name of Ship	Official Number	Port of Registry	Gross Tonnage
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--	--	--	--

Type of ship-

Ship, other than an oil tanker, or a ship with cargo tanks coming under regulation 2(2) of Annex I of the Convention.

THIS IS TO CERTIFY-

1. That the ship has been surveyed in accordance with regulation 4 of Annex I of the Convention; and
2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of Annex I of the Convention.

This Certificate is valid until .....  
subject to surveys in accordance with regulation 4 of Annex I of the Convention.

Issued at .....

(Place of issue of certificate)



..... 19 .....

.....  
(Signature of duly authorized official issuing  
the Record)

#### ENDORSEMENT FOR ANNUAL AND INTERMEDIATE SURVEYS

THIS IS TO CERTIFY that at a survey required by regulation 4 of Annex I of the Convention the ship was found to comply with the relevant provisions of the Convention-

Annual survey-



Annual\*/Intermediate\* survey

Signed .....  
(Signature of duly authorized official  
conducting the survey)

Place .....

Date .....

Signed .....  
(Signature of duly authorized official  
conducting the survey)



Annual\*/Intermediate\* survey-

Place .....  
Date .....

Signed .....  
(Signature of duly authorized official  
conducting the survey)



Annual survey

Place .....  
Date .....

Signed .....  
(Signature of duly authorized official  
conducting the survey)



Annual survey-

Place .....  
Date .....

Signed .....  
(Signature of duly authorized official  
conducting the survey)



Place .....  
Date .....

\* Delete as appropriate.

THE GOVERNMENT  
OF  
HONG KONG

SUPPLEMENT TO THE INTERNATIONAL OIL POLLUTION  
PREVENTION CERTIFICATE  
(IOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS OTHER  
THAN OIL TANKERS

in respect of the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as "the Convention").

Notes-

1. This Record shall be permanently attached to the IOPP Certificate. The IOPP Certificate shall be available on board the ship at all times.
2. Entries in boxes shall be made by inserting either (Y) for the answers "yes" and "applicable" or (N) for the answers "no" and "not applicable" as appropriate.
3. Regulations mentioned in this Record refer to regulations of Annex I of the Convention and resolutions refer to those adopted by the International Maritime Organization.

1. PARTICULARS OF SHIP

- 1.1 Name of ship .....
- 1.2 Official number .....
- 1.3 Port of registry .....
- 1.4 Gross tonnage .....
- 1.5 Date of build-
  - 1.5.1 Date of contract .....
  - 1.5.2 Date on which keel was at a similar stage of construction .....
  - 1.5.3 Date of delivery .....
- 1.6 Major conversion (if applicable)-
  - 1.6.1 Date of conversion contract .....
  - 1.6.2 Date on which conversion was commenced .....
  - 1.6.3 Date of completion of conversion .....
- 1.7 Status of ship-
  - 1.7.1 New ship in accordance with regulation 1(6) ☐
  - 1.7.2 Existing ship in accordance with regulation 1(7) ☐
  - 1.7.3 The ship has been accepted by the Administration as an "existing ship" under regulation 1(7) due to unforeseen delay in delivery ☐

2. EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (Regulations 10 and 16)

- 2.1 Carriage of ballast water in oil fuel tanks-
  - 2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks ☐
  - 2.1.2 (Repealed L.N. 641 of 1994)
- 2.2 Type of oil filtering equipment fitted-
  - 2.2.1 oil filtering (15 ppm) equipment (regulation 16(4)) ☐
  - 2.2.2 oil filtering (15 ppm) equipment with alarm and automatic stopping device (regulation 16(5)) ☐  
(L.N. 641 of 1994)
- 2.3 The ship is allowed to operate with the existing equipment until 6 July 1998 (regulation 16(6)) and fitted with-
  - 2.3.1 oily-water separating (100 ppm) equipment ☐

- 2.3.2 oil filtering (15 ppm) equipment without alarm ☐
- 2.3.3 oil filtering (15 ppm) equipment with alarm and manual stopping device ☐  
(L.N. 641 of 1994)

2.4 Approval standards-

2.4.1 The separating/filtering equipment-

- .1 has been approved in accordance with resolution A.393(X) ☐
- .2 has been approved in accordance with resolution A.233(VII) ☐
- .3 has been approved in accordance with national standards not based upon resolution A.393(X) or A.233(VII) ☐
- .4 has not been approved ☐
- 2.4.2 The process unit has been approved in accordance with resolution A.444(XI) ☐
- 2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) ☐

2.5 Maximum throughput of the system is ..... m3/h ☐

2.6 Waiver of regulation 16-

2.6.1 The requirements of regulation 16(1) or (2) are waived in respect of the ship in accordance with regulation 16(3)(a). The ship is engaged exclusively on-

- .1 voyages within special area(s)-  
.....  
..... ☐
- .2 voyages within 12 miles of the nearest land outside special area(s) restricted to-  
.....  
.....  
..... ☐

2.6.2 The ship is fitted with holding ..... tank(s) having a volume of ..... m3 for the total retention on board of all oily bilge water ☐  
(L.N. 641 of 1994)

3. MEANS FOR RETENTION AND DISPOSAL OF OIL RESIDUES (SLUDGE)  
(Regualtion 17)

3.1 The ship is provided with oil residue (sludge) tanks as follows-

Tank Identification	Tank Location		Volume m3
	Frames (from)-(to)	Lateral Position	
			Total volume ..... m3

3.2 Means for the disposal of residues in addition to the provisions of sludge tanks-

- 3.2.1 incinerator for oil residues; capacity ..... 1/h ☐
- 3.2.2 auxiliary boiler suitable for burning oil residues ☐
- 3.2.3 tank for mixing oil residues with fuel oil; capacity ..... m3 ☐
- 3.2.4 other acceptable means-

.....☐ (L.N. 641 of 1994)

4. STANDARD DISCHARGE CONNECTION (Regulation 19)

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with regulation 19 ☐

5. SHIPBOARD OIL POLLUTION EMERGENCY PLAN (Regulation 26)

5.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 26 ☐  
(L.N. 641 of 1994)

6. EXEMPTION

6.1 Exemptions have been granted by the Administration from the requirements of Chapter II of Annex I of the Convention in accordance with regulation 2(4)(a) on those items listed under paragraph(s) .....  
..... of this Record.  
(L.N. 641 of 1994)

7. EQUIVALENTS (Regulation 3)

7.1 Equivalents have been approved by the Administration for certain requirements of Annex I on those items listed under paragraph(s) .....  
..... of this Record.  
(L.N. 641 of 1994)

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....  
(Place of issue of Record)



..... 19 .....

.....  
(Signature of duly authorized officer issuing  
the Certificate)

SUR  
(OIL TANKER)

APPENDIX III

In duplicate

HONG KONG OIL POLLUTION PREVENTION  
CERTIFICATE AND SUPPLEMENT

Issued under the provisions of the Merchant Shipping  
(Prevention of Oil Pollution) Regulations 1984

Name of Ship	Official Number	Port of Registry	Gross Tonnage

Type of ship-

\*Oil tanker

\*Ship other than an oil tanker with cargo tanks coming under regulation 2(4) of the  
MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS 1984

THIS IS TO CERTIFY-

1. That the ship has been surveyed in accordance with regulation 4 of the MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS 1984; and
2. That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of the MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS 1984.

This Certificate is valid until .....

Issued at .....  
(Place of issue of certificate)

..... 19 .....

.....  
(Signature of duly authorized official issuing  
the Certificate)

\* Delete as appropriate.

THE GOVERNMENT  
OF  
HONG KONG

SUPPLEMENT TO THE HONG KONG OIL POLLUTION  
PREVENTION CERTIFICATE  
(HKOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR OIL TANKERS

in respect of the provisions of the MERCHANT SHIPPING (PREVENTION OF OIL  
POLLUTION) REGULATIONS.

Notes-

1. This Record shall be permanently attached to the HKOPP Certificate. The HKOPP Certificate shall be available on board the ship at all times.
2. Entries in boxes shall be made by inserting either (Y) for the answers "yes" and "applicable" or (N) for the answers "no" and "not applicable" as appropriate.
3. Regulations mentioned in this Record refer to Regulations of the MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS.
4. Resolutions mentioned in this Record refer to those adopted by the International Maritime Organization.

1. PARTICULARS OF SHIP

- 1.1 Name of ship .....
- 1.2 Official number .....
- 1.3 Port of registry .....
- 1.4 Gross tonnage .....
- 1.5 Carrying capacity of ship ..... (m3)
- 1.6 Deadweight of ship ..... (metric tons)(regulation 1(2))
- 1.7 Length of ship ..... (m)(regulation 1(2))
- 1.8 Date of build-
  - 1.8.1 Date of building contract .....
  - 1.8.2 Date on which keel was laid or ship was at a similar stage of construction .....
  - 1.8.3 Date of delivery .....
- 1.9 Major conversion (if applicable)-
  - 1.9.1 Date of conversion contract .....
  - 1.9.2 Date on which conversions was commenced .....
  - 1.9.3 Date of completion of conversion .....
- 1.10 Status of ship-
  - 1.10.1 New ship in accordance with regulation 1(2) <sup>3</sup>
  - 1.10.2 Existing ship in accordance with regulation 1(2) <sup>3</sup>
  - 1.10.3 New oil tanker in accordance with regulation 17(1) <sup>3</sup>
  - 1.10.4 Existing oil tanker in accordance with regulation 17(2) <sup>3</sup>
  - 1.10.5 The ship has been accepted as an "existing ship" under regulation 1(2) due to unforeseen delay in delivery <sup>3</sup>
  - 1.10.6 The ship has been accepted as an "existing oil tanker" under regulation 17(2) due to unforeseen delay in delivery <sup>3</sup>
  - 1.10.7 The ship is not required to comply with the provisions of regulation 28 due to the unforeseen delay in delivery <sup>3</sup>
- 1.11 Type of ship-
  - 1.11.1 Crude oil tanker <sup>3</sup>

- 1.11.2 Product carrier 3
- 1.11.3 Crude oil / product carrier 3
- 1.11.4 Combination carrier 3
- 1.11.5 Ship, other than an oil tanker, with cargo tanks coming under regulation 2(4) 3
- 1.11.6 Oil tanker dedicated to the carriage of products referred to in regulation 15(6) 3
- 1.11.7 The ship, being designated as a "crude oil tanker" operating with COW, is also designated as a "product carrier" operating with CBT, for which a separate HKOPP Certificate has also been issued 3
- 1.11.8 The ship, being designated as a "product carrier" operating with CBT, is also designated as a "crude oil tanker" operating with COW, for which a separate HKOPP Certificate has also been issued 3
- 1.11.9 Chemical tanker carrying oil

## 2. EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (Regulations 14 and 16)

- 2.1 Carriage of ballast water in oil fuel tanks-
  - 2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks 3
  - 2.1.2 (Repealed L.N. 641 of 1994)
- 2.2 Type of oil filtering equipment fitted-
  - 2.2.1 oil filtering (15 ppm) equipment (regulation 14(5)) 3
  - 2.2.2 oil filtering (15 ppm) equipment with alarm and automatic stopping device (regulation 14(6)) 3  
(L.N. 641 of 1994)
- 2.3 The ship is allowed to operate with the existing equipment until 6 July 1998 (regulation 14(4)) and fitted with-
  - 2.3.1 oily-water separating (100 ppm) equipment 3
  - 2.3.2 oil filtering (15 ppm) equipment without alarm 3
  - 2.3.3 oil filtering (15 ppm) equipment with alarm and manual stopping device 3  
(L.N. 641 of 1994)
- 2.4 Approval standards-
  - 2.4.1 The separating/filtering system-
    - .1 has been approved in accordance with resolution A.393(X) 3
    - .2 has been approved in accordance with resolution A.233(VII) 3
    - .3 has been approved in accordance with National Standards not based upon resolution A.393(X) or A.233(VII) 3
    - .4 has not been approved 3
  - 2.4.2 The process unit has been approved in accordance with resolution A.444(XI) 3
  - 2.4.3 The oil content meter has been approved in accordance with resolution A.393(X) 3
- 2.5 Maximum throughput of the system is ..... m3/h
- 2.6 Waiver of regulation 14-
  - 2.6.1 The requirements of regulation 14(1) or (2) are waived in respect of the ship in accordance with regulation 14(3)(a). The ship is engaged exclusively on-
    - .1 voyages within special area(s)-  
.....  
..... 3

.2 voyages within 12 miles of the nearest land outside special area(s) restricted to-

.....  
 .....  
 .....<sup>3</sup>

2.6.2 The ship is fitted with holding ..... tank(s) having a volume of ..... m<sup>3</sup> for the total retention on board of all oily bilge water <sup>3</sup>

2.6.3 In lieu of the holding tank the ship is provided with arrangements to transfer bilge water to the slop tank <sup>3</sup>

(L.N. 641 of 1994)

### 3. MEANS FOR RETENTION AND DISPOSAL OF OIL RESIDUES (SLUDGE) (Regulation 25)

3.1 The ship is provided with oil residue (sludge) tanks as follows-

Tank Identification	Tank Location		Volume m <sup>3</sup>
	Frames (from)-(to)	Lateral Position	
			Total volume ..... m <sup>3</sup>

3.2 Means for the disposal of residues in addition to the provision of sludge tanks-

3.2.1 incinerator for oil residues; capacity ..... 1/h <sup>3</sup>

3.2.2 auxiliary boiler suitable for burning oil residues <sup>3</sup>

3.2.3 tank for mixing oil residues with fuel oil; capacity ..... m<sup>3</sup> <sup>3</sup>

3.2.4 other acceptable means-

..... <sup>3</sup>

(L.N. 641 of 1994)

### 4. STANDARD DISCHARGE CONNECTION (Regulation 25(3))

4.1 The ship is provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in compliance with regulation 25(3) <sup>3</sup>

### 5. CONSTRUCTION (Regulations 18, 28 and 29)

5.1 In accordance with the requirements of regulation 18, the ship is-

5.1.1 Required to be provided with SBT, PL and COW <sup>3</sup>

5.1.2 Required to be provided with SBT and PL <sup>3</sup>

5.1.3 Required to be provided with SBT <sup>3</sup>

5.1.4 Required to be provided with SBT or COW <sup>3</sup>

(L.N. 641 of 1994)

5.1.5 Required to be provided with SBT or CBT <sup>3</sup>

5.1.6 Not required to comply with the requirements of regulation 18 <sup>3</sup>

## 5.2 Segregated ballast tanks (SBT)-

5.2.1 The ship is provided with SBT in compliance with regulation 18

5.2.2 The ship is provided with SBT which are arranged in protective locations (PL) in compliance with regulation 19 3

5.2.3 SBT are distributed as follows-

Tank	Volume (m3)	Tank	Volume (m3)
		Total	

### 5.3 Dedicated clean ballast tanks (CBT)-

5.3.1 The ship is provided with CBT in compliance with regulation 20, and may operate as a product carrier <sup>3</sup>

(L.N. 641 of 1994)

### 5.3.2 CBT are distributed as follows-

Tank	Volume (m3)	Tank	Volume (m3)
		Total	

5.3.3 The ship has been supplied with a valid Dedicated Clean Ballast Tank Operation Manual, which is dated .....<sup>3</sup>

5.3.4 The ship has common piping and pump arrangements for ballasting the CBT and handling cargo oil

5.3.5 The ship has separate independent piping and pumping arrangements for ballasting the CBT

#### 5.4 Crude oil washing (COW)-

5.4.1 The ship is equipped with a COW system in compliance with regulation 21

5.4.2 The ship is equipped with a COW system in compliance with regulation 21 except that the effectiveness of the system has not been confirmed in accordance with regulation 18(6) and paragraph 4.2.10 of the Revised COW Specifications (resolution A.446(XI))<sup>3</sup>

5.4.3 The ship has been supplied with a valid Crude Oil Washing Operations and Equipment Manual, which is dated .....<sup>3</sup>

5.4.4 The ship is not required to be but is equipped with COW in compliance with the safety aspects of Revised COW Specifications (resolution A.446(XI))

- 5.5 Exemption from regulation 18-
- 5.5.1 The ship is solely engaged in trade between ..... in accordance with regulation 22 and is therefore exempted from the requirements of regulation 18 <sup>3</sup>
- 5.5.2 The ship is operating with special ballast arrangements in accordance with regulation 23 and is therefore exempted from the requirements of regulation 18 <sup>3</sup>
- 5.6 Limitation of size and arrangements of cargo tanks (regulation 28) (See regulation 2(4))-
- 5.6.1 The ship is required to be constructed according to, and complies with, the requirements of regulation 28 <sup>3</sup>
- 5.6.2 The ship is required to be constructed according to, and complies with, the requirements of regulation 28(4) <sup>3</sup>
- 5.7 Subdivision and stability (regulation 29)-
- 5.7.1 The ship is required to be constructed according to, and complies with, the requirements of regulation 29 <sup>3</sup>
- 5.7.2 Information and data required under regulation 29(5) have been supplied to the ship <sup>3</sup>
- 5.8 Double hull construction-
- 5.8.1 The ship is required to be constructed according to regulation 23A and complies with the requirements of-
- .1 regulation 23A(3) (double hull construction) <sup>3</sup>
- .2 regulation 23A(4) (mid-height deck tankers with double side construction) <sup>3</sup>
- .3 regulation 23A(5) (alternative method approved by the Director) <sup>3</sup>
- 5.8.2 The ship is required to be constructed according to and complies with the requirements of regulation 23A(7) (double bottom requirements) <sup>3</sup>
- 5.8.3 The ship is not required to comply with the requirements of regulation 23A <sup>3</sup>
- 5.8.4 The ship is subject to regulation 23B and-
- .1 is required to comply with regulation 23A not later than..... <sup>3</sup>
- .2 is so arranged that the following tanks or spaces are not used for the carriage of oil
- ..... <sup>3</sup>
- ..... <sup>3</sup>
- 5.8.5 The ship is not subject to regulation 23B <sup>3</sup>
- (L.N. 641 of 1994)

## 6. RETENTION OF OIL ON BOARD (Regulation 15)

- 6.1 Oil discharge monitoring and control system-
- 6.1.1 The ship comes under category ..... oil tanker as defined in resolution A.496(XII) or A.586(14)\* (delete as appropriate) <sup>3</sup>

\* Oil tankers the keel of which is laid, or which are at a similar stage of construction, on or after 2 October 1986 should be fitted with a system approved under resolution A.586(14).

(L.N. 641 of 1994)

- 6.1.2 The system comprises-
- .1 control unit <sup>3</sup>
- .2 computing unit <sup>3</sup>
- .3 calculating unit <sup>3</sup>
- 6.1.3 The system is-
- .1 fitted with a starting interlock <sup>3</sup>
- .2 fitted with automatic stopping device <sup>3</sup>

- 6.1.4 The oil content meter is approved under the terms of resolution A.393(X) or A.586(14) (delete as appropriate) suitable for-
- .1 crude oil 3
  - .2 black products 3
  - .3 white products 3
  - .4 oil-like noxious liquid substances as listed in the attachment to the certificate 3

(L.N. 641 of 1994)

- 6.1.5 The ship has been supplied with an operations manual for the oil discharge monitoring and control system 3

- 6.1.6 (Repealed L.N. 641 of 1994)

## 6.2

### Slop tanks-

- 6.2.1 The ship is provided with ..... dedicated slop tank(s) with the total capacity of ..... m3 which is ..... % of the oil carrying capacity, in accordance with-

- .1 regulation 15(2)(c) 3
- .2 regulation 15(2)(c)(i) 3
- .3 regulation 15(2)(c)(ii) 3

- 6.2.2 Cargo tanks have been designated as slop tanks 3

- 6.2.3 (Repealed L.N. 641 of 1994)

## 6.3

### Oil/water interface detectors-

- 6.3.1 The ship is provided with oil/water interface detectors approved under the terms of resolution MEPC.5(XIII) 3

## 6.4

### Exemptions from regulation 15-

- 6.4.1 The ship is exempted from the requirements of regulation 15(1), (2) and (3) in accordance with regulation 15(6) 3

- 6.4.2 The ship is exempted from the requirements of regulation 15(1), (2) and (3) in accordance with regulation 2(4) 3

## 6.5

### Waiver of regulation 15-

- 6.5.1 The requirements of regulation 15(3) are waived in respect of the ship in accordance with regulation 15(5)(b). The ship is engaged exclusively on-

- .1 specific trade under regulation 22- ..... 3
- .2 voyages within special area(s)- ..... 3
- .3 voyages within 50 miles of the nearest land outside special area(s) of 72 hours or less in duration restricted to- ..... 3

(L.N. 641 of 1994)

## 7.

### PUMPING, PIPING AND DISCHARGE ARRANGEMENTS (Regulation 26)

## 7.1

#### The overboard discharge outlets for segregated ballast are located-

- 7.1.1 above the waterline 3
- 7.1.2 below the waterline 3

## 7.2

#### The overboard discharge outlets, other than the discharge manifold, for clean ballast are located- (Only those outlets which can be monitored are to be indicated.)

