

LEGISLATIVE COUNCIL BRIEF

Law Amendment and Reform (Miscellaneous Provisions) Bill 2003

INTRODUCTION

At the meeting of the Executive Council on 25 February 2003, the Council ADVISED and the Chief Executive ORDERED that the Law Amendment and Reform (Miscellaneous Provisions) Bill 2003 should be introduced into the Legislative Council.

JUSTIFICATIONS

2. There is a problem concerning the execution of conveyancing documents by corporations. The problem arose from a discrepancy between the Law Society's previous understanding of, and recent case law regarding, the application of section 23 of the Conveyancing and Property Ordinance (CPO). Many conveyancing documents executed in the past on behalf of corporations were attested by a single director in such a manner that it may now be impossible to prove or presume due execution. As a result, many vendors have been unable to prove good title to their property and transfers of such properties have been clogged. The proposed amendments would free those properties for sale. The proposed amendments would also impact on the legal profession by removing the potential for claims against solicitors for failure to ensure that execution was in full compliance with the relevant memoranda and articles of association and keeping of impeccable records.

3. Other problems that need to be resolved are as follows.

- (a) Solicitors who apply for an unconditional practising certificate for the first time and, therefore, to be qualified to practice as a sole proprietor may not have any management

training. This is considered to contribute towards claims against professional indemnity insurance policies and complaints against practitioners to their supervisory body.

- (b) The power of the Chief Justice to regulate notaries public in relation to the issue of practising certificates could be more efficiently exercised by the Council of the Society of Notaries.
- (c) The Steering Committee on Legal Education and Training in Hong Kong has recommended that a new statutory body should be established, namely, a Standing Committee on Legal Education and Training, to replace the existing Advisory Committee on Legal Education in order to maintain the momentum of reform of the system of legal education and training.
- (d) A magistrate is not empowered to award costs to a defendant if the magistrate reviews his decision upon application by the prosecution under section 104 of the Magistrates Ordinance and confirms his original decision. This is unfair to the defendant and the LegCo Panel on Administration of Justice and Legal Services has requested that the magistrate be so empowered.
- (e) It is necessary to replace “Crown servant” in the Prevention of Bribery Ordinance (POBO) and the Independent Commission Against Corruption Ordinance (ICACO) with “prescribed officer” in order to preserve the scope that “Crown servant” had prior to reunification.
- (f) The Secretary for Justice (SJ) is presently required personally to authorise a person to attend as her representative before the Small Claims Tribunal and the Labour Tribunal in proceedings instituted by or against SJ in the respective tribunals. Such authorisations are

administrative matters and should be removed from SJ's personal attendance.

- (g) Textual errors and inconsistencies and other minor irregularities have been detected in our legislation and require rectification.

OTHER OPTIONS

4. The proposed omnibus Bill is the only option which can efficiently effect improvements to a number of Ordinances while avoiding the requirement to make bids for separate slots relating to each Ordinance.

THE BILL

5. The principle object of this Bill is to amend the Legal Practitioners Ordinance, the Conveyancing and Property Ordinance, the Costs in Criminal Cases Ordinance, the Labour Tribunal Ordinance, the Small Claims Tribunal Ordinance, the Prevention of Bribery Ordinance, and the Independent Commission Against Corruption Ordinance, and to make minor miscellaneous amendments to various Ordinances.

Amendment of the Legal Practitioners Ordinance, Cap. 159

6. Clause 2 amends section 6 to provide for a new requirement for solicitors to complete a mandatory practice management course in order to apply for an unconditional practising certificate for the first time.

7. Clause 3 amends section 9AA to include "officer" in the class of persons in a solicitor corporation or a foreign lawyer corporation that could be investigated by the Law Society.

8. Clause 4 amends section 40A to empower the Chief Judge to designate a judge to exercise certain powers relating to the appointment of notaries public.

9. Clause 5 amends section 40E to provide for transfer to the Council of the Society of Notaries of certain rule making powers of the Chief Justice relating to the issue of practising certificates of notaries public.

10. Clause 6 amends section 55 to provide the prosecutor of the Law Society with a longer period after discovery of an offence to investigate it.

11. Clause 7 substitutes a new section 74A to provide for the establishment of a Standing Committee on Legal Education in place of the current Advisory Committee on Legal Education.

12. Clause 8 provides for the dissolution of the Advisory Committee on Legal Education at the commencement of section 7 upon the enactment of the present Bill as an Ordinance.

Amendment of the Conveyancing and Property Ordinance, Cap. 219

13. Clause 9 adds a new section 23A to provide that certain deeds purporting to have been executed by a corporation less than 15 years before the contract of sale will be presumed, until the contrary is proved, to be duly executed even if the source of the authority in question or the means by which it was purportedly conferred is not apparent from the deed. It also provides that deeds purporting to have been executed by a corporation not less than 15 years before the contract of sale of the land will be conclusively presumed to be duly executed.

Amendment of the Costs in Criminal Cases Ordinance, Cap. 492

14. Clause 10 amends section 3 so that a magistrate may award costs to the defendant if the magistrate, on the application of the prosecutor, reviews his decision, and confirms it.

Amendments to the Labour Tribunal Ordinance, Cap. 25 and the Small Claims Tribunal Ordinance, Cap. 338

15. Clauses 11 and 12 respectively amend section 23(1) of Cap. 25 and section 19 of Cap. 338 to provide that a “public officer, not being a barrister or solicitor” has a right of audience when appearing on behalf of the Secretary for Justice.

Amendment of the Prevention of Bribery Ordinance, Cap. 201

16. Clause 13 amends section 2 to repeal the definition of “Crown servant” and substitute it with a definition of “prescribed officer”.

17. Clauses 14 to 18 amend sections 3, 4(3), 8(1), 10(1), 21A(1)(a) by repealing “Crown servant” wherever it appears and substituting “prescribed officer”.

Amendment of the Independent Commission Against Corruption Ordinance, Cap. 204

18. Clause 19 amends section 2 to repeal the definition of “Crown servant” and substitute it with a definition of “prescribed officer”.

19. Clause 20 amends sections 5(4) by repealing “office of emolument under the Crown in right of the Government of Hong Kong” and substitute with “prescribed officer”.

20. Clauses 21 to 23 amend sections 10(1), 12(b)(iv), (vii) and (c), and 13 to repeal “Crown servant” wherever it appears and substituting “prescribed officer”.

Miscellaneous amendments to Ordinances

21. Part 7 of the Bill provides for miscellaneous minor amendments to various Ordinances.

22. The existing provisions being amended are at **Annex A**.

LEGISLATIVE TIMETABLE

23. The legislative timetable will be –

Publication in the Gazette	7 March 2003
First Reading and commencement of Second Reading debate	19 March 2003
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

24. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no productivity, environmental or sustainability implications. The Bill will not affect the binding effect of the existing provisions of the subject Ordinances and their subsidiary legislation.

25. The proposed amendments to the Costs in Criminal Cases Ordinance may have financial implications for the Administration, the particulars of which are at Annex B.

PUBLIC CONSULTATION

26. The Law Society, the Bar Association and stakeholders in the real property industry support the proposed amendments to the Conveyancing and Property Ordinance.

27. The proposed amendments to the Legal Practitioners Ordinance to set up the Standing Committee on Legal Education and Training are pursuant to a preliminary review of legal education and training in Hong

Kong conducted in 2001 which involved community-wide public consultation. The proposed amendments follow the recommendations of the Steering Committee on Legal Education and Training in Hong Kong, which comprise representatives of stakeholders in legal education and some lay members.

28. The Bills Committee for the Adaptation of Laws Bill 2001 supports the proposed amendments to replace “Crown servant” by “prescribed officer” in the POBO and the ICACO.

PUBLICITY

29. A press release will be issued on 5 March 2003. A spokesman will be available to answer media and public enquiries.

BACKGROUND

30. The Administration has adopted the use of omnibus bills in recent years as an efficient way of effecting improvements to existing legislation. This would avoid the requirement to make bids for separate slots relating to each Ordinance, the amendments to which will involve only a few clauses. Such Bills have previously been entitled Administration of Justice (Miscellaneous Provisions) Bills or Statute Law (Miscellaneous Provisions) Bills which, as a general rule, are confined to technical, minor and uncontroversial amendments to any subject. The present Bill deals principally with law-related matters. For this reason, it is considered that the present title would be appropriate.

Department of Justice
March 2003

File Ref.: LP 924/00C V

Subject Officers : Mr. Michael Scott
Senior Assistant Solicitor General
Tel. no. 2867 2157
Miss Agnes Cheung
Senior Government Counsel
Tel. no. 2867 4903

LAW AMENDMENT AND REFORM (MISCELLANEOUS PROVISIONS) BILL 2003

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A BILL

To

Amend provisions in the Legal Practitioners Ordinance, to provide for certain presumptions in the Conveyancing and Property Ordinance, to enable a magistrate to award defence costs in a certain review instituted by the prosecution under the Costs in Criminal Cases Ordinance, to provide for additional rights of audience before certain tribunals, to adapt the references to "Crown servant" in the Prevention of Bribery Ordinance and the Independent Commission Against Corruption Ordinance and to make clarifying amendments to the definition of its adapted term "prescribed officer" by stating expressly that it includes principal officials, the Monetary Authority, Chairman of the Public Service Commission, staff of the Independent Commission Against Corruption and judicial officers and to make a number of minor miscellaneous amendments to various Ordinances.

Enacted by the Legislative Council.

PART 1

GENERAL

1. Short title and commencement

(1) This Ordinance may be cited as the Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003.

(2) Sections 2, 7 and 8 of this Ordinance shall come into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.

(3) Section 3 shall come into operation on the day appointed for the commencement of section 4 of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997).

(4) Sections 4 and 5 shall come into operation on the day appointed for the commencement of section 3 of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998).

(5) Item 25 of the Schedule shall come into operation on the day appointed for the commencement of section 13 of the Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000).

(6) Except as provided by subsections (2), (3), (4) and (5), this Ordinance shall come into operation on the day on which it is published in the Gazette.

PART 2

LEGAL TRAINING AND PRACTISING REQUIREMENTS, ETC.

Legal Practitioners Ordinance

2. Practising certificates - solicitors

Section 6 of the Legal Practitioners Ordinance (Cap. 159) is amended by adding -

"(6B) Notwithstanding the compliance with the 2 year employment requirement in subsection (6), a solicitor who makes an application for the first issue of a practising certificate without the condition imposed under subsection (6) on or after the commencement of section 2 of the Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003 (of 2003) shall not be issued with such practising certificate unless he also

satisfies the Council that, prior to the date of his application, he has successfully completed in accordance with the guidelines as may be issued by the Society from time to time a mandatory course in practice management provided or approved by the Society.

(6C) The Council may, where it considers appropriate, exempt an applicant wholly or partly, with or without conditions, from the mandatory course requirement in subsection (6B).".

3. Misconduct of member, etc. of solicitor corporation or foreign lawyer corporation

Section 9AA (as inserted by section 4 of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997)) is amended by adding "or officer" after "member".

4. Qualifications for appointment

Section 40A (as inserted by section 3 of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998) and further amended by section 121 of the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002)) is amended by adding -

"(4A) The Chief Judge may designate a judge of the Court to exercise the powers conferred on him under subsection (4) to specify an alternative period for the purposes of subsection (1)(a)(iii) in a particular case.".

5. Practising certificate - notaries public

Section 40E(6)(a), (b) and (c) (as inserted by section 3 of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998)) is amended

by repealing "Chief Justice" and substituting "Council of the Society of Notaries".

6. Time limit for commencement of certain proceedings

Section 55 is amended by repealing "or within 6 months after the first discovery thereof by the prosecutor, whichever period expires first".

7. Section substituted

Section 74A is repealed and the following substituted -

"74A. Standing Committee on Legal Education and Training

(1) There is established by this section a Standing Committee on Legal Education and Training.

(2) The functions of the committee are -

(a) to keep under review, evaluate and assess -

- (i) the system and provision of legal education and training in Hong Kong;
- (ii) without prejudice to the generality of subparagraph (i), the academic requirements and standards for admission to the Postgraduate Certificate in Laws programme;

(b) to monitor the provision of vocational training of prospective legal practitioners in Hong Kong by organizations other than the Society or the Hong Kong Bar Association;

- (c) to make recommendations on matters referred to in paragraphs (a) and (b); and
 - (d) to collect and disseminate information concerning the system of legal education and training in Hong Kong.
- (3) The committee shall consist of -
- (a) 15 members appointed by the Chief Executive of whom -
 - (i) 2 shall be persons nominated by the Chief Justice;
 - (ii) 1 shall be a person nominated by the Secretary for Justice;
 - (iii) 1 shall be a person nominated by the Secretary for Education and Manpower;
 - (iv) 2 shall be persons nominated by the Society;
 - (v) 2 shall be persons nominated by the Hong Kong Bar Association;
 - (vi) 2 shall be persons nominated by the Vice-Chancellor of the University of Hong Kong;
 - (vii) 2 shall be persons nominated by the President of the City University of Hong Kong;
 - (viii) 2 shall be members of the public; and
 - (ix) 1 shall be a person nominated by The Federation for Continuing Education in Tertiary Institutions, a non-profit-

making educational organization, from among its members which provide continuing legal education courses in Hong Kong; and

(b) a chairman appointed by the Chief Executive after consultation with the persons and organizations making nominations pursuant to paragraph (a)(i) to (vii) and (ix).

(4) A member of the committee who is unable to attend a meeting of the committee, except for a member appointed pursuant to subsection (3)(a)(viii), may, subject to the consent of the chairman, send a substitute to attend the meeting in his place and the substitute shall be deemed to be a member of the committee for the purpose of that meeting.

(5) A member of the committee including the chairman shall hold office for a term not exceeding 2 years.

(6) A member of the committee including the chairman may at any time resign from the committee by giving notice in writing of his resignation to the Chief Executive.

(7) The Secretary for Justice may publish notice of the appointment or termination of membership of a member (including the chairman) appointed pursuant to this section in the Gazette.

(8) The committee shall report annually to the Chief Executive and its annual report shall be tabled in the Legislative Council.

(9) The committee may determine its own procedure."

8. Transitional provision

On the commencement of section 7 of this Ordinance, the Advisory Committee on Legal Education is dissolved.

PART 3

PRESUMPTIONS OF DUE EXECUTION

Conveyancing and Property Ordinance

9. Section added

The Conveyancing and Property Ordinance (Cap. 219) is amended by adding -

"23A. Proof of title and presumptions of due execution of deed by corporation

(1) A deed purporting to be -

- (a) executed prior to the commencement of section 9 of the Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003 (of 2003) by or on behalf of a corporation aggregate; and
- (b) attested by a signatory or more than one signatory, where the signatory or each of the signatories, if more than one, is a person who could have been authorized under the articles of association or other instruments of the corporation,

shall, until the contrary is proved, be presumed for the purposes of proof of title to any land to have been duly executed by the purported signatory or signatories, as the case may be, with the authority conferred by the articles of association or other

instruments of the corporation, whether or not the source of the authority or the means by which such authority was purportedly conferred is apparent from the deed.

(2) Where any deed is or has been produced by a vendor as proof of title to any land and that deed purports to have been executed by a corporation aggregate not less than 15 years before the contract of sale of that land, it shall for the purposes of any question as to the title to that land be conclusively presumed -

- (a) as between the parties to that contract; and
- (b) in favour of the purchaser under that contract as against any other person,

that the deed was validly executed.

(3) This section applies only to deeds produced as proof of title to any land pursuant to contracts for the sale of such land entered into on or after the commencement of section 9 of the Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003 (of 2003).".

PART 4

AWARD OF DEFENCE COSTS

Costs in Criminal Cases Ordinance

10. Defence costs in summary proceedings

Section 3(1)(d) of the Costs in Criminal Cases Ordinance (Cap. 492) is amended by repealing everything after "Ordinance" and before the comma where it last appears and substituting -

"(Cap. 227) -

- (i) on the application of the defendant or on his own initiative reviews his decision, and on that review reverses or varies his decision; or
- (ii) on the application of the prosecutor reviews his decision, and on that review confirms his decision".

PART 5

RIGHTS OF AUDIENCE BEFORE TRIBUNALS

Labour Tribunal Ordinance

11. Right of audience

Section 23(1) of the Labour Tribunal Ordinance (Cap. 25) is amended -

- (a) in paragraph (d), by repealing "and";
- (b) in paragraph (e), by repealing the full stop and substituting "; and";
- (c) by adding -
 - "(f) a public officer, not being a barrister or solicitor, who appears on behalf of the Secretary for Justice, if the Secretary for Justice is a claimant or a defendant."

Small Claims Tribunal Ordinance

12. Right of audience

Section 19(1) of the Small Claims Tribunal Ordinance (Cap. 338) is amended -

(a) in paragraph (d), by repealing the full stop and substituting a semicolon;

(b) by adding -

"(e) a public officer, not being a barrister or solicitor, who appears on behalf of the Secretary for Justice, if the Secretary for Justice is a party.".

PART 6

SUBSTITUTION OF REFERENCES OF "CROWN SERVANT" WITH REFERENCES OF "PRESCRIBED OFFICER"

Prevention of Bribery Ordinance

13. Interpretation

Section 2(1) of the Prevention of Bribery Ordinance (Cap. 201) is amended -

(a) by repealing the definition of "Crown servant" and substituting -

"prescribed officer" (訂明人員) means -

(a) any person holding an office of emolument, whether permanent or temporary, under the Government; and

(b) the following persons (to the extent that they are not persons included in paragraph (a)) -

- (i) any principal official of the Government appointed in accordance with the Basic Law;
- (ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) and any person appointed under section 5A(3) of that Ordinance;
- (iii) Chairman of the Public Service Commission;
- (iv) any member of the staff of the Independent Commission Against Corruption;
- (v) any judicial officer holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92) and any judicial officer

appointed by the Chief Justice, and any member of the staff of the Judiciary;"

(b) in the definition of "public servant", by repealing "Crown servant" and substituting "prescribed officer".