- 7.2.1 above the waterline 3
- 7.2.2 below the waterline 3

- 7.3 The overboard discharge outlets, other than the discharge manifold, for dirty ballast are located- (Only those outlets which can be monitored are to be indicated.)
- 7.3.1 above the waterline <sup>3</sup>
  - 7.3.2 below the waterline in conjunction with the part flow arrangements in compliance with regulation 26(6)(e) <sup>3</sup>
  - 7.3.3 below the waterline <sup>3</sup>
- 7.4 Discharge of oil from cargo pumps and oil lines (regulation 26(4) and (5))-
- 7.4.1 Means to drain all cargo pumps and oil lines at the completion of cargo discharge-
    - .1 drainings capable of being discharged to a cargo tank or slop tank <sup>3</sup>
    - .2 for discharge ashore a special small diameter line is provided <sup>3</sup>
8. SHIPBOARD OIL POLLUTION EMERGENCY PLAN (Regulation 32)
- 8.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 32 <sup>3</sup>  
(L.N. 641 of 1994)
9. EQUIVALENT ARRANGEMENTS FOR CHEMICAL TANKERS CARRYING OIL
- 9.1 As equivalent arrangements for the carriage of oil by a chemical tanker, the ship is fitted with the following equipment in lieu of slop tanks (paragraph 6.2 above) and oil/water interface detectors (paragraph 6.3 above)-
- 9.1.1 oily-water separating equipment capable of producing effluent with oil content less than 100 ppm, with the capacity of ..... m<sup>3</sup>/h <sup>3</sup>
  - 9.1.2 a holding tank with the capacity of ..... m<sup>3</sup> <sup>3</sup>
  - 9.1.3 a tank for collecting tank washings which is-
    - .1 a dedicated tank <sup>3</sup>
    - .2 a cargo tank designated as a collecting tank <sup>3</sup>
  - 9.1.4 a permanently installed transfer pump for overboard discharge of effluent containing oil through the oily-water separating equipment <sup>3</sup>
- 9.2 The oily-water separating equipment has been approved under the terms of resolution A.393(X) and is suitable for the full range of Annex I products <sup>3</sup>
- 9.3 The ship holds a valid Certificate of Fitness <sup>3</sup> for the Carriage of Dangerous Chemicals in Bulk  
(L.N. 641 of 1994)
10. OIL-LIKE NOXIOUS LIQUID SUBSTANCES
- 10.1 The ship is permitted in accordance with regulation 18 of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap. 413 sub. leg.) to carry the oil-like noxious liquid substances specified in the list attached (The list of oil-like noxious substances permitted for carriage, signed, dated and certified by a seal or a stamp of the issuing authority shall be attached.).  
(L.N. 641 of 1994)
11. EXEMPTION

11.1 Exemptions have been granted by the Director of Marine from the requirements of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1984 in accordance with regulation 2(3) on those items listed under paragraph(s) ..... of this Record  
(L.N. 641 of 1994)

12. EQUIVALENTS

12.1 Equivalents have been approved by the Director of Marine from certain requirements of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1984 in accordance with regulation 3 on those items listed under Paragraph(s) ..... of this Record.  
(L.N. 641 of 1994)

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....  
(Place of issue of certificate)

..... 19.....  
(Signature of duly authorized official issuing the Certificate)

SUR  
(SHIP OTHER THAN OIL TANKER)

APPENDIX IV

In duplicate

HONG KONG OIL POLLUTION PREVENTION  
CERTIFICATE AND SUPPLEMENT

Issued under the provisions of the Merchant Shipping  
(Prevention of Oil Pollution) Regulations

Name of Ship	Official Number	Port of Registry	Gross Tonnage

Type of ship-

Ship, other than an oil tanker, or a ship with cargo tanks coming under regulation 2(4) of the MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS.

THIS IS TO CERTIFY-

1. That the ship has been surveyed in accordance with regulation 4 of the MERCHANT SHIPPING

2. (PREVENTION OF OIL POLLUTION) REGULATIONS; and  
That the survey shows that the structure, equipment, systems, fittings, arrangement and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of the MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS.

This Certificate is valid until .....

Issued at .....  
(Place of issue of certificate)

..... 19.....

.....  
(Signature of duly authorized official issuing  
the Certificate)

THE GOVERNMENT  
OF  
HONG KONG

SUPPLEMENT TO THE HONG KONG OIL POLLUTION  
PREVENTION CERTIFICATE  
(HKOPP CERTIFICATE)

RECORD OF CONSTRUCTION AND EQUIPMENT FOR SHIPS  
OTHER THAN OIL TANKERS

in respect or the provisions of the MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS.

Notes-

1. This Record shall be permanently attached to the HKOPP Certificate. The HKOPP Certificate shall be available on board the ship at all times.
2. Entries in boxes shall be made by inserting either (Y) for the answers "yes" and "applicable" or (N) for the answers "no" and "not applicable" as appropriate.
3. Regulations mentioned in this Record refer to Regulations of the MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS.
4. Resolutions mentioned in this Record refer to those adopted by the International Maritime Organization.

1. PARTICULARS OF SHIP

1.1 Name of ship .....

1.2 Official number .....

1.3 Port of registry .....

- 1.4 Gross tonnage .....
- 1.5 Date of build-
  - 1.5.1 Date of building contract .....
  - 1.5.2 Date on which keel was laid or ship was at a similar stage of construction ....
  - 1.5.3 Date of delivery .....
- 1.6 Major conversion (if applicable)-
  - 1.6.1 Date of conversion contract .....
  - 1.6.2 Date on which conversion was commenced .....
  - 1.6.3 Date of completion of conversion .....
- 1.7 Status of ship-
  - 1.7.1 New ship in accordance with regulation 1(2) <sup>3</sup>
  - 1.7.2 Existing ship in accordance with regulation 1(2) <sup>3</sup>
  - 1.7.3 The ship has been accepted as an "existing ship" under regulation 1(2) due to unforeseen delay in delivery <sup>3</sup>

## 2. EQUIPMENT FOR THE CONTROL OF OIL DISCHARGE FROM MACHINERY SPACE BILGES AND OIL FUEL TANKS (Regulations 14 and 16)

- 2.1 Carriage of ballast water in oil fuel tanks-
  - 2.1.1 The ship may under normal conditions carry ballast water in oil fuel tanks <sup>3</sup>
  - 2.1.2 (Repealed L.N. 641 of 1994)
- 2.2 Type of oil filtering equipment fitted-
  - 2.2.1 oil filtering (15 ppm) equipment (regulation 14(5)) <sup>3</sup>
  - 2.2.2 oil filtering (15 ppm) equipment with alarm and automatic stopping device (regulation 14(6)) <sup>3</sup>

(L.N. 641 of 1994)
- 2.3 The ship is allowed to operate with the existing equipment until 6 July 1998 (regulation 14(4)) and fitted with-
  - 2.3.1 oily-water separating (100 ppm) equipment <sup>3</sup>
  - 2.3.2 oil filtering (15 ppm) equipment without alarm <sup>3</sup>
  - 2.3.3 oil filtering (15 ppm) equipment with alarm and manual stopping device <sup>3</sup>

(L.N. 641 of 1994)
- 2.4 Approval standards-
  - 2.4.1 The separating/filtering equipment-
    - .1 has been approved in accordance with resolution A.393(X) <sup>3</sup>
    - .2 has been approved in accordance with resolution A.233(VII) <sup>3</sup>
    - .3 has been approved in accordance with National Standards not based upon resolution A.393(X) or A.233(VII) <sup>3</sup>
    - .4 has not been approved <sup>3</sup>
  - 2.4.2 The process unit has been approved in accordance with resolution A.444(XI) <sup>3</sup>
  - 2.4.3 The oil content meter has approved in accordance with resolution A.393(X) <sup>3</sup>
- 2.5 Maximum throughput of the system is ..... m3/h

- 2.6 Waiver of regulation 14-
- 2.6.1 The requirements of regulation 14(1) or (2) are waived in respect of the ship in accordance with regulation 14(3)(a). The ship is engaged exclusively on-
- .1 voyages within special area(s)- .....<sup>3</sup>
- .2 voyages within 12 miles of the nearest land outside special area(s) restricted to- .....<sup>3</sup>
- 2.6.2 The ship is fitted with holding ..... tank(s) having a volume of ..... m<sup>3</sup> for the total retention on board of all oily bilge water<sup>3</sup>  
(L.N. 641 of 1994)

### 3. MEANS FOR RETENTION AND DISPOSAL OF OIL RESIDUES (SLUDGE) (Regulation 25)

- 3.1 The ship is provided with oil residue (sludge) tanks as follows-

Tank Identification	Tank Location		Volume m <sup>3</sup>
	Frames (from)-(to)	Lateral Position	
			Total volume ..... m <sup>3</sup>

- 3.2 Means for the disposal of residues in addition to the provisions of sludge tanks-
- 3.2.1 incinerator for oil residues; capacity ..... 1/h<sup>3</sup>
- 3.2.2 auxiliary boiler suitable for burning oil residues<sup>3</sup>
- 3.2.3 tank for mixing oil residues with fuel oil; capacity ..... m<sup>3</sup><sup>3</sup>
- 3.2.4 other acceptable means- .....<sup>3</sup>  
(L.N. 641 of 1994)

### 4. STANDARD DISCHARGE CONNECTION (Regulation 25(3))

- 4.1 The ship provided with a pipeline for the discharge of residues from machinery bilges to reception facilities, fitted with a standard discharge connection in accordance with regulation 25(3)<sup>3</sup>

### 5. SHIPBOARD OIL POLLUTION EMERGENCY PLAN (Regulation 32)

- 5.1 The ship is provided with a shipboard oil pollution emergency plan in compliance with regulation 32<sup>3</sup>  
(L.N. 641 of 1994)

### 6. EXEMPTION

- 6.1 Exemptions have been granted by the Director of Marine from the requirements of the Merchant

Shipping (Prevention of Oil Pollution) Regulations 1984 in accordance with regulation 2(3) on those items listed under paragraph(s) .....  
..... of this Record.  
(L.N. 641 of 1994)

7. EQUIVALENTS

7.1 Equivalents have been approved by the Director of Marine from certain requirements of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1984 in accordance with regulation 3 on those items listed under paragraph(s) ..... of this Record.  
(L.N. 641 of 1994)

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....  
(Place of issue of the Record)

..... 19 .....  
(Signature of duly authorized official issuing  
the Record)

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Chapter: 413A	Title: MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS	Gazette Number:
Schedule: 2	Heading: <b>OIL RECORD BOOKS</b>	Version Date: 30/06/1997

[regulation 10(1)]

## 1. CONTENTS

APPENDIX I OIL RECORD BOOK (PART I)-ALL SHIPS-(MACHINERY SPACE OPERATIONS)

APPENDIX II OIL RECORD BOOK (PART II)-OIL TANKERS-(CARGO/BALLAST OPERATIONS)

## 2. NOTE

Any reference in this Schedule to a regulation means a regulation of that number in Annex I of the Convention.

### APPENDIX I

#### OIL RECORD BOOK (PART I)

MACHINERY SPACE OPERATIONS (ALL SHIPS)
--

(L.N. 641 of 1994)

Name of ship.....

Official Number.....

Gross tonnage .....

Period From .....to .....

#### OIL RECORD BOOK (PART I)

#### PART I-MACHINERY SPACE OPERATIONS

#### INTRODUCTION

Part I of the Oil Record Book is required to record machinery space operations for every ship of 400 tons gross tonnage and above, other than oil tankers, and every oil tanker of 150 tons gross tonnage and above. For oil tankers, Oil Record Book Part II shall also be provided to record relevant cargo ballast operations.

(L.N. 641 of 1994)

The following pages list items which are, when appropriate, to be recorded in the Oil Record Book in accordance with regulation 10 of the Merchant Shipping (Prevention of Oil Pollution) Regulations 1984. The items have been grouped into operational sections, each of which is denoted by a letter code.

When making entries in the Oil Record Book, the date, operational code and item number shall be

inserted in the appropriate columns and the required particulars shall be recorded chronologically in the blank space.

Each completed operation shall be signed for and dated by the officer or officers in charge. Each completed page shall be signed by the master of the ship.

The Oil Record Book contains many references to oil quantity. The limited accuracy of tank measurement devices, temperature variations and clingage will affect the accuracy of these readings. The entries in the Oil Record Book should be considered accordingly.

(L.N. 641 of 1994)

#### LIST OF ITEMS TO BE RECORDED

##### (A) BALLASTING OR CLEANING OF OIL FUEL TANKS

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Cleaning process-
  - .1 Position of ship and time at the start and completion of cleaning;
  - .2 Identity of tank(s) in which one or another method has been employed (rinsing through, steaming, cleaning with chemicals; type and quantity of chemicals used);
  - .3 Identity of tank(s) into which cleaning water was transferred.
4. Ballasting-
  - .1 Position of ship and time at start and end of ballasting;
  - .2 Quantity of ballast if tanks are not cleaned;
  - .3 Position of ship at start of cleaning;
  - .4 Position of ship at start of ballasting.

(L.N. 641 of 1994)

(L.N. 641 of 1994)

##### (B) DISCHARGE OF DIRTY BALLAST OR CLEANING WATER FROM OIL FUEL TANKS REFERRED TO UNDER SECTION (A)

5. Identity of tank(s).
6. Position of ship at start of discharge.
7. Position of ship on completion of discharge.
8. Ship's speed(s) during discharge.
9. Method of discharge-
  - .1 Through 100 ppm equipment;
  - .2 Through 15 ppm equipment;
  - .3 To reception facilities.
10. Quantity discharged.

##### (C) COLLECTION AND DISPOSAL OF OIL RESIDUES (SLUDGE)

11. Collection of oil residues-

Quantity of oil residues (sludge) retained on board at the end of a voyage, but not more frequently than once a week. When ships are on short voyages, the quantity should be recorded weekly(1)-

  - .1 Separated sludge (sludge resulting from purification of fuel and lubricating oils) and other residues, if applicable-
    - Identity of tank(s) .....
    - Capacity of tank(s) ..... m<sup>3</sup>;
    - Total quantity of retention ..... m<sup>3</sup>;
  - .2 Other residue (such as oil residues resulting from drainages, leakages, exhausted oil etc. in the machinery space), if applicable due to tank arrangement in addition to .1-
    - Identity of tank(s) .....

- Capacity of tank(s) ..... m<sup>3</sup>;
- Total quantity of retention ..... m<sup>3</sup>.
- 12. Methods of disposal of residues-  
State quantity of oil residues disposed of, the tank(s) emptied and the quantity of contents retained-
  - .1 To reception facilities (identify port)(2);
  - .2 Transferred to another (other tank(s) (indicate tank(s) and the total content of tank(s));
  - .3 Incinerated (indicate total time of operation);
  - .4 Other method (state which).

(1) Only in tanks listed in item 3 of the Supplement to the Certificate in Appendix I and II of Schedule 1, and item 3 of Supplements to the HKOPP Certificate in Appendix III and IV of Schedule 1.

(2) Ships' masters should obtain from the operator of the reception facilities, which include barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

(L.N. 641 of 1994)

(D) NON-AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES

- 13. Quantity discharged or disposed of.
- 14. Time of discharge or disposal (start and stop).
- 15. Method of discharge or disposal-
  - .1 through 100 ppm equipment (state position at start and end);
  - .2 through 15 ppm equipment (state position at start and end);
  - .3 to reception facilities (identify port)(2);
  - .4 transfer to slop tank or holding tank (indicate tank(s); state quantity transferred and the total quantity retained in tank(s)).

(L.N. 641 of 1994)

(E) AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES

- 16. Time and position of ship when the system has been put into automatic mode of operation for discharge overboard.

(L.N. 641 of 1994)

- 17. Time when the system has been put into automatic mode of operation for transfer of bilge water to holding tank (identify tank).

(L.N. 641 of 1994)

- 18. Time when the system has been put to manual operation.

- 19. Method of discharge overboard-
  - .1 Through 100 ppm equipment;
  - .2 Through 15 ppm equipment.

(F) CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM

- 20. Time of system failure.
- 21. Time when system has been made operational.
- 22. Reasons for failure.

(G) ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL

- 23. Time of occurrence.
- 24. Place or position of ship at time of occurrence.

25. Approximate quantity and type of oil.  
 26. Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) BUNKERING OF FUEL OR BULK LUBRICATING OIL

27. Bunkering-
- .1 Place of bunkering;
  - .2 Time of bunkering;
  - .3 Type and quantity of fuel oil and identity of tank(s) (state quantity added and total quantity of tank(s)).
  - .4 Type and quantity of lubricating oil and identity of tank(s) (state quantity added and total content of tank(s)).

(L.N. 641 of 1994)

(I) ADDITIONAL OPERATIONAL PROCEDURES AND GENERAL REMARKS

NAME OF SHIP .....

OFFICIAL NUMBER .....

(L.N. 641 of 1994)

MACHINERY SPACE OPERATIONS

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge

Signature of Master .....

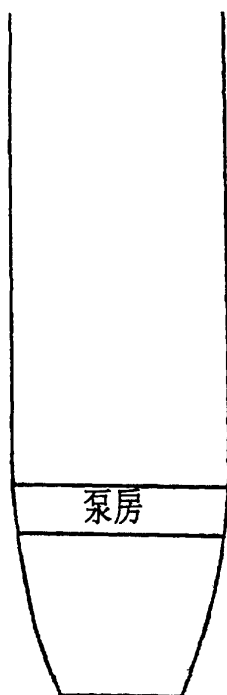
APPENDIX II

OIL RECORD BOOK (PART II)

CARGO/BALLAST OPERATIONS (OIL TANKERS)
--

(L.N. 641 OF 1994)





Depth of slop tank(s)(m):	

(Give the capacity of each tank and the depth of slop tank(s))  
(L.N. 641 OF 1994)

#### LIST OF ITEMS TO BE RECORDED

##### (A) LOADING OF OIL CARGO

1. Place of loading.
  2. Type of oil loaded and identity of tank(s).
  3. Total quantity of oil loaded (state quantity added and the total content of tank(s)).
- (L.N. 641 OF 1994)

##### (B) INTERNAL TRANSFER OF OIL CARGO DURING VOYAGE

4. Identity of tank(s)-
    - .1 From:
    - .2 To: (state quantity transferred and total quantity of tank(s))
- (L.N. 641 OF 1994)
5. Was (Were) the tank(s) in 4.1 emptied? If not, state the quantity retained.
- (L.N. 641 OF 1994)

##### (C) UNLOADING OF OIL CARGO

6. Place of unloading.
  7. Identity of tank(s) unloaded.
  8. Was (Were) the tank(s) emptied? (If not, state quantity retained.).
- (L.N. 641 OF 1994)

##### (D) CRUDE OIL WASHING (COW TANKERS ONLY)

(To be completed for each tank being crude oil washed)

9. Port where crude oil washing was carried out or ship's position if carried out between two discharge ports.
10. Identity of tank(s) washed. (When an individual tank has more machines than can be operated simultaneously, as described in the Operations and Equipment Manual, then the section being crude oil washed should be identified, e.g. No. 2 centre, forward section.)

11. Number of machines in use.
  12. Time of start of washing.
  13. Washing pattern employed. (In accordance with the Operations and Equipment Manual, enter whether single-stage or multi-stage method of washing is employed. If multi-stage method is used, give the vertical arc covered by the machines and the number of times that arc is covered for that particular stage of the programme.)
  14. Washing line pressure.
  15. Time washing was completed or stopped.
- (L.N. 641 OF 1994)
16. State method of establishing that tank(s) was (were) dry.
  17. Remarks. (If the programmes given in the Operations and Equipment Manual are not followed, then the reasons must be given under Remarks.)

(E) **BALLASTING OF CARGO TANKS**

18. Position of ship at start and end of ballasting.
19. Ballasting process-
  - .1 Identity of tank(s) ballasted;
  - .2 Time of start and end;
  - .3 Quantity of ballast received. Indicate total quantity of ballast for each tank involved in the operation.

(L.N. 641 OF 1994)

(F) **BALLASTING OF DEDICATED CLEAN BALLAST TANKS (CBT TANKERS ONLY)**

20. Identity of tank(s) ballasted.
  21. Position of ship when water intended for flushing, or port ballast was taken to dedicated clean ballast tank(s)-
  22. Position of ship when pump(s) and lines were flushed to slop tank.
  23. Quantity of the oily-water which, after line flushing, is transferred to the slop tank(s) or cargo tank(s) in which slop is preliminarily stored (identify tank(s)). State the total quantity.
- (L.N. 641 OF 1994)
24. Position of ship when additional ballast water was taken to dedicated clean ballast tank(s).
  25. Time and position of ship when valves separating the dedicated clean ballast tanks from cargo and stripping lines were closed.
  26. Quantity of clean ballast taken on board.

(G) **CLEANING OF CARGO TANKS**

27. Identity of tank(s) cleaned.
28. Port or ship's position.
29. Duration of cleaning.
30. Method of cleaning. (Hand hosing, machine washing and / or chemical cleaning. Where chemically cleaned, the chemical concerned and amount used should be stated.)
31. Tank washings transferred to-
  - .1 reception facilities (state port and quantity);(5)
  - .2 Slop tank(s) or cargo tank(s) designated as slop tank(s) (identify tank(s); state quantity transferred and total quantity).

(L.N. 641 of 1994)

(H) **DISCHARGE OF DIRTY BALLAST**

32. Identity of tank(s).
33. Position of ship at start of discharge into the sea.
34. Position of ship on completion of discharge into the sea.
35. Quantity discharged into the sea.

36. Ship's speed(s) during discharge.
37. Was the discharge monitoring and control system in operation during the discharge?
38. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
39. Quantity of oily-water transferred to slop tank(s) (identify slop tank(s). State total quantity).  
(L.N. 641 of 1994)
40. Discharged to shore reception facilities (identify port and quantity involved).(5)  
(L.N. 641 of 1994)

(I) DISCHARGE OF WATER FROM SLOP TANKS INTO THE SEA

41. Identity of slop tank(s).
42. Time of settling from last entry of residues, or
43. Time of settling from last discharge.
44. Time and position of ship at start of discharge.
45. Ullage of total contents at start of discharge.
46. Ullage of oil/water interface at start of discharge.
47. Bulk quantity discharged and rate of discharge.
48. Final quantity discharged and rate of discharge.
49. Time and position of ship on completion of discharge.
50. Was the discharge monitoring and control system in operation during the discharge?
51. Ullage of oil/water interface on completion of discharge.
52. Ship's speed(s) during discharge.
53. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?
54. Confirm that all applicable valves in the ship's piping system have been closed on completion of discharge from the slop tanks.

(J) DISPOSAL OF RESIDUES AND OILY MIXTURES NOT OTHERWISE DEALT WITH

55. Identity of tank(s).
56. Quantity discharged of from each tank. (State the quantity retained).  
(L.N. 641 of 1994)
57. Method of the disposal-
  - .1 to reception facilities (identify port and quantity involved);(5)
  - .2 mixed with cargo (state quantity);
  - .3 transferred to other tank(s): identify tank(s); state quantity transferred and total quantity in tank(s);
  - .4 other method (state which); state quantity disposed of.  
(L.N. 641 of 1994)

(5) Ship's master should obtain from the operator of the reception facilities which include barges and tank trucks a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book, may aid the master of the ship in proving that his ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book.

(L.N. 641 of 1994)

(K) DISCHARGE OF CLEAN BALLAST CONTAINED IN CARGO TANKS

58. Position of ship at start of discharge of clean ballast.
59. Identity of tank(s) discharged.
60. Was (Were) the tank(s) empty on completion?
61. Position of ship on completion if different from 58.

62. Was a regular check kept on the effluent and the surface of the water in the locality of the discharge?

(L) DISCHARGE OF BALLAST FROM DEDICATED CLEAN BALLAST TANKS (CBT TANKERS ONLY)

63. Identity of tank(s) discharged.  
64. Time and position of ship at start of discharge of clean ballast into the sea.  
65. Time and position of ship on completion of discharge into the sea.  
66. Quantity discharged-  
.1 Into the sea; or  
.2 To reception facility (identify port).  
67. Was there any indication of oil contamination of the ballast water before or during discharge into the sea?  
68. Was the discharge monitored by an oil content meter?  
69. Time and position of ship when valves separating dedicated clean ballast tanks from the cargo and stripping lines were closed on completion of deballasting.

(M) CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM

70. Time of system failure.  
71. Time when system has been made operational.  
72. Reasons for failure.

(N) ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL

73. Time of occurrence.  
74. Port or ship's position at time of occurrence.  
75. Approximate quantity and type of oil.  
76. Circumstances of discharge or escape, the reasons therefor and general

remarks.

(O) ADDITIONAL OPERATIONAL PROCEDURES AND GENERAL REMARKS

TANKERS ENGAGED IN SPECIFIC TRADES

(P) LOADING OF BALLAST WATER

77. Identity of tank(s) ballasted.  
78. Position of ship when ballasted.  
79. Total quantity of ballast loaded in cubic metres.  
80. Remarks.

(Q) RE-ALLOCATION OF BALLAST WATER WITHIN THE SHIP

81. Reasons for re-allocation.

(R) BALLAST WATER DISCHARGE TO RECEPTION FACILITY

82. Port(s) where ballast water was discharged.  
83. Name or designation of reception facility.  
84. Total quantity of ballast water discharged in cubic meters.  
85. Date, signature and stamp of port authority official.

NAME OF SHIP .....

OFFICIAL NUMBER .....

CARGO/BALLAST OPERATIONS

Date	Code (letter)	Item (number)	Record of operations/signature of officer in charge

Signature of Master .....

(L.N. 641 of 1994)

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Chapter: 413A	Title: MERCHANT SHIPPING	Gazette Number:
	(PREVENTION OF OIL POLLUTION) REGULATIONS	
Schedule: 3	Heading: <b>SPECIFICATIONS FOR POLLUTION PREVENTION EQUIPMENT FOR MACHINERY SPACE BILGES OF SHIPS</b>	Version Date: 30/06/1997

[regulations 14 & 20(3)]

## 1 INTRODUCTION

### 1.1 General

- 1.1.1 The specifications in respect of oil filtering equipment are considered to be applicable for use in conjunction with oily bilge-water and ballast water from fuel oil tanks, as these are of a low or medium capacity, and are conditioned by the need to avoid discharging oily mixtures with an oil content of more than 15 ppm of the mixture.
- 1.1.2 The development and testing of high capacity separating equipment designed for dealing with effluent from cargo tanks on tankers poses special problems and such equipment does not require to be tested under these specifications. Such development and tests should not be hindered and the Director is prepared to accept deviations from these specifications when they are considered necessary in this context.
- 1.1.3 Gravitational filtering equipment cannot be expected to be effective over the complete range of oils which might be carried on board ship, nor can it deal satisfactorily with oil of very high relative density or with a mixture presented to it as an emulsion. Cleansing agents used for cleaning purposes in machinery spaces may cause these emulsions in bilge water. To avoid this, only those cleansing agents which do not affect the performance of the equipment should be used, and care should be taken that the bilge water is fed to the filtering equipment after the emulsion has broken. Considering that not all designs of equipment are affected in the same way by cleansing agents, the manufactures of filtering and monitoring equipment should supply recommendations concerning the use of cleansing agents, and these recommendations should be followed in shipboard practice.
- 1.1.4 Where a range of filtering equipment of the same design, but of different capacities, requires certification in accordance with these specifications, and where the largest capacity in the range does not exceed 50 m<sup>3</sup> per hour, the Director may accept tests in 2 capacities within the range, in lieu of tests on every size, providing that the 2 tests actually performed are from the lowest quarter and highest quarter of the range.

### 1.2 Purpose

- 1.2.1 These Specifications contain requirements regarding the design, installation, performance and testing of pollution prevention equipment required by regulation 14.
- 1.2.2 The purpose of these Specifications is-
  - .1 to provide a uniform interpretation of the requirements of regulation 14;

- .2 to assist in determining appropriate design, construction and operational parameters for pollution prevention equipment when such equipment is fitted in ships;
- .3 to define test and performance requirements for pollution prevention equipment; and
- .4 to provide guidance for installation requirements.

### 1.3 Applicability

#### 1.3.1 These Specifications apply-

- .1 to installations fitted to ships, the keels of which are laid or which are at a similar stage of construction on or after 30 April 1994; and
- .2 to new installations fitted on or after 30 April 1994 to ships, the keels of which were laid or which were at a similar stage of construction before 30 April 1994 in so far as is reasonable and practicable.

#### 1.3.2 Installations fitted to ships the keels of which were laid or which were at a similar stage of construction before 30 April 1994 should comply either with the requirements contained in the Specifications adopted under the IMO resolution A.393(X) or with the requirements contained in these Specifications.

### 1.4 Summary of requirements

#### 1.4.1 The approval requirements for pollution prevention equipment specified in these Specifications are summarized below-

- .1 the oil filtering equipment should be tested for type approval in accordance with the procedures described in Part 1 of the Annex, subject to environmental tests specified Part 3 of the Annex; and
- .2 the oil content meter for the bilge alarms should be tested for type approval in accordance with Part 2 of the Annex, subject to the environmental tests specified in Part 3 of the Annex.

## 2 BACKGROUND

### 2.1 The requirements relating to pollution prevention equipment for ships are set out in regulation 14, which stipulates that ships of 400 tons gross registered tonnage and above should be installed with approved equipment.

### 2.2 Regulation 14(6) stipulates that the effluent from oil filtering equipment should not exceed 15 ppm. The bilge alarm shall activate to indicate when this level cannot be maintained.

## 3 DEFINITIONS

### 3.1 Pollution prevention equipment

#### 3.1.1 For the purpose of these Guidelines and Specifications pollution prevention equipment installed in a ship in compliance with regulation 14 comprises-

- .1 oil filtering equipment (15 ppm); and
- .2 15 ppm bilge alarms.

### 3.2 Oil filtering equipment

#### 3.2.1 Oil filtering equipment may include any combination of a separator, filter or coalescer, and also a single unit designed to produce an effluent with oil content not exceeding 15 ppm.

### 3.3 Bilge alarm

3.3.1 The bilge alarm arrangements specified in regulation 14(6) are referred to in these Specifications as a "bilge alarm".

### 3.4 ppm

3.4.1 "ppm" means parts of oil per million parts of water by volume.

## 4 TECHNICAL SPECIFICATIONS

### 4.1 Oil filtering equipment

4.1.1 The equipment should be strongly constructed and suitable for shipboard use, bearing in mind its intended location on the ship.

4.1.2 It should, if intended to be fitted in locations where flammable atmospheres may be present, comply with the relevant safety regulations for such spaces. Any electrical equipment which is part of the equipment should be based in a non-hazardous area, or should be certified by the Director as safe for use in a hazardous area. Any moving parts which are fitted in hazardous areas should be arranged so as to avoid the formation of static electricity.

4.1.3 The equipment should be so designed that it functions automatically. However, provisions should be made for emergency manual control.

4.1.4 Changing the feed to the oil filtering equipment from oily-water to oil, or from oil and/or water to air should not result in a discharge overboard of any mixture containing more than 15 ppm of oil.

4.1.5 The system should require the minimum of attention to bring it into operation. In the case of equipment used for engine room bilges, there should be no need for any adjustment to valves and other equipment to bring the system into operation, and when fitted in unattended machinery spaces the equipment should be capable of operating for at least 24 hours of normal duty without attention.

4.1.6 All working parts of the equipment which are liable to wear or to damage should be easily accessible for maintenance.

### 4.2 Oil content meters

4.2.1 These Specifications relate to oil content meters for bilge alarms.

4.2.2 The meters should resist corrosion in conditions of the marine environment.

4.2.3 The meters should, if intended to be fitted in locations where flammable atmospheres may be present, comply with the relevant safety regulations for such spaces. Any electrical equipment which is part of the meter should be placed in a non-hazardous area, or should be certified as safe for use in a hazardous atmosphere. Any moving parts which are fitted in hazardous areas should be arranged so as to avoid the formation of static electricity.

4.2.4 The meter should not contain or use any substance of a dangerous nature, unless adequate arrangements, acceptable to the Director, are provided to eliminate any hazards introduced

thereby.

- 4.2.5 It is desirable that the reading should not be affected by the type of oil. If it is, it should not be necessary to calibrate the meter on board ship, but pre-set alterations in the calibration in accordance with instructions drawn up at the time of manufacture are permitted. In the latter case, means should be available to check that the correct calibration has been selected for the oil in question. The accuracy of the readings should at all times remain within the limit specified in paragraph 2.2.1 of Part 2 of the Annex.
- 4.2.6 The response time of the meter, that is, the time which elapses between an alteration in the sample being supplied to the meter and the meter showing the correct response, should not exceed 20 seconds.
- 4.2.7 The meter should be fitted with an alarm device which can be set to operate automatically at any pre-stated value either to alert the crew of the ship or to operate control valves. The meter for the bilge alarm should be fitted with an alarm device which should be pre-set by the manufacturer to activate when the effluent exceeds 15 ppm. These alarms should also operate automatically if at any time the meter should fail to function, require a warm-up period or otherwise be de-energized.
- 4.2.8 It is recommended that a simple means be provided aboard ship to check on instrument drift, and to confirm the accuracy and repeatability of the instrument reading.

## 5 SPECIFICATIONS FOR TYPE APPROVAL TESTING OF POLLUTION PREVENTION EQUIPMENT

### 5.1 Testing requirements

- 5.1.1 The production model of pollution prevention equipment, for which the approval will apply, should be identical to the equipment, type-tested in accordance with the Test and Performance Specifications contained in Part 1 or 2 of the Annex to these Specifications. The equipment should also be type-tested in accordance with the specifications for environmental testing contained in Part 3 of the Annex.

### 5.2 Approval and certification procedures

- 5.2.1 Pollution prevention equipment which in every respect fulfils the requirements of these Specifications may be approved by the Director for fitting on board ships. The approval should take the form of a certificate of type approval specifying the main particulars of the apparatus and any limiting conditions on its usage necessary to ensure its proper performance. Such certificate should be issued in the format shown in Part 5 of the Annex. A copy of the certificate of type approval for pollution prevention equipment should be carried on board ships fitted with such equipment at all times.
- 5.2.2 A certificate of type approval for an oil content meter should be issued for the bilge alarm.
- 5.2.3 Approved pollution prevention equipment may be accepted by other countries for use on their vessels on the basis of the first trials, or after new tests carried out under the supervision of their own representatives. Should equipment pass a test in one country but fail a test of a similar nature in another country, then the 2 countries concerned should consult one another with a view to reaching a mutually acceptable agreement.

## 6 INSTALLATION REQUIREMENTS

### 6.1 Oil filtering equipment

- 6.1.1 For future inspection purposes on board ship, a sampling point should be provided in a vertical section of the water effluent piping as close as is practicable to the equipment outlet. Recirculating facilities should be provided to enable the oil filtering equipment to be tested with the overboard discharge closed at initial and periodic surveys.
- 6.1.2 Means should be taken to ensure that, in practice, the rated capacity of the equipment is not exceeded by-
  - .1 connecting only pumps of a capacity equal to, or less than, that of the equipment; or
  - .2 permanently restricting the discharge to the equipment where larger pumps may be connected.
- 6.1.3 In any case, equipment should not be supplied from a pump which has a capacity more than 1.5 times the rated capacity of the equipment.
- 6.1.4 The equipment should be fitted with a permanently attached plate giving any operational or installation limits considered necessary by the manufacturer or the Administration.

### 6.2 Oil content meters for bilge alarms

- 6.2.1 The layout of the shipboard installation should be arranged so that the overall response time between an alteration in the mixture being pumped and the alteration in the meter reading should be as short as possible and in any case not more than 40 seconds, to allow for remedial action being taken before the oil content of the mixture being discharged exceeds the permissible limit.
- 6.2.2 The arrangement on board ship for the extraction of samples from the discharge line to the meter should give a truly representative sample of the effluent. Sampling points should be arranged in all discharge pipes which have to be monitored for compliance with these Regulations.
- 6.2.3 Where these Regulations require records, the oil content meter should be so designed and constructed that any operation carried out on the oil filtering equipment is automatically registered by the meter.

## ANNEX

This Annex provides detailed Test and Performance Specifications for pollution prevention equipment and contains-

- Part 1- Test and Performance Specifications for Type Approval of Oil Filtering Equipment
- Part 2- Test and Performance Specifications for Type Approval of Oil Content Meters for Bilge Alarms
- Part 3- Specifications for Environmental Testing for Type Approval of Pollution Prevention Equipment
- Part 4- Method for the Determination of Oil Content
- Part 5- Documentation of Approval

## PART 1

## TEST AND PERFORMANCE SPECIFICATIONS FOR TYPE APPROVAL OF OIL FILTERING EQUIPMENT

### 1.1 General

- 1.1.1 These Test and Performance Specifications for Type Approval relate to oil filtering equipment. In addition, the electrical and electronic systems of the equipment should be tested in accordance with the Specifications for Environmental Testing contained in Part 3 of this Annex.
- 1.1.2 The equipment being tested should comply with the relevant requirements of the technical specifications contained in section 4.1 of these Specifications.

### 1.2 Test specifications

- 1.2.1 These Specifications relate to oil filtering equipment of low to medium capacity. Oil filtering equipment should be capable of giving an effluent containing not more than 15 ppm of oil irrespective of the oil content (from 0% to 100%) of the feed supplied to it.
- 1.2.2 The oil/water mixture, with which the system has in practice to deal, depends on-
- .1 the position of the oil/water interface, with respect to the suction point, in the space being pumped;
  - .2 the type of pump used;
  - .3 the type and degree of closure of any control valve in the circuit; and
  - .4 the general size and configuration of the system.
- It is, therefore, desirable that the test rig be so constructed as to include not only the equipment, but also the pump and the most important of the valves, pipes, etc. (for an example see Figures 1a and 1b). The pipework should be designed for a maximum liquid velocity of 3 m/s.
- 1.2.3 The tests should be carried out with a supply rate equal to the full throughput for which the equipment is designed.
- 1.2.4 Tests should be performed using 2 grades of oil. The tests described in 1.2.10 and 1.2.11 should be carried out using either-
- .1 a residual fuel oil (test oil A<sup>1</sup>) of a relative density of not less than 0.94 at 15°C and of a viscosity of not less than 17 centistokes at 100°C (220 centistokes at 37.8°C), and a light distillate fuel oil (test oil B<sup>1</sup>) having a relative density of not less than 0.83 at 15°C; or
  - .2 for ships which use residual fuel oil of higher density and viscosity than that referred to above, the test should be carried out with a residual fuel oil (test oil C<sup>1</sup>) of relative density not less than 0.98 at 15°C and a viscosity of not less than 25 centistokes at 100°C (440 centistokes at 37.8°C), and a light distillate fuel oil (test oil B<sup>1</sup>) having a relative density of not less than 0.83 at 15°C.

If the equipment is fitted with heating facilities to allow the separated oil retained in it to be discharged when the automatic discharge valve is activated, the Certificate of Type Approval should be endorsed under the heading "Limiting Conditions Imposed" with the following statement-

"The equipment is fitted with heating facilities."

- 1.2.5 If the filtering equipment includes an integrated feed pump, this equipment should be tested with that pump supplying the required quantity of oil and water to the equipment at its rated capacity. If the equipment is to be fed by the ship's bilge pumps, then the unit will be tested by supplying the required quantity of oil and water mixture to the inlet of a centrifugal pump operating at not

less than 1000 rpm. This pump should have a delivery capacity of not less than 1.5 times the rated capacity of the equipment at the delivery pressure required for the test. The variation in oil/water ratio will be obtained by valves on the oil and water suction pipes adjacent to the pump suction, and the flow rate of oil and water or the oil content of the supply to the equipment should be monitored. If a centrifugal pump is used, the excess pump capacity should be dissipated by either a bypass to the suction side, or by a throttle valve or standard orifice plate on the discharge side. In all cases, to ensure uniform conditions, the piping arrangements immediately prior to the equipment should be such that the influent to the equipment should have a Reynolds Number of not less than 10000 as calculated in fresh water, a liquid velocity of not less than 1 m/s and the length of the supply pipe from the point of oil injection to the equipment should have a length not less than 20 times its diameter. A mixture inlet sampling point and a thermometer pocket should be provided near the equipment inlet and an outlet sampling point and observation window should be provided on the discharge pipe. Figures 1a and 1b give diagrammatic representations of 2 possible test rigs, though it should be noted that the water and oil from the equipment need not be led back to the supply tanks. Where the water and oil are re-circulated during the test, additional sampling points should be fitted in the water and oil lines to the mixture pump in order to check the quality of the water and oil being supplied to the pump.

Figure 1

Diagrammatic arrangements of test facilities

Typical test rigs:

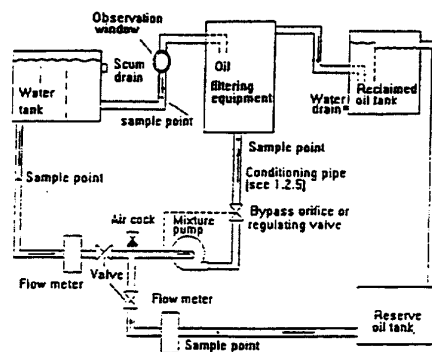


Figure 1a

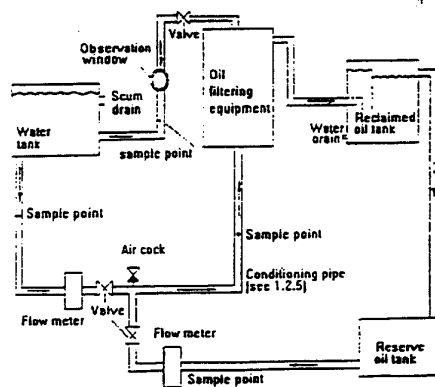
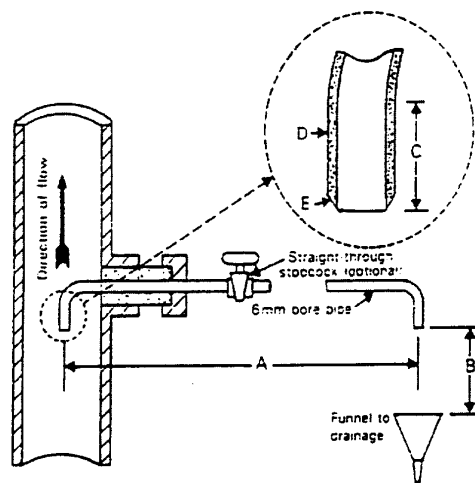


Figure 1b

In order to approach isokinetic sampling, i.e. where the sample enters the sampling pipe at stream velocity, the sampling arrangements should be as shown in Figure 2 and, if a cock is fitted, free flow should be effected for at least 1 minute before any sample is taken. The sampling points should be in pipes running vertically.

Figure 2

Diagram of sampling arrangements



- A Distance A, not greater than 400 mm.
- B Distance B, sufficient to insert sampling bottle.
- C Dimension C, straight length should not be less than 60 mm.
- D Dimension D, pipe thickness should not be greater than 2 mm.
- E Detail E, chisel-edged chamfer (30°).

1.2.6 The following tests should be carried out-

- .1 for residual fuel oils of relative density of not less than 0.94 at 15°C, with water having a

- relative density of not more than 1.015 at 15°C ;
- .2 for residual fuel oils of relative density of 0.98 and above at 15°C , with water having a relative density of not more than 1.015 at 15°C .
- 1.2.7 In the case of equipment depending essentially on gravity, the feed to the system of the test water and oil water mixture should be maintained at a temperature not greater than 40°C, and heating and cooling coils should be provided where necessary. In other forms of separation where the dependence of separation efficiency on temperature is not established, tests should be carried out over a range of influent temperatures representing the normal shipboard operating range of 10°C to 40°C or should be taken at a temperature in this range where the separation efficiency is known to be worst.
  - 1.2.8 In those cases where, for the equipment, it is necessary to heat water up to a given temperature and to supply heat to maintain that temperature, the tests should be carried out at the given temperature.
  - 1.2.9 To ensure that the equipment commences the test with the oil section full of oil and with the supply line impregnated with oil, the equipment should, after filling with water and while in the operating condition, be fed with pure oil for not less than 5 minutes.
  - 1.2.10 The equipment should be fed with a mixture composed of between 5000 and 10000 ppm of oil in water until steady conditions have been established. Steady conditions are assumed to be the conditions established after pumping through the equipment a quantity of oil/water mixture not less than twice the volume of the equipment. The test should then proceed for 30 minutes. Samples should be taken at the water outlet at 10 minutes and 20 minutes from the start of this period. At the end of this test, an air cock should be opened on the suction side of the pump and, if necessary, the oil and water valves should be slowly closed together, and a sample taken at the water discharge as the flow ceases (this point can be checked from the observation window).
  - 1.2.11 A test identical to that described in 1.2.10, including the opening of the air cock, should be carried out with a mixture composed of approximately 25%\* oil and 75%\* water.
  - 1.2.12 The equipment should be fed with 100%\* oil for at least 5 minutes during which time the observation window should be checked for any oil discharge. Sufficient oil should be fed into the equipment to operate the automatic oil discharge valve. After the operation of the oil discharge valve, the test should be continued for 5 minutes using a 100%\* oil supply in order to check the sufficiency of the oil discharge system.
  - 1.2.13 The equipment should be fed with water for 15 minutes. Samples of the separated water effluent should be taken at the beginning of the test and after the first 10 minutes.
  - 1.2.14 A test lasting a minimum of 3 hours should be carried out to check that the equipment will operate continuously and automatically. This trial should use a cycle varying progressively from water to oily mixture with approximately 25%\* oil content and back to water every 15 minutes, and should test adequately any automatic device which is fitted. The whole test sequence should be performed as a continuous programme. At the end of the test, while the equipment is being fed with 25%\* oil, a water effluent sample should be taken for analysis.
  - 1.2.15 Sampling should be carried out as shown in Figure 2 so that the sample taken will suitably represent the fluid issuing from the water outlet of the equipment.
  - 1.2.16 One-litre narrow necked glass flasks utilizing caps with Teflon seals or equivalent should be

used to collect the samples. Samples should be preserved with the addition of 5 ml of hydrochloric acid (see paragraph 4.3.1 of Part 4 of this Annex), unless the sample is to be extracted on the same day of collection, and be sealed and labelled in the presence of a representative of the Director and arrangements should be made for analysis as soon as possible and in any case within 7 days provided the samples are being kept between 2°C and 6°C at laboratories approved by the Director.