14. Soliciting or accepting an advantage

Section 3 is amended by repealing "Crown servant" and substituting "prescribed officer".

15. Bribery

Section 4(3) is amended by repealing "Crown servant" and substituting "prescribed officer".

16. Bribery of public servants by persons having dealings with public bodies

Section 8(1) is amended by repealing "Crown servant" and substituting "prescribed officer".

17. Possession of unexplained property

Section 10(1) is amended by repealing "Crown servant" and substituting "prescribed officer".

18. Certificate as to official emoluments, etc.

Section 21A(1)(a) is amended by repealing "Crown servant" wherever it appears and substituting "prescribed officer".

Independent Commission Against Corruption Ordinance

19. Interpretation

Section 2 of the Independent Commission Against Corruption Ordinance (Cap. 204) is amended by repealing the definition of "Crown servant" and substituting -

"prescribed officer" (訂明人員) means -

- (a) any person holding an office of emolument, whether permanent or temporary, under the Government; and
- (b) the following persons (to the extent that they are not persons included in paragraph (a)) -

- (i) any principal official of the Government appointed in accordance with the Basic Law;
- (ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) and any person appointed under section 5A(3) of that Ordinance;
- (iii) Chairman of the Public Service Commission;
- (iv) any member of the staff of the Commission;
- (v) any judicial officer holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92) and any judicial officer appointed by the Chief

Justice, and any member of the staff of the Judiciary;".

20. Office of Commissioner

Section 5(4) is amended by repealing "office of emolument under the Crown in right of the Government of Hong Kong" and substituting "prescribed officer".

21. Power of arrest

Section 10(1) is amended by repealing "Crown servant" and substituting "prescribed officer".

22. Duties of the Commissioner

Section 12(b)(iv) and (vii) and (c) is amended by repealing "Crown servant" wherever it appears and substituting "prescribed officer".

23. Powers of the Commissioner

Section 13 is amended -

(a) in subsection (1)(b) -

(i) by repealing "Crown servant" and substituting "prescribed officer";

(ii) by repealing "Crown or" and substituting "prescribed officer or";

(b) in subsection (2)(a), by repealing "Crown servant" and substituting "prescribed officer".

PART 7

MINOR AMENDMENTS

24. Amendment of enactments

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

SCHEDULE

[s. 24]

Item	Enactment	Amendment
1.	Bankruptcy Ordinance (Cap. 6)	In the Chinese text, in section 50(6), add "不" before "構成".
2.	Landlord and Tenant (Consolidation) Ordinance (Cap. 7)	In the Chinese text, in section 74C(a)(ii), repeal "1979年12月12日" and substitute "1979年12月18日".
3.	Lands Tribunal Rules (Cap. 17 sub. leg.)	In the Chinese text, in the Schedule, in Form 4, repeal "副司法常務官" and substitute "司法常務官".
4.	Government Leases Ordinance (Cap. 40)	In the Chinese text - (a) in section 10(1)(b) and (2)(b), repeal "註冊記錄冊" and substitute "註冊紀錄冊"; (b) in section 11(2), repeal "註冊記錄冊" and substitute "註冊紀錄冊".
5.	Insurance Companies Ordinance (Cap. 41)	In the Chinese text - (a) in section 77(4), repeal "及監

禁6個月";

- (b) in the Third Schedule -
 - (i) in Part 5, in paragraph 24(3), repeal "抵觸" and substitute "抵觸";
 - (ii) in Part 8, in Form 4, repeal "了申索" and substitute "了結申索";
- (c) in the Fifth Schedule, in the heading of Form A, add "第" before "13B(1)條".

6. Import and Export
(Strategic Commodities)
Regulations (Cap. 60
sub. leg.)

- In the Chinese text, in Schedule 1 -
- (a) in Dual-use Goods List -
 - (i) in Category 0, in 0C005, repeal "美國試驗及材料學會" and substitute "美國材料及試驗學會";
 - (ii) in Category 1 -
 - (A) in 1B228, 1B229, 1C001, 1C002, 1C111, 1C118 and 1C240, repeal "美國試驗及材料學會" wherever

it appears and
substitute "美國
材料及試驗學會
";

(B) in 1C006, 1C008
and 1C010,
repeal "美國試驗
及材料試驗學會"
wherever it
appears and
substitute "美
國材料及試驗學會
";

(iii) in Category 9, in
9C110, repeal "美國試
驗及材料學會" and
substitute "美國材料
及試驗學會";

(b) in the Definitions of Terms, in
the definition of "ASTM",
repeal "美國試驗及材料學會" and
substitute "美國材料及試驗學會".

7. Legal Aid Ordinance
(Cap. 91)

In the Chinese text, in sections
2(1)(definitions of "大律師" and
"律師"), 3(3) and 4(1), repeal "《執
業律師條例》" and substitute "《法律
執業者條例》".

8. Legal Aid Regulations
(Cap. 91 sub. leg.)
- In the Chinese text, in regulations 18(2) and 19, repeal "《執業律師條例》" and substitute "《法律執業者條例》".
9. Telecommunications
(Control of Interference)
Regulations (Cap. 106 sub. leg.)
- In the Chinese text, in regulation 5(1)(b), repeal "非電訊之用" and substitute "電訊之用".
10. Dutiable Commodities
Ordinance (Cap. 109)
- In the Chinese text, in section 48A(6), repeal "貨品或東" where it first appears and substitute "貨品或東西".
11. Estate Duty Ordinance
(Cap. 111)
- In the Chinese text -
- (a) in section 3(1), in the definition of "相聯行動", in paragraph (b), repeal "餘此類推" and substitute "如此類推";
 - (b) in Schedule 2, repeal paragraph 5(b) and substitute -
 - "(b) 如將首述的利益，在任何程度上摒除最後提及的利益的
情況下，列入

根據第35(2)
條所作出的計
算內，

則首述的利益，須在該程度上被視
為憑藉死者在上述股份或債權證
的權益，或可就上述股份或債權證
行使的權力而應累算予死者的
。

12. Inland Revenue
Ordinance (Cap. 112)

In the Chinese text -

- (a) in section 15E(8), in the definition of "認購權", in paragraph (b), repeal "認講權" and substitute "認購權";
- (b) in sections 16(3), 16E(4), 20AA(6), 21A(3) and 39E(5), in paragraph (b)(ii) of the definition of "相聯者", repeal "該人的任何親屬" and substitute "該人或該合夥人的任何親屬";
- (c) in section 42(10), repeal "第(2)及(5)條" and substitute "第(2)及(5)款";
- (d) in section 88, repeal "任何慈善機構或屬公共性質的信託" and substitute "任何屬公共性質的慈善機構或信託".

13. Immigration Ordinance

In the Chinese text, in Schedule 2,

- (Cap. 115) in paragraph 24, add "回港證、" after "入境證、" where it secondly appears.
14. Immigration (Places of Detention) Order (Cap. 115 sub. leg.) In the Chinese text, in Schedule 3, in item 16, repeal "新秀越南難民離境中心" and substitute "新秀越南難民離港中心".
15. Immigration (Treatment of Detainees) Order (Cap. 115 sub. leg.) In the Chinese text, in Schedule 2, in item 5, repeal "新秀越南難民離境中心" and substitute "新秀越南難民離港中心".
16. Immigration (Vietnamese Refugee Centres) (Departure Centre) Rules (Cap. 115 sub. leg.) In the Chinese text, in the Schedule, repeal "新秀越南難民離境中心" and substitute "新秀越南難民離港中心".
17. Stamp Duty Ordinance (Cap. 117) In the Chinese text, in the Third Schedule, in sections 1 and 2(a), repeal "餘此類推" and substitute "如此類推".
18. Buildings Ordinance (Cap. 123) In the Chinese text, in section 17(1), in Column A, in item 7, repeal "礎基" and substitute "基礎".
19. Town Planning Ordinance (Cap. 131) In the Chinese text, in section 17B(3), repeal "聆訴" and substitute "聆訊".

20. Mental Health Ordinance (Cap. 136) In the Chinese text, in section 59A(9), add "第" before "113章".
21. Pharmacy and Poisons Regulations (Cap. 138 sub. leg.) In the Chinese text -
- (a) in the Second Schedule, in Group II, in part A, in the first column, repeal "鄰乙汞硫基苯酸鈉" and substitute "鄰乙汞硫基苯酸鈉";
 - (b) in the Sixth Schedule, in part B, repeal "氫氧化鈉" and substitute "氫氧化鈉".
22. Public Health (Animals and Birds) Regulations (Cap. 139 sub. leg.) In regulation 57(1), repeal "9 to" and substitute "9, 10,".
23. Societies Ordinance (Cap. 151) In the Chinese text, in the Schedule, in item (11), repeal "組職" and substitute "組織".
24. Banking Ordinance (Cap. 155) In the Chinese text -
- (a) in section 52(3C)(i) and (3G)(a)(i), add "視" before "屬何情況而定";
 - (b) in section 60(8), repeal "進一步資料" and substitute "進一步資料";
 - (c) in section 122(3), repeal "所出" and substitute "所作出".

25. Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000) In the Chinese text, in section 13, in the new section 31C(2)(c), add "在香港的" after "一名".
26. Places of Public Entertainment Regulations (Cap. 172 sub. leg.) In the Chinese text, in regulation 169A(1)(b)(iii), repeal "繳光" and substitute "激光".
27. Matrimonial Causes Ordinance (Cap. 179) In the Chinese text -
(a) in section 55(1), repeal "外地" where it secondly appears;
(b) in section 57(1), add "合法" before "分居".
28. Essential Services Corps (General) Regulations (Cap. 197 sub. leg.) In the Chinese text, in regulation 10(3)(c), repeal "組織的團員訓練" and substitute "組織團員的訓練".
29. Independent Commission Against Corruption Ordinance (Cap. 204) In the Chinese text, in section 13(1)(b), repeal "公務員" and substitute "公職人員".
30. Criminal Procedure Ordinance (Cap. 221) In the Chinese text, in section 83S, repeal "瑣屑" and substitute "瑣屑".
31. Frontier Closed Area (Permission to Enter) Notice (Cap. 245 sub. leg.) In the Chinese text, in paragraph 3, add "的附表" after "(第245章, 附屬法例)".

32. Merchant Shipping (Fees) Regulations (Cap. 281 sub. leg.)
- In the Chinese text, in the Schedule, in Part II, in Section A, in Note (1)(a), repeal "號燈涉及聲號" and substitute "號燈及聲號".
33. Merchant Shipping (Compulsory Third Party Risks Insurance) Regulations (Cap. 281 sub. leg.)
- In the Chinese text, in regulation 4(1)(ii), repeal "保單" and substitute "保險單".
34. Radiation (Control of Radioactive Substances) Regulations (Cap. 303 sub. leg.)
- In the Chinese text, in regulation 13(3), add "涉及處理任何放射性物質的任何" after "再度受僱擔任".
35. Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg.)
- In the Chinese text -
- (a) in the Second Schedule -
- (i) in Form 1, in paragraph 6, repeal "橫剖面" and substitute "橫截面";
- (ii) in Form 7, in Part B, in item 4, repeal "排出點" and substitute "排放點";
- (b) in the Fourth Schedule, in item 9, repeal "空氣染污" and substitute "空氣污染".

36. Shipping and Port Control Ordinance (Cap. 313)
- In the Chinese text, in section 2, in the definition of "碰撞規例", repeal "(遇險信號及防止碰撞)" and substitute "(遇險訊號及避碰)".
37. Merchant Shipping (Pleasure Vessels) Regulations (Cap. 313 sub. leg.)
- In the Chinese text, in regulation 3C(3)(b), repeal "並沒不清晰" and substitute "並不清晰".
38. Census and Statistics Ordinance (Cap. 316)
- In the Chinese text, in sections 11(2)(a)(iv) and 11A(2)(a)(iii), repeal "已填寫" and substitute "已填寫".
39. Motor Vehicles (First Registration Tax)(Depreciation) Regulations (Cap. 330 sub. leg.)
- In regulation 2(1), repeal "section 4E(2)(c)" and substitute "section 4E(2)(ca)".
40. Arbitration Ordinance (Cap. 341)
- In the Chinese text, in the Fifth Schedule -
- (a) in article 2(d), repeal "第8條" and substitute "第28條";
 - (b) in article 6, add "、第16條第(3)款" after "第14條";
 - (c) in article 7(2), repeal "簽辯書" and substitute "答辯書";
 - (d) in article 35(2), repeal "釋

成" and substitute "譯成".

41. Customs and Excise Service Ordinance (Cap. 342) In Schedule 2 -
- (a) repeal "Acetylating Substances (Control) Ordinance (Cap. 145)" and substitute "Control of Chemicals Ordinance (Cap. 145)";
- (b) in the Chinese text, repeal "《動植物(瀕臨絕種生物保護)條例》(第187章)" and substitute "《動植物(瀕危物種保護)條例》(第187章)".
42. Waste Disposal Ordinance (Cap. 354) In the Chinese text -
- (a) in section 33(1A)(a)(i), repeal "循環" and substitute "循環";
- (b) in the Sixth Schedule, in the entry of "GA070", repeal "鍍錫" and substitute "鍍錫".
43. Waste Disposal (Charges for Disposal of Chemical Waste) Regulation (Cap. 354 sub. leg.) In the Chinese text, in Schedule 1, in item 1, repeal "150億焦耳" and substitute "15千兆焦耳".
44. The Hong Kong Association of Banks In section 8(1)(a), repeal "Bank Notes Issue Ordinance" and

- Ordinance (Cap. 364) substitute "Legal Tender Notes Issue Ordinance".
45. Merchant Shipping (Safety)(Load Line) Regulations (Cap. 369 sub. leg.) In the Chinese text -
(a) in Schedule 3, repeal "第14至20段" before the table for "舷牆排水孔" and substitute "第14及20 段";
(b) in Schedule 5, in paragraph 1, in the definition of "表列乾舷", repeal "附6" and substitute "附表6".
46. Merchant Shipping (Safety)(GMDSS Radio Installations) Regulation (Cap. 369 sub. leg.) In the Chinese text, in section 3(2), repeal "不適用於" and substitute "不適用於".
47. Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.) In the Chinese text, in regulation 2, in the definition of "工程裝置", in paragraph (a)(ii), repeal "材料" and substitute "材料".
48. Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg.) In the Chinese text -
(a) in regulation 42(1)(e), repeal "不適用於" and substitute "不適用於";
(b) in Schedule 6, in paragraph 3,

repeal "任何標誌及燈" and
substitute "任何標誌及燈具".

49. Electricity Ordinance
(Cap. 406)
- In the Chinese text, in sections 2 (definitions of "固定電力裝置" and "電力裝置或發電設施的"擁有人"), 4(1), 13(2)(a), 14(1), 26, 27(1) and (2), 30(2)(b), (3) and (4), 47(1)(d), 49, 52 and 59(1)(f), repeal "房產" wherever it appears and substitute "處所".
50. Electricity Supply
Regulations (Cap. 406
sub. leg.)
- In the Chinese text, in regulations 1(1)(definition of "電力分站"), 3, 13(4) and (8), 25, 26, 27, 28, 29 and 39(14) and in the heading before regulation 25, repeal "房產" wherever it appears and substitute "處所".
51. Electricity Supply
(Special Areas)
Regulations (Cap. 406
sub. leg.)
- In the Chinese text, in regulations 9(1) and (2) and 10(3) and (4), repeal "房產" wherever it appears and substitute "處所".
52. Electricity
(Registration)
Regulations (Cap. 406
sub. leg.)
- In the Chinese text, in regulation 8(1)(d), repeal "房產" and substitute "處所".

53. Electricity (Wiring) Regulations (Cap. 406 sub. leg.) In the Chinese text, in regulations 2 (definitions of "開關房" and "電力分站"), 4(6), 12(2) and 20(1), (2), (3) and (4), repeal "房產" wherever it appears and substitute "處所".
54. Merchant Shipping (Reporting of Pollution Incidents) Regulations (Cap. 413 sub. leg.) In the Chinese text, in regulation 2, in the definition of "海", repeal "與海連接的".
55. Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Cap. 413 sub. leg.) In the Chinese text, in section 1(1), in the definition of "海", repeal "與海連接的任何" and substitute "任何入海的".
56. Toys and Children's Products Safety Ordinance (Cap. 424) In the Chinese text, in section 2, in the definition of "獲授權人員", repeal "《海關條例》" and substitute "《香港海關條例》".
57. Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg.) In the Chinese text, in regulation 14(9), repeal "委員席前的人" and substitute "委員會席前的人".
58. Legal Aid Services Council Ordinance (Cap. 489) In the Chinese text, in section 5(1)(b), repeal "《執業律師條例》" and substitute "《法律執業者條例》".

59. Mutual Legal Assistance in Criminal Matters (Australia) Order (Cap. 525 sub. leg.) In the Chinese text, in Schedule 2, in paragraph 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "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".
60. Mutual Legal Assistance in Criminal Matters (France) Order (Cap. 525 sub. leg.) In the Chinese text, in Schedule 2, in paragraph 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "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".
61. Mutual Legal Assistance in Criminal Matters (New Zealand) Order (Cap. 525 sub. leg.) In the Chinese text, in Schedule 2, in paragraph 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "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".
62. Mutual Legal Assistance in Criminal Matters (United Kingdom) Order (Cap. 525 sub. leg.) In the Chinese text, in Schedule 2, in paragraph 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "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".
63. Mutual Legal Assistance in Criminal Matters (Switzerland) Order (Cap. 525 sub. leg.) In the Chinese text, in Schedule 2, in paragraph 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "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".

64. Electoral Procedure
(Chief Executive
Election) Regulation
(Cap. 541 sub. leg.)
- In the Chinese text, in section 70(2)(b)(iii), repeal "總督特派廉政專員" and substitute "廉政".
65. Chinese Medicine
Ordinance (Cap. 549)
- In section 132(2), repeal "be prescribed" and substitute "be imposed".
66. International
Organizations
(Privileges and
Immunities) Ordinance
(Cap. 558)
- (a) Repeal the subheading
immediately before section 14.
(b) Repeal section 14.
67. Securities and Futures
Ordinance (Cap. 571)
- In Schedule 1, in Part 1, in section 1, in the definition of "Commissioner of the Independent Commission Against Corruption", repeal "Commissioner of the Independent Commission Against Corruption appointed under" and substitute "person who holds the office of the Commissioner of the Independent Commission Against Corruption pursuant to".
68. Public Officers Pay
Adjustment Ordinance
(Cap. 574)
- In the Chinese text, in section 2, in the definition of "廉署人員", repeal "總督特派廉政專員" and

substitute "廉政".