- 1.2.17 The oil content of the samples should be determined in accordance with Part 4 of the Annex.
- 1.2.18 When accurate and reliable oil content meters are fitted at inlet and outlet of the equipment, one sample at inlet and outlet taken during each test will be considered sufficient if they verify, to within + 10%, the meter readings noted at the same instant.
- 1.2.19 In the presentation of the results, the following data should be reported, using the International Metric System of Units-
- .1 properties of the oil-
    - relative density at 15°C
    - viscosity (centistokes at 100°C/37.8°C)
    - flashpoint
    - ash
    - water content (total);
  - .2 properties of the water-
    - relative density at 15°C with details of any solid matter present;
  - .3 temperature at the inlet to the equipment;
  - .4 the method used in analysis of all samples taken and the results thereof together with meter readings where appropriate;
  - .5 a diagram of the test rig; and
  - .6 a diagram of the sampling arrangements.
- 1.2.20 The recommendations of the manufacturer of the filtering equipment concerning the choice and application of cleansing agents used for cleaning purposes in machinery spaces should be recorded in the appendix to the certificate of type approval. If the manufacturer declares that the user is free in the choice and application of cleansing agents because this does not affect the performance of the equipment, then this is to be recorded also. The manufacturer should include this information in the instruction manual for the filtering equipment.

## PART 2

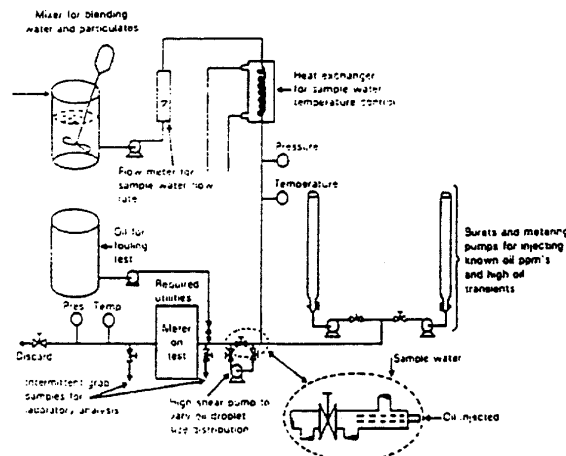
### TEST AND PERFORMANCE SPECIFICATIONS FOR TYPE APPROVAL OF OIL CONTENT METERS FOR BILGE ALARMS

- 2.1 General
- 2.1.1 These Test and Performance Specifications relate to oil content meters for bilge alarms. In addition, the electrical and electronic section of these systems should be tested in accordance with the Specifications for Environmental Testing contained in Part 3 of this Annex.
- 2.1.2 The meter being tested should comply with all the relevant requirements of the technical specifications contained in section 4.2 of these Specifications.
- 2.2 Test specifications

- 2.2.1 For a meter designed for a bilge alarm, the accuracy should be within + 5 ppm. The accuracy of bilge alarms should remain within the above limits despite the presence of contaminants other than oil, and the power supply varying by 10% from the design value, i.e. in respect of electricity, compressed air, etc.
- 2.2.2 The sampling arrangements should be such that a representative homogeneous sample is obtained under all conditions of operation and under all operational proportions of oil content. The sample should be obtained from the full flow through the meter, but when this is impracticable the sampling arrangements shown in Figure 2 in Part 1 should be used. Special care should be given to this stage of the process and the validity of the resultant findings.
- 2.2.3 During the various tests the response time of the meter should be checked and it should also be noted whether alarms operate adequately when a pre-stated threshold is exceeded.
- 2.2.4 A diagrammatic arrangement of a test facility for evaluating the performance of oil content meters is given in Figure 3. The accuracy of the oil content meter will be determined by comparing its readings against a known flow of oil injected into a known flow of water. The grab samples taken will be analysed in a laboratory by the methods specified in Part 4 of this Annex. The results of the laboratory analysis will be used for correction and to indicate sampling and test equipment variability. The water flow rate will be adjusted so that the entire oil-water flow passes through the oil content meter, except the intermittent grab sample stream. Special care should be given to keep, continuously, a constant oil content in the water that flows into the meter. The oil and contaminant metering pumps should be adjusted to deliver a nearly continuous quantity of oil. If oil injection becomes intermittent at low concentrations, the oil may be premixed with water to provide continuous flow if absolutely necessary. The oil injection point should be immediately up-stream of the oil content meter inlet to minimize time lags.

Figure 3

Diagrammatic arrangements of test facilities



- 2.2.5 The oil content meter will be calibrated and zeroed as per the manufacturer's instructions. It will then be tested with light distillate fuel oil of a relative density of not less than 0.83 at 15°C at the following concentrations in ppm: 0, 15, and at the full scale of the meter. Each concentration test

will last for 15 minutes. Following each concentration test, the meter will be run on oil-free water for 15 minutes and the reading noted. If it proves necessary to re-zero or re-calibrate the meter during this test, this fact will be noted.

2.2.6 The oil content meter for the bilge alarms should undergo contaminant tests as follows-

the oil content meter for the bilge alarms should be run on a 10 ppm light distillate fuel oil sample, and each of the 3 contaminants listed below will be added to the water tank in the concentrations given. Any shift in the meter reading should be noted and recorded on the Certificate.

Contaminants

- Fresh water (if seawater is used for the test programme).
- Very salt water-6% common salt with tap water.
- Non-soluble suspended solids-about 10 ppm air cleaner test dust to the following specifications-

Size in micrometres	Percentage of total weight
0 - 5	39\$± 2
5 - 10	18\$± 3
10 - 20	16\$± 3
20 - 40	18\$± 3
40 - 80	9\$± 3

2.2.7 The meter should be run on a 15 ppm light distillate fuel oil sample. The water pressure or flow rate of the mixture should be adjusted from one-half normal to normal and twice normal. Any effect of these changes on the meter reading should be noted and recorded on the Certificate. This test may require modification for meters with flow or pressure regulators or meters designed to discharge into an ambient pressure sump.

2.2.8 The meter should be run on a 15 ppm light distillate fuel oil sample. The water and oil injection pumps should be shut off. The meter will be left turned on with no other changes made. After 8 hours, the water and oil injection pump should be turned on and set to provide a mixture of 15 ppm. The meter readings before and after each test and any damage to the meter should be noted and recorded on the Certificate. This test determines also the proper functioning of the low flow shut-off and alarm.

2.2.9 If the meter requires any utilities besides electricity, it should be tested with these utilities at 110% and 90% of the design figures.

2.2.10 The meter should be calibrated and zeroed. A 15 ppm light distillate fuel oil sample should be run through the meter for 8 hours and any calibration drift noted. Following this, the meter should be run on oil-free water and any zero drift noted and recorded on the Certificate.

2.2.11 The response time is to be taken for the meter to give an alarm at 15 ppm oil concentration after the supply to the meter is changed from clean water to oily water, having more than 15 ppm oil. The colour of the water supplied to the meter is not to affect the operation of the instrument. The meter is to be tested for colour using 2.5 ppm black ink. The meter is to show no deviation when tested for colour using 2.5 ppm black ink.

2.2.12 A specification of the instrument concerned and a diagrammatic presentation of the test arrangements should be provided and the following data should be reported, using the

International Metric System of Units-

- .1 types and properties of oils used in the tests;
- .2 details of contaminants used, in the form, for example, of a supplier's certificate or laboratory test protocol; and
- .3 results of tests and analysis of grab samples.

- 2.2.13 The recommendations of the manufacturer of the oil content meter concerning the choice and application of cleansing agents used for cleaning purposes in machinery spaces should be recorded in the appendix to the certificate of type approval. If the manufacturer declares that the user is free in the choice and application of cleansing agents because this will/does not affect the performance of the equipment, then this is to be recorded also. The manufacturer should include this information in the instruction manual of the oil content meter.

## PART 3

### SPECIFICATIONS FOR ENVIRONMENTAL TESTING FOR TYPE APPROVAL OF POLLUTION PREVENTION EQUIPMENT

#### 3.1 General

- 3.1.1 The specifications for environmental testing for type approval relate to the electrical and electronic sections of-

- .1 oil filtering equipment; and
- .2 bilge alarms.

The equipment tested should comply with all the relevant requirements contained in section 5 of these Guidelines and Specifications.

#### 3.2 Test specifications

##### 3.2.1 Testing requirements

- 3.2.1.1 The electrical and electronic sections of the pollution control equipment in the standard production configuration should be subjected to the programme of environmental tests set out in this Specification at a laboratory approved for the purpose by the Director or by the competent authority of the manufacturer's home country. A copy of the environmental test document, in a format similar to that specified in paragraph 2 of Part 5 of this Annex, should be submitted to the Director by the manufacturer, together with the application for type approval.

##### 3.2.2 Test specification details

- 3.2.2.1 Equipment should operate satisfactorily on completion of each of the following environmental tests-

- .1 Vibration tests

- .1.1 A search should be made for resonance over the following range of frequency and amplitude of acceleration-

- .1.1.1 2 to 13.2 Hz with an amplitude of + 1 mm; and

- .1.1.2 13.2 to 80 Hz with an acceleration of + 0.7 g.

This search should be made in each of the 3 planes at a rate sufficiently low to permit detection of resonance;

- .1.2 the equipment should be vibrated in the planes at each major resonant frequency for a period of 2 hours;

- .1.3 if there is no resonant frequency, the equipment should be vibrated in each of the planes at 30 Hz with an acceleration of + 0.7 g for a period of 2 hours;
- .1.4 after completion of the tests specified in .1.2 or .1.3 of this paragraph a search should again be made for resonance and there should be no significant change in the vibration pattern.
- .2 Temperature tests
  - .2.1 equipment that may be installed in an enclosed space that is environmentally controlled, including an engine room, should be subjected, for a period of not less than 2 hours, to-
    - .2.1.1 a low temperature test at 0°C; and
    - .2.1.2 a high temperature test at 55°C.
- At the end of each of the tests referred to, the equipment should be switched on and it should function normally under the test conditions.
- .3 Humidity tests
  - .3.1 equipment should be left switched off for a period of 2 hours at a temperature of 55°C in an atmosphere with a relative humidity of 90%. At the end of this period the equipment should be switched on and should operate satisfactorily for 1 hour.
- .4 Inclination test
  - .4.1 equipment should operate satisfactorily at angles of inclination up to 22.5° in any plane from the normal operating position.
- .5 Reliability of electrical and electronic equipment
  - .5.1 the electrical and electronic components of the equipment should be of a quality guaranteed by the manufacturer and suitable for their intended purpose.

## PART 4

### METHOD FOR DETERMINATION OF OIL CONTENT

- 4.1 Scope and application
  - 4.1.1 The method includes the measurement of most light oil fractions, although some loss of volatile components will occur during the extractions.
  - 4.1.2 The method has a nominal working range from 2 to 80 mg/l. The lower level of detection can be improved to 0.1 mg/l by using longer path-length cells. The upper limit of the method can be extended at least to 1000 mg/l by preparing dilutions of the sample extract.
- 4.2 Summary of method
 

The sample is acidified to a low pH and extracted with 2 volumes of carbon tetrachloride. The oil content is determined by comparison of the infra-red absorbances of the sample extract against known concentrations of the appropriate reference oil. Other suitable non-infra-red active solvents may be used if preferred.
- 4.3 Sample and storage
  - 4.3.1 A representative sample of 1 litre volume is collected in a narrow-neck glass bottle with a pressure-sealing cap. Unless the sample will be extracted on the day of collection, it is preserved with the additional of 5 ml hydrochloric acid (HCl) (4.5.1).
  - 4.3.2 Because losses of oily matter will occur on sampling equipment, the collection of a composite sample is impractical. Individual portions collected at prescribed time intervals must be analysed separately to obtain the average concentration over an extended period.

#### 4.4 Apparatus

4.4.1 Separatory funnel, 1000 ml volume, with Teflon stopcock.

4.4.2 Infra-red spectrophotometer.

4.4.3 Cells, 5 mm path-length, sodium chloride or infra-red-grade quartz with a minimum of 80% transmittance at  $2930\text{ cm}^{-1}$ . The 5 mm path-length is recommended as being convenient for monitoring levels normally encountered. Longer path-lengths may be used.

4.4.4 Filter paper, medium grade, 12.5 cm.

#### 4.5 Reagents

4.5.1 Hydrochloric acid, HCl 1:1. Mix equal amounts of concentrated HCl and distilled water.

4.5.2 Sodium chloride, NaCl reagent grade.

4.5.3 Carbon tetrachloride,  $\text{CCl}_4$  reagent grade.

4.5.4 Oil reference-Oil collected from the source at the same time the sample was collected.

4.5.5 Stock reference standard (3 mg/ml)-accurately weigh about 0.30 g of reference oil (4.5.4) into a tared 100 ml volumetric flask and dilute to volume with carbon tetrachloride. Using the reference oil at room ambient temperature, record the relative density and temperature of the reference oil. A weight-to-volume conversion to volume-to-volume must take into account the differing densities of the 2 liquids used in preparing the calibration plot (4.8.2).

4.5.6 Calibration standards-prepare a series of dilutions by pipetting volumes of stock reference standards into 100 ml volumetric flasks and diluting to volume with carbon tetrachloride. A convenient series of volumes is 5, 10, 15, 20 and 25 ml of stock solution. Calculate the exact concentrations of the dilution in millilitres times 10 to the minus 3 per 100 ml of solvent ( $\text{ml} \times 10^{-3}/100\text{ ml}$ ) from the information above (4.5.5).

#### 4.6 Extraction

4.6.1 If the sample was not acidified at time of collection, add 5 ml hydrochloric acid (4.5.1) to the sample bottle. After mixing the sample, check the pH by touching pH-sensitive paper to the cap to ensure that the pH is 2 or lower. Add more acid if necessary.

4.6.2 Pour the sample into a separatory funnel and add 5 g of sodium chloride.

4.6.3 Add 50 ml carbon tetrachloride to the sample bottle. Cap tightly and thoroughly shake the bottle to rinse the inside and cap. Transfer the solvent into the separatory funnel and extract by shaking vigorously for 2 minutes. Allow the layers to separate.

4.6.4 Drain the solvent layer through a funnel containing solvent-moistened filter paper into a 100 ml volumetric flask.

4.6.5 Repeat steps 4.6.3 and 4.6.4 with an additional 50 ml portion of fresh solvent; combine all solvent in the volumetric flask.

4.6.6 Rinse the top of the separatory funnel, filter paper and funnel with small portions of carbon tetrachloride and collect the rinsings in the volumetric flask. Adjust the extract volume up to 100 ml and stopper the flask. Mix well.

4.6.7 Drain the water layer into a 1000 ml graduated cylinder and estimate the sample volume to the nearest 5 ml.

#### 4.7 Infra-red spectroscopy

4.7.1 Prepare the infra-red spectrophotometer according to manufacturer's instructions.

4.7.2 Rinse a cell with 2 volumes of solution to be measured, then completely fill the cell with solution. Place a matched cell containing carbon tetrachloride in the reference beam.

4.7.3 Scan samples and standards from  $3000\text{ cm}^{-1}$  to  $2700\text{ cm}^{-1}$ .

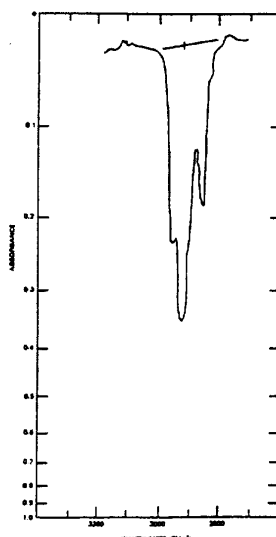
NOTE1: Single beam and non-scanning spectrophotometers can be used for this test. Follow the manufacturer's instructions and measure the absorbance directly at or near  $2930\text{ cm}^{-1}$ .

4.7.4 Construct a straight baseline under the hydrocarbon band as illustrated in Figure 4. If the scan is recorded on absorbance paper, read the absorbance of the peak maximum at  $2930\text{ cm}^{-1}$  and subtract the absorbance of the baseline at that point. If the scan is recorded on transmittance paper, the net absorbance is-

$$\log_{10} \frac{\%T(\text{baseline})}{\%T(\text{peak maximum})}$$

Figure 4

Spectrum illustrating baseline construction



4.7.5 Prepare a calibration plot of net absorbance vs mg/100 ml oil using the response of the standards.

NOTE2: The oil concentration may be plotted as per cent of stock standard. When this procedure is used, the concentration of the stock standard must be used in the calculations (4.8.2).

4.7.6 If the net absorbance of a sample exceeds 0.8 or the linear range of the instrument as determined by the calibration plot, prepare a dilution of the sample by pipetting an appropriate volume of the extract into a volumetric flask and diluting to volume. If the absorbance is less than 0.1, more accurate results can be obtained by using a longer path- length cell.

4.8 Calculations

4.8.1 Use the calibration plot to calculate the mg of oil in each 100 ml of sample extract or dilution.

4.8.2 Calculate the oil content in the sample using the formula-

$$\text{mg/l oil} = \frac{R \times D \times 1000}{V}$$

where-

R = mg of oil in 100 ml solution (determined from calibration plot)

D = extract dilution factor, if used (4.7.6)

V = volume of sample, in millilitres (4.6.7)

4.8.3 Report results to 2 significant figures for levels below 100 mg/l.

NOTE3: For quality control, a reagent blank should be carried through each step of the procedure.

4.8.4 For purposes of comparison to meter records, the results should also be presented in parts per million (volume/volume) with due allowance for the relative density of the oil.

## PART 5

### DOCUMENTATION OF APPROVAL

5.1 Certificate of Type Approval for pollution prevention equipment

5.1.1 Satisfactory compliance with all the test requirements enumerated in Parts 1 and 2 of this Annex should be shown in the Certificate of Type Approval issued by the Director in the format specified in paragraph 5.1.2. The Director may issue a Certificate of Type Approval based on separate testing or on testing already carried out under supervision by another Administration.

5.1.2 A Certificate of Type Approval should be in the format shown as Form "A" or "B" to this Annex. The Certificate should identify the type and model of the pollution prevention equipment to which it applies and identify equipment assembly drawings, duly dated. Each drawing should bear the model specification numbers or equivalent identification details. The Certificate should include the full performance test protocol on which it is based. If a Certificate of Type Approval is issued by the Director based on a Certificate previously issued by another Administration, the Certificate should identify the Administration which conducted the tests on the pollution prevention equipment and a copy of the original test results should be attached to it.

5.2 Format of environmental test protocol

5.2.1 Satisfactory compliance with the environmental tests laid down in these Guidelines and Specifications, where applicable, should be shown on the environmental test protocol issued by the testing laboratory. The protocol should include at least the following details-

- .1 identification of the equipment by type and drawing number, duly dated; and
- .2 a statement of the tests conducted on the equipment, including the results thereof.

5.2.2 The environmental test protocol should be endorsed by either the Director or a competent authority of the manufacturer's home country to confirm that the laboratory is approved to conduct such tests. The protocol should also be signed and dated by the person in charge of the laboratory.

FORM A



[NAME OF ISSUING AUTHORITY]

CERTIFICATE OF TYPE APPROVAL FOR  
OIL FILTERING EQUIPMENT  
(15 PPM EQUIPMENT)

This is to certify that the equipment listed below has been examined and tested in accordance with the requirements of the Specifications contained in Part 1 of the Annex to the Guidelines and Specifications contained in IMO resolution MEPC 60(33). This Certificate is valid only for equipment referred to below.

Equipment supplied by .....

under type and model designation and incorporating: .....

\* Equipment manufactured by .....

to specification/assembly drawing No. .... date .....

\* Coalescer manufactured by .....

to specification/assembly drawing No. .... date .....

\* Filters manufactured by .....

to specification/assembly drawing No. .... date .....

Control equipment manufactured by .....

to specification/assembly drawing No. .... date .....

Maximum throughput of system ..... m<sup>3</sup>/h .....

The equipment has been tested with residual oil having a relative density of not less than 0.94\* or 0.98\* at 15°C.

If integral feed pump is not fitted state method proposed for ensuring maximum throughput of system is not exceeded.

A copy of this Certificate should be carried aboard a vessel fitted with this equipment at all times.

Limiting Conditions imposed

Test data and results attached in the Appendix



.....  
(Signature of duly authorized official  
issuing the Certificate)

Dated this ..... day of ..... 19 .....

\* Delete as appropriate.

## APPENDIX

### TEST DATA AND RESULTS OF TESTS CONDUCTED ON FILTERING EQUIPMENT IN ACCORDANCE WITH PART 1 OF THE ANNEX TO THE GUIDELINES AND SPECIFICATIONS CONTAINED IN IMO RESOLUTION MEPC 60(33)

Equipment submitted by .....  
Test location .....  
Method of sample analysis .....  
Samples analysed by .....

Environmental testing of the electrical and electronic sections of the equipment has been carried out in accordance with Part 3 of the Annex to the Guidelines and Specifications contained in IMO resolution MEPC 60(33). The equipment functioned satisfactorily on completion of each test specified in the environmental test protocol.

Manufacturers' recommendations and information concerning the use of cleansing agents  
.....