Explanatory Memorandum

This Bill contains miscellaneous amendments to a number of legislative provisions.

2. Part 2 amends the Legal Practitioners Ordinance (Cap. 159) to provide an additional requirement for the issue of a solicitor's practising certificate and to establish a Standing Committee on Legal Education and Training and for other related matters.

3. Part 3 amends the Conveyancing and Property Ordinance (Cap. 219) to provide for presumptions for due execution of a deed by a corporation aggregate.

4. Part 4 amends the Costs in Criminal Cases Ordinance (Cap. 492) to empower a magistrate to award costs to a defendant where a magistrate confirms his decision in a review instituted by the prosecution.

5. Part 5 amends the Labour Tribunal Ordinance (Cap. 25) and the Small Claims Tribunal Ordinance (Cap. 338) to extend the right of audience before the Labour Tribunal and Small Claims Tribunal to certain public officers appearing on behalf of the Secretary for Justice.

6. Part 6 replaces the references to "Crown servant" in the Prevention of Bribery Ordinance (Cap. 201) and the Independent Commission Against Corruption Ordinance (Cap. 204) with "prescribed officer", which term is defined, for the purpose of expounding the meaning of the substituted "Crown servant" in specific terms, to include principal officials, the Monetary Authority, Chairman of the Public Service Commission, staff of the Independent Commission Against Corruption and judicial officers.

7. Part 7 provides for minor amendments to miscellaneous provisions as set out in the Schedule. The amendments include consequential amendments and other amendments of textual nature that do not involve a change in policy.

LEGISLATIVE COUNCIL BRIEF ANNEXES

LAW AMENDMENT AND REFORM (MISCELLANEOUS PROVISIONS) BILL 2003

ANNEXES

- Annex A - Existing provisions being amended

- Annex B - Financial Implications of the proposed amendment to the Costs in Criminal Cases Ordinance

Annex A

Chapter:	159	Title:	LEGAL PRACTITIONERS ORDINANCE	Gazette Number:	23 of 2002
Section:	6	Heading:	Practising certificates- solicitors	Version Date:	19/07/2002

(1) The Society, on application in writing by a solicitor in the month of November in any year in a form approved by the Council and on payment of such fee as may be so prescribed, shall, subject to subsection (3), issue to the applicant a practising certificate as a solicitor for the period of one calendar year from 1 January next following the date of the application. (Amended 60 of 1994 s. 6)

(1A) A practising certificate issued to a solicitor admitted under section 3(1AD) before the repeal of that provision by the Legal Practitioners (Amendment) Ordinance 1994 (60 of 1994) is subject to the condition that the solicitor shall not practise on his own account or in partnership. (Added 46 of 1989 s. 3. Amended 60 of 1994 s. 6)

(2) A practising certificate issued under subsection (1) shall be in such form as may be prescribed by the Council.

(3) A practising certificate shall not be issued under subsection (1) unless the applicant has, where necessary, delivered to the Council an accountant's report under section 8, complied with any indemnity rules made by the Council under section 73A or is exempt from them and has paid to the Society the membership subscription in respect of the year for which the practising certificate is to be issued. (Amended 75 of 1980 s. 2)

(4) Notwithstanding subsection (1), the Society may, upon such conditions as it thinks fit, permit an application for a practising certificate to be made under this subsection at any time and upon such application may issue to the applicant a practising certificate for any period not exceeding one calendar year and ending on 31 December in the year in which it is issued.

(5) Notwithstanding subsection (1), the Society may-

- (a) refuse to issue a practising certificate on such grounds as may be prescribed by the Council; (Amended 23 of 2002 s. 100)
- (b) issue a practising certificate to an applicant subject to such conditions as may be prescribed by the Council; (Amended 23 of 2002 s. 100)
- (c) issue a practising certificate to an applicant subject to the condition that he shall comply with any continuing legal education rules made under section 73; (Added 70 of 1991 s. 4)
- (d) refuse to issue a practising certificate if the applicant has not complied with any continuing legal education rules made under section 73; or (Added 70 of 1991 s. 4)
- (e) amend an already issued certificate by adding such conditions as may be prescribed by the Council. (Added 70 of 1991 s. 4. Amended 23 of 2002 s. 100)

(5A) Where the Society considers that a solicitor has not complied with conditions imposed under subsection (5) or (6) it may, after affording the solicitor the opportunity to make representations, suspend or cancel the solicitor's practising certificate with or without refunding the certificate fee. (Added 70 of 1991 s. 4)

(6) It shall be a condition of a practising certificate issued for the first time on or after 1 August 1976 to any solicitor who does not satisfy the Council that since being admitted as a solicitor he has been bona fide employed in the practice of a solicitor in Hong Kong for at least 2 years prior to his application for such practising certificate, that he shall not practise as a solicitor on his own account or in partnership until he satisfies the Council that since being admitted as a solicitor he has been bona fide employed in the practice of a solicitor in Hong Kong for at least 2 years. (Amended 22 of 1979 s. 2; 46 of 1989 s.

3)

(6A) If the Council considers that an applicant has acquired substantial experience in the law either in Hong Kong or elsewhere, the Council may waive the 2 year employment requirement in subsection (6) or it may reduce the period of 2 years to a period it considers appropriate. (Replaced 60 of 1994 s. 6)

(7) Where the name of a solicitor is removed from or struck off the roll of solicitors or where a solicitor becomes bankrupt, the practising certificate of that solicitor shall automatically determine and in any such case no part of the fee paid in respect thereof shall be repayable. (Amended 27 of 1998 s. 7)

(8) The publication in the Gazette by the Society of a list of the names and addresses of those solicitors who have obtained practising certificates for the period stated therein shall, until the contrary is proved, be evidence that each person named therein is a person qualified under section 7 to act as a solicitor and to whom a practising certificate for the period stated in such list has been issued under this section; and the absence from any such list of the name of any person shall, until the contrary is proved, be evidence that such person is an unqualified person.

(9) Where the Society, in the exercise of the powers conferred on it under subsection (5) or (5A), refuses to issue a practising certificate, issues a certificate subject to conditions, amends a certificate by adding conditions or suspends or cancels a certificate, the solicitor may appeal to the Chief Judge against the decision of the Society within 1 month of being notified of it. (Amended 70 of 1991 s. 4; 23 of 2002 s. 100)

(10) Where the Council refuses to disapply subsection (6) in the case of an applicant who claims to have acquired substantial experience in the law, either in Hong Kong or elsewhere, the applicant may appeal to the Chief Judge against the decision of the Council within 1 month of being informed of that decision. (Amended 60 of 1994 s. 6; 23 of 2002 s. 100)

(11) On an appeal to the Chief Judge under subsection (9) or (10) he may- (Amended 23 of 2002 s. 100)

- (a) affirm the decision of the Society or Council;
- (b) direct the Society to issue a practising certificate to the appellant free from conditions or subject to such conditions as he thinks fit; or (Amended 23 of 2002 s. 100)
- (c) remit the matter to the Society or Council for reconsideration with such directions as he thinks fit. (Added 23 of 2002 s. 100)

(12) Where the Chief Judge affirms a decision of the Society or Council under paragraph (a) of subsection (11) or directs the Society to issue a practising certificate under paragraph (b) of that subsection, the decision of the Chief Judge shall be final. (Added 23 of 2002 s. 100)

(Replaced 58 of 1976 s. 4. Amended 52 of 1980 s. 2)

4. Section added

The following is added –

**“9AA. Misconduct of member or employee of
solicitor corporation or foreign
lawyer corporation**

Conduct of a person who is a member of, or is employed by, a solicitor corporation or a foreign lawyer corporation may be the subject of a complaint, and may be investigated, inquired into and dealt with under this Part in the same way as the conduct of a solicitor or employee of a solicitor or foreign lawyer may be investigated, inquired into and dealt with, but only in so far as the conduct relates to the practice carried on by the corporation.”.

3. Part substituted

Part IV of the Legal Practitioners Ordinance (Cap. 159) is repealed and the following substituted –

“PART IV

NOTARIES PUBLIC

40A. Qualifications for appointment

(1) The Chief Justice may appoint as a notary public in Hong Kong a person whom he considers to be a fit and proper person to be a notary public and who –

- (a) satisfies the following requirements –
 - (i) his name has been on the roll of solicitors continuously for the whole of the period of 7 years immediately before the date of his application for appointment;
 - (ii) he has practised as a solicitor for a period or periods in aggregate of not less than 7 years;
 - (iii) he has, within the period of 1 year ending on the date of his application for appointment, passed any examination prescribed by the Council of the Society of Notaries under section 73D; and
 - (b) has complied with any requirements prescribed by the Council of the Society of Notaries under section 73D with respect to persons applying for appointment as a notary public.
- (2) The Chief Justice may designate a judge of the Court to exercise the powers conferred on him under subsection (1) to appoint a notary public.
- (3) For the purposes of subsection (1)(a)(i), a person applying for appointment as a notary public who has, at any time within the period of 7 years ending on the date of his application for appointment, been suspended from practice as a solicitor under section 10(2)(b) shall be regarded as not having been on the roll of solicitors during the whole of the period of that suspension.
- (4) The Chief Justice may, upon application being made to him under this subsection, specify in a particular case a period for the purposes of subsection (1)(a)(iii) other than the period specified in that subparagraph.
- (5) The Chief Justice may make rules prescribing the manner of appointment as a notary public under this section.

Legal Practitioners (Amendment) Ordinance 1998

121. Part substituted

Section 3 of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998) is amended –

- (a) in the new section 40A(1), (2) and (4), by repealing “Chief Justice” and substituting “Chief Judge”;

- (b) in the new section 40C –
 - (i) in subsection (2), by repealing “Chief Justice” where it first appears and substituting “Chief Judge”;
 - (ii) in subsection (3), by repealing “Chief Justice” and substituting “Chief Judge”;
- (c) in the new section 40E –
 - (i) in subsection (10), by repealing “Chief Justice” and substituting “Chief Judge”;
 - (ii) in subsection (11) –
 - (A) by repealing “Chief Justice” and substituting “Chief Judge”;
 - (B) in paragraph (a), by repealing “or”;
 - (C) in paragraph (b)(iii), by repealing the full stop and substituting “; or”;
 - (D) by adding –
 - “(c) remit the mater to the Society of Notaries for reconsideration with such directions as he thinks fit.”;
 - (iii) by adding –
 - “(12) Where the Chief Judge affirms a decision of the Society of Notaries under paragraph (a) of subsection (11) or gives a direction to the Society of Notaries under paragraph (b) of that subsection, the decision of the Chief Judge shall be final.”
- (d) in the new section 40H(2), by repealing “Chief Justice” and substituting “Chief Judge”;
- (e) in the new section 40K(6)(b), by repealing “Chief Justice” and substituting “Chief Judge”.

40E. Practising certificate – notaries public

- (1) On application in writing by a notary public in the month of November in any year, but subject to subsections (2) to (6), the Society of Notaries shall issue to the applicant a practising certificate as a notary public for the period of one calendar year from 1 January next following the date of the application.
- (2) Any application under subsection (1) shall be in a form approved by the Council of the Society of Notaries and shall be accompanied by payment of any fee prescribed by the Council for the issue of a practising certificate.
- (3) A practising certificate issued under subsection (1) shall be in a form prescribed by the Council of the Society of Notaries.
- (4) A practising certificate shall not be issued under subsection (1) unless the applicant has, where necessary, complied with any indemnity rules made by the Council of the Society of Notaries under section 73E or is exempt from them and has paid to the Society of Notaries the membership subscription in respect of the year for which the practising certificate is to be issued.
- (5) Despite subsection (1), the Society of Notaries may, upon such conditions as it thinks fit, permit an application for a practising certificate to be made under this subsection at any time and upon such application may issue to the applicant a practising certificate for any period not exceeding one calendar year and ending on 31 December in the year in which it is issued.
- (6) Despite subsection (1), the Society of Notaries may –
 - (a) refuse to issue a practising certificate on grounds prescribed by the Chief Justice;

- (b) issue a practising certificate to an applicant subject to conditions prescribed by the Chief Justice;
- (c) amend an already issued certificate by adding conditions prescribed by the Chief Justice.

(7) Where the Society of Notaries considers that a notary public has not complied with conditions imposed under subsection (6) it may, after affording the notary public the opportunity to make representations, suspend or cancel the notary public's practising certificate with or without refunding any fee paid in respect of the practising certificate.

(8) Where the name of a notary public is removed from or struck off the register of notaries public or where a notary public becomes bankrupt, the practising certificate of that notary public shall automatically determine and in any such case no part of the fee paid in respect of the practising certificate shall be repayable.

(9) The publication in the Gazette by the Society of Notaries of notice containing a list of the names and addresses of those notaries public who have obtained practising certificates for the period stated in the notice shall, until the contrary is proved, be evidence that each person whose name appears in the list is a person qualified under section 40D to act as a notary public and to whom a practising certificate for the period stated in the notice has been issued under this section; and the absence from any such list of the name of any person shall, until the contrary is proved, be evidence that such person is not so qualified.

(10) Where the Society of Notaries, in the exercise of the powers conferred on it under subsection (6) or (7), refuses to issue a practising certificate, issues a certificate subject to conditions, amends a certificate by adding conditions or suspends or cancels a certificate, the notary public may appeal to the Chief Justice against the decision of the Society of Notaries within 1 month of being notified of it.

(11) On an appeal to the Chief Justice under subsection (10), he may –

- (a) affirm the decision of the Society of Notaries; or
- (b) direct the Society of Notaries to –
 - (i) issue a practising certificate to the applicant free from conditions or, if any conditions have been prescribed for the purposes of subsection (6)(b), subject to such of those conditions as he thinks fit;
 - (ii) remove any conditions added to a practising certificate under subsection (6)(c);
or
 - (iii) revoke any suspension or cancellation of a practising certificate effected under subsection (7).

Chapter:	159	Title:	LEGAL PRACTITIONERS ORDINANCE	Gazette Number:	
Section:	55	Heading:	Time limit for commencement of certain proceedings	Version Date:	30/06/1997

Notwithstanding anything in the Magistrates Ordinance (Cap 227), proceedings in respect of any offence against section 46, 47, 48, 50B or 54 may be brought at any time within 2 years next after the commission of the offence or within 6 months after the first discovery thereof by the prosecutor, whichever period expires first.

(Amended 60 of 1994 s. 43)
[cf. 1957 c. 27 s. 24 U.K.]

Chapter:	159	Title:	LEGAL PRACTITIONERS ORDINANCE	Gazette Number:	23 of 2002
Section:	74A	Heading:	Advisory Committee on Legal Education	Version Date:	19/07/2002

- (1) There is established an Advisory Committee on Legal Education to advise the Chief Executive on- (Amended 11 of 1999 s. 3)
- (a) legal education and training in Hong Kong; and
 - (b) the future demand in Hong Kong for persons with legal education or training and the means by which that demand may be met.
- (2) The committee shall consist of-
- (a) the Chief Justice or his representative, who shall be the chairman;
 - (b) the Secretary for Justice or his representative; (Amended L.N. 362 of 1997)
 - (c) the Secretary for Education and Manpower or his representative;
 - (d) 10 other members appointed by the Chief Executive, of whom- (Amended 11 of 1999 s. 3)
 - (i) 3 shall be nominated by the Society;
 - (ii) 2 shall be nominated by the Bar Council; (Amended 70 of 1991 s. 8)
 - (iii) 2 shall be nominated by the Vice-Chancellor of the University of Hong Kong; and
 - (iv) one shall be nominated by the President of the City University of Hong Kong; and (Amended 100 of 1994 s. 7; 23 of 2002 s. 83)
 - (e) other persons the committee may co-opt.
- (3) A member of the committee who is unable to attend a meeting of the committee may, on 7 days' notice to the chairman, send a substitute who shall be deemed to be a member of the committee.
- (4) A member of the committee appointed under-
- (a) subsection (2)(d) shall hold office for a 3 year term; and
 - (b) subsection (2)(e) shall hold office for a term, not exceeding 2 years, specified by the committee.
- (5) A member appointed under-
- (a) subsection (2)(d) may at any time resign from the committee by notice in writing to the Chief Executive; or (Amended 11 of 1999 s. 3)
 - (b) subsection (2)(e) may at any time resign from the committee by notice in writing to the chairman.
- (6) Notice of the appointment or termination of membership of a member appointed under subsection (2)(d) may be published in the Gazette.
- (7) The Registrar of the High Court shall be secretary to the committee. (Amended 25 of 1998 s. 2)
- (8) The committee shall report its advice at least annually to the Chief Executive or more often as the Chief Executive requests. (Amended 11 of 1999 s. 3)
- (9) The committee may determine its own procedure.

(Replaced 46 of 1989 s. 17)

Chapter: 492 Title: COSTS IN CRIMINAL CASES ORDINANCE Gazette Number:
Section: 3 Heading: **Defence costs in summary proceedings** Version Date: 30/06/1997

PART II

DEFENCE COSTS

- (1) Where-
- (a) an information or complaint laid before a magistrate is not proceeded with;
 - (b) a magistrate inquiring into an indictable offence determines not to commit the defendant for trial;
 - (c) a magistrate dealing with a summary offence or any offence summarily dismisses the information or complaint or acquits the defendant; or
 - (d) a magistrate, under section 104 of the Magistrates Ordinance (Cap 227), on the application of the defendant or on his own initiative reviews his decision, and on that review reverses or varies his decision,
- the magistrate may order that costs be awarded to the defendant.
- (2) An order for costs under subsection (1) shall not exceed \$30000, unless-
- (a) the defendant and the prosecutor have agreed upon the terms of any order to be made by the magistrate for costs exceeding that sum; or
 - (b) the magistrate, in the absence of any such agreement, orders that those costs be taxed.
- (3) The Chief Justice may, with the approval of the Legislative Council, by order, amend the sum specified in subsection (2).