Test oil(A)/(C)*	
Relative density	at 15°C
Viscosity	Centistokes at 100°C
	Centistokes at 37.8°C
Flashpoint	°C
Ash content	%
Water content at start of test	%
Test oil (B)	
Relative density	at 15°C
Viscosity	Centistokes at 100°C
	Centistokes at 37.8°C
Flashpoint	°C
Ash content	%
Water content at start of test	%
Test water	
Relative density	at 15°C
Solid matter present	





[NAME OF ISSUING AUTHORITY]

CERTIFICATE OF TYPE APPROVAL FOR OIL  
CONTENT  
METERS INTENDED FOR BILGE ALARMS  
(15 PPM ALARM)

This is to certify that the oil content meter, comprising the equipment listed below, has been examined and tested in accordance with the requirements of the Specifications contained in Part 2 of the Annex to the Guidelines and Specifications contained in IMO resolution MEPC 60(33). This Certificate is valid only for an oil content meter referred to below.

Oil content meter supplied by .....  
 under type and model designation and incorporating: .....  
 Oil content meter analysing unit manufactured by .....  
 to specification/assembly drawing No. .... date .....  
 Electronic section of oil content meter manufactured by .....  
 to specification/assembly drawing No. .... date .....  
 \* Sample feed pump manufactured by .....  
 to specification/assembly drawing No. .... date .....  
 \* Sample conditioning unit manufactured by .....  
 to specification/assembly drawing No. .... date .....

The oil content meter is acceptable for use with a 15 ppm bilge alarm in accordance with regulation 16(5).

A copy of this Certificate should be carried aboard a vessel fitted with this equipment at all times.

Test data and results attached as Appendix.



.....  
 (Signature of duly authorized official  
 issuing the Certificate)

Dated this ..... day of ..... 19 .....

\* Delete as appropriate.

#### APPENDIX

TEST DATA AND RESULTS OF TESTS CONDUCTED ON AN  
OIL CONTENT METER IN ACCORDANCE WITH PART 2 OF  
THE ANNEX TO THE GUIDELINES AND SPECIFICATIONS

# CONTAINED IN IMO RESOLUTION MEPC 60(33)

Oil content meter submitted by .....  
 Test location .....  
 Method of sample analysis .....  
 Samples analysed by .....

Environmental testing of the electronic section of the oil content meter has been carried out in accordance with Part 3 of the Annex to the Guidelines and Specifications contained in IMO resolution MEPC 60(33). The equipment functioned satisfactorily on completion of each test specified on the environmental test protocol.

Manufacturers' recommendations and information concerning the use of cleansing agents  
 .....

READINGS (ppm)				REMARKS
	Indicated	Measured	Grab Sample	
CALIBRATION				
0	.....	.....	.....	
LIGHT DISTILLATE FUEL OIL				
15	.....	.....	.....	
	.....	.....	.....	
	.....	.....	.....	
FULL SCALE	.....	.....	.....	
	.....	.....	.....	TEST WATER TEMPERATURE ..... °C
				RE-ZERO YES/NO*
				RECALIBRATE YES/NO*

RESPONSE TIMES 15 ppm ..... seconds

## CONTAMINANTS TEST

- Non-oil particulate matter  
 Meter reading shift with ppm non-oil particulate contaminants mixed with water and light distillate oil added in oil concentrations of:  
 -ppm ..... ppm  
 -ppm ..... ppm  
 -ppm ..... ppm

## COLOUR TEST

2.5 ppm black ink test pass/fail\*

## SAMPLE PRESSURE OR FLOW TEST

- Meter reading shift at 50% of normal ..... ppm  
 Meter reading shift at 200% of normal ..... ppm  
 Deviations from this test should be stated if necessary  
 Meter reading before shut-off ..... ppm

Meter reading after start-up (minimum dry period 8 hours) ..... ppm

Damage to meter as follows-

.....  
.....  
.....  
.....

#### UTILITIES SUPPLY VARIATION TEST

110% voltage effects	.....
90% voltage effects	.....
110% air pressure effects	.....
90% air pressure effects	.....
110% hydraulic pressure effects	.....
90% hydraulic pressure effects	.....

#### OTHER COMMENTS

.....  
.....  
.....  
.....  
.....

#### CALIBRATION AND ZERO TEST

Calibration drift	..... ppm
Zero drift	..... ppm

Signed ..... Date .....



(Official stamp or equivalent identification and the date of approval to be placed on all pages of the test protocol.)

\* Delete as appropriate.

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<sup>1</sup>Reference is made to Form A of this Annex for the Certificate of Type Approval for oil filtering equipment.

\* Percentage of volume.

(L.N. 641 of 1994)

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Chapter: 425	Title: LORD WILSON HERITAGE TRUST ORDINANCE	Gazette Number:	
Section: 4	Heading: <b>Establishment of the Board of Trustees</b>	Version Date:	30/06/1997

(1) There is established a body corporate with perpetual succession to be known as the "Board of Trustees of the Lord Wilson Heritage Trust" which may in that name sue and be sued.

- (2) The Board of Trustees shall consist of-
- (a) a Chairman appointed by the Governor;
  - (b) the Secretary for Broadcasting, Culture and Sport and the Secretary for Home Affairs, or their respective representatives, as ex officio members; (Amended L.N. 372 of 1996)
  - (c) not fewer than 10 nor more than 14 other members appointed by the Governor.
- (3) The Board of Trustees shall be the trustee of the Trust.
- (4) The Board of Trustees shall have a common seal the fixing of which shall be-
- (a) authorized or ratified by resolution of the Board of Trustees; and
  - (b) authenticated by the signature of any 2 members of the Board of Trustees authorized by the Board either generally or specially to act for that purpose.

(Enacted 1992)

Chapter: 426	Title: OCCUPATIONAL RETIREMENT SCHEMES ORDINANCE	Gazette Number:
Section: 65	Heading: <b>Case may be stated for Court of Appeal</b>	Version Date: 30/06/1997

(1) The Appeal Board may refer any question of law arising in an appeal to the Court of Appeal for determination by way of case stated.

(2) On the hearing of the case, the Court of Appeal may amend the case or order it to be sent back to the Appeal Board for amendment.

(3) Where a case is stated under subsection (1), the Appeal Board shall not determine the relevant appeal before the Court of Appeal determines the relevant point of law.

(Enacted 1992)

Chapter: 434	Title: MERCHANT SHIPPING (LIMITATION OF SHIPOWNERS LIABILITY) ORDINANCE	Gazette Number:
Section: 29	Heading: <b>Repeal and savings</b>	Version Date: 30/06/1997

(1) The Merchant Shipping Act 1979 (Hong Kong) Order 1980 (App. III p. AN 1) is repealed.

(2) Notwithstanding the repeal effected by subsection (1)-

- (a) the Merchant Shipping (Liability of Shipowners and Others) (Calculation of Tonnage) (Hong Kong) Order (App. I p. BJ 1) shall continue in force and is deemed for all purposes to have been made by the Governor under section 17(2);
- (b) any order made under paragraph 8 of Part II of Schedule 4 to the Merchant Shipping Act 1979 (1979 c. 39 U.K.)# as modified and extended to Hong Kong by the Merchant Shipping Act 1979 (Hong Kong) Order 1980 (App. III p. AN 1) shall continue in force and shall be deemed for all purposes to have been made by the Monetary Authority under section 19(1);
- (c) the Merchant Shipping (Carriers' Liability under Athens Convention) (Hong Kong Dollar Equivalents) Order (App. I p. BI 1) shall continue in force.

(Enacted 1993)

# Please also see following-

- (a) in relation to the Merchant Shipping Act 1894, Part 3 of Schedule 5 to Cap 415 and s. 1 of Schedule 2 to Cap 508;
- (b) in relation to the Merchant Shipping Acts 1894 to 1979, s. 117 of Cap 281, s. 103 of Cap 415 and s. 142 of Cap 478.

Chapter: 435	Title: AMUSEMENT GAMES CENTRES ORDINANCE	Gazette Number:
Section: 15	Heading: <b>Case may be stated for Court of Appeal</b>	Version Date: 30/06/1997

(1) The Appeal Board may, before an appeal is determined, refer any question of law arising in the appeal to the Court of Appeal for determination by way of case stated.

(2) On the hearing of the case the Court of Appeal may amend the case or order it to be sent back to the Appeal Board for amendment.

(3) Where the Court of Appeal determines a case stated under this section it shall cause a copy of the case, together with a copy of its opinion thereon, to be sent to the Chairman.

(4) Where the Court of Appeal sends its opinion under subsection (3), the Appeal Board shall determine the relevant appeal having regard to the opinion of the Court.

(Enacted 1993)

Chapter: 460A	Title: SECURITY AND GUARDING SERVICES (FEES) REGULATION	Gazette Number:
Schedule: 1	Heading: FEES	Version Date: 30/06/1997

[sections 2, 3 & 4]

Item	Particular	Fee \$
1.	Application for issue of a permit under section 14(1) of the Ordinance	50
2.	Permit for 5 years or less under section 14(5) of the Ordinance	120
3.	Application for issue of a licence under section 19(2) of the Ordinance	3500
4.	Licence for 5 years under section 21(2) of the Ordinance payable by reference to the type of security work to be provided by the licensee and in respect of licensees of all sizes-	
	(a) provision of guarding services	78050
	(b) handling of security devices	79050
	(c) provision of armoured transportation	180500
	(d) provision of guarding services and handling security devices	106000
	(e) provision of guarding services and armoured transportation	207450
	(f) handling of security devices and provision of armoured transportation	208450
	(g) provision of guarding services, handling of security devices and provision of armoured transportation	235400

(Enacted 1995)

Chapter:	480	Title:	SEX DISCRIMINATION	Gazette Number:	
			ORDINANCE		
Section:	36	Heading:	<b>Discrimination by, or in relation to, barristers</b>	Version Date:	30/06/1997

#### Barristers

- (1) It is unlawful for a barrister or barrister's clerk, in relation to any offer of a pupillage or tenancy, to discriminate against a woman-
- in the arrangements which are made for the purpose of determining to whom it should be offered;
  - in respect of any terms on which it is offered; or
  - by refusing, or deliberately omitting, to offer it to her.
- (2) It is unlawful for a barrister or barrister's clerk, in relation to a woman who is a pupil or tenant in the chambers concerned, to discriminate against her-
- in respect of any terms applicable to her as a pupil or tenant;
  - in the opportunities for training, or gaining experience, which are afforded or denied to her;
  - in the benefits, facilities or services which are afforded or denied to her; or
  - by terminating her pupillage or by subjecting her to any pressure to leave the chambers or other detriment.
- (3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, to discriminate against a woman.
- (4) In this section-
- "barrister's clerk" (大律師書記) includes any person carrying out any of the functions of a barrister's clerk;
- "pupil" (見習大律師), "pupillage" (見習職位), "tenancy" (租賃) and "tenant" (承租人) have the meanings commonly associated with their use in the context of a set of barristers' chambers.
- (Enacted 1995)

Chapter:	480	Title:	SEX DISCRIMINATION	Gazette Number:	
			ORDINANCE		
Section:	83	Heading:	<b>Help for aggrieved persons in obtaining information, etc.</b>	Version Date:	30/06/1997

#### Help for persons suffering discrimination or sexual harassment

- (1) With a view to helping a person ("the person aggrieved") who considers he may have been discriminated against or sexually harassed in contravention of this Ordinance to decide whether to institute proceedings and, if he does so, to formulate and present his case in the most effective manner, the Commission may prescribe-
- forms by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant;
  - forms by which the respondent may if he so wishes reply to any questions.
- (2) Where the person aggrieved questions the respondent (whether or not in accordance with

forms referred to in subsection (1))-

- (a) the question, and any reply by the respondent (whether or not in accordance with such a form) shall, subject to subsections (3), (4) and (5), be admissible as evidence in the proceedings;
  - (b) if it appears to the District Court that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period or that his reply is evasive or equivocal, the Court may draw any inference from that fact it considers it just and equitable to draw, including an inference that he committed an unlawful act.
- (3) The Commission may-
- (a) prescribe the period within which questions must be served in order to be admissible under subsection (2)(a);
  - (b) prescribe the manner in which a question, and any reply by the respondent, may be served.
- (4) Rules under the District Court Ordinance (Cap 336) may enable the District Court entertaining a claim under section 76 to determine, before the date fixed for the hearing of the claim, whether a question or reply is admissible under this section or not.
- (5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before the District Court, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.
- (6) In this section, "respondent" (答辯人) includes a prospective respondent.

(Enacted 1995)

Chapter: 480	Title: SEX DISCRIMINATION ORDINANCE	Gazette Number:
Section: 89	Heading: <b>Regulations to empower Commission to bring certain proceedings</b>	Version Date: 30/06/1997

- (1) The Secretary for Home Affairs may make regulations-
- (a) where any person may bring proceedings under section 76(1) but has not done so, empowering the Commission, in such circumstances as are specified in the regulations, to bring and maintain those proceedings as if the Commission were that person;
  - (b) specifying which of the remedies referred to in section 76(3) shall be obtainable by the Commission in any such proceedings;
  - (c) for the purposes of enabling the Commission to bring and maintain any such proceedings (including any related purposes), specifying modifications to which any provisions of this Ordinance (including any subsidiary legislation) shall be read.
- (2) Any regulations made under this section shall be subject to the approval of the Legislative Council.
- (3) This section is without prejudice to the Commission's power to bring proceedings by way of judicial review, in relation to this Ordinance or any other law, pursuant to its functions under section 64(1). (Added 71 of 1997 s. 9)

(Enacted 1995)

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Chapter: 480	Title: SEX DISCRIMINATION ORDINANCE	Gazette Number:
Section: 90	Heading: <b>Amendment of Schedules</b>	Version Date: 30/06/1997

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(1) The Governor in Council may, by notice in the Gazette, amend Schedule 1, 3, 4 or 5 but any notice to amend Schedule 5 shall be subject to the approval of the Legislative Council. (Amended 71 of 1997 s. 10)

(2) The Legislative Council may, by resolution, amend Schedule 6.

(Enacted 1995)

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Chapter:	483	Title:	AIRPORT AUTHORITY ORDINANCE	Gazette Number:	
Section:	9	Heading:	<b>Delegation and sub-delegation of Authority's functions</b>	Version Date:	30/06/1997

- (1) Subject to subsections (3) and (8), the Authority may delegate any of the Authority's functions, other than a function specified in subsection (7)-
- (a) to any member or employee (including the Chief Executive Officer) of the Authority or any committee (including the Audit Committee) or any subsidiary; and
  - (b) if, but only if, it has the Financial Secretary's prior written consent, to any other person.
- (2)
- (a) Subject to paragraph (c), a delegation under this section shall not prevent the concurrent performance by the Authority of the function delegated.
  - (b) In addition to the matters covered by paragraph (c), a delegation under this section may contain terms and conditions relating to the performance of the function delegated.
  - (c) Subject to obtaining the prior approval of the Financial Secretary, a delegation under this section may also contain both of the following-
    - (i) a provision providing that the function to which it relates shall not be concurrently performable by the Authority; and
    - (ii) a provision specifying the circumstances in which the delegation shall be irrevocable.
  - (d) The Financial Secretary may require the Authority to revoke a delegation under this section, other than a delegation in respect of which he has given an approval under paragraph (c), and the Authority shall comply with any such requirement.
  - (e) Subject to paragraph (d), the Authority may, subject to any provision included pursuant to paragraph (c)(ii), revoke a delegation under this section.
- (3)
- (a) The Financial Secretary may by a direction in writing given for the purposes of this subsection require the Authority not to delegate any 1 or more of its functions under this Ordinance and specified in the direction except with his prior consent.
  - (b) For so long as a direction under this subsection is in force the Authority shall comply with it.
- (4) A delegation as regards which a power under subsection (2)(c) has been exercised shall only be amended by the Authority with the agreement of the Financial Secretary.
- (5)
- (a) Where the Authority makes a delegation under this section, it may at any time authorize the person to whom the delegation is made to sub-delegate the function delegated and, if the Authority thinks fit, authorize the further sub-delegation of such function to the extent specified in the authorization.
  - (b) Such an authorization may contain restrictions or conditions as regards the exercise of the power to sub-delegate or, where appropriate, further sub-delegate under the authorization.
- (6) Where a person purports to act pursuant to a delegation or sub-delegation under this section, he shall be presumed, until the contrary is shown, to be acting in accordance with the terms of the delegation or sub-delegation.
- (7) The functions which the Authority may not delegate under subsection (1) are-
- (a) the power to delegate conferred by subsection (1);
  - (b) the power to form or acquire a subsidiary;
  - (c) the power to acquire or dispose of shares in a subsidiary;
  - (d) a power conferred by section 35 or 36.
- (8) For the avoidance of doubt it is hereby declared that the reference in subsection (1) to any person includes a reference to the Chief Executive Officer, the Audit Committee and any committee established by the Authority pursuant to section 10.

(Enacted 1995)

Chapter:	485	Title:	MANDATORY PROVIDENT FUND SCHEMES ORDINANCE	Gazette Number:
Section:	13	Heading:	<b>Preservation of accrued benefits derived from contributions</b>	Version Date:

Remarks:

Not yet in operation.

For the purpose of preserving accrued benefits in registered schemes-

- (a) no trustee of a registered scheme shall pay or otherwise dispose of any part of those accrued benefits to any scheme member or any other person otherwise than in accordance with the provisions of this Ordinance;
- (b) no relevant employee or self-employed person shall have any right or entitlement to those accrued benefits otherwise than in accordance with the provisions of this Ordinance.

(Enacted 1995)

Chapter:	485	Title:	MANDATORY PROVIDENT FUND SCHEMES ORDINANCE	Gazette Number:
Section:	15	Heading:	<b>Withdrawal of accrued benefits</b>	Version Date:

Remarks:

Consolidated version as amended by 4 of 1998.

Not yet in operation.

(1) A scheme member who has attained retirement age shall, in relation to the registered scheme of which he is a scheme member, be entitled as of right to have paid to him by the trustee of that registered scheme the entirety of his accrued benefits in the registered scheme in a lump sum.

(2) A scheme member who has not attained retirement age but has attained the age specified in Schedule 7 and certifies to the trustee of the registered scheme of which he is a scheme member by statutory declaration in a form approved by the Authority that he has permanently ceased his employment or self-employment, or is otherwise included in a class of persons specified for that purpose in the regulations, shall be entitled as of right to have paid to him by the trustee of that registered scheme the entirety of his accrued benefits in the registered scheme in a lump sum. (Amended 4 of 1998 s. 2)

(3) The regulations referred to in subsection (2) may specify the circumstances in which a scheme member's entitlement under that subsection may be exercised. Those circumstances include (but are not limited to)-

- (a) the scheme member's permanent departure from Hong Kong; and
- (b) the scheme member's total incapacity. (Replaced 4 of 1998 s. 2)

(4) When a member of a registered scheme has died, the approved trustee of the scheme must pay the whole of the member's accrued benefits as a lump sum-

- (a) to the member's personal representatives; or
- (b) if there are no personal representatives of the member's estate or if they are unwilling to act, to such person, or to a person of such class, as is specified in the regulations.

(Replaced 4 of 1998 s. 2)

(5) For the purposes of subsection (4), "personal representatives" (遺產代理人) has the same meaning as in the Probate and Administration Ordinance (Cap 10). (Added 4 of 1998 s. 2)

(6) Except as may be prescribed by the regulations, no period of limitation prescribed by the Limitation Ordinance (Cap 347) applies to proceedings for the recovery of a member's accrued benefits that have become payable under this section. (Added 4 of 1998 s. 2)

(Enacted 1995)

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Chapter: 485A	Title: MANDATORY PROVIDENT FUND SCHEMES (GENERAL) REGULATION	Gazette Number: L.N. 69 of 1999
Section: <b>54</b>	Heading: <b>Approved trustee to provide information to scheme members</b>	Version Date: 03/08/1999

Remarks:  
not yet in operation

(1) The approved trustee of a registered scheme must ensure that, within 60 days after a person becomes a scheme member, the person is provided with a document containing information relating to the scheme.

(2) The document must-

- (a) include a general description of the scheme, including its terms and the fees and charges payable under the scheme; and
- (b) if the scheme comprises 2 or more constituent funds, specify particulars of those funds; and
- (c) specify the person (if any) designated by the trustee as the scheme contact person, either by name or by reference to the person's position or job description, and the means by which the person can be contacted.

(3) If a member of an employer sponsored scheme or a master trust scheme is an employee of a participating employer, the trustee may arrange to give to the member's employer the document referred to in subsection (1). In that case, that employer must ensure that the document is given to the member within 7 working days after the employer receives it.

Chapter: 485A	Title: MANDATORY PROVIDENT FUND SCHEMES (GENERAL) REGULATION	Gazette Number: L.N. 69 of 1999
Section: <b>68</b>	Heading: <b>Eligibility for appointment as custodian</b>	Version Date: 03/08/1999

Remarks:  
not yet in operation

## PART VI

### FUNCTIONS OF SERVICE PROVIDERS

#### Division 1-

##### Custodians of scheme assets

(1) A person is eligible to be a custodian of scheme assets only if the person is one of the following-

- (a) an authorized financial institution;
- (b) a registered trust company incorporated in Hong Kong that has a paid up share capital of

- not less than \$150000000 and net assets of not less than the same amount;
    - (c) a registered trust company incorporated in Hong Kong that complies with subsection (2).
  - (2) A registered trust company complies with this subsection if it-
    - (a) has a paid up share capital of not less than \$50000000 and net assets of not less than the same amount; and
    - (b) is an associate of either-
      - (i) a company that complies with subsection (3) and provides continuous financial support to the registered trust company; or
      - (ii) a company having a subsidiary that complies with subsection (3) and provides continuous financial support to the registered trust company.
  - (3) A company complies with this subsection if it is-
    - (a) an authorized financial institution; or
    - (b) a registered trust company incorporated in Hong Kong that has a paid up share capital of not less than \$150000000 and net assets of not less than the same amount; or
    - (c) an authorized insurer that has a paid up share capital of not less than \$150000000 and net assets of not less than the same amount; or
    - (d) an approved overseas bank, an approved overseas insurer or an approved overseas trust company that complies with subsection (4).
  - (4) An approved overseas bank, an approved overseas insurer or an approved overseas trust company complies with this subsection if-
    - (a) it has a paid up capital of at least US\$200000000 or an amount in another foreign currency equivalent to that amount; and
    - (b) it satisfies a minimum credit rating set by the Authority, based on the credit rating as determined by an approved credit rating agency.
  - (5) A company or a subsidiary of a company provides continuous financial support to a registered trust company for the purposes of subsection (2)(b)(i) and (ii) if it gives the Authority a written undertaking, acceptable to the Authority, that it-
    - (a) will, if so required by the Authority, subscribe sufficient additional capital of not more than \$50000000 when the paid up share capital or net assets of the trust company become less than that amount; and
    - (b) will not, without the approval of the Authority, do any act to dispose of or issue, or authorize the disposal or issue of, any part of the share capital or assets of the trust company as a result of which the trust company ceases to be its associate.
  - (6) A person is not eligible to be a custodian of scheme assets unless the person has a sufficient presence and control in Hong Kong.
  - (7) Subsection (6) does not apply to a person who is a subcustodian of the scheme assets kept outside Hong Kong if those assets were acquired outside Hong Kong.
  - (8) A person has a sufficient presence and control in Hong Kong if-
    - (a) the person complies with subsection (9); and
    - (b) the person has sufficient expertise and management resources in Hong Kong to conduct its business operations effectively; and
    - (c) the chief executive officer of the person ordinarily resides in Hong Kong.
  - (9) A person complies with this subsection if-
    - (a) the person's day-to-day business activities relating to the person's business in Hong Kong (including the keeping of its records relating to those activities) are conducted wholly in Hong Kong; or
    - (b) in the case where those activities are not conducted wholly in Hong Kong-
      - (i) they are conducted under the person's supervision and control in Hong Kong; and
      - (ii) sufficient records of those activities are kept at a place or places so that those records can be readily accessible in Hong Kong to enable an audit of them to be carried out.
  - (10) A person is not eligible to be a custodian of scheme assets unless the person and all delegates

of the person are independent of each investment manager appointed in respect of the scheme and of all delegates of the investment manager.

(11) Nothing in this section requires the approved trustee of a registered scheme to appoint a person to be a custodian of the scheme assets if the trustee satisfies the eligibility requirements of this section.

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Chapter: 485A	Title: MANDATORY PROVIDENT FUND SCHEMES (GENERAL) REGULATION	Gazette Number:
Section: 145	Heading: <b>Transfer of accrued benefits of member of employer sponsored scheme</b>	Version Date:

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Remarks:  
not yet in operation

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(1) If accrued benefits of an employee are held in a contribution account in an employer sponsored scheme and the employee ceases to be employed by the participating employer concerned in the scheme, the employee must, subject to subsection (2), elect to have those benefits transferred to-

- (a) an account in a master trust scheme nominated by the employee; or
- (b) an existing account of the employee in an industry scheme.

(2) If an employee who is a member of an employer sponsored scheme ceases to be employed by the participating employer concerned in the scheme and subsequently becomes employed by another employer, the employee may, instead of making an election under subsection (1), elect to have the employee's accrued benefits in the scheme transferred to the contribution account in the registered scheme in which the new employer is participating in relation to that employee.

(3) An election under subsection (1) is effective when written notice of the election is given to the transferee trustee concerned.

(4) An election under subsection (2) is effective when written notice of the election is given to the transferee trustee concerned or to the employee's new employer.

(5) As soon as practicable after the new employer has received a notice of election given under subsection (4), that employer must give written notice of the election to the transferee trustee concerned.

(6) The former employer must, by written notice given within 30 days after the cessation of employment of the employee concerned, inform the approved trustee of the employer sponsored scheme concerned-

- (a) of the employee's cessation of employment; and
- (b) of the date on which the employment ceased.

(7) Subsection (6) is taken to have been complied with if-

- (a) the information to be included in the notice referred to in that subsection is included in the remittance statement that the former employer lodged with the approved trustee of the employer sponsored scheme concerned immediately following the employee's cessation of employment; and
- (b) that remittance statement is lodged with the approved trustee within 30 days after the cessation of employment.

(8) If an employee fails to notify an election in accordance with this section within 3 months after the approved trustee of the employer sponsored scheme concerned has been notified that the employee has ceased to be employed by the former employer-

- (a) the employee is taken at the end of that period to have elected to have the employee's accrued benefits in the scheme transferred to a preserved account in a master trust scheme nominated by the transferor trustee concerned and administered by either that trustee or another approved trustee; and
- (b) the transferor trustee is taken at the end of that period to have been notified of the election.

Chapter: 485A	Title: MANDATORY PROVIDENT FUND SCHEMES (GENERAL) REGULATION	Gazette Number:
Section: 154	Heading: <b>Approved trustee to give transfer statement to scheme member</b>	Version Date:

Remarks:  
not yet in operation

(1) As soon as practicable after having complied with section 153(2), 156(2) or 157(2), the transferor trustee must give to the scheme member concerned a transfer statement containing the following information-

- (a) the name of the transferor trustee, the name of the scheme and the account number of the account from which the transfer was made;
- (b) the name and address of the member;
- (c) the amount (expressed in money) of the accrued benefits transferred from the account and the respective amounts specified in each sub-account of the account immediately before the transfer;
- (d) the name of the registered scheme to which the member's accrued benefits have been transferred, the name and business address of the transferee trustee and the date on which the transfer was made;
- (e) an itemised statement of any expenses relating to the transfer that have been deducted from the accrued benefits by the transferor trustee before making the transfer;
- (f) whether or not any contribution or any contribution surcharge outstanding in relation to the account is irrecoverable and, if so, the amount of the contribution or surcharge if known to the transferor trustee.

(2) As soon as practicable after giving a transfer statement in accordance with subsection (1), the transferor trustee must give to the transferee trustee-

- (a) a copy of the transfer statement; and
- (b) a copy of the election form completed by the transferor trustee.

(3) As soon as practicable after having complied with section 153(3), 156(2) or 157(2), the transferor trustee must give to the scheme member concerned a transfer statement containing the following information-

- (a) the name of the transferor trustee, the name of the scheme and the account number of the account from which the transfer was made;
- (b) the name and address of the member;
- (c) the amount (expressed in money) of the accrued benefits transferred from the account and the respective amounts specified in each sub-account of the account immediately before the transfer;

- (d) an itemised statement of any expenses relating to the transfer that have been deducted from the accrued benefits by the transferor trustee before making the transfer;
- (e) whether or not any contribution or any contribution surcharge outstanding in relation to the account is irrecoverable and, if so, the amount of contribution or surcharge if known to the transferor trustee.

Chapter: 485A	Title: MANDATORY PROVIDENT FUND SCHEMES (GENERAL) REGULATION	Gazette Number: L.N. 69 of 1999
Schedule: 1	Heading: <b>INVESTMENT OF SCHEME FUNDS</b>	Version Date: 03/08/1999

Remarks:  
not yet in operation

[sections 37, 39, 40 & 118]

## INVESTMENT OF SCHEME FUNDS

### PART I

#### Preliminary

#### 1. Definitions

- (1) In this Schedule-
- "call warrant" (認購權證) means a security that is listed on a recognized stock exchange or a recognized futures exchange and that confers a right (but does not impose an obligation) on its holder to purchase from the issuer of the security the ordinary shares of a company or companies on or before a specified date at a specified price or prices, whether or not the issuer retains the right to elect to give a cash payment equal to the excess (if any) of the value of those ordinary shares over the exercise price without the holder of the warrant receiving those shares from the issuer;
- "constituent fund" (成分基金) means a constituent fund of a registered scheme;
- "effective exposure" (有效風險) means-
- (a) in relation to financial option contracts, the nominal value of the investment multiplied by delta (as defined by subsection (2)); or
  - (b) in relation to financial futures contracts, the full value of the contracts; or
  - (c) in relation to other kinds of securities and investments, the market value of the securities and investments;
- "hedging" (封沖) has the meaning given by subsection (3);
- "put warrant" (認沽權證) means a security that is listed on a recognized stock exchange or a recognized futures exchange and that confers a right (but does not impose an obligation) on its holder to sell to the issuer of the security the ordinary shares of a company or companies on or before a specified date at a specified price or prices, whether or not the issuer retains the right to elect to give a cash payment equal to the excess (if any) of the exercise price over the value of those ordinary shares without the holder of the warrant delivering those shares to the issuer;
- "warrant" (認股權證) means a security that-

- (a) is listed on a recognized stock exchange and that confers a right (but does not impose an obligation) on its holder to subscribe for the ordinary shares of the issuer of the warrant on or before a specified date at a specified price or prices; or
  - (b) is a call warrant; or
  - (c) is a put warrant,
- and the underlying ordinary shares to which the warrant may be converted are listed on a recognized stock exchange.
- (2) For the purposes of the definition of "effective exposure" in subsection (1), delta is the expected increase or decrease in the market value of the financial option contract given a 1 unit change in the value of the underlying investment.
- (3) For the purposes of this Schedule, a financial futures contract, a financial option contract, a currency forward contract or a put warrant is acquired for hedging purposes if it is of a kind that will have the effect of reducing the impact on existing assets of a constituent fund, or on assets acquired for the fund at the same time as the contract or warrant is acquired, of a possible reduction in the value of those assets.

## PART II

### PERMISSIBLE INVESTMENTS

#### 2. General restrictions-spread of investments

- (1) The total amount invested in securities and other permissible investments issued by any one person must not exceed 10 per cent of the total funds of a constituent fund.
- (2) Not more than 10 per cent of securities or other permissible investments of a particular class issued by one person may be acquired for the purposes of a constituent fund.

#### 3. Restrictions on borrowing and lending of securities

- (1) Securities must not be borrowed for the purposes of a constituent fund (whether for the purposes of selling the securities short or any other purposes).
- (2) Securities held in respect of a constituent fund may be lent only if-
  - (a) the lending is in respect of fully-paid up shares listed on a recognized stock exchange; and
  - (b) the requirements in section 52 of this Regulation are complied with.

#### 4. Restrictions on borrowing of money

Money may be borrowed for the purposes of a constituent fund only if it is borrowed-

- (a) for the purpose of enabling accrued benefits to be paid to or in respect of scheme members, and then only if-
  - (i) the amount borrowed (together with any other borrowings made for the same purpose) does not exceed 10 per cent of the market value of the fund at the time of the borrowing; and
  - (ii) the borrowing is not part of a series of borrowings; and
  - (iii) the period of the borrowing does not exceed 90 days; or
- (b) for the purpose of settling a transaction relating to the acquisition of securities or other investments in respect of the fund, and then only if-
  - (i) the amount borrowed (together with any other borrowings made for the same purpose) does not exceed 10 per cent of the market value of the fund at the time of the borrowing; and
  - (ii) the borrowing is not part of a series of borrowings; and

- (iii) the period of the borrowing does not exceed 7 working days; and
- (iv) at the time the decision to enter into the transaction was made, it was unlikely that the borrowing would be necessary.

5. Restrictions on acquiring securities that carry an unlimited liability

(1) A security involving the assumption of a potential liability that is unlimited must not be acquired for the purposes of a constituent fund.

(2) A liability must not be incurred in respect of a constituent fund in excess of the total value of the accrued benefits of the scheme members in relation to the fund.

6. Permissible investments: general restrictions

The funds of a constituent fund may be invested only-

- (a) in investments that satisfy the requirements of sections 7 to 16 of this Schedule; or
- (b) in an approved pooled investment fund that satisfies the requirements of Part IV of this Schedule, but only if the underlying investments of the fund comply with this Part.

7. Permissible investments: debt securities

(1) In this section-  
"exempt authority" (獲豁免當局) means-

- (a) the Government; or
- (b) the Exchange Fund established by the Exchange Fund Ordinance (Cap 66); or
- (c) a company all of the shares of which are owned beneficially by the Government; or
- (d) a government, the central or reserve bank of a country or territory, or a multilateral international agency all with the highest possible credit rating determined by a credit rating agency approved by the Authority.

(2) The funds of a constituent fund may be invested in-

- (a) a debt security issued by an exempt authority; or
- (b) a debt security in respect of which the repayment of the principal and the payment of interest is unconditionally guaranteed by an exempt authority; or
- (c) a debt security that satisfies a minimum credit rating set by the Authority, based on the credit rating of the security as determined by a credit rating agency approved by the Authority for the purposes of this Schedule; or
- (d) a debt security listed on a recognized stock exchange, being a security issued by, or guaranteed by, a company whose shares are so listed.

(3) Section 2 of this Schedule does not apply in relation to a debt security of a kind referred to in subsection (2)(a) or (b) and the following provisions apply instead-

- (a) not more than 30 per cent of the funds of a constituent fund may be invested in debt securities of the same issue if they are of a kind referred to in either of those paragraphs;
- (b) all of the funds of a constituent fund may be invested in debt securities of the same issuer so long as they comprise at least 6 different issues and are of a kind referred to in either of those paragraphs.

(4) The funds of a constituent fund may be applied for the purposes of entering into a repurchase agreement, but only if-

- (a) the agreement is in respect of a debt security of a kind referred to in subsection (2)(a), (b), (c) or (d); and
- (b) the requirements in section 51 of this Regulation are complied with.

8. Permissible investments: equities and other securities

(1) The funds of a constituent fund may be applied for the purpose of acquiring fully-paid up shares listed on a recognized stock exchange.

(2) Not more than 10 per cent of the funds of a constituent fund may be invested in the following-

- (a) shares listed on a stock exchange that is not a recognized stock exchange;
- (b) securities of a kind approved by the Authority other than shares listed on a recognized stock exchange;
- (c) an authorized unit trust or authorized mutual fund of a kind to which Part IV of this Schedule does not apply but which is approved by the Authority for the purposes of this Part.

9. Permissible investments: convertible debt securities

The funds of a constituent fund may be invested in-

- (a) a convertible debt security listed on a recognized stock exchange and convertible to shares listed on the exchange; or
- (b) a convertible debt security that satisfies the minimum credit rating requirements for a debt security.

10. Permissible investments: warrants

The funds of a constituent fund may be applied for the purposes of acquiring a warrant, but only if-

- (a) the warrant does not (except when the warrant is purchased for the specific purpose of hedging) contain a put warrant; and
- (b) after acquisition of the warrant, no more than 5 per cent of the total funds of the constituent fund will be invested in warrants.

11. Permissible investments: deposits

(1) The funds of a constituent fund may be deposited with-

- (a) an authorized financial institution; or
- (b) an eligible overseas bank,

but only in accordance with this section.

(2) The funds of a constituent fund must not be deposited with an authorized financial institution or an eligible overseas bank if the total amount deposited would be more than 10 per cent of the issued capital and reserves of the institution or bank.

(3) Funds of a constituent fund must not be deposited with an authorized financial institution or an eligible overseas bank if the total amount of funds deposited would exceed-

- (a) where the total market value of the constituent fund is less than \$8000000, 25 per cent of that fund; or
- (b) in any other case, 10 per cent of that fund.

(4) Funds of a constituent fund must not be placed on deposit with a group of associated authorized financial institutions or eligible overseas banks (or a combination of them) if the total amount of funds deposited would exceed 25 per cent of the total market value of the constituent fund.

(5) In this section-

"deposit" (存款) has the same meaning as in section 2 of the Banking Ordinance (Cap 155) but includes a certificate of deposit issued by an authorized financial institution.

12. Permissible investments: underwriting

(1) The funds of a constituent fund may be applied for the purposes of subscribing for debt securities from an underwriter or sub-underwriter, but only if section 7 of this Schedule is complied with.

(2) The value of debt securities to be subscribed under this section must not exceed the amount of

money held on deposit for the constituent fund.

(3) The subscription for debt securities under this section must not be undertaken if, assuming those securities were acquired as assets of the constituent fund, the acquisition would otherwise contravene this Schedule.

(4) In this section-

"sub-underwriting" (分包銷) means the process under which, for a fee or other consideration given by an underwriter, a sub-underwriter assumes responsibility for a portion of the underwriting risk;

"underwriter" (包銷商) means a person who for remuneration undertakes to subscribe for, or purchase, on specified terms specified securities that are not subscribed for, or purchased, by the public after having been offered to the public by a person who is issuing or selling those securities.

### 13. Permissible investments: public offers

(1) The funds of a constituent fund may be applied for the purposes of subscribing for an offer to the public of securities, but only if the securities-

(a) are of a kind to which section 7(2)(d), 8(1) or 9(a) of this Schedule applies; and

(b) are to be listed on a recognized stock exchange.

(2) The subscription for an offer of securities under this section may be undertaken before the offer is made to the public.

(3) The total value of securities to be subscribed for under this section must not exceed the amount of money held on deposit for the constituent fund.

(4) The subscription for an offer of securities under this section must not be undertaken if, assuming those securities were acquired as assets of the constituent fund, the acquisition would otherwise contravene this Schedule.

### 14. Futures contracts and option contracts: restrictions on acquisition

(1) Subject to this section, the funds of a constituent fund may be applied for acquiring a financial futures contract or a financial option contract only-

(a) for hedging purposes; or

(b) for any other purpose, but only if-

(i) the acquisition does not result in the constituent fund becoming leveraged; and

(ii) the effective exposure of the fund in financial futures contracts and financial option contracts as a result of the acquisition of the contract does not exceed 10 per cent of the market value of the fund.

(2) A financial futures contract must not be acquired for a constituent fund unless it is listed on a recognized futures exchange.

(3) A financial option contract must not be acquired for a constituent fund unless it is listed on a recognized futures exchange or a recognized stock exchange.

(4) A financial futures contract or a financial option contract may be acquired for the purposes of a constituent fund only if the approved trustee of the scheme and the investment manager appointed for the purposes of the fund have special qualifications approved or specified by the Authority for the purposes of this section.

(5) For the purposes of this section-

(a) a constituent fund is leveraged if the effective exposure of the fund exceeds the market value of the fund; and

(b) the effective exposure, in relation to a constituent fund, means the sum of the effective exposures of all investments of the fund.

### 15. Currency forward contracts: restrictions on acquisition

- (1) Subject to this section, the funds of a constituent fund may be applied for acquiring a currency forward contract only-
  - (a) for hedging purposes; or
  - (b) for the purpose of settling a transaction relating to the acquisition of securities.
- (2) A currency forward contract may be acquired for a constituent fund only if it is acquired-
  - (a) from an authorized financial institution; and
  - (b) the period of the contract is not more than 12 months.
- (3) A currency forward contract to sell Hong Kong dollars may not be acquired for a constituent fund unless it is acquired for the purpose of the settlement of a transaction in the acquisition of securities denominated in a foreign currency already committed.

### PART III

#### CURRENCY EXPOSURE

##### 16. Permissible investments: minimum Hong Kong dollar currency exposure

- (1) At least 30 per cent of a constituent fund must be held in Hong Kong dollar currency investments, as measured by the effective currency exposure.
- (2) The percentage referred to in subsection (1) is to be calculated-
  - (a) by dividing the total effective currency exposure of Hong Kong dollar currency investments by the total market value of the constituent fund (disregarding the value of any collateral securities given as referred to in sections 51 and 52 of this Regulation); and
  - (b) by multiplying the resulting amount by 100.
- (3) In this section-
 

"effective currency exposure" (有效貨幣風險), in relation to a constituent fund, means the proportion of the fund that is effectively invested in investments of a particular currency denomination as compared with the market value of the fund;

"Hong Kong dollar currency investment" (港元貨幣投資項目) means an investment that is denominated in Hong Kong dollars and of which the value is not linked to a foreign currency and, in particular, includes any of the following-

  - (a) cash in Hong Kong dollars and deposits in Hong Kong dollars, other than deposits in relation to which the repayment of principal or the payment of interest is, directly or indirectly, affected by fluctuations in exchange rates for a foreign currency;
  - (b) debt securities of a kind referred to in section 7(2)(a), (b) or (c) or 9(b) of this Schedule that are denominated in Hong Kong dollars and in relation to which-
    - (i) the repayment of principal and the payment of interest are to be made in Hong Kong dollars; and
    - (ii) the amounts of the principal to be repaid and the interest to be paid are not, directly or indirectly, affected by fluctuations in exchange rates for a foreign currency;
  - (c) securities of a kind referred to in section 7(2)(d), 8(1) or 9(a) of this Schedule that are listed on the Unified Exchange;
  - (d) warrants of a kind referred to in section 10 of this Schedule that are listed on the Unified Exchange;
  - (e) financial option contracts, of a kind referred to in section 14(3) of this Schedule that are traded on the Futures Exchange or the Unified Exchange with reference to underlying securities or an index of securities of a kind referred to in paragraph (c);
  - (f) currency forward contracts of a kind referred to section 15(2) of this Schedule if the contracts are to buy Hong Kong dollars;
  - (g) currency forward contracts of a kind referred to in section 15(2) of this Schedule if the

- contracts are to sell Hong Kong dollars;
  - (h) receivables in Hong Kong dollars;
  - (i) payables in Hong Kong dollars;
  - (j) approved pooled investment funds that are denominated in Hong Kong dollars, but only if each of those funds has a total value of Hong Kong dollar currency investments equal to the total market value of the fund, as measured by the effective currency exposure;
  - (k) other approved pooled investment funds.
- (4) For the purposes of this section, the effective currency exposure, in relation to the Hong Kong dollar currency investments of a constituent fund, is the amount by which the aggregate of all amounts specified in subsection (5) exceed the aggregate of all amounts specified in subsection (6).
- (5) The following amounts are the amounts firstly referred to in subsection (4)-
- (a) an amount equal to 30 per cent of the market value of the approved pooled investment funds referred to in paragraph (k) of the definition of "Hong Kong dollar currency investment" in subsection (3) that are held in respect of the constituent fund;
  - (b) an amount equal to the market value of the investments referred to in paragraphs (a) to (e) of that definition that are held in respect of that fund;
  - (c) an amount equal to the market value of the currency forward contracts referred to in paragraph (f) of that definition that are held in respect of that fund;
  - (d) an amount equal to the receivables referred to in paragraph (h) of that definition that relates to that fund.
- (6) The following amounts are the amounts secondly referred to in subsection (4)-
- (a) an amount equal to the market value of the currency forward contracts referred to in paragraph (g) of the definition of "Hong Kong dollar currency investment" in subsection (3) that are held in respect of the constituent fund;
  - (b) an amount equal to the amount of the payables referred to in paragraph (i) of that definition that relates to that fund.