(Enacted 1996)

Chapter: 25 Title: LABOUR TRIBUNAL ORDINANCE Gazette Number: L.N. 256 of 1999
Section: 23 Heading: **Right of audience** Version Date: 19/10/1999

- (1) The following persons shall have a right of audience before the tribunal-
- (a) a claimant or defendant;
 - (b) a tribunal officer;
 - (c) an authorized officer;
 - (d) an officer or servant of an unincorporated or incorporated company or a member of a partnership, if the company or partnership is a party; and

- *(e) with the leave of the tribunal, an office bearer of a registered trade union or of an association of employers who is authorized in writing by a claimant or defendant to appear as his representative. (Amended 101 of 1997 s. 24; 135 of 1997 ss. 4(1) & 14(1))
- (2) A barrister or solicitor shall have a right of audience before the tribunal only if he is-
 - (a) acting on his own behalf as a claimant or a defendant; or
 - (b) appearing before the tribunal on behalf of an offender for the purpose of section 42. (Replaced 25 of 1999 s. 8)

* As to the suspension of operation of 101 of 1997, please see s. 4(1) and (2) of Cap 538. On 31 October 1997, that s. 4(1) and (2), to the extent that it was in effect immediately before 31 October 1997, ceased to have effect. Please see s. 14(2) of 135 of 1997.

Chapter:	338	Title:	SMALL CLAIMS TRIBUNAL ORDINANCE	Gazette Number:	L.N. 257 of 1999
Section:	19	Heading:	Right of audience	Version Date:	19/10/1999

- (1) The following persons shall have a right of audience before the tribunal-
 - (a) any party;
 - (b) an officer or servant of a corporation, if the corporation is a party;
 - (c) a member of a partnership, if the persons comprising the partnership are parties;
 - (d) with the leave of the tribunal, any person, other than counsel or a solicitor, who is authorized in writing by a party to appear as his representative.
- (2) Except for the purposes of proceedings under section 35A for insulting behaviour, no barrister or solicitor, including a barrister or solicitor who is a public officer whether or not qualified to practise in a court in Hong Kong, shall have a right of audience before the tribunal unless he is acting on his own behalf as a claimant or defendant. (Amended 28 of 1999 s. 9)

Chapter:	201	Title:	PREVENTION OF BRIBERY ORDINANCE	Gazette Number:	L.N. 55 of 2000
Section:	2	Heading:	Interpretation	Version Date:	03/03/2000

Remarks:

Adaptation amendments retroactively made - see 1 of 2003 s. 3

(1) In this Ordinance, unless the context otherwise requires-
"advantage" (利益) means-

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;
- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e),

but does not include an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), particulars of which are included in an election return in accordance with that Ordinance; (Amended 33 of 1991 s. 2; 10 of 2000 s. 47)

"agent" (代理人) includes a public servant and any person employed by or acting for another;

"banker's books" (銀行簿冊) means-

- (a) any ledger, ledger card, statement of account, day book, cash book, account book or other book or document whatsoever;
- (b) any cheque, voucher, record card, report, letter or other document whatsoever; and
- (c) any copy of anything referred to in paragraph (a) or (b), used in the ordinary business of a bank; (Replaced 28 of 1980 s. 2)

"child" (子女) includes a child who is illegitimate or adopted, a foster child and a step-child;

"Commissioner" (專員) means the Commissioner of the Independent Commission Against

Corruption appointed in accordance with the Basic Law and includes the Deputy Commissioner appointed under section 6 of the Independent Commission Against Corruption Ordinance (Cap 204) and the person appointed to act as the Commissioner of the Independent Commission Against Corruption under section 7(2) of that Ordinance; (Replaced 1 of 2003 s. 3)

"company books" (公司簿冊) means the annual return and balance sheets and any ledger, day book, cash book, account book, bank book, report, letter or other book or document used in the ordinary business of a company; (Amended 28 of 1980 s. 2)

"court" (法庭) includes a magistrate hearing proceedings with a view to committal for trial under section 85 of the Magistrates Ordinance (Cap 227);

"Crown servant" (官方僱員) means a person holding an office of emolument, whether permanent or temporary, under the Crown in right of the Government;

"document" (文件) includes any register, book, record, tape-recording, any form of computer input or output, and any other material (whether produced mechanically, electrically, or manually or by any other means whatsoever); (Added 28 of 1980 s. 2)

"entertainment" (款待) means the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with, or provided at the same time as, such provisions;

"investigating officer" (調查人員) means any person authorized by the Commissioner to exercise the powers of an investigating officer under this Ordinance; (Added 9 of 1974 s. 2)

"parents" (父母) includes parents-in-law and step-parents;

"principal" (主事人) includes-

- (a) an employer;
- (b) a beneficiary under a trust;
- (c) a trust estate as though it were a person;
- (d) any person beneficially interested in the estate of a deceased person;
- (e) the estate of a deceased person as though it were a person; and
- (f) in the case of an employee of a public body, the public body;

"public body" (公共機構) means-

- (a) the Government;
- (b) the Executive Council;
- (c) the Legislative Council;
- (d) (Repealed 78 of 1999 s. 7)
- (da) any District Council; (Added 42 of 1981 s. 27. Amended 8 of 1999 s. 89)
- (db) (Repealed 78 of 1999 s. 7)
- (e) any board, commission, committee or other body, whether paid or unpaid, appointed by or on behalf of the Chief Executive or the Chief Executive in Council; and (Amended 1 of 2003 s. 3)
- (f) any board, commission, committee or other body specified in Schedule 1; (Amended 20 of 1999 s. 2)

"public servant" (公職人員) means any Crown servant and also any employee of a public body and- (Amended 48 of 1996 s. 2)

- (a) in the case of a public body other than a body referred to in paragraph (aa), (b) or (c) of this definition, any member of the public body; (Amended 20 of 1999 s. 2)
- (aa) in the case of a public body specified in Schedule 2-
 - (i) an office holder of the public body (other than an honorary office holder);
 - (ii) any member of any council, board, committee or other body of the public body which is vested with any responsibility for the conduct or management of the affairs of the public body; (Added 20 of 1999 s. 2)
- (b) in the case of a public body which is a club or association, any member of the public body who-
 - (i) is an office holder of the body (other than an honorary office holder); or
 - (ii) is vested with any responsibility for the conduct or management of its affairs;
- (c) in the case of a public body which is an educational institution established or continued in being by an Ordinance, any officer of the institution and, subject to subsection (3), any member of any council, board, committee or other body of the institution, which is itself a public body, or which-
 - (i) is established by or under the Ordinance relating to the institution;
 - (ii) is vested with any responsibility for the conduct or management of the affairs of the institution (not being affairs of a purely social, recreational or cultural nature); and
 - (iii) is not excluded under subsection (3),whether the employee, officer or member is temporary or permanent and whether paid or unpaid, but-
 - (A) the holding of a share by a person in a company which is a public body; or
 - (B) the entitlement of a person to vote at meetings of a club or association which is a public body,shall not of itself constitute that person a public servant; (Replaced 50 of 1987 s. 2)

"spouse" (配偶) includes a concubine.

- (2) For the purposes of this Ordinance-

- (a) a person offers an advantage if he, or any other person acting on his behalf, directly or indirectly gives, affords or holds out, or agrees, undertakes or promises to give, afford or hold out, any advantage to or for the benefit of or in trust for any other person;
 - (b) a person solicits an advantage if he, or any other person acting on his behalf, directly or indirectly demands, invites, asks for or indicates willingness to receive, any advantage, whether for himself or for any other person; and
 - (c) a person accepts an advantage if he, or any other person acting on his behalf, directly or indirectly takes, receives or obtains, or agrees to take, receive or obtain any advantage, whether for himself or for any other person.
- (3) The Chief Executive may by notice in the Gazette- (Amended 1 of 2003 s. 3)
- (a) exclude, for the purposes of the definition of "public servant" in subsection (1), any council, board, committee or other body of any educational institution specified in the notice;
 - (b) exclude from the definition of "public servant" any member of any council, board, committee or other body of any educational institution, who would otherwise by virtue of his membership thereof fall within that definition. (Added 50 of 1987 s. 2)
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Chapter:	201	Title:	PREVENTION OF BRIBERY ORDINANCE	Gazette Number:	1 of 2003
Section:	3	Heading:	Soliciting or accepting an advantage	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 1 of 2003 s. 3

PART II

OFFENCES

Any Crown servant who, without the general or special permission of the Chief Executive, solicits or accepts any advantage shall be guilty of an offence.

(Amended 1 of 2003 s. 3)

Chapter:	201	Title:	PREVENTION OF BRIBERY ORDINANCE	Gazette Number:
Section:	4	Heading:	Bribery	Version Date: 30/06/1997

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's- (Amended 28 of 1980 s. 3)

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or
- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

(2) Any public servant who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his- (Amended 28 of 1980 s. 3)

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by himself or by any other public servant in his or that other public servant's capacity as a public servant; or
- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence.

(3) If a public servant other than a Crown servant solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section. (Added 28 of 1980 s. 3)

(4) For the purposes of subsection (3) permission shall be in writing and-

- (a) be given before the advantage is offered, solicited or accepted; or
- (b) in any case where an advantage has been offered or accepted without prior permission, be applied for and given as soon as reasonably possible after such offer or acceptance,

and for such permission to be effective for the purposes of subsection (3), the public body shall, before giving such permission, have regard to the circumstances in which it is sought. (Added 28 of 1980 s. 3)

Chapter: 201 Title: PREVENTION OF BRIBERY ORDINANCE Gazette Number:
Section: 8 Heading: **Bribery of public servants by persons having dealings with public bodies** Version Date: 30/06/1997

(1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any Crown servant employed in that department, office or establishment of the Government, shall be guilty of an offence.

(2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

Chapter: 201 Title: PREVENTION OF BRIBERY ORDINANCE Gazette Number:
Section: 10 Heading: **Possession of unexplained property** Version Date: 30/06/1997

- (1) Any person who, being or having been a Crown servant-
- (a) maintains a standard of living above that which is commensurate with his present or past official emoluments; or
 - (b) is in control of pecuniary resources or property disproportionate to his present or past official emoluments,

shall, unless he gives a satisfactory explanation to the court as to how he was able to maintain such a standard of living or how such pecuniary resources or property came under his control, be guilty of an offence.

(2) Where a court is satisfied in proceedings for an offence under subsection (1)(b) that, having regard to the closeness of his relationship to the accused and to other circumstances, there is reason to believe that any person was holding pecuniary resources or property in trust for or otherwise on behalf of the accused or acquired such resources or property as a gift from the accused, such resources or property shall, in the absence of evidence to the contrary, be presumed to have been in the control of the accused. (Added 9 of 1974 s. 3. Amended 48 of 1996 s. 3)

(3)-(4) (Repealed 56 of 1973 s. 2)

(5) In this section, "official emoluments" (公職薪俸) includes a pension or gratuity payable under the Pensions Ordinance (Cap 89), the Pension Benefits Ordinance (Cap 99) or the Pension Benefits (Judicial Officers) Ordinance (Cap 401). (Amended 36 of 1987 s. 44; 85 of 1988 s. 51)

Chapter:	201	Title:	PREVENTION OF BRIBERY ORDINANCE	Gazette Number:	L.N. 362 of 1997
Section:	21A	Heading:	Certificate as to official emoluments, etc.	Version Date:	01/07/1997

(1) In any proceedings against a person for an offence under this Ordinance, a certificate purporting- (Amended 50 of 1987 s. 12)

(a) to certify-

- (i) the rate of, and the total amount of, official emoluments and the allowances, other than such emoluments, paid to any Crown servant in relation to the discharge by him of his duties as a Crown servant;
- (ii) that any person was or was not serving at any specified time or during any specified period as a Crown servant or ceased to be a Crown servant at or before any specified time; or
- (iii) that a Crown servant held or did not hold at any specified time any specified office; and

(b) to be signed by the Chief Secretary for Administration, shall be admitted in such proceedings by any court on its production without further proof.

(2) On the production of a certificate under subsection (1) the court before which it is produced shall, until the contrary is proved, presume-

- (a) that the facts stated therein are true; and
- (b) that the certificate was signed by the Chief Secretary for Administration.

(3) In this section, "official emoluments" (公職薪俸) includes a pension or gratuity payable under the Pensions Ordinance (Cap 89), the Pension Benefits Ordinance (Cap 99) or the Pension Benefits (Judicial Officers) Ordinance (Cap 401). (Amended 36 of 1987 s. 44; 85 of 1988 s. 51)

(Added 69 of 1978 s. 2. Amended L.N. 362 of 1997)

Chapter:	204	Title:	INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE	Gazette Number:	1 of 2003
Section:	2	Heading:	Interpretation	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 1 of 2003 s. 3

In this Ordinance, unless the context otherwise requires-

"Commission" (廉政公署) means the Independent Commission Against Corruption established under section 3;

"Commissioner" (廉政專員) means the Commissioner of the Independent Commission Against Corruption appointed in accordance with the Basic Law and includes the Deputy Commissioner appointed under section 6; (Replaced 1 of 2003 s. 3)

"Crown servant" (官方僱員) means a person holding an office of emolument, whether permanent or temporary, under the Crown in right of the Government;

"officer" (廉署人員) means an officer of the Commission appointed under section 8;

"public body" (公共機構) has the meaning assigned to it in section 2 of the Prevention of Bribery Ordinance (Cap 201); (Replaced 51 of 1987 s. 2)

"public servant" (公職人員) has the meaning assigned to it in section 2 of the Prevention of Bribery Ordinance (Cap 201); (Replaced 51 of 1987 s. 2. Amended 1 of 2003 s. 3)

"Public Service (Administration) Order" (《公務人員(管理)命令》) means-

- (a) the Public Service (Administration) Order 1997 (Executive Order No. 1 of 1997);
- (b) the Public Service (Disciplinary) Regulation made under section 21 of that Order (and together with that Order published as S.S. No. 5 to Gazette No. 2/1997); and
- (c) any other regulation made or any direction given under that Order,

as amended from time to time. (Added 1 of 2003 s. 3)

Chapter:	204	Title:	INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE	Gazette Number:	1 of 2003
Section:	5	Heading:	Appointment of Commissioner	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 1 of 2003 s. 3

(1) The Commissioner, subject to the orders and control of the Chief Executive, shall be responsible for the direction and administration of the Commission. (Replaced 1 of 2003 s. 3)

(2) The Commissioner shall not be subject to the direction or control of any person other than the Chief Executive.

(3) The Commissioner shall hold office on such terms and conditions as the Chief Executive may think fit.

(4) The Commissioner shall not, while he holds the office of the Commissioner, discharge the duties of any other office of emolument under the Crown in right of the Government of Hong Kong.

(Amended 1 of 2003 s. 3)

Chapter:	204	Title:	INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE	Gazette Number:	L.N. 55 of 2000
Section:	10	Heading:	Power of arrest	Version Date:	03/03/2000

(1) An officer authorized in that behalf by the Commissioner may without warrant arrest a person if he reasonably suspects that such person is guilty of an offence under this Ordinance or the Prevention of Bribery Ordinance (Cap 201) or the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554) or, being a Crown servant, is guilty of an offence of blackmail committed by or through the misuse of office. (Amended 27 of 1980 s. 2; 10 of 2000 s. 47)

(2) Where, during an investigation by the Commission of a suspected offence under the Prevention of Bribery Ordinance (Cap 201) or of a suspected offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), another offence is disclosed, any such officer may without warrant arrest a person if he reasonably suspects that such person is guilty of that other offence and- (Amended 16 of 1991 s. 2; 10 of 2000 s. 47)

(a) he reasonably suspects that such other offence was connected with, or that either directly or indirectly its commission was facilitated by, the suspected offence under the Prevention of Bribery Ordinance (Cap 201) or the suspected offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554), as the case may be; or (Amended 16 of 1991 s. 2; 10 of 2000 s. 47)

(b) the other offence is one which is specified for the purposes of this subsection in subsection (5).

(3) Any such officer-

(a) may use such force as is reasonable in the circumstances in effecting an arrest under subsection (1) or (2); and (Amended 18 of 1976 s. 2)

(b) may, for the purpose of effecting such an arrest, enter and search any premises or place if he has reason to believe that there is in the premises or place a person who is to be so arrested.

(4) No premises or place shall be entered under subsection (3) unless the officer has first stated that he is an officer and the purpose for which he seeks entry and produced his warrant card to any person requesting its production, but subject as aforesaid any such officer may enter any such premises or place by force, if necessary.

(5) The following offences are specified for the purposes of subsection (2)-

- (a) the offence of perverting or obstructing the course of justice;
- (aa) the offence of theft under section 9 of the Theft Ordinance (Cap 210); (Added 27 of 1980 s. 2)
- (b) the offence of blackmail under section 23 of the Theft Ordinance (Cap 210);
- (ba) the offence of fraud under section 16A of the Theft Ordinance (Cap 210); (Added 45 of 1999 s. 5)
- (c) the offence of obtaining property by deception under section 17 of the Theft Ordinance (Cap 210);
- (d) the offence of obtaining pecuniary advantage by deception under section 18 of the Theft Ordinance (Cap 210);
- (da) the offence of obtaining services by deception under section 18A of the Theft Ordinance (Cap 210); (Added 51 of 1987 s. 4)
- (db) the offence of evading liability by deception under section 18B of the Theft Ordinance (Cap 210); (Added 51 of 1987 s. 4)
- (dc) the offence of making off without payment under section 18C of the Theft Ordinance (Cap 210); (Added 51 of 1987 s. 4)
- (dd) the offence of procuring a false entry in certain records under section 18D of the Theft Ordinance (Cap 210); (Added 51 of 1987 s. 4)
- (de) the offence of false accounting under section 19 of the Theft Ordinance (Cap 210); (Added 27 of 1980 s. 2. Amended 51 of 1987 s. 4)
- (e) the offence of assisting an offender under section 90 of the Criminal Procedure Ordinance (Cap 221);
- (ea) any offence under regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); (Replaced 134 of 1997 s. 85)
- (f) the offence of conspiracy to defraud and the offence of conspiracy to commit any of the offences referred to in paragraph (a), (aa), (b), (ba), (c), (d), (da), (db), (dc), (dd), (de), (e) or (ea); (Replaced 27 of 1980 s. 2. Amended 51 of 1987 s. 4; 16 of 1991 s. 2; 45 of 1999 s. 5)
- (g) an attempt to commit any offence referred to in paragraph (a), (aa), (b), (ba), (c), (d), (da), (db), (dc), (dd), (de), (e) or (ea) or the offence of aiding, abetting, counselling or procuring any offence so referred to. (Replaced 27 of 1980 s. 2. Amended 51 of 1987 s. 4; 16 of 1991 s. 2; 45 of 1999 s. 5)

(Replaced 14 of 1976 s. 2)

Chapter:	204	Title:	INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE	Gazette Number:	L.N. 55 of 2000
Section:	12	Heading:	Duties of the Commissioner	Version Date:	03/03/2000

Remarks:

Adaptation amendments retroactively made - see 1 of 2003 s. 3

It shall be the duty of the Commissioner, on behalf of the Chief Executive, to- (Amended 1 of 2003 s. 3)

- (a) receive and consider complaints alleging corrupt practices and investigate such of those complaints as he considers practicable;
 - (b) investigate-
 - (i) any alleged or suspected offence under this Ordinance;
 - (ii) any alleged or suspected offence under the Prevention of Bribery Ordinance (Cap 201);
 - (iii) any alleged or suspected offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); (Amended 10 of 2000 s. 47)
 - (iv) any alleged or suspected offence of blackmail committed by a Crown servant by or through the misuse of his office;
 - (v) any alleged or suspected conspiracy to commit an offence under the Prevention of Bribery Ordinance (Cap 201);
 - (vi) any alleged or suspected conspiracy to commit an offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); and (Amended 10 of 2000 s. 47)
 - (vii) any alleged or suspected conspiracy (by 2 or more persons including a Crown servant) to commit an offence of blackmail by or through the misuse of the office of that Crown servant; (Replaced 16 of 1991 s. 3)
 - (c) investigate any conduct of a Crown servant which, in the opinion of the Commissioner is connected with or conducive to corrupt practices and to report thereon to the Chief Executive; (Amended 1 of 2003 s. 3)
 - (d) examine the practices and procedures of Government departments and public bodies, in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedures which, in the opinion of the Commissioner, may be conducive to corrupt practices;
 - (e) instruct, advise and assist any person, on the latter's request, on ways in which corrupt practices may be eliminated by such person;
 - (f) advise heads of Government departments or of public bodies of changes in practices or procedures compatible with the effective discharge of the duties of such departments or public bodies which the Commissioner thinks necessary to reduce the likelihood of the occurrence of corrupt practices;
 - (g) educate the public against the evils of corruption; and
 - (h) enlist and foster public support in combatting corruption.
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Chapter:	204	Title:	INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE	Gazette Number:	L.N. 55 of 2000
Section:	13	Heading:	Powers of the Commissioner	Version Date:	03/03/2000

(1) For the purpose of the performance of his functions under this Ordinance the Commissioner may-

- (a) authorize in writing any officer to conduct an inquiry or examination;
- (b) enter any Government premises and require any Crown servant to answer questions concerning the duties of any Crown or public servant and require the production of any standing orders, directions, office manuals or instructions relating thereto;
- (c) (Repealed 45 of 1992 s. 3)
- (d) authorize in writing any person to perform any of his duties and to exercise such powers under this Ordinance and the Prevention of Bribery Ordinance (Cap 201) as he may specify. (Amended 10 of 2000 s. 47)

(2) The Commissioner or any officer authorized for the purposes of this subsection in writing by the Commissioner shall have the following powers, namely-

- (a) as regards the performance of any of the Commissioner's functions under this Ordinance, access to all records, books and other documents relating to the work of any Government department in the possession or under the control of any Crown servant;
- (b) in so far as is necessary for the performance of any of the Commissioner's functions under section 12(d) or (f), access to such records, books and other documents in the possession or under the control of a public body as the Commissioner or such officer reasonably considers will reveal the practices and procedures of that public body;
- (c) as regards any such records, books and other documents, power to photograph or make copies of them. (Replaced 48 of 1996 s. 23)

(3) In this section "documents" (文件) has the meaning assigned to "document" in section 2 of the Prevention of Bribery Ordinance (Cap 201). (Added 48 of 1996 s. 23)

Chapter:	6	Title:	BANKRUPTCY ORDINANCE	Gazette Number:	L.N. 158 of 1998
Section:	50	Heading:	Unfair preferences	Version Date:	01/04/1998

(1) Subject to this section and sections 51 and 51A, where a debtor is adjudged bankrupt and he has at a relevant time (defined in section 51) given an unfair preference to any person, the trustee may apply to the court for an order under this section.

(2) The court shall, on such an application, make such order as it thinks fit for restoring the position to what it would have been if that debtor had not given that unfair preference.

(3) For the purposes of this section and sections 51 and 51A, a debtor gives an unfair preference to a person if-

- (a) that person is one of the debtor's creditors or a surety or guarantor for any of his debts or other liabilities; and
- (b) the debtor does anything or suffers anything to be done which (in either case) has the effect of putting that person into a position which, in the event of the debtor's bankruptcy, will be better than the position he would have been in if that thing had not been done.

(4) The court shall not make an order under this section in respect of an unfair preference given to any person unless the debtor who gave the unfair preference was influenced in deciding to give it by a desire to produce in relation to that person the effect mentioned in subsection (3)(b).

(5) A debtor who has given an unfair preference to a person who, at the time the unfair preference was given, was an associate of his (otherwise than by reason only of being his employee) is presumed, unless the contrary is shown, to have been influenced in deciding to give it by such a desire as is mentioned in subsection (4).

(6) The fact that something has been done in pursuance of the order of a court does not, without more, prevent the doing or suffering of that thing from constituting the giving of an unfair preference.

(Replaced 76 of 1996 s. 36)

Chapter:	7	Title:	LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE	Gazette Number:
Section:	74C	Heading:	Provisions transitional to the enactment of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1980	Version Date: 30/06/1997

For the avoidance of doubt it is hereby declared that-

- (a) where prior to 18 December 1979 a tenant or sub-tenant-
- (i) was in possession of premises under a tenancy or sub-tenancy which became subject to this Part on that date by virtue of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1980 (6 of 1980); and
 - (ii) made an agreement with his landlord or principal tenant for a new tenancy or sub-tenancy of the premises to commence on or after 18 December 1979, or for a continuation of the existing tenancy or sub-tenancy at an increased rent to take effect on or after that date,
- he shall be entitled to the benefits and protection afforded by this Part as if the agreement had not been made;
- (b) where a tenant or sub-tenant-
- (i) was immediately prior to 18 December 1979 in possession of premises under a tenancy or sub-tenancy which was subject to this Part, or which became subject to this Part on that date by virtue of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1980 (6 of 1980); and
 - (ii) made an agreement with his landlord or principal tenant on or after 18 December 1979 and before the commencement of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1980 (6 of 1980) for an increase in rent,
- the amount of rent recoverable by the landlord or principal tenant shall be the amount so agreed, whether or not any notice has been lodged under section 55;
- (c) where a tenant or sub-tenant has paid by way of rent any amount which, by virtue of the Landlord and Tenant (Consolidation) (Amendment) Ordinance 1980 (6 of 1980), is not recoverable by the landlord or principal tenant, the tenant or sub-tenant shall be entitled to recover the amount from the landlord or principal tenant who received it or from his personal representatives.

(Added 6 of 1980 s. 15)
(Part II replaced 78 of 1973 s. 2)

Chapter: 17A Title: LANDS TRIBUNAL Gazette 32 of 2002
Rules: RULES Number:

Schedule: Heading: **SCHEDULE** Version Date: 27/12/2002

[rule 1]

FORMS
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)

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

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

To

(L.N. 417 of 1995)

FORM 3

[rule 22]

APPLICATION FOR SUMMONS TO A WITNESS

Lands 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)

FORM 4

[rule 22]

SUMMONS TO WITNESS TO APPEAR (AND TO PRODUCE DOCUMENTS)

Lands 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)

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, 78I]

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; L.N. 78 of 2002)

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 the Environment, Transport and Works

* 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; L.N. 106 of 2002)

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 the Environment, Transport and Works.

Address for service of the applicant:

*Delete whichever does not apply.

(L.N. 417 of 1995; 25 of 1998 s. 2; L.N. 106 of 2002)

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)

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)

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)

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)

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)

FORM 21

[rule 66(3)]

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 UNDER LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section

LD

No.

Applicant's Name: * (Landlord/Tenant/Sub-tenant)

and Address:

Respondent's Name: * (Landlord/Tenant/Sub-tenant)

and Address:

Address of premises:

User of premises: * (Residential/Business)

Duration of tenancy: From To Existing rent: \$ /month

Nature and particulars of application:

* Application for new tenancy. / *Application for determination of prevailing market rent.

* Application for recovery of possession of the suit premises and rent as the respondent has failed to pay rent from the day of and application for order for mesne profits, costs, *interest, *management fees, *rates/Government rent, *water/electricity/gas charges and *other utility charges.

* Application for disposal of properties left in the premises by the respondent.

Dated this day of

.....+
(Signature of *the authorized representative of Applicant)
Full name of authorized representative:

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

Address for service of the applicant:
.....

+ If the applicant is a company/incorporation, please affix the company seal and write down the full name of the signatory.

* Delete whichever is inapplicable.

Note: If the respondent intends to oppose this application, he must personally attend at the Lands Tribunal Registry within 14 days of the date of service of this notice, and file a notice of opposition (Form 7).
(Replaced 32 of 2002 s. 40)

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)

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)

FOR M 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)

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)

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 Secretary for Justice.
- + Delete if the applicant is the Secretary for Justice.

(L.N. 417 of 1995; L.N. 362 of 1997)

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 Secretary for Justice.
- + Delete if the applicant is the Secretary for Justice.

(L.N. 417 of 1995; L.N. 362 of 1997)

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.

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)

FORM 32

[rule 78B]

Application No.

NOTICE OF APPLICATION TO LANDS TRIBUNAL FOR AN ORDER FOR SALE
UNDER LAND (COMPULSORY SALE FOR REDEVELOPMENT) ORDINANCE

Pursuant to section 3(1)

Name and address of the applicant (the majority owner) and the number (shown in brackets) of undivided shares held by the applicant in the lot mentioned below:

Name and address of the respondent (the minority owner) and the number (shown in brackets) of undivided shares held by the respondent in the lot mentioned below:

Description and number of all the undivided shares of the lot sought to be sold:

The applicant hereby applies for an order to sell all the undivided shares in the lot for the purposes of the redevelopment of the lot on the grounds that:

- (a) The applicant is the person or persons who owns or own, otherwise than as a mortgagee, not less than 90% of the undivided shares in the lot (or not less than % being the percentage specified by the Chief Executive in Council on (date) (L.N.)). The exact percentage of the undivided shares owned by the applicant is
- (b) A valuation report as specified in Part 1 of Schedule 1 to the Ordinance setting out the assessed market value of each property on the lot has been prepared and is attached hereto.
- (c) In the event that the above-mentioned application is granted, the applicant hereby applies for a further order that the following amounts of compensation be paid by the applicant/respondent to their respective tenants specified below for the termination of their tenancies upon successful sale of the lot.

Applicant/ Respondent No. & Name	Tenant Payee	Maximum Amount of Compensation	Duration of Tenancy	Existing Rent per month	Remarks (e.g. why no figure given or what affects the compensation)
--	-----------------	--------------------------------------	------------------------	----------------------------	---

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)

Note: If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of service of this notice and file a notice of opposition by means of Form 33.

(L.N. 100 of 1999)

FORM 33

[rule 78C]

Application No.

NOTICE OF OPPOSITION TO APPLICATION FOR AN ORDER FOR SALE
UNDER LAND (COMPULSORY SALE FOR REDEVELOPMENT) ORDINANCE

Pursuant to section 4(2)

Name and address of applicant (the majority owner):

Name, address and status of respondent (the minority owner):

Address and description of premises:

1. Application for an order to sell all the undivided shares in the lot for the purposes of the redevelopment of the lot is opposed on the following grounds:
 - (a) The value of some or all units of property as assessed in the application is disputed for the following reasons:

 - (b) Other reasons (if any):

2. The proposed amount of compensation to be paid by the said respondent (minority owner) to his own tenants is opposed for the following reasons:

3. I/We do/do not wish to be heard.

Dated this day of 19

.....
(Name and No. of the Respondent)

Address for service of the Respondent:

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

(L.N. 100 of 1999)

FORM 34

[rule 78E]

Application No.
(related to Main Application No.)

NOTICE OF APPLICATION FOR DETERMINATION OF COMPENSATION
UNDER LAND (COMPULSORY SALE FOR
REDEVELOPMENT) ORDINANCE

Pursuant to sections 4(6) and 8(3) and (4)

- (a) Name, address and status of applicant (tenant/principal tenant/sub-tenant):
- (b) Name, address and status of respondent (majority/minority owner):
- (c) Address and user of premises:
- (d) Duration of tenancy:
- (e) Rent:
- (f) The main application no. under which an order to sell all the undivided shares of the lot inclusive of the premises herein being sought by the majority owner is:
- (g) The proposed maximum amount of compensation payable to the applicant herein as set out in the said main application is:

The applicant hereby applies for a determination of the amount of compensation to be paid in the event of termination of the tenancy herein under section 8(1)(b) following the making of an order for sale by the Tribunal pursuant to section 4(6) of the Ordinance. The amount of compensation claimed by the applicant herein is , and the grounds and facts relied upon by the applicant are:

Dated this day of 19

.....
(Applicant Tenant)

Address for service of the Applicant:

- To:
1. The Registrar, Lands Tribunal.
 2. The Respondent.
 3. The Applicant (majority owner) in the main application.
 4. (Please add such other persons as may be required to be served)

- Note:**
- (a) If you wish to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of service of this notice, and file a notice of opposition by means of Form 35.
 - (b) Neither the applicant nor the respondent needs to take active steps to set a date for the determination of the compensation. Parties herein will receive a notice of hearing of the main application and that they may attend the Tribunal if they so wish. If an order for sale is made by the Tribunal, either party may apply to the Tribunal to review the amount of compensation determined within one month of the making of the order, if either party is not satisfied with the amount of compensation determined, pursuant to section 11A of the Lands Tribunal Ordinance (Cap 17).

(L.N. 100 of 1999)

FORM 35

[rule 78F]

Application No.
 (related to Main Application No.)

NOTICE OF OPPOSITION TO APPLICATION FOR DETERMINATION OF
 COMPENSATION UNDER LAND (COMPULSORY SALE
 FOR REDEVELOPMENT) ORDINANCE

Pursuant to sections 4(6) and 8(3)

- (a) Name, address and status of applicant (tenant/principal tenant/sub-tenant):
- (b) Name, address and status of respondent (majority/minority owner):
- (c) Address and description of premises:

I am/We are a party to the Main Application No. My/Our/applicant's/respondent's no.
 is

2. I/We oppose to the amount of compensation claimed by the applicant tenant/principal tenant/sub-tenant to the following extent:
 - (a) No compensation should be payable to the applicant for the following reasons (please state the facts relied upon in sufficient detail to enable the applicant to know the case he has to meet):
 - (b) The amount of compensation payable to the applicant should be for the following

reasons (state the facts relied upon in sufficient detail to enable the applicant to know the case he has to meet):

3. I/We do/do not wish to be heard.

Dated this day of 19

.....
(Name of the Respondent Owner)

Address for service of the Respondent:

- To:
1. The Registrar, Lands Tribunal.
 2. The Applicant tenant/Principal tenant/Sub-tenant.
 3. The Applicant (majority owner) in the main application.
 4. (Please add such other persons as may be required to be served)

(L.N. 100 of 1999)

FORM 36

[rule 74(3A)]

NOTICE OF APPEAL TO LANDS TRIBUNAL AGAINST DETERMINATION
OF COMMISSIONER OF RATING AND VALUATION ON WHETHER A
TENANCY IS EXCLUDED FROM PART V OF THE LANDLORD
AND TENANT (CONSOLIDATION) ORDINANCE

Pursuant to section 121(6)

Name, address and status of appellant:

Name, address and status of respondent:

The appellant hereby appeals against the determination of the Commissioner of Rating and Valuation upon an application pursuant to section 121(4) to determine whether a tenancy is excluded from Part V under section 121(3). The tenancy concerned is in respect of the premises known as

(description of premises)

A copy of the notice issued by 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 also applies for an order for costs.

Address for the service of the appellant:

Dated this day of

.....
(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.
(Added 32 of 2002 s. 40)

FORM 36

[rule 78H]

Appeal No. of

NOTICE OF APPEAL TO LANDS TRIBUNAL UNDER GOVERNMENT
RENT (ASSESSMENT AND COLLECTION) ORDINANCE

Pursuant to section 26(1)

*I/We of

.....

as *owner(s)/lessee(s)/occupier(s)/other(s)/

(specify any other capacity)

require the Lands Tribunal to hear an appeal against the decision of *the Director of Lands/the Commissioner of Rating and Valuation that

.....

.....

(describe the tenement and summarize the decision affecting it)

The decision was *made known to/served on *me/us by *the Director of Lands/the Commissioner of Rating and Valuation pursuant to section *4(11)/21(1)/25(3) of the Ordinance on the day of

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

.....

.....
The Tribunal is requested to make an order under section 27 of the Ordinance that

.....
(set out the remedy sought)

Dated this day of

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

Address for service of the Appellant(s):

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

* Delete whichever is inapplicable.

+ Note section 26(2) of the Ordinance-

- (a) for an appeal under section 4(11) of the Ordinance, the grounds of the appeal are confined to the question of whether the interest held under an applicable lease or the tenement is entitled to an exemption from liability to pay Government rent;
- (b) for an appeal under section 21(1) or 25(3) of the Ordinance, the grounds of the appeal are confined to those of the proposal or objection, as the case may be._.

(Enacted 1994. L.N. 78 of 2002)

----- Forwarded by CY AU YEUNG/DOJ/HKSARG on 06/02/2003 02:43 PM -----

Chapter:	40	Title:	GOVERNMENT LEASES ORDINANCE	Gazette Number:	L.N. 307 of 1998
Section:	10	Heading:	New Government rent to be noted in register in Land Registry	Version Date:	04/09/1998

(1) As soon as practicable after a new Government lease of a lot or section is deemed to be granted under this

Ordinance-

- (a) the Director shall notify the Land Registrar of the amount of the new Government rent payable in respect of the lot or section; and
- (b) the Land Registrar shall cause the amount of the new Government rent payable in respect of the lot or section to be noted in the register of such lot or section kept in the Land Registry.

(2) As soon as practicable after the making by the Commissioner after the relevant day of an interim valuation of any tenement which results in an increase in the new Government rent payable in respect of a lot or section-

- (a) the Director shall notify the Land Registrar of the increased new Government rent; and
- (b) the Land Registrar shall cause the amount of the new Government rent noted in the register of such lot or section kept in the Land Registry to be deleted and shall cause the increased new Government rent to be noted therein. (Amended L.N. 307 of 1998)

(Amended 8 of 1993 ss. 2 & 3; 29 of 1998 s. 105)

----- Forwarded by CY AU YEUNG/DOJ/HKSARG on 06/02/2003 02:44 PM -----

Chapter:	40	Title:	GOVERNMENT LEASES ORDINANCE	Gazette Number:	29 of 1998
Section:	11	Heading:	Correction of clerical or arithmetical errors	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 29 of 1998 ss. 18 & 105

(1) The Director may at any time correct clerical or arithmetical errors in a determination of the new Government rent payable in respect of a lot or section under section 9, and if he makes such a correction he shall notify the Land Registrar thereof.

(2) The Land Registrar on being notified by the Director of a correction under subsection (1) shall accordingly rectify the amount of the new Government rent shown in the register of the lot or section kept in the Land Registry.

(Amended 8 of 1993 ss. 2 & 3; 29 of 1998 s. 105)

Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:
Section:	77	Heading:	Offences	Version Date: 30/06/1997

(1) A person who holds himself out to be an insurance agent of an insurer who is not an appointed insurance agent of the insurer commits an offence and is liable-

- (a) on conviction upon indictment to a fine of \$1000000 and to imprisonment for 2 years; and
- (b) on summary conviction to a fine of \$100000 and to imprisonment for 6 months.

(2) A person who holds himself out to be an insurance broker who is not an authorized insurance broker commits an offence and is liable-

- (a) on conviction upon indictment to a fine of \$1000000 and to imprisonment for 2 years; and
- (b) on summary conviction to a fine of \$100000 and to imprisonment for 6 months.

(3) A person who holds himself out to be an appointed insurance agent and an authorized insurance broker at the same time commits an offence and is liable on summary conviction to a fine of \$100000 and to imprisonment for 6 months.

(4) An insurance agent who is appointed as an insurance agent by an insurer when he is the appointed agent of the maximum number of insurers set by regulations commits an offence and is liable on summary conviction to a fine of \$100000.

(5) A person who contravenes section 65(4), (5), (6), (7), (8), (9), (10) or (11) commits an offence and is liable on summary conviction to a fine of \$100000 and imprisonment for 6 months.

(6) An appointed insurance agent who fails-

- (a) to supply information that is required under section 67(5) that verifies compliance with the code of practice;
- (b) to produce books or papers required under section 74,

commits an offence and is liable on summary conviction to a fine of \$100000 and to an additional fine of \$500 for each day on which the magistrate is satisfied that the failure continued.

(7) An insurer who-

- (a) effects a contract of insurance through an insurance intermediary; or
- (b) accepts any insurance business referred to it by an insurance intermediary,

who is not-

- (i) its appointed insurance agent; or
- (ii) an authorized insurance broker,

commits an offence and is liable-

- (A) on conviction upon indictment to a fine of \$1000000 and to imprisonment for 2 years; and
- (B) on summary conviction to a fine of \$100000 and to imprisonment for 6 months.

(8) An insurer who fails-

- (a) to keep a register under section 66(1);
- (b) to keep the register under section 66(1) in the form specified by the Insurance Authority under section 66(2);
- (c) to ensure that details of the register required to be kept under section 66(1) are

available to the public in accordance with section 66(3);
(d) to furnish the Insurance Authority with details of the registration or removal of appointed insurance agents under section 66(4) verified in the specified manner;
(e) to supply information that is required under section 67(5) that verifies compliance with the code of practice;
(f) to produce books or papers required under section 74,
commits an offence and is liable on summary conviction to a fine of \$100000 and to an additional fine of \$500 for each day on which the magistrate is satisfied that the failure continued.

(9) An insurer who-

- (a) appoints an agent knowing that the appointment causes the agent to be appointed by more than the prescribed number of principals;
- (b) appoints an agent with less than the minimum qualifications set under an approved code of practice;
- (c) appoints an agent under a written agency agreement that fails to meet, in a material respect, the minimum requirements of a model agency agreement adopted by the Hong Kong Federation of Insurers under an approved code of practice;
- (d) confirms the appointment of an insurance agent without the confirmation of the Insurance Agents Registration Board set up by the Hong Kong Federation of Insurers; or
- (e) fails, where the Insurance Agents Registration Board set up by the Hong Kong Federation of Insurers refers a complaint to the insurer-
 - (i) to investigate the complaint;
 - (ii) to report to the Insurance Agents Registration Board the findings of the investigation and the action taken, if any; or
 - (iii) to take disciplinary action as required by the Insurance Agents Registration Board,

commits an offence and is liable-

- (i) on conviction on indictment to a fine of \$1000000 and to imprisonment for 2 years;
- (ii) on summary conviction to a fine of \$100000.

(10) An insurer who fails, other than as set out in subsection (9), to comply with a code of practice approved under section 67 commits an offence and is liable to a fine of \$100000.

(11) An authorized insurance broker who fails-

- (a) to supply information required by the Insurance Authority under section 70;
- (b) to supply particulars required under section 73 to the Insurance Authority;
- (c) to produce books or papers required under section 74,

commits an offence and is liable on summary conviction to a fine of \$100000 and to an additional fine of \$500 for each day on which the magistrate is satisfied that the failure continued.

(12) An authorized insurance broker who-

- (a) fails to keep client monies in separate accounts; or
- (b) gives a mortgage or charge over client monies,

commits an offence and is liable-

- (i) on conviction upon indictment to a fine of \$1000000 and to imprisonment for 5 years; and
- (ii) on summary conviction to a fine of \$100000 and to imprisonment for 6 months.

(13) An approved body of insurance brokers which fails-

- (a) to keep a register under section 70;
- (b) to keep information in the register under section 70 specified by the Insurance Authority;
- (c) to supply information required by the Insurance Authority under section 70;
- (d) to supply particulars required under section 73 to the Insurance Authority;
- (e) to produce books or papers required under section 74,

commits an offence and is liable on summary conviction to a fine of \$100000 and to an additional fine of \$500 for each day on which the magistrate is satisfied that the failure continued.

(14) An insurance broker who fails to comply with section 72 commits an offence and is liable to a fine of \$10000, together with a further fine of \$500 for each day on which the magistrate is satisfied that the offence continued.

(Part X added 76 of 1994 s. 4)

----- Forwarded by CY AU YEUNG/DOJ/HKSARG on 06/02/2003 02:56 PM -----

Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	L.N. 120 of 2000
Schedule:	3	Heading:	ACCOUNTS AND STATEMENTS	Version Date:	01/12/2000

[sections 17, 18, 22 & 50]
(Amended 32 of 2000 s. 48)

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,-

	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額) 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 actuary" (委任精算師) means the person appointed as actuary to an insurer under section 15 of this Ordinance;

"appointed auditor" (委任核數師) 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 sub-paragraph (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 s. 2(1)(c))

*(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 s. 2(1)(c))

*#(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 s. 2(1)(c))

#*(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 s. 2(1)(c))

(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 1994 s. 7)

5. (1) 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; 4 of 1998 s. 3)

- (a) stating whether in his opinion, proper records have been kept by the insurer adequate for the purpose of the valuation of 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) if any part of the long term business is of a nature other than that specified in class G or H in Part 2 of the First Schedule, \$2000000 or its equivalent; or (Replaced 4 of 1998 s. 3)
 - (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 prescribed standards or other standards as the Insurance Authority accepts as being comparable to the prescribed standards under section 15C of this Ordinance, which are applicable to him; and (Added 29 of 1997 s. 13. Amended 31 of 2000 s. 4)
- (f) specifying such of those standards applicable to him with which he has complied. (Added 29 of 1997 s. 13)

(1A)(Repealed 4 of 1998 s. 3)

(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.

* 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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** 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; (Amended 59 of 1993 s. 18)
- (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; (Amended 59 of 1993 s. 18)
- (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

		—	—
			XX
			===
			==
		Dividends to Policy holders	X
			X
		Other Payments (accounts to be specified)	X
			X
		Amount of Funds on,	
		the end of the period	X
			X
Transfer from Profit and Loss Account	X	Transfer to Profit and Loss Account	X
	X		X
	-		-
	-		-
	-		-
	-		-
	-		-
	-		X
	X		X
	X		=
	=		=
	=		=
	=		=

* 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-
- (a) the date up to which the valuation is made;
 - (b) 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;
 - (c) the table or tables of mortality used in the valuation;
 - (d) the rate or rates of interest assumed in the calculations;
 - (e) 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);
 - (f) the time during which a policy must be in force in order to entitle the policy holders to share in the profits;
 - (g) the results of the valuation, showing-
 - (i) the total amount of profit made by the insurer;
 - (ii) the amount of profit divided among the policy holders, and the number and amount of the policies which participated;
 - (iii) 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	Amount of		Office	Net	Value of sums	Value	Amou	Bases
		1	2						
		Number	Amount of sums	premi	premi	assured or annuities	of	nt	of
		of	per annum	ms	um	per annum	yearly	of	valuat
		contra	including			including	net	net	ion
		cts	vested reversionary			vested reversionary	premiu	liabilit	
			bonuses			bonuses	ms	y	
			\$	\$	\$	\$	\$	\$	
(I)	Life assurance other than annuities								
	(a) With participation in profits:								
	Whole life								
	Endowment								
	Other types (to be specified)								
	Total assurances with profit.....								
	(b) Without participation in profits:								
	Whole life								
	Endowment								
	Other types (to be specified)								
	Total assurances without profits ..								
	Total assurances								XX
	(II) Annuities								
A	(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								XX
B	Marriage and birth		XX	XX		XX	XX		
C	Linked long term		XX	XX		XX	XX		
D	Permanent health		XX	XX		XX	XX		

E	Tontines	XX	XX	XX	XX
F	Capital redemption	XX	XX	XX	XX
G	Retirement scheme	XX	XX	XX	XX
	management category I	XX	XX	XX	XX
H	Retirement scheme	XX	XX	XX	XX
	management category II	XX	XX	XX	XX
I	Retirement scheme				
	management category III				
	TOTALS				XX

Notes

1. The classes referred to correspond to the classes of Long Term Business set out in Part 2 of the First Schedule.
2. Within each class of insurance, the following are to be shown-
 - (i) direct business and reinsurances accepted;
 - (ii) reinsurances ceded; and
 - (iii) net retained business.
3. 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.
4. With regard to business falling within class A-
 - (i) 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
 - (ii) 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)

FORM L3

Valuation Balance Sheet of _____, as at _____, 19__.

	\$		\$
Net liability under long term insurance business (as per Form L2)		Long term insurance business funds (as per Balance Sheet)	
Surplus	_____	Deficiency	_____
....	\$ _____	\$ _____

(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.

FORM 1

HONG KONG INSURANCE BUSINESS-DIRECT BUSINESS REVENUE ACCOUNT OF (Name of insurer)

for the period commencing on and ending on

ACCOUNTING CLASSES OF GENERAL BUSINESS

	Accident and health	Motor vehicle, damage and liability	Aircraft, damage and liability	Ships, damage and liability	Statutory business	Other	Goods in transit	Properly damaged	Statutory business	Other	Pecuniary loss	Total
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
GROSS PREMIUMS												
(1) Gross premiums receivable												
(2) Reinsurance premiums payable												
RETAINED PREMIUMS												
(3) Premiums net of reinsurance (1)-(2)												
(4) Unearned premiums adjustment												
(5) Earned premiums (3)-(4)												
UNDERWRITING EXPENSES												
(6) Commissions payable												
(7) Management expenses												
(8) Unexpired risks adjustment												
(9) Gross expenses (6)+(7)+(8)												
(10) Commissions receivable from reinsurers												
(11) Total net expenses (9)-(10)												
CLAIMS (incl. claims settling expenses)												
(12) Gross amounts paid												
(13) Amounts recoverable from												
(a) reinsurers												
(b) others												
(14) Net amounts paid (12)-(13)												
(15) Provision for outstanding claims adjustment												
(16) Net incurred (14)+(15)												
UNDERWRITING RESULT												
(17) Profit/(Loss) (5)-(11)-(16)												

We certify that the above information is true and correct.

(_____) _____
Director Director *Chief Executive/Secretary

Note: Amounts must be expressed in Hong Kong dollars.

* Delete as necessary.

FORM 1A

HONG KONG INSURANCE BUSINESS-DIRECT BUSINESS REVENUE ACCOUNT
OF (Name of insurer) SUPPLEMENTARY INFORMATION

for the period commencing on and ending on

ACCOUNTING CLASSES OF GENERAL BUSINESS

	Accident and health \$	Motor vehicle, damage and liability \$	Aircraft, damage and liability \$	Ships, damage and liability	Statuto ry busine ss \$	Othe rs \$	Goods in transit \$	Proper ty damag e \$	Statuto ry busine ss \$	General liability Othe rs \$	Pecuniar y loss \$	T ot al \$
(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)												

We certify that the above information is true and correct.

(_____) (_____) (_____)
Director Director *Chief Executive/Secretary

Note: Amounts must be expressed in Hong Kong dollars.

* Delete as necessary.

FORM 2

HONG KONG INSURANCE BUSINESS-REINSURANCE BUSINESS REVENUE ACCOUNT
OF (Name of insurer)

for the period commencing on and ending on

ACCOUNTING CLASSES OF GENERAL BUSINESS

Accident and health \$	Motor vehicle, damage and liability \$	Aircraft, damage and liability \$	Ships, damage and liability \$	Goods in transit \$	Property damage \$	General liability \$	Pecuniary loss \$	+Non-proportional treaty \$	+Proportional treaty \$	Total \$
------------------------	--	-----------------------------------	--------------------------------	---------------------	--------------------	----------------------	-------------------	-----------------------------	-------------------------	----------

GROSS PREMIUMS

- (1) Gross premiums receivable
- (2) Retrocession premiums payable

RETAINED PREMIUMS

- (3) Premiums net of retrocession (1)-(2)
- (4) Unearned premiums adjustment
- (5) Earned premiums (3)-(4)

UNDERWRITING EXPENSES

- (6) Commissions payable to ceding companies
- (7) Management expenses
- (8) Unexpired risks adjustment
- (9) Gross expenses (6)+(7)+(8)
- (10) Commissions receivable from retrocessionaires
- (11) Total net expenses (9)-(10)

CLAIMS (incl. claims settling expenses)

- (12) Gross amounts paid
- (13) Amounts recoverable from retrocessionaires
- (14) Net amounts paid (12)-(13)
- (15) Provision for outstanding claims adjustment
- (16) Net incurred (14)+(15)

UNDERWRITING RESULT

- (17) Profit/(Loss) (5)-(11)-(16)

We certify that the above information is true and correct.

	Accident and health \$	Motor vehicle damage and liability \$	Aircraft damage and liability \$	Ships, damage and liability \$	Goods in transit \$	Properly damaged \$	General liability \$	Pecuniary loss \$	+Non-proportional treaty \$	+Proportional treaty \$	Total \$
(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 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.

(Amended 32 of 2000 s. 48)

FORM 3

HONG KONG INSURANCE BUSINESS-DIRECT BUSINESS REVENUE ACCOUNT ON THE
FUND ACCOUNTING BASIS OF (Name of insurer)

for the period commencing onand 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 Develop- ments in current year \$
All prior Years of Account Developmen ts in current year \$	Developmen ts in current year \$	Cumulative development s \$	Developmen ts in current year \$	Cumulative development s \$	Developments in current year \$	
GROSS PREMIUMS						
(1) Gross premiums receivable						
(2) Reinsurance premiums payable						
RETAINED PREMIUMS						
(3) Premiums net of reinsurance (1)-(2)						
UNDERWRITING 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						
UNDERWRITING 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.

(Amended 32 of 2000 s. 48)

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)	Total Develop- -ments in current year \$
	All prior Years of Account Develop- -ments in current year \$	Devel- -op- -ments in current year \$	Cumulative development s \$	Develop- -ments in current year \$	Cumulative development s \$	
GROSS PREMIUMS						
(1)	Gross premiums receivable					
(2)	Retrocession premiums payable					
RETAINED PREMIUMS						
(3)	Premiums net of Retrocession (1)-(2)					
UNDERWRITING 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					
UNDERWRITING 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

THIRD PARTY RISKS				COMPREHENSIVE				TOTAL	No. of outstanding claims at end of period (All types)
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.

[section 6(a)]

***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)

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											
	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)
Prior years												
(Year)	-											
(Year)	-	-										
(Year)	-	-	-									
(Year)	-	-	-	-								
(Year)	-	-	-	-	-							
(Year)	-	-	-	-	-	-						
(Year)	-	-	-	-	-	-	-					
(Year)	-	-	-	-	-	-	-	-				
(Year)	-	-	-	-	-	-	-	-	-			
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.

(Replaced 51 of 1999 s. 6(a))

*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											
	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)	(Y ear)
Prior years												
(Year)												
(Year)	-											
(Year)	-	-										
(Year)	-	-	-									
(Year)	-	-	-	-								
(Year)	-	-	-	-	-							
(Year)	-	-	-	-	-	-						
(Year)	-	-	-	-	-	-	-					
(Year)	-	-	-	-	-	-	-	-				
(Year)	-	-	-	-	-	-	-	-	-			
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.
 - (e) References to outstanding claims provision shall include outstanding claims and claims incurred but not reported.

* Delete as necessary.

(Replaced 51 of 1999 s. 6(a))
 (Part 8 added L.N. 391 of 1990)

PART 9

[sections 20(1A), 25A, 25B & 50C]
(Amended 51 of 1999 s. 6(b))

STATEMENT OF ASSETS AND LIABILITIES PURSUANT TO
#SECTION 25A AS AT (financial year end date)
#SECTION 25B AS AT (date specified in notice issued under section 25B)

Name of Insurer

A. Assets maintained in Hong Kong

		Items	\$
Land and building *			01
Issued by, or guaranteed by, any government or public authority			02
listed			03
Fixed interest securities *	Other fixed interest securities except those in associated or subsidiary companies	unlisted	04
Issued by, or guaranteed by, any government or public authority			05
Variable interest securities *	Others		06
listed			07
Equity shares except those in associated or subsidiary companies		unlisted	08
Other variable interest investments *	Holdings in unit trusts		09
listed			10
Value of any shares held		unlisted	11
secured			12
partly secured			13
		unsecured	14
		Debts (other than debts which must be included in line 20 or 21 to 28)	
listed	Insurers		15
Value of any shares held		unlisted	16
secured			17
partly secured			18
		unsecured	19
		Debts (other than debts which must be included in line 20 or 21 to 28)	
Investment in associated or subsidiary companies *	Non-insurers		
Loans secured by contracts of insurance issued by the insurer			20

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
Due from associated or subsidiary companies	
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

Due from others

Insurance debts

Fully secured	29
Partly secured	30
Debts not Unsecured previously covered	31
*	
Fixed term deposits	32
With banks	Current accounts 33
Fixed term	34
Deposits and current	With restricted licence banks and deposit-taking At call 35

account * companies	
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	\$
Unearned premiums		41
Additional amount for unexpired risks		42
Reported claims		43
Claims outstanding	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
↑ Gross insurance liabilities (before deduction of amount reinsured)		
Unearned premiums		50
Additional amount for unexpired risks		51
Reported claims		52
Claims outstanding	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
Net insurance liabilities (after deduction of amount reinsured)		
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)

*** Notes:**

- 1. Section 6 of the Insurance Companies (Amendment) Ordinance 1999 (51 of 1999) replaced Forms 6, 7, 8 and 9.**
- 2. The transitional provision contained in section 9(6) of Ord. No. 51 of 1999 reads as follows:**

(6) Notwithstanding the repeal and replacement of Forms 6, 7, 8 and 9 in Part 8 of the Third Schedule of the principal Ordinance by section 6 and the Schedule of this Ordinance, an insurer need only supply the additional information required by the replacement forms for one additional year each year for 4 years, by the end of which the insurer shall supply the required information for all 12 years specified in such forms.

***(All provisions in Ord. No. 51 of 1999 came into operation on 23 July 1999.)**

Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Schedule:	5	Heading:	PERSON PROPOSING TO BECOME CONTROLLER WITHIN THE MEANING OF SECTION 13B(1)	Version Date:	30/06/1997

[section 13B(2)(a)]

1. Application of Fifth Schedule

This Schedule sets out the information to be furnished to the Insurance Authority by a person proposing to become a controller (within the meaning of section 13B(1) of this Ordinance) of an insurer.

2. Particulars of proposed controller

Any particulars furnished by a person to the Insurance Authority pursuant to section 13B(2)(a) 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, 5th Schedule]

PARTICULARS REQUIRED IN RESPECT OF INDIVIDUALS WHO ARE PROPOSING TO BECOME CONTROLLERS WITHIN THE MEANING OF SECTION 13B(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 directions or instructions of any other person? If so, give full particulars.

I certify that-

- (a) the above information is complete and correct to the best of my knowledge and belief; and
- (b) in respect of* I am-
 - #(i) proposing to become a controller within the meaning of section 13B(1) of this Ordinance;
 - #(ii) a partner in ++.....which is proposing to become a controller within the meaning of section 13B(1) of this Ordinance.

Date

Signed
(individual named in paragraph 1 above.)

- * Insert name of Insurer.
- + Insert name of individual to whom particulars relate.
- ++ Insert name of partnership.
- # Delete as necessary.

**PARTICULARS REQUIRED IN RESPECT OF BODIES CORPORATE
WHICH ARE PROPOSING TO BECOME CONTROLLERS
WITHIN THE MEANING OF SECTION 13b(1)**

Name of Insurer*

The following are particulars of a body corporate which is proposing to become a controller within the meaning of section 13B(1) of this Ordinance, or which is a partner in a partnership which is proposing to be become 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).

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 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.

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 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-

- (a) the above information is complete and correct to the best of my knowledge and belief;
- (b) in respect of *

- + (i) the above-named body corporate is proposing to become a controller within the meaning of section 13B(1) of this Ordinance;
- + (ii) ++..... of which the above-named body corporate is a partner is proposing to become a controller within the meaning of section 13B(1) of this Ordinance; and
- (c) this notice is served with the knowledge and consent of the above-named body corporate.

Date

Signed
 (Director/Secretary+
 of body corporate.)

- * Insert name of Insurer.
- + Delete as necessary.
- ++ Insert name of partnership.

(Fifth Schedule added 44 of 1990 s. 10)

Chapter:	60G	Title:	IMPORT AND EXPORT (STRATEGIC COMMODITIES) REGULATIONS	Gazette Number:	L.N. 171 of 2001
Schedule:	1	Heading:	STRATEGIC COMMODITIES	Version Date:	13/07/2001

0C005 Specially prepared compounds or powders for the manufacture of gaseous diffusion barriers, resistant to corrosion by UF₆ (e.g. nickel or alloy containing 60 weight percent or more nickel, aluminium oxide and fully fluorinated hydrocarbon polymers), having a purity of 99.9 weight percent or more and a mean particle size of less than 10 micrometres measured by American Society for Testing and Materials (ASTM) B330 standard and a high degree of particle size uniformity;

1B228 Hydrogen-cryogenic distillation columns having all of the following characteristics:

- (a) Designed to operate with internal temperatures of 35 K (-238⁰C) or less;
- (b) Designed to operate at an internal pressure of 0.5 to 5 MPa (5 to 50 atmospheres);
- (c) Constructed of either:
 - (1) Stainless steel of the 300 series with low sulphur content and with an austenitic ASTM (or equivalent standard) grain size number of 5 or greater; or
 - (2) Equivalent materials which are both cryogenic and H₂-compatible; and (L.N. 132 of 2001)
- (d) With internal diameters of 1 m or greater and effective lengths of 5 m or greater;

1B229 Water-hydrogen sulphide exchange tray columns and 'internal contactors', as follows:

N.B.:

For columns which are specially designed or prepared for the production of heavy water, see 0B004.

- (a) Water-hydrogen sulphide exchange tray columns, having all of the following characteristics:
 - (1) Can operate at pressures of 2 MPa or greater;
 - (2) Constructed of carbon steel having an austenitic ASTM (or equivalent standard) grain size number of 5 or greater; and
 - (3) With a diameter of 1.8 m or greater;
- (b) 'Internal contactors' for the water-hydrogen sulphide exchange tray columns specified in 1B229(a);

Technical Note:

'Internal contactors' of the columns are segmented trays which have an effective assembled diameter of 1.8 m or greater, are designed to facilitate countercurrent contacting and are constructed of stainless steels with a carbon content of 0.03% or less. These may be sieve trays, valve trays, bubble cap trays, or turbogrid trays. (L.N. 132 of 2001)

1C001 Materials specially designed for use as absorbers of electromagnetic waves, or intrinsically conductive polymers, as follows:

N.B.:

See also 1C101.

(a) Materials for absorbing frequencies exceeding 2×10^8 Hz but less than 3×10^{12} Hz;

Notes:

1. 1C001(a) does not control:

- (a) Hair type absorbers, constructed of natural or synthetic fibres, with non-magnetic loading to provide absorption;
- (b) Absorbers having no magnetic loss and whose incident surface is non-planar in shape, including pyramids, cones, wedges and convoluted surfaces;
- (c) Planar absorbers, having all of the following characteristics:
 - (1) Made from any of the following:

- (a) Plastic foam materials (flexible or non-flexible) with carbon-loading, or organic materials, including binders, providing more than 5% echo compared with metal over a bandwidth exceeding $\pm 15\%$ of the centre frequency of the incident energy, and not capable of withstanding temperatures exceeding 450 K (177⁰C); or

(b) Ceramic materials providing more than 20% echo compared with metal over a bandwidth exceeding $\pm 15\%$ of the centre frequency of the incident energy, and

not capable of withstanding temperatures exceeding 800 K (527⁰C);

Technical Note:

Absorption test samples for 1C001(a) Note 1(c)(1) should be a square at least 5 wavelengths of the centre frequency on a side and positioned in the far field of the radiating element.

- (2) Tensile strength less than 7×10^6 N/m²; and

- (3) Compressive strength less than 14×10^6 N/m²;

- (d) Planar absorbers made of sintered ferrite, having:

- (1) A specific gravity exceeding 4.4; and

- (2) A maximum operating temperature of 548 K (275⁰C).

2. Nothing in Note 1 releases magnetic materials to provide absorption when contained in paint. (L.N. 132 of 2001)

(b) Materials for absorbing frequencies exceeding 1.5×10^{14} Hz but less than 3.7×10^{14} Hz and not transparent to visible light;

(c) Intrinsically conductive polymeric materials with a bulk electrical conductivity exceeding 10000 S/m (Siemens per metre) or a sheet (surface) resistivity of less than 100 ohms/square, based on any of the following polymers:

- (1) Polyaniline;
- (2) Polypyrrole;
- (3) Polythiophene;
- (4) Poly phenylene-vinylene; or
- (5) Poly thienylene-vinylene;

Technical Note:

Bulk electrical conductivity and sheet (surface) resistivity should be determined using ASTM D-257 or national equivalents.

1C002 Metal alloys, metal alloy powder and alloyed materials, as follows:

N.B.:

See also 1C202.

Note:

1C002 does not control metal alloys, metal alloy powder and alloyed materials for coating substrates.

Technical Notes:

1. The metal alloys in 1C002 are those containing a higher percentage by weight of the stated metal than of any other element.
 2. Stress-rupture life should be measured in accordance with ASTM standard E-139 or national equivalents.
 3. Low cycle fatigue life should be measured in accordance with ASTM Standard E-606 'Recommended Practice for Constant-Amplitude Low-Cycle Fatigue Testing' or national equivalents. Testing should be axial with an average stress ratio equal to 1 and a stress-concentration factor (K_t) equal to 1. The average stress is defined as maximum stress minus minimum stress divided by maximum stress.
- (a) Aluminides, as follows:
- (1) Nickel aluminides containing a minimum of 15 weight percent aluminium, a maximum of 38 weight percent aluminium and at least one additional alloying element;
 - (2) Titanium aluminides containing 10 weight percent or more aluminium and at least one additional alloying element;
- (b) Metal alloys, as follows, made from material controlled by 1C002(c):
- (1) Nickel alloys with:
 - (a) A stress-rupture life of 10000 hours or longer at 923 K (650⁰C) at a stress of 676 MPa; or
 - (b) A low cycle fatigue life of 10000 cycles or more at 823 K (550⁰C) at a maximum stress of 1095 MPa;
 - (2) Niobium alloys with:
 - (a) A stress-rupture life of 10000 hours or longer at 1073 K (800⁰C) at a stress of 400 MPa; or
 - (b) A low cycle fatigue life of 10000 cycles or more at 973 K (700⁰C) at a maximum stress of 700 MPa;
 - (3) Titanium alloys with:
 - (a) A stress-rupture life of 10000 hours or longer at 723 K (450⁰C) at a stress of 200 MPa; or
 - (b) A low cycle fatigue life of 10000 cycles or more at 723 K (450⁰C) at a maximum stress of 400 MPa;
 - (4) Aluminium alloys with a tensile strength of:
 - (a) 240 MPa or more at 473 K (200⁰C); or
 - (b) 415 MPa or more at 298 K (25⁰C);
 - (5) Magnesium alloys with:
 - (a) A tensile strength of 345 MPa or more; and
 - (b) A corrosion rate of less than 1 mm/year in 3% sodium chloride aqueous solution measured in accordance with ASTM standard G-31 or national equivalents;
- (c) Metal alloy powder or particulate material, having all of the following characteristics:
- (1) Made from any of the following composition systems:

Technical Note:
X in the following equals one or more alloying elements.

 - (a) Nickel alloys (Ni-Al-X, Ni-X-Al) qualified for turbine engine parts or components, i.e. with less than 3 non-metallic particles (introduced during the manufacturing process) larger than 100 μm in 10^9 alloy particles;
 - (b) Niobium alloys (Nb-Al-X or Nb-X-Al, Nb-Si-X or Nb-X-Si, Nb-Ti-X or Nb-X-Ti);
 - (c) Titanium alloys (Ti-Al-X or Ti-X-Al);

- (d) Aluminium alloys (Al-Mg-X or Al-X-Mg, Al-Zn-X or Al-X-Zn, Al-Fe-X or Al-X-Fe); or
- (e) Magnesium alloys (Mg-Al-X or Mg-X-Al);
- (2) Made in a controlled environment by any of the following processes:
 - (a) "Vacuum atomisation";
 - (b) "Gas atomisation";
 - (c) "Rotary atomisation";
 - (d) "Splat quenching";
 - (e) "Melt spinning" and "comminution";
 - (f) "Melt extraction" and "comminution"; or
 - (g) "Mechanical alloying"; and
- (3) Capable of forming materials controlled by 1C002(a) or 1C002(b);
- (d) Alloyed materials, having all of the following characteristics:
 - (1) Made from any of the composition systems specified in 1C002(c)(1);
 - (2) In the form of uncomminuted flakes, ribbons or thin rods; and
 - (3) Produced in a controlled environment by any of the following:
 - (a) "Splat quenching";
 - (b) "Melt spinning"; or
 - (c) "Melt extraction"; (L.N. 132 of 2001)

1C111 Propellants and constituent chemicals for propellants, other than those controlled by 1C011, as follows:

- (a) Propulsive substances:
 - (1) Spherical aluminium powder, other than that controlled by the Munitions List, with particles of uniform diameter of less than 200 μm and an aluminium content of 97% by weight or more, if at least 10% of the total weight is made up of particles of less than 63 μm , according to ISO 2591:1988 or national equivalents such as JIS Z8820;
 Technical Note:
 A particle size of 63 μm (ISO R-565) corresponds to 250 mesh (Tyler) or 230 mesh (ASTM standard E-11). (L.N. 132 of 2001)
 - (2) Metal fuels, other than that controlled by the Munitions List, in particle sizes of less than 60 μm , whether spherical, atomized, spheroidal, flaked or ground, consisting 97% or more by weight of any of the following:
 - (a) Zirconium;
 - (b) Beryllium;
 - (c) Magnesium; or
 - (d) Alloys of the metals controlled by (a) to (c) above;
 Technical Note:
 The natural content of hafnium in the zirconium (typically 2% to 7%) is counted with the zirconium. (L.N. 132 of 2001)
 - (3) Liquid oxidisers, the following:
 - (a) Dinitrogen trioxide;
 - (b) Nitrogen dioxide/dinitrogen tetroxide;
 - (c) Dinitrogen pentoxide;
- (b) Polymeric substances:
 - (1) Carboxy-terminated polybutadiene (CTPB);
 - (2) Hydroxy-terminated polybutadiene (HTPB), other than that controlled by the Munitions List;
 - (3) Polybutadiene-acrylic acid (PBAA);

- (4) Polybutadiene-acrylic acid-acrylonitrile (PBAN);
- (c) Other propellant additives and agents:
 - (1) Butacene in the Munitions List ML8(e)(11); (L.N. 183 of 1999)
 - (2) Triethylene glycol dinitrate (TEGDN);
 - (3) 2-Nitrodiphenylamine;
 - (4) Trimethylolethane trinitrate (TMETN);
 - (5) Diethylene glycol dinitrate (DEGDN);
 - (6) Ferrocene derivatives other than those controlled by the Munitions List; (L.N. 183 of 1999)

Notes:

1. The following materials, whether or not encapsulated in aluminium, beryllium, magnesium, or zirconium are subject to control:
 - (a) Spherical aluminium powder with particles of uniform diameter of 60 µm or less and an aluminium content of 99 percent or greater;
 - (b) Zirconium, beryllium, boron, magnesium and alloys of these, in particle sizes of less than 60 µm, whether spherical, atomized, spheroidal, flaked or ground consisting 99% or more by weight of any of the above mentioned metals;
 - (c) Iron powder with average particle size of 3 µm or less produced by hydrogen reduction of iron oxide.
2. For propellants and constituent chemicals for propellants not controlled by 1C111, see the Munitions List. (L.N. 183 of 1999)

1C118 Titanium-stabilized duplex stainless steel (Ti-DSS) having:

- (a) All of the following characteristics:
 - (1) Containing 17.0-23.0 weight percent chromium and 4.5-7.0 weight percent nickel; and
 - (2) Having a titanium content of greater than 0.10 weight percent; and (L.N. 132 of 2001)
 - (3) A ferritic-austenitic microstructure (also referred to as a two-phase microstructure) of which at least 10 percent is austenite by volume (according to ASTM E-1181-87 or national equivalents); and (L.N. 132 of 2001)
- (b) Any of the following forms:
 - (1) Ingots or bars having a size of 100 mm or more in each dimension;
 - (2) Sheets having a width of 600 mm or more and a thickness of 3 mm or less; or
- (3) Tubes having an outer diameter of 600 mm or more and a wall thickness of 3 mm or less; (L.N. 183 of 1999)

1C240 Nickel powder or porous nickel metal, other than those controlled by 0C006, as follows:

- (a) Powder with a nickel purity content of 99.0% by weight or greater and a mean particle size of less than 10 µm measured by American Society for Testing and Materials (ASTM) B330 standard;

except:

Filamentary nickel powders.
- (b) Porous nickel powder produced from materials controlled by 1C240(a);

except:

Single porous nickel sheets not exceeding 1000 cm² per sheet.

Note:

1C240(b) refers to porous metal formed by compacting and sintering the materials in 1C240(a) to form a metal material with fine pores interconnected throughout the structure.

1C006 Fluids and lubricating materials, as follows:

(a) Hydraulic fluids containing, as their principal ingredients, any of the following compounds or materials:

(1) Synthetic silahydrocarbon oils, having all of the following: (L.N. 132 of 2001)

Technical Note: (L.N. 132 of 2001)

For the purpose of 1C006(a)(1), silahydrocarbon oils contain exclusively silicon, hydrogen and carbon.

(a) A flash point exceeding 477 K (204⁰C);

(b) A pour point at 239 K (-34⁰C) or less;

(c) A viscosity index of 75 or more; and

(d) A thermal stability at 616 K (343⁰C); or

(2) Chlorofluorocarbons, having all of the following:

Technical Note: (L.N. 132 of 2001)

For the purpose of 1C006(a)(2), chlorofluorocarbons contain exclusively carbon, fluorine and chlorine.

(a) No flash point;

(b) An autogenous ignition temperature exceeding 977 K (704⁰C);

(c) A pour point at 219 K (-54⁰C) or less;

(d) A viscosity index of 80 or more; and

(e) A boiling point at 473 K (200⁰C) or higher;

(b) Lubricating materials containing, as their principal ingredients, any of the following compounds or materials:

(1) Phenylene or alkylphenylene ethers or thio-ethers, or their mixtures, containing more than two ether or thio-ether functions or mixtures thereof; or

(2) Fluorinated silicone fluids with a kinematic viscosity of less than 5000 mm²/s (5000 centistokes) measured at 298 K (25⁰C);

(c) Damping or flotation fluids with a purity exceeding 99.8%, containing less than 25 particles of 200 um or larger in size per 100 ml and made from at least 85% of any of the following compounds or materials:

(1) Dibromotetrafluoroethane;

(2) Polychlorotrifluoroethylene (oily and waxy modifications only); or

(3) Polybromotrifluoroethylene;

(d) Fluorocarbon electronic cooling fluids, having all of the following characteristics:

(1) Containing 85% by weight or more of any of the following, or mixtures thereof:

(a) Monomeric forms of perfluoropolyalkylether-triazines or perfluoroaliphatic-ethers;

(b) Perfluoroalkylamines;

(c) Perfluorocycloalkanes; or

(d) Perfluoroalkanes;

(2) Density at 298 K (25⁰C) of 1.5 g/ml or more;

(3) In a liquid state at 273 K (0⁰C); and

(4) Containing 60% or more by weight of fluorine;

Technical Note:

For the purpose of 1C006:

(a) Flash point is determined using the Cleveland Open Cup Method described in ASTM D-92 or national equivalents;

(b) Pour point is determined using the method described in ASTM D-97 or national equivalents;

- (c) Viscosity index is determined using the method described in ASTM D-2270 or national equivalents;
- (d) Thermal stability is determined by the following test procedure or national equivalents:
Twenty ml of the fluid under test is placed in a 46 ml type 317 stainless steel chamber containing one each of 12.5 mm (nominal) diameter balls of M-10 tool steel, 52100 steel and naval bronze (60% Cu, 39% Zn, 0.75% Sn). The chamber is purged with nitrogen, sealed at atmospheric pressure and the temperature raised to and maintained at 644 ± 6 K ($371 \pm 6^{\circ}\text{C}$) for six hours;
The specimen will be considered thermally stable if, on completion of the above procedure, all of the following conditions are met:
 - (1) The loss in weight of each ball is less than 10 mg/mm^2 of ball surface;
 - (2) The change in original viscosity as determined at 311 K (38°C) is less than 25%; and
 - (3) The total acid or base number is less than 0.40;
- (e) Autogenous ignition temperature is determined using the method described in ASTM E-659 or national equivalents.

1C007 Ceramic base materials, non-"composite" ceramic materials, ceramic-"matrix" "composite" materials and precursor materials, as follows:

N.B.:

See also 1C107.

- (a) Base materials of single or complex borides of titanium having total metallic impurities, excluding intentional additions, of less than 5000 ppm, an average particle size equal to or less than $5 \mu\text{m}$ and no more than 10% of the particles larger than $10 \mu\text{m}$;
- (b) Non-"composite" ceramic materials in crude or semi-fabricated form, composed of borides of titanium with a density of 98% or more of the theoretical density;

Note:

1C007(b) does not control abrasives.

- (c) Ceramic-ceramic "composite" materials with a glass or oxide-"matrix" and reinforced with fibres having all of the following:
 - (1) Made from any of the following materials:
 - (a) Si-N;
 - (b) Si-C;
 - (c) Si-Al-O-N; or
 - (d) Si-O-N; and
 - (2) Having a specific tensile strength exceeding $12.7 \times 10^3 \text{ m}$; (L.N. 132 of 2001)
- (d) Ceramic-ceramic "composite" materials, with or without a continuous metallic phase, incorporating particles, whiskers or fibres, where carbides or nitrides of silicon, zirconium or boron form the "matrix";
- (e) Precursor materials (i.e., special purpose polymeric or metallo-organic materials) for producing any phase or phases of the materials controlled by 1C007(c), as follows:
 - (1) Polydiorganosilanes (for producing silicon carbide);
 - (2) Polysilazanes (for producing silicon nitride);
 - (3) Polycarbosilazanes (for producing ceramics with silicon, carbon and nitrogen components);
- (f) Ceramic-ceramic "composite" materials with an oxide or glass "matrix" reinforced with continuous fibres from any of the following systems:
 - (1) Al_2O_3 ; or
 - (2) Si-C-N;

Note:

1C007(f) does not control "composites" containing fibres from these systems with a fibre

tensile strength of less than 700 MPa at 1273 K (1000⁰C) or fibre tensile creep resistance of more than 1% creep strain at 100 MPa load and 1273 K (1000⁰C) for 100 hours.

1C008 Non-fluorinated polymeric substances, as follows:

- (a) (1) Bismaleimides;
- (2) Aromatic polyamide-imides;
- (3) Aromatic polyimides;
- (4) Aromatic polyetherimides having a glass transition temperature (T_g) exceeding 513 K (240⁰C) determined using the dry method described in ASTM D-3418;

Note:

1C008(a) does not control non-fusible compression moulding powders or moulded forms.

- (b) Thermoplastic liquid crystal copolymers having a heat distortion temperature exceeding 523 K (250⁰C) measured according to ASTM D-648, method A, or national equivalents, with a load of 1.82 N/mm² and composed of:
 - (1) Any of the following:
 - (a) Phenylene, biphenylene or naphthalene; or
 - (b) Methyl, tertiary-butyl or phenyl substituted phenylene, biphenylene or naphthalene; and
 - (2) Any of the following acids:
 - (a) Terephthalic acid;
 - (b) 6-hydroxy-2 naphthoic acid; or
 - (c) 4-hydroxybenzoic acid;
- (c) Polyarylene ether ketones, as follows:
 - (1) Polyether ether ketone (PEEK);
 - (2) Polyether ketone ketone (PEKK);
 - (3) Polyether ketone (PEK);
 - (4) Polyether ketone ether ketone ketone (PEKEKK);
- (d) Polyarylene ketones;
- (e) Polyarylene sulphides, where the arylene group is biphenylene, triphenylene or combinations thereof;
- (f) Polybiphenylenethersulphone;

Technical Note:

The glass transition temperature (T_g) for 1C008 materials is determined using the method described in ASTM D-3418 using the dry method.

1C009 Unprocessed fluorinated compounds, as follows:

- (a) Copolymers of vinylidene fluoride having 75% or more beta crystalline structure without stretching;
- (b) Fluorinated polyimides containing 10% by weight or more of combined fluorine;
- (c) Fluorinated phosphazene elastomers containing 30% by weight or more of combined fluorine;

1C010 "Fibrous or filamentary materials" which may be used in organic "matrix", metallic "matrix" or carbon "matrix" "composite" structures or laminates, as follows:

N.B.:

See also 1C210.

- (a) Organic "fiibrous or filamentary materials", having all of the following:
 - (1) A "specific modulus" exceeding 12.7×10^6 m; and
 - (2) A "specific tensile strength" exceeding 23.5×10^4 m;

- Note:
1C010(a) does not control polyethylene.
- (b) Carbon "fibrous or filamentary materials", having all of the following:
- (1) A "specific modulus" exceeding 12.7×10^6 m; and
 - (2) A "specific tensile strength" exceeding 23.5×10^4 m;
- Technical Note:
Properties for materials described in 1C010(b) should be determined using Suppliers of Advance Composite Materials Association (SACMA) recommended methods SRM 12 to 17, or national equivalent tow tests, such as Japanese Industrial Standard JIS-R-7601, Paragraph 6.6.2., and based on lot average.
- Note:
1C010(b) does not control fabric made from "fibrous or filamentary materials" for the repair of aircraft structures or laminates, in which the size of individual sheets does not exceed 50 cm x 90 cm.
- (c) Inorganic "fibrous or filamentary materials", having all of the following:
- (1) A "specific modulus" exceeding 2.54×10^6 m; and
 - (2) A melting, softening, decomposition or sublimation point exceeding 1 922 K (1 649⁰C) in an inert environment;
- Note:
1C010(c) does not control:
1. Discontinuous, multiphase, polycrystalline alumina fibres in chopped fibre or random mat form, containing 3 weight percent or more silica, with a specific modulus of less than 10×10^6 m.
 2. Molybdenum and molybdenum alloy fibres.
 3. Boron fibres.
 4. Discontinuous ceramic fibres with a melting, softening, decomposition or sublimation point lower than 2 043 K (1770⁰C) in an inert environment.
- (d) "Fibrous or filamentary materials":
- (1) Composed of any of the following:
 - (a) Polyetherimides controlled by 1C008(a); or
 - (b) Materials controlled by 1C008(b) to 1C008(f); or
 - (2) Composed of materials controlled by 1C010(d)(1)(a) or 1C010(d)(1)(b) and "commingled" with other fibres controlled by 1C010(a), 1C010(b) or 1C010(c);
- (e) Resin-impregnated or pitch-impregnated fibres (prepregs), metal or carbon-coated fibres (preforms) or "carbon fibre preforms", as follows:
- (1) Made from "fibrous or filamentary materials" controlled by 1C010(a), 1C010(b) or 1C010(c);
 - (2) Made from organic or carbon "fibrous or filamentary materials":
 - (a) With a "specific tensile strength" exceeding 17.7×10^4 m;
 - (b) With a "specific modulus" exceeding 10.15×10^6 m;
 - (c) Not controlled by 1C010(a) or 1C010(b); and
 - (d) When impregnated with materials controlled by 1C008 or 1C009(b), having a glass transition temperature (T_g) exceeding 383 K (110⁰C) or with phenolic or epoxy resins, having a glass transition temperature (T_g) equal to or exceeding 418 K (145⁰C);
- Note:
1C010(e) does not control:
1. Epoxy resin "matrix" impregnated carbon "fibrous or filamentary materials" (prepregs)

for the repair of aircraft structures or laminates, in which the size of individual sheets of prepreg does not exceed 50 cm x 90 cm.

2. Prepregs when impregnated with phenolic or epoxy resins having a glass transition temperature (T_g) less than 433 K (160⁰C) and a cure temperature lower than the glass transition temperature.

Technical Note:

The glass transition temperature (T_g) for 1C010(e) materials is determined using the method described in ASTM D-3418 using the dry method. The glass transition temperature for phenolic and epoxy resins is determined using the method described in ASTM D-4065 at a frequency of 1 Hz and a heating rate of 2 K (⁰C) per minute using the dry method.

9C110 Resin impregnated fibre prepregs and metal coated fibre preforms therefor, for composite structures, laminates and manufactures specified in 9A110, made either with organic "matrix" or metal "matrix" utilizing fibrous or filamentary reinforcements having a "specific tensile strength" greater than 7.62×10^4 m and a "specific modulus" greater than 3.18×10^6 m;

N.B.:

See also 1C010 and 1C210.

Note:

The only resin impregnated fibre prepregs specified in 9C110 are those using resins with a glass transition temperature (T_g), after cure, exceeding 418 K (145⁰C) as determined by ASTM D4065 or equivalent. (L.N. 132 of 2001)

0 1 9 "ASTM"

The American Society for Testing and Materials.

Chapter:	91	Title:	LEGAL AID ORDINANCE	Gazette Number:	L.N. 230 of 2000
Section:	2	Heading:	Interpretation	Version Date:	03/07/2000

- (1) In this Ordinance, unless the context otherwise requires-
- "aided person" (受助人) means a person to whom has been granted a legal aid certificate which is still in force; (Amended 54 of 1984 s. 2)
- "assignment" and "assigned" (指派) include assignment of solicitor or counsel by the Director, selection of solicitor or counsel by an aided person and briefing of counsel by a solicitor;
- "contribution" (分擔費用) means the contribution payable under this Ordinance by an aided person or formerly aided person to the costs and expenses of legal aid; (Added 54 of 1984 s. 2)
- "counsel" (大律師) means a person who is enrolled as a barrister on the roll of barristers maintained in accordance with the provisions of the Legal Practitioners Ordinance (Cap 159), and who, at the material time, is not suspended from practice; (Amended 14 of 1982 s. 2; 79 of 1995 s. 50)
- "court" (法院) means any court, tribunal or person in respect of proceedings before which legal aid may be granted but does not include the Court of Final Appeal; (Amended 14 of 1982 s. 2; 79 of 1995 s. 50)
- "Director" (署長) means the Director of Legal Aid appointed under the provisions of section 3 and any Deputy Director of Legal Aid, Assistant Director of Legal Aid and Legal Aid Officer so appointed; (Amended 24 of 1983 s. 2; 54 of 1984 s. 2)
- "domestic proceedings" (家事法律程序) means proceedings under the Matrimonial Proceedings and Property Ordinance (Cap 192), the Matrimonial Causes Ordinance (Cap 179), the Guardianship of Minors Ordinance (Cap 13), the Separation and Maintenance Orders Ordinance (Cap 16) or the Parent and Child Ordinance (Cap 429); (Replaced 26 of 2000 s. 2)
- "financial resources" (財務資源) means financial resources as determined in the prescribed manner; (Added 27 of 1991 s. 2)
- "Fund" (計劃基金) means the Supplementary Legal Aid Fund established under section 29; (Added 54 of 1984 s. 2)
- "guardian" (監護人), in relation to an infant, includes, without prejudice to the generality of the expression, such person as the Director considers might properly be appointed by the court to be the next friend or guardian ad litem of the infant;
- "income" (收入), "disposable income" (可動用收入) and "disposable capital" (可動用資產) mean income, disposable income or disposable capital as determined in the prescribed manner; (Added 54 of 1984 s. 2)
- "infant" (幼年人) means an unmarried person who has not attained the age of 18 years; (Added 27 of 1991 s. 2)
- "judge" (法官) means a judge of the High Court or the District Court, as the case may be; (Amended 25 of 1998 s. 2)
- "legal aid" (法律援助) means legal aid granted under the provisions of this Ordinance;
- "legal aid certificate" (法律援助證書) means a legal aid certificate granted under section 10;

"Legal Aid Officer" (法律援助主任) means an officer appointed to a post of and serving as, or lawfully performing the functions of any of the officers designated in Schedule 1; (Added 24 of 1983 s. 2)

"order for costs" (繳付訟費命令) includes any judgment, order, decree, award or direction by a court or the Court of Final Appeal for the payment of the costs of one party in the proceedings by another party, whether given or made in those proceedings or not; (Amended 14 of 1982 s. 2; 79 of 1995 s. 50)

"panel" (名冊) means the appropriate panel maintained in accordance with section 4;

"person" (人、人士) does not include a body of persons corporate or unincorporate so as to authorize legal aid to be granted to such a body;

"prescribed" (訂明) means prescribed by regulations made under section 28; (Added 54 of 1984 s. 2)

"proceedings" (法律程序) includes-

(a) legal proceedings;

(b) negotiations prior to the issue of legal proceedings, including mediation, and for the payment of compensation by the Motor Insurers' Bureau for which no legal proceedings are issued;

(c) an application to the Mental Health Review Tribunal; (Added 43 of 1995 s. 2)

"Registrar" (司法常務官) means the Registrar of the High Court and, for the purposes of any proceedings before the Court of Final Appeal, includes the Registrar of the Court of Final Appeal; (Added 14 of 1982 s. 2. Amended 79 of 1995 s. 50; 25 of 1998 s. 2)

"solicitor" (律師) means a person enrolled on the roll of solicitors maintained in accordance with the provisions of the Legal Practitioners Ordinance (Cap 159), and who, at the material time, is not suspended from practice; (Amended 14 of 1982 s. 2; 54 of 1984 s. 2; 79 of 1995 s. 50)

"Supplementary Legal Aid Scheme" (法律援助輔助計劃) means the provisions under this Ordinance for the grant of legal aid where section 5A applies; (Added 54 of 1984 s. 2)

"transcript" (謄本) includes the transcript of the official shorthand note and any official typescript of the judge's manuscript note. (Added 54 of 1984 s. 2. Amended 79 of 1995 s. 50)

(Amended 79 of 1995 s. 50)

(2) Any references in this Ordinance to proceedings, an application, an order or a decision relating to or in connection with an appeal to, or an application for leave to appeal to, the Court