## PART IV

### POOLED INVESTMENTS

#### 17. Pooled investment funds

(1) Subject to subsection (2), the funds comprising a constituent fund may be invested in a pooled investment fund, which may in turn be invested in 1 or more other pooled investment funds.

(2) A pooled investment fund in which funds are invested as referred to in subsection (1) must comply with the following requirements-

- (a) the fund must be authorized by the Securities and Futures Commission in accordance with the requirements relating to the investment arrangements within the meaning of the Protection of Investors Ordinance (Cap 335) and approved by the Authority for the purposes of this Regulation;
- (b) the bases for all charges (including investment management charges, initial charges, annual and other periodic fees, surrender charges, surrender penalties and other deductions that may apply to that fund) must be disclosed to the holders of interests in the fund;
- (c) investment management charges in respect of that fund must be expressed as a percentage of the assets of the fund or on some other basis approved by the Authority;
- (d) if the fund provides a guaranteed return of capital or of income on capital (or both), there must be full disclosure of main features of the guarantee, including a clear description of how the return is to be determined and the extent of any discretion that may be exercised in making such a determination;
- (e) if the fund is a unit trust or mutual fund, it must satisfy the requirements of section 18 of

- this Schedule;
- (f) if the fund is an insurance policy, it must satisfy the requirements in section 19 of this Schedule;
  - (g) the trustee of the fund, and any investment manager or custodian appointed by the trustee in relation to the fund, must comply with such of the requirements of this Regulation as relate to an approved trustee of a registered scheme, and to an investment manager or custodian appointed by such an approved trustee, in so far as those requirements are relevant to the fund;
  - (h) the financial statements, investment reports and auditor's reports of the fund must be lodged with the Authority and additional information relating to those statements and reports must be provided to the Authority whenever the Authority requests;
  - (i) no additional initial charges may be imposed in relation to the management of the fund if the manager of the fund, or an associate of that manager, manages the relevant constituent fund;
  - (j) if the fund is invested in another fund and the manager of the fund, or an associate of that manager, manages the other fund, no additional initial charges may be imposed in relation to the management of that other fund;
  - (k) the fund must be governed by the law of Hong Kong.

#### 18. Unit trusts and mutual funds

(1) The funds of a constituent fund may be invested in a unit trust or mutual fund, but only if it is an authorized unit trust or an authorized mutual fund.

(2) An authorized unit trust or an authorized mutual fund that provides for a guaranteed amount to be paid to investors who hold units in the unit trust, or shares in the mutual fund, at a specified date in the future must have a guarantor that is an authorized financial institution that complies with subsection (3).

(3) For the purposes of subsection (2), an authorized financial institution complies with this subsection only if it satisfies capital adequacy or reserve requirements imposed in respect of investment guarantees by the Monetary Authority.

#### 19. Insurance policies

(1) The funds of a constituent fund may be invested in an insurance policy, but only if the policy-

- (a) is within class G or H insurance business for the purposes of the Insurance Companies Ordinance (Cap 41); and
- (b) is issued by an authorized insurer; and
- (c) in the case of a policy that is within class H insurance business, operates, to the satisfaction of the Authority, as a full investment-linked policy linked to a separate pooled investment fund; and
- (d) in the case of a policy that is fully or partially investment-linked, has policy values that are, to the satisfaction of the Authority, fully unitised.

(2) An authorized financial institution may act as the guarantor of an insurance policy of class G, but only if the institution complies with subsection (3).

(3) For the purposes of subsection (2), an authorized financial institution complies with this subsection only if it satisfies capital adequacy or reserve requirements imposed in respect of investment guarantees by the Monetary Authority.

(4) The underlying investments of an insurance policy of the same series must be kept in a separate pooled investment fund.

(5) The insurer may act as the investment manager of the fund referred to in subsection (4) only if the insurer is registered as an investment adviser under the Securities Ordinance (Cap 333).

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Chapter: 487	Title: DISABILITY DISCRIMINATION ORDINANCE	Gazette Number:
Section: 33	Heading: <b>Discrimination by, or in relation to, barristers</b>	Version Date: 30/06/1997

## Barristers

(1) It is unlawful for a barrister or barrister's clerk, in relation to any offer of a pupillage or tenancy, to discriminate against a person with a disability-

- (a) in the arrangements which are made for the purpose of determining to whom it should be offered;
- (b) in respect of any terms on which it is offered; or
- (c) by refusing or deliberately omitting to offer it to him.

(2) It is unlawful for a barrister or barrister's clerk, in relation to a person with a disability who is a pupil or tenant in the chambers concerned, to discriminate against him-

- (a) in respect of any terms applicable to him as a pupil or tenant;
- (b) in the opportunities for training, or gaining experience, which are afforded or denied to him;
- (c) in the benefits, services or facilities which are afforded or denied to him; or
- (d) by terminating his pupillage or by subjecting him to any pressure to leave the chambers or other detriment.

(3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, to discriminate against a person with a disability.

(4) In this section-  
 "barrister's clerk" (大律師書記) includes any person carrying out any of the functions of a barrister's clerk;  
 "pupil" (見習大律師), "pupillage" (見習職位), "tenancy" (租賃) and "tenant" (承租人) have the meanings commonly associated with their use in the context of a set of barristers' chambers.

(Enacted 1995)

Chapter: 487	Title: DISABILITY DISCRIMINATION ORDINANCE	Gazette Number:
Section: 79	Heading: <b>Help for aggrieved persons in obtaining information, etc.</b>	Version Date: 30/06/1997

Help for persons suffering discrimination,  
harassment or vilification

(1) With a view to helping a person ("the person aggrieved") who considers he may have been discriminated against or harassed in contravention of this Ordinance, or the subject of an unlawful act under section 46 or 47, to decide whether to institute proceedings and, if he does so, to formulate and present his case in the most effective manner, the Commission may prescribe-

- (a) forms by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant;
- (b) forms by which the respondent may if he so wishes reply to any questions.

(2) Where the person aggrieved questions the respondent (whether or not in accordance with forms referred to in subsection (1))-

- (a) the question, and any reply by the respondent (whether or not in accordance with such a form) shall, subject to subsections (3), (4) and (5), be admissible as evidence in the proceedings;
- (b) if it appears to the District Court that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period or that his reply is evasive or equivocal, the Court may draw any inference from that fact it considers it just and equitable to draw, including an inference that he committed an unlawful act.

(3) The Commission may-

- (a) prescribe the period within which questions must be served in order to be admissible under subsection (2)(a);
- (b) prescribe the manner in which a question, and any reply by the respondent, may be served.

(4) Rules under the District Court Ordinance (Cap 336) may enable the District Court entertaining a claim under section 72 to determine, before the date fixed for the hearing of the claim, whether a question or reply is admissible under this section or not.

(5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before the District Court, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.

(6) In this section, "respondent" (答辯人) includes a prospective respondent.

(Enacted 1995)

Chapter: 493	Title: NON-LOCAL HIGHER AND PROFESSIONAL EDUCATION (REGULATION) ORDINANCE	Gazette Number: L.N. 566 of 1997
Section: 34	Heading: <b>Restriction on advertisement relating to regulated course, etc.</b>	Version Date: 01/12/1997

- (1) No person shall-
- (a) publish, broadcast or otherwise disseminate; or
  - (b) cause to be published, broadcast or otherwise disseminated,
- to the general public or a section of the general public any advertisement calculated to induce enrolment in any regulated course which is not an exempted course or a registered course.
- (2) No person shall-
- (a) publish, broadcast or otherwise disseminate; or
  - (b) cause to be published, broadcast or otherwise disseminated,
- to the general public or a section of the general public any advertisement which falsely describes-
- (i) any regulated course;
  - (ii) any course which, but for the operation of section 2(5) or (6), would have fallen within the definition of "regulated course" in section 2(1) by virtue of section 2(4),
- or is likely to mislead as to the nature, purpose or quality of the course or the award to which the course is claimed to lead.
- (3) Subsection (1) does not apply to a proposed course.
- (4) Any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
- (5) It shall be a defence for a person charged with an offence under subsection (1) or (2) to prove that he took all reasonable steps and exercised all due diligence to prevent the commission of the offence.

(Enacted 1996)

Chapter:	500	Title:	CARRIAGE BY AIR ORDINANCE	Gazette Number:	
Schedule:	4	Heading:	<b>INTERNATIONAL CARRIAGE UNDER THE WARSAW CONVENTION</b>	Version Date:	30/06/1997

[sections 2(1), 13, 14, 15, 16, 17 & 18]

(1) The amended Convention and the Guadalajara Convention as adapted and modified in the forms set out, respectively, in Part I and Part II of this Schedule shall apply in respect of carriage which is "international carriage" as defined in paragraph (2) of this Schedule.

(2) For the purposes of section 14 of this Ordinance and of this Schedule "international carriage" (國際運輸) has the meaning assigned to it in paragraph (2) of Article 1 in Part I of this Schedule.

## PART I

### Application of the amended Convention

## CHAPTER I

### SCOPE-DEFINITIONS

#### Article 1

(1) This Schedule applies to all international carriage of persons, baggage or cargo performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

(2) "International carriage" (國際運輸) means any carriage in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two States Parties to the Warsaw Convention or within the territory of a single such State, if there is an agreed stopping place within the territory subject to the sovereignty, suzerainty, mandate or authority of another State, even though that State is not a Party to the Warsaw Convention.

(3) A carriage to be performed by several successive air carriers is deemed, for the purposes of this Schedule, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same State Party.

#### Article 2

(1) This Schedule applies to carriage performed by the State, not being a State which has availed itself of the Additional Protocol to the Warsaw Convention, or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

(2) This Schedule does not apply to carriage performed under the terms of any international postal Convention.

## CHAPTER II

### DOCUMENTS OF CARRIAGE

#### SECTION 1-Passenger Ticket

##### Article 3

(1) For the carriage of passengers the carrier must deliver a passenger ticket which shall contain the following particulars-

- (a) the place and date of issue;
- (b) the place of departure and of destination;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right, the alteration shall not have the effect of depriving the carriage of its international character;
- (d) the name and address of the carrier or carriers;
- (e) a statement that the carriage is subject to the rules relating to liability established by the Warsaw Convention.

(2) The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Schedule. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Schedule which exclude or limit his liability.

#### SECTION 2-Baggage Check

##### Article 4

(1) For the carriage of baggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a baggage check.

(2) The baggage check shall be made out in duplicate, one part for the passenger and the other part for the carrier.

(3) The baggage check shall contain the following particulars-

- (a) the place and date of issue;
- (b) the place of departure and of destination;
- (c) the name and address of the carrier or carriers;
- (d) the number of the passenger ticket;
- (e) a statement that delivery of the baggage will be made to the bearer of the baggage check;
- (f) the number and weight of the packages;
- (g) the amount of the value declared in accordance with paragraph (2) of Article 22 in Part I of this Schedule;
- (h) a statement that the carriage is subject to the rules relating to liability established by the Warsaw Convention.

(4) The absence, irregularity or loss of the baggage check does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Schedule. Nevertheless, if the carrier accepts baggage without a baggage check having been delivered, or if the baggage check does not contain the particulars set out at subparagraphs (d), (f) and (h) above, the carrier shall not be entitled to avail himself of those provisions of this Schedule which exclude or limit his liability.

#### SECTION 3-Air Waybill

##### Article 5

(1) Every carrier of cargo has the right to require the consignor to make out and hand over to him a document called an "air waybill"; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity or loss of this document does not affect the existence or the validity of the contract of carriage which shall, subject to the provisions of Article 9, be none the less governed by the rules of this Schedule.

#### Article 6

(1) The air waybill shall be made out by the consignor in three original parts and be handed over with the cargo.

(2) The first part shall be marked "for the carrier", and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the cargo. The third part shall be signed by the carrier and handed by him to the consignor after the cargo has been accepted.

(3) The carrier shall sign on acceptance of the cargo.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air waybill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

#### Article 7

The carrier of cargo has the right to require the consignor to make out separate air waybills when there is more than one package.

#### Article 8

The air waybill shall contain the following particulars-

- (a) the place and date of its execution;
- (b) the place of departure and of destination;
- (c) the agreed stopping places; provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the carriage of its international character;
- (d) the name and address of the consignor;
- (e) the name and address of the first carrier;
- (f) the name and address of the consignee, if the case so requires;
- (g) the nature of the cargo;
- (h) the number of the packages, the method of packing and the particular marks or numbers upon them;
- (i) the weight, the quantity and the volume or dimensions of the cargo;
- (j) the apparent condition of the cargo and of the packing;
- (k) the freight, if it has been agreed upon, the date and place of payment, and the person who is to pay it;
- (l) if the cargo is sent for payment on delivery, the price of the cargo, and, if the case so requires, the amount of the expenses incurred;
- (m) the amount of the value declared in accordance with paragraph (2) of Article 22 in Part I of this Schedule;
- (n) the number of parts of the air waybill;
- (o) the documents handed to the carrier to accompany the air waybill;
- (p) the time fixed for the completion of the carriage and a brief note of the route to be followed, if these matters have been agreed upon;

- (q) a statement that the carriage is subject to the rules relating to liability established by the Warsaw Convention.

#### Article 9

If the carrier accepts cargo without an air waybill having been made out, or if the air waybill does not contain all the particulars set out in subparagraphs (a) to (i) inclusive and (q) of Article 8 in Part I of this Schedule, the carrier shall not be entitled to avail himself of the provisions of this Schedule which exclude or limit his liability.

#### Article 10

(1) The consignor is responsible for the correctness of the particulars and statements relating to the cargo which he inserts in the air waybill.

(2) The consignor will be liable for all damage suffered by the carrier or any other person by reason of the irregularity, incorrectness or incompleteness of the said particulars and statements.

#### Article 11

(1) The air waybill is prima facie evidence of the conclusion of the contract, of the receipt of the cargo and of the conditions of carriage.

(2) The statements in the air waybill relating to the weight, dimensions and packing of the cargo, as well as those relating to the number of packages, are prima facie evidence of the facts stated; those relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the cargo.

#### Article 12

(1) Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the cargo by withdrawing it at the aerodrome of departure or destination, or by stopping it in the course of the journey on any landing, or by calling for it to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air waybill, or by requiring it to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the cargo without requiring the production of the part of the air waybill delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air waybill.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the air waybill or the cargo, or if he cannot be communicated with, the consignor resumes his right of disposition.

#### Article 13

(1) Except in the circumstances set out in the preceding Article, the consignee is entitled, on arrival of the cargo at the place of destination, to require the carrier to hand over to him the air waybill and to deliver the cargo to him, on payment of the charges due and on complying with the conditions of carriage set out in the air waybill.

(2) Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

(3) If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of 7 days after the date on which it ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

#### Article 14

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

#### Article 15

(1) Articles 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of Articles 12, 13 and 14 can only be varied by express provision in the air waybill.

(3) Nothing in this Schedule prevents the issue of a negotiable air waybill.

#### Article 16

(1) The consignor must furnish such information and attach to the air waybill such documents as are necessary to meet the formalities of customs, octroi or police before the cargo can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his servants or agents.

(2) The carrier is under no obligation to enquire into the correctness or sufficiency of such information or documents.

### CHAPTER III

#### LIABILITY OF THE CARRIER

#### Article 17

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

#### Article 18

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered baggage or any cargo, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the baggage or cargo are in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a

contract for carriage by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

#### Article 19

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, baggage or cargo.

#### Article 20

(1) The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the carriage of cargo and baggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his servants or agents have taken all necessary measures to avoid the damage.

#### Article 21

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

#### Article 22

(1) In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125000 francs. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 125000 francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2) In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of 250 francs per kilogram, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of 65 1/2 milligrams gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

#### Article 23

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Schedule shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Schedule.

#### Article 24

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Schedule.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply,

without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

#### Article 25

(1) The carrier shall not be entitled to avail himself of the provisions of this Schedule which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the court seised of the case, is considered to be equivalent to wilful misconduct.

(2) Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused as aforesaid by any servant or agent of the carrier acting within the scope of his employment.

#### Article 25A

(1) If an action is brought against a servant or agent of the carrier arising out of damage to which this Schedule relates, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the limits of liability which that carrier himself is entitled to invoke under Article 22.

(2) The aggregate of the amounts recoverable from the carrier, his servants and agents, in that case, shall not exceed the said limits.

(3) The provisions of paragraphs (1) and (2) of this Article shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result.

#### Article 26

(1) Receipt by the person entitled to delivery of baggage or cargo without complaint is prima facie evidence that the same has been delivered in good condition and in accordance with the document of carriage.

(2) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within 3 days from the date of receipt in the case of baggage and 7 days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within 14 days from the date on which the baggage or cargo have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

#### Article 27

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Schedule against those legally representing his estate.

#### Article 28

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties to the Warsaw Convention either before the court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made or before the court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the court seised of the case.

## Article 29

(1) The right to damages shall be extinguished if an action is not brought within 2 years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the court seized of the case.

## Article 30

(1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in paragraph (3) of Article 1 in Part I of this Schedule, each carrier who accepts passengers, baggage or cargo is subjected to the rules set out in this Schedule, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards baggage or cargo, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

## CHAPTER IV

### PROVISIONS RELATING TO COMBINED CARRIAGE

## Article 31

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of this Schedule apply only to the carriage by air, provided that the carriage by air falls within the terms of Article 1.

(2) Nothing in this Schedule shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of this Schedule are observed as regards the carriage by air.

## CHAPTER V

### GENERAL AND FINAL PROVISIONS

## Article 32

Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Schedule, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the carriage of cargo arbitration clauses are allowed, subject to this Schedule, if the arbitration is to take place within one of the jurisdictions referred to in paragraph (1) of Article 28 in Part I of this Schedule.

### Article 33

Nothing contained in this Schedule shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this Schedule.

### Article 34

This Schedule does not apply to international carriage by air performed by way of experimental trial by air navigation undertakings with the view to the establishment of a regular line of air navigation, nor does it apply to carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

### Article 35

The expression "days" (日) when used in this Schedule means current days not working days.

## ADDITIONAL PROTOCOL TO THE WARSAW CONVENTION

(With reference to Article 2)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that paragraph (1) of Article 2 of this Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

## PART II

### Application of the Guadalajara Convention

#### ARTICLE I

In the Guadalajara Convention as applied by this Schedule-

- (a) "the Warsaw Convention" (華沙公約) means the amended Convention as applied by this Schedule;
- (b) "contracting carrier" (訂約承運人) means a person who as a principal makes an agreement for carriage governed by the Warsaw Convention with a passenger or consignor or with a person acting on behalf of the passenger or consignor;
- (c) "actual carrier" (實際承運人) means a person, other than the contracting carrier, who, by virtue of authority from the contracting carrier, performs the whole or part of the carriage contemplated in paragraph (b) but who is not with respect to such part a successive carrier within the meaning of the Warsaw Convention. Such authority is presumed in the absence of proof to the contrary.

#### ARTICLE II

If an actual carrier performs the whole or part of carriage which, according to the agreement referred to in paragraph (b) of Article I, is governed by the Warsaw Convention, both the contracting carrier and the actual carrier shall, except as otherwise provided in the Guadalajara Convention as applied by this Schedule, be subject to the rules of the Warsaw Convention, the former for the whole of the carriage contemplated in the agreement, the latter solely for the carriage which he performs.

### ARTICLE III

(1) The acts and omissions of the actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

(2) The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the limits specified in Article 22 of the Warsaw Convention. Any special agreement under which the contracting carrier assumes obligations not imposed by the Warsaw Convention or any waiver of rights conferred by that Convention or any special declaration of interest in delivery at destination contemplated in Article 22 of the said Convention, shall not affect the actual carrier unless agreed to by him.

### ARTICLE IV

Any complaint to be made or order to be given under the Warsaw Convention to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 12 of the Warsaw Convention shall only be effective if addressed to the contracting carrier.

### ARTICLE V

In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the limits of liability which are applicable under the Guadalajara Convention as applied by this Schedule to the carrier whose servant or agent he is unless it is proved that he acted in a manner which, under the Warsaw Convention, prevents the limits of liability from being invoked.

### ARTICLE VI

In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under the Guadalajara Convention as applied by this Schedule, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

### ARTICLE VII

In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the plaintiff, against that carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of those carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings, the procedure and effects being governed by the law of the court seised of the case.

### ARTICLE VIII

Any action for damages contemplated in Article VII of the Guadalajara Convention as applied by this Schedule must be brought, at the option of the plaintiff, either before a court in which an action may be brought against the contracting carrier, as provided in Article 28 of the Warsaw Convention, or before the court having jurisdiction at the place where the actual carrier is ordinarily resident or has the principal place of business.

## ARTICLE IX

(1) Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under the Guadalajara Convention as applied by this Schedule or to fix a lower limit than that which is applicable according to that Convention as so applied shall be null and void, but the nullity of any such provision does not involve the nullity of the whole agreement, which shall remain subject to the provisions of the said Convention as so applied.

(2) In respect of the carriage performed by the actual carrier, the preceding paragraph shall not apply to contractual provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

(3) Any clause contained in an agreement for carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by the Guadalajara Convention as applied by this Schedule, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless, for the carriage of cargo arbitration clauses are allowed, subject to the said Convention as so applied, if the arbitration is to take place in one of the jurisdiction referred to in Article VIII.

## ARTICLE X

Except as provided in Article VII, nothing in the Guadalajara Convention as applied by this Schedule shall affect the rights and obligations of the two carriers between themselves.

(Enacted 1997)

[cf. App. III, p. CH1 Sch. 4]

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Chapter:	505	Title:	SOCIAL WORKERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	30	Heading:	<b>Disciplinary orders</b>	Version Date:	30/06/1997

(1) Where the Board has decided that a registered social worker has committed a disciplinary offence, it shall-

- (a) order the Registrar to remove the name of the social worker from the Register permanently;
- (b) order the Registrar to remove the name of the social worker from the Register for such period (not being more than 5 years) as the Board thinks fit;
- (c) reprimand the social worker in writing and order the Registrar to record the reprimand on the Register; or
- (d) order that the Chairperson of the Board admonish the social worker orally.

(2) Where the disciplinary offence referred to in subsection (1) is a disciplinary offence under section 25(1)(f), the Board shall exercise its power under subsection (1)(a).

Chapter:	511	Title:	ESTATE AGENTS ORDINANCE	Gazette Number:	L.N. 330 of 1998
Section:	27	Heading:	<b>Suspension or revocation of licences</b>	Version Date:	21/10/1998

(1) Subject to the provisions of this section, the Authority may suspend a licence for such a period of time as it thinks fit, or revoke a licence.

(2) The Authority may suspend or revoke a licence-

- (a) if in the case of an estate agent's licence, a notice is received under section 40(1);
- (b) if in the case of a salesperson's licence, a notice is received under section 40(1) and if, and only if, the Authority considers that the relevant licensee is no longer a fit and proper person to hold a salesperson's licence within the meaning of section 21(2)(c);
- (c) if in the opinion of the Authority, the licensee has been generally doing estate agency work in a manner which, in such opinion, is contrary to the public interest as perceived by it and if in such opinion to permit him to continue so to do such work in such manner would be contrary to the public interest as so perceived;
- (d) if the relevant licensee is not eligible to hold or continue to hold the licence under section 19, 20 or 21, or is not entitled to be granted the licence under section 18, as the case may be;
- (e) if the relevant licensee has failed to pay any fee, charge or penalty charged or imposed under this Ordinance, and the period within which it should have been paid has expired;
- (f) if the relevant licensee has failed to comply with any of the conditions attached to the licence; or
- (g) if the relevant licensee has contravened or failed to comply with any requirements or other provisions of this Ordinance.

(3) (a) Where the Authority proposes to suspend or revoke a licence it shall give the relevant licensee written notice of the proposal and the reasons for it.

(b) A notice under this subsection shall state that within the period of 21 days beginning on the date of the notice, or within such longer period as the Authority may allow in the particular case, representations regarding the proposed suspension or revocation, as the case may be, may be made in writing to the Authority by or on behalf of the licensee concerned (which representations are hereby authorized to be made).

(4) Where representations are made pursuant to subsection (3)(b), the Authority shall not suspend or revoke the licence concerned without having considered the representations.

(5) (a) Where the Authority suspends or revokes a licence pursuant to this section, it shall-

- (i) within the period of 21 days beginning on the date of the suspension or revocation, notify the relevant licensee or, where appropriate, former such licensee, in writing of the decision and such notice shall state the reasons for the Authority's decision together with, in the case of a suspension, the period for which the relevant licence is suspended; and
  - (ii) publish notice of the decision in the Gazette.
- (b) A suspension or revocation referred to in paragraph (a) shall take effect on the date of the relevant notice under paragraph (a)(i), or such later date as may be specified in the notice, and such suspension or revocation shall have effect as regards a particular case notwithstanding the fact that any 1 or more of the following, namely, the licensee concerned has appealed under section 31, that the time for the making of such an appeal has not expired, or that a notice has not yet been published pursuant to paragraph (a)(ii).

(6) Where a licence is suspended under this section, the Authority may in its discretion shorten the period for which the licence is suspended or lift the suspension.

(7) (a) Where the Authority shortens the period of suspension of a licence or lifts such a suspension, it shall-

- (i) within the period of 21 days beginning on the date of its decision, notify the

relevant licensee or, where appropriate, the former such licensee in writing of the decision and such notice shall state the period for which suspension of the relevant licence has been shortened; and

- (ii) publish notice of the decision in the Gazette.
- (b) The shortening of a period or the lifting of a suspension referred to in paragraph (a) shall take effect on the date of the relevant notice under paragraph (a)(i) to the relevant licensee or, where appropriate, the former such licensee, or such later date as may be specified in the notice, and such a shortening or lifting shall have effect as regards a particular case notwithstanding the fact that such notice has not yet been published pursuant to paragraph (a)(ii).

(8) Where any licence is suspended or revoked under this section, no fee or other sum paid in respect of the grant or renewal of the licence shall be refunded.

Chapter:	511	Title:	ESTATE AGENTS ORDINANCE	Gazette Number:
Section:	36	Heading:	<b>Information as regards properties, etc.</b>	Version Date:

Remarks:  
not yet in operation

## PART V

### ESTATE AGENTS' DUTIES, LIABILITY AND ADVERTISING

- (1) (a) Subject to section 38(3), every licensed estate agent shall, as regards every property (whether situated in Hong Kong or elsewhere) in relation to which he has entered into an estate agency agreement-
  - (i) if he acts for the vendor, then for so long as he so acts, have in his possession or under his control information prescribed for the purposes of this paragraph;
  - (ii) be reasonably satisfied as regards the accuracy of information prescribed for the purposes of this paragraph;
  - (iii) supply to persons who are of a class or description prescribed for the purposes of this paragraph information so prescribed;
  - (iv) comply with requirements prescribed for the purposes of this paragraph when supplying to others information which is required by this Ordinance to be supplied to them;
  - (v) inform a client who is a vendor of each offer received as regards the property concerned at any time prior to that at which the client expressly instructs him not to do so, or that at which under or pursuant to any provision of the estate agency agreement with the client the requirement to do so no longer applies to him, whichever is the earlier;
  - (vi) disclose to a client full particulars of any pecuniary or other beneficial interest which such agent has in the property concerned, together with particulars of any benefit, including any commission or any interest of any kind whatever in such property, whether monetary or otherwise, which will accrue to such agent should the property be disposed of; and

- (vii) if as regards a particular property he acts both for the vendor and for the purchaser-
    - (A) inform both of such clients that he is so acting; and
    - (B) without affecting any of the requirements applicable to him, including those in respect of the supply of information, under any of the foregoing subparagraphs, provide to either of such clients at the request of that client any information provided by the other client as regards the property concerned, unless he has been expressly instructed by that other client not to do so.
  - (b) For the purposes of this subsection the fact that a licensed estate agent or a partnership carries on an estate agency business and 1 or more other businesses is immaterial.
- (2) Without affecting the generality of subsection (1), information prescribed for the purposes of subsection (1)(a) in relation to any property situated in Hong Kong, being property in relation to which a particular licensed estate agent has entered into an estate agency agreement, or in relation to any property which is of a prescribed class or description of such properties, include the following-
  - (a) particulars of current ownership and subsisting encumbrances in respect of the relevant property, as recorded in records or other documents which are of a class or description prescribed for the purposes of this paragraph and extracted in a manner prescribed for the purposes of this paragraph;
  - (b) the total or entire area, calculated and expressed in a manner prescribed for the purposes of this paragraph, which the relevant property comprises;
  - (c) where applicable, the year or period in which construction of the relevant property was completed, as recorded in an occupation permit or in a document which is of a class or description prescribed for the purposes of this paragraph;
  - (d) any restrictions on the user of the relevant property which are imposed by any document which is of a class or description prescribed for the purposes of this paragraph;
  - (e) the unexpired term of the relevant Government or other lease together with a statement as to whether there is any right of renewal of such Government or other lease; (Amended 29 of 1998 s. 105)
  - (f) if a lease of the relevant property is to be granted, the terms of the proposed lease; and
  - (g) a statement, made by the vendor in a manner prescribed for the purposes of this paragraph, containing-
    - (i) any information so prescribed and within the vendor's knowledge, being information of a kind so prescribed and relating to structural additions to or alterations of a building or other structure, whether already carried out or not; and
    - (ii) any information so prescribed and within the vendor's knowledge, being information relating to the following repairs or improvements-
      - (A) repairs or improvements which are required or proposed as regards the relevant premises and, in case such premises form part of a building, as regards any other part of that building, or as regards any part of the site on which such premises are situated; and
      - (B) repairs or improvements for the cost of which a purchaser of such premises will be wholly or partly liable.
- (3) Subject to section 38(3), where a licensee who is not a licensed estate agent to which subsection (1) applies but who in the course of his employment or appointment as a salesperson by an estate agent does estate agency work in relation to a particular property, the following provisions shall apply-
  - (a) in so far as he does such work, the obligations imposed by subparagraphs (v), (vi) and (vii) of subsection (1)(a) are hereby imposed on him;
  - (b) if as regards the particular property he fails to discharge an obligation imposed on him by paragraph (a) and because of any such failure the relevant vendor or purchaser suffers loss or damage, the failure shall constitute a cause of action described in subsection (4).
- (4) Where as regards a particular property a licensed estate agent fails to comply with a requirement of subsection (1) which applies to him and because of any such failure the relevant client

suffers loss or damage, the failure shall constitute a cause of action whereby damages or any other relief or remedy may be recovered or obtained in legal proceedings.

- (5) (a) In any legal proceedings to which this subsection applies it shall be presumed until the contrary is proved that the licensed estate agent (or a person who was formerly a licensed estate agent) concerned was, or should reasonably have been, aware of any particulars or other information which under subsection (1)(a)(iii) is required to be supplied and which is relevant to the proceedings.
- (b) (i) In any proceedings to which this subsection applies, it shall be a defence for a defendant to show that he had taken all reasonable steps and exercised all due diligence to avoid the failure to which the proceedings relate.
- (ii) Without limiting the generality of subparagraph (i), in the case of failure to comply with a requirement under subsection (1)(a)(ii) in respect of any information, the defendant shall, for the purposes of that subparagraph, be regarded as having shown that he had taken all reasonable steps and exercised all due diligence to avoid the failure, if he shows that-
- (A) he relied on information obtained from a source prescribed for the purposes of this subparagraph in respect of such information;
- (B) it was reasonable for him to have relied on such information; and
- (C) he had taken all steps reasonably open to him to avoid the failure.
- (c) Neither subsection (3)(b) nor subsection (4) shall be regarded as limiting or otherwise affecting any right or other cause of action, existing apart from those subsections (or either of them), whereby damages or any other relief or remedy may be recovered or obtained in legal proceedings.
- (d) This subsection applies to any legal proceedings which-
- (i) are instituted against a licensee (or a person who was formerly a licensee); and
- (ii) are so instituted wholly or partly by virtue of subsection (4).

(6) Section 46(5) shall apply to subsection (1)(a)(vi), and also to that subsection as applied by subsection (3), as it applies to section 46(3).

(7) Without limiting or diminishing any liability which a licensed estate agent or a vendor may incur under the general law, it is hereby declared that nothing in this section shall be construed as requiring a licensed estate agent or a vendor to warrant the accuracy of any statement made pursuant to the requirements of regulations made by virtue of subsection (2)(g).

Chapter:	511	Title:	ESTATE AGENTS ORDINANCE	Gazette Number:
Section:	45	Heading:	<b>Estate agency agreement required as regards certain proposals and undertakings</b>	Version Date:

Remarks:  
not yet in operation

## PART VI

### ESTATE AGENCY AGREEMENT

- (1) Where a person (in this section referred to as "the agent") proposes or undertakes (whether for

a commission or other fee or not) to perform estate agency work for a client, whether as regards a particular property or not, a right or other cause of action whereby damages or any other relief or remedy may be recovered or obtained in legal proceedings as regards the proposal or undertaking shall lie at the suit of the agent if, and only if-

- (a) an agency agreement (in this Ordinance referred to as an "estate agency agreement") embodying the terms of the proposal or undertaking, being an agreement between the agent and the client which is in the prescribed form and which contains such particulars (if any) in respect of the proposal or undertaking as are prescribed for the purposes of this section has been entered into and, in the case of a written document, properly executed. and
- (b) the agent was a licensed estate agent at the time when the estate agency agreement was so entered into and executed.

(2) Where a person ("the agent") makes a proposal or gives an undertaking to perform estate agency work for a client as described in subsection (1), the agent shall be entitled to recover from, or to require the payment by any other person of, any amount in respect of any outgoing paid or payable by the agent as regards any acquisition or disposition of any property to which the proposal or undertaking relates if, and only if-

- (a) an estate agency agreement between the agent and the client which is both in the prescribed form and contains in respect of the proposal or undertaking such particulars (if any) as are prescribed for the purposes of this section has been entered into and, in the case of a written document, properly executed; and
- (b) the agent was a licensed estate agent at the time when the estate agency agreement was so entered into and executed.

(3) A right or other cause of action described in subsection (1) shall not lie at the suit of any person other than the agent within the meaning of this section by reason only of anything contained in this section.

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Chapter:	521	Title:	OFFICIAL SECRETS ORDINANCE	Gazette Number:
Section:	28	Heading:	<b>Consequential amendment</b>	Version Date:

Remarks:  
not yet in operation

Section 10 of the Defence Works Protection Ordinance (Cap 195) is repealed and the following substituted-

"10. Saving

Nothing in this Ordinance shall derogate from the provisions of the Official Secrets Ordinance (Cap 521)."

Chapter:	525	Title:	MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS ORDINANCE	Gazette Number:	L.N. 449 of 1997
Section:	5	Heading:	<b>Refusal of assistance</b>	Version Date:	26/09/1997

(1) A request by a place outside Hong Kong for assistance under this Ordinance shall be refused if, in the opinion of the Attorney General-

- (a) the granting of the request would impair the sovereignty of the United Kingdom or the security or public order of the United Kingdom or any part thereof;
- (b) the request relates to the prosecution or punishment of a person for an external offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political character;
- (c) the request relates to the prosecution or punishment of a person in respect of an act or omission that, if it had occurred in Hong Kong, would have constituted an offence under the military law applicable in Hong Kong but not also under the ordinary criminal law of Hong Kong;
- (d) there are substantial grounds for believing that the request was made for the purpose of prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, nationality or political opinions;
- (e) the request relates to the prosecution of a person for an external offence in a case where the person has been convicted, acquitted or pardoned by a competent court or other authority in the place, or has undergone the punishment provided by the law of that place, in respect of that offence or of another external offence constituted by the same act or omission as that offence;
- (f) the granting of the request would seriously impair the essential interests of Hong Kong; or
- (g) the request relates to an act or omission that, if it had occurred in Hong Kong, would not have constituted a Hong Kong offence.

(2) Where the criminal matter to which a request by a place outside Hong Kong for assistance under this Ordinance relates is an investigation into an external offence relating to taxation, then the request shall be refused-

- (a) if the place is not a prescribed place; or
- (b) unless the Attorney General is supplied with information that satisfies him that the primary purpose of the request is not the assessment or collection of tax.

(3) A request by a place outside Hong Kong for assistance under this Ordinance may be refused by the Attorney General-

- (a) if that place is not a prescribed place;
- (b) if that place is a prescribed place, pursuant to the terms of the prescribed arrangements concerned; or
- (c) if the request relates to an external serious offence punishable with death and-
  - (i) the act or omission constituting that offence, if it had occurred in Hong Kong-
    - (A) would not have constituted a Hong Kong serious offence punishable with death; or
    - (B) would have constituted a Hong Kong serious offence punishable with death in respect of which the punishment was not normally carried out; and
  - (ii) the place outside Hong Kong concerned fails to give an undertaking that satisfies the Attorney General that the death penalty will not be imposed in respect of that external serious offence or, if imposed, will not be carried out.

(4) Without prejudice to the generality of subsection (3)(a), a request by a place outside Hong Kong for assistance under this Ordinance shall be refused if-

- (a) the place is not a prescribed place; and
- (b) the appropriate authority of the place fails to give an undertaking to the Attorney General

which satisfies the Attorney General that the place will, subject to its law, comply with a future request by Hong Kong to the place for assistance in a criminal matter.

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Chapter:	545	Title:	LAND (COMPULSORY SALE FOR REDEVELOPMENT) ORDINANCE	Gazette Number:	L.N. 104 of 1999
Section:	4	Heading:	<b>Determination of application</b>	Version Date:	07/06/1999

Remarks:  
not yet in operation.

- (1) Subject to subsection (2), the Tribunal shall determine an application under section 3(1) by-
  - (a) first-
    - (i) if any minority owner of the lot the subject of the application disputes the value of any property as assessed in the application, hearing and determining the dispute;
    - (ii) in the case of any minority owner of the lot who cannot be found, requiring the majority owner of the lot to satisfy the Tribunal that the value of the minority owner's property as assessed in the application is-
      - (A) not less than fair and reasonable; and
      - (B) not less than fair and reasonable when compared with the value of the majority owner's property as assessed in the application;
  - (b) second-
    - (i) making an order that all the undivided shares in the lot the subject of the application be sold for the purposes of the redevelopment of the lot; or
    - (ii) refusing to make such an order; and
  - (c) third, where paragraph (b)(i) is applicable-
    - (i) appointing in the order for sale trustees satisfactory to the Tribunal nominated by the majority owner to discharge the duties imposed on trustees under this Ordinance in relation to the lot; and
    - (ii) authorizing the trustees to charge such remuneration for their services as trustees as the Tribunal thinks fit and specified in the order.
- (2) The Tribunal shall not make an order for sale unless, after hearing the objections, if any, of the minority owners of the lot the subject of the application under section 3(1) concerned, the Tribunal is satisfied that-
  - (a) the redevelopment of the lot is justified (and whether or not the majority owner proposes to or is capable of undertaking the redevelopment)-
    - (i) due to the age or state of repair of the existing development on the lot; or
    - (ii) on 1 or more grounds, if any, specified in regulations made under section 12; and
  - (b) the majority owner has taken reasonable steps to acquire all the undivided shares in the lot (including, in the case of a minority owner whose whereabouts are known, negotiating for the purchase of such of those shares as are owned by that minority owner on terms that are fair and reasonable).
- (3) Subject to section 8(3) and (4), the Tribunal shall not, in determining an application under section 3(1), take into account any provision of the Landlord and Tenant (Consolidation) Ordinance (Cap 7) relating to the right of a tenant whose tenancy is terminated or is sought to be terminated.
- (4) The majority owner of the lot the subject of an order for sale shall cause-
  - (a) subject to subsection (5), a copy of the order to be served on each minority owner of the lot;
  - (b) a copy of the order to be served on the Director of Lands; and
  - (c) a notice to be published-
    - (i) in not less than 1 Chinese language newspaper (and in the Chinese language), and in not less than 1 English language newspaper (and in the English language), circulating generally in Hong Kong; and
    - (ii) stating-

- (A) sufficient particulars of the lot to identify the lot;
- (B) that the Tribunal has made an order that all the undivided shares in the lot be sold for the purposes of the redevelopment of the lot; and
- (C) that the lot will be sold by auction (or, where section 5(1)(b) is applicable, the other means referred to in that section by which the lot will be sold).

(5) Where it appears to the Tribunal that a copy of an order for sale cannot be served in accordance with subsection (4)(a), the Tribunal may, if it thinks fit, by order-

- (a) dispense with such service on any owner or class of owners mentioned in the order; and
- (b) direct notices to be published at such time and in such manner as it thinks fit, informing all persons claiming to be owners of the lot-
  - (i) that the Tribunal has made an order for sale of the lot; and
  - (ii) where and the times during which a copy of the order may be obtained.

(6) Where the Tribunal makes an order for sale, it may order, subject to section 8(3), (4) and (5), that compensation be paid to a tenant for termination of his tenancy under section 8(1)(b) and it may also give such directions as it thinks fit-

- (a) relating to-
  - (i) the sale and purchase of the lot the subject of the order, including (but without limiting the generality of the foregoing) settling the particulars and conditions of sale of the lot;
  - (ii) the termination of tenancies of any tenants of any property on the lot;
  - (iii) subject to section 11(5), the application of the proceeds of the sale including-
    - (A) the holding by the trustees of such part of those proceeds as is specified by the Tribunal in view of any *lis pendens* affecting the lot; and
    - (B) the payment of that part of those proceeds, upon the occurrence of an event specified by the Tribunal, to such person or persons as is or are specified by the Tribunal;
- (b) requiring the trustees under the order for sale to pay into the Tribunal the proceeds of sale of the lot the subject of the order (after deduction, if any, pursuant to sections 10(2), 11(1) or (2)(a) and (b)), which includes but is not limited to-
  - (i) any deposit money for the purchase of the lot;
  - (ii) any other part of the proceeds of sale that is required under this Ordinance to be held by or paid to the trustees; and
- (c) which are not inconsistent with the other provisions of this Ordinance,

and, in any such case, subsections (4)(a) and (5) shall, with all necessary modifications, apply to those directions as they apply to an order for sale.

(7) Where proceeds of sale are paid into the Tribunal pursuant to a direction given under subsection (6)(b), the Tribunal shall, in accordance with rules made under section 10A(1) of the Lands Tribunal Ordinance (Cap 17), release such proceeds or any part of it to the respective persons who would have been entitled to payment of the proceeds under the provisions of this Ordinance if the proceeds of sale had remained with the trustees.

(8) Any proceeds of sale-

- (a) paid into the Tribunal pursuant to a direction given under subsection (6)(b); and
- (b) not yet released pursuant to subsection (7) on the expiration of 3 years beginning with the date on which such proceeds were paid into the Tribunal,

shall be paid into the general revenue, and, in any such case, section 11(7)(b) and (c) shall apply in relation to the proceeds with all necessary modifications.

(9) In any case of doubt or difficulty or in any matter not provided for under this Ordinance, the trustees under an order for sale, or the majority owner or any minority owner of the lot the subject of the order, may apply to the Tribunal for directions.

(10) The Tribunal may make an order amending an order for sale by appointing a new trustee or trustees either in substitution for or in addition to any existing trustee or trustees under the order for sale (even though there is no existing trustee)-

- (a) upon the application of the trustees under the order for sale or the majority owner or minority owner of the lot; and
    - (b) if the Tribunal is of the opinion that it is expedient to do so.
  - (11) The remuneration referred to in subsection (1)(c)(ii) to be paid to the trustees under an order for sale shall be paid by the majority owner of the lot the subject of the order.
  - (12) Where-
    - (a) an application under section 3(1) is made by a majority owner consisting of 2 or more persons; and
    - (b) any of those persons (or if the undivided share in the lot owned by any such person has been assigned, his successor in title) informs the Tribunal, at any time before an order for sale, if any, is made on the application, that he no longer wishes to be a party to the application,then the application shall thereupon be deemed to be withdrawn irrespective of the percentage of undivided shares in the lot the subject of the application owned by the other persons or their successors in title (if applicable) who wish to remain as parties to the application.
  - (13) Where the Tribunal refuses to make an order for sale, the majority owner in the application made under section 3(1) shall, as soon as practicable thereafter, cause the registration referred to in section 3(3)(b) of the application to be vacated under section 20 of the Land Registration Ordinance (Cap 128).
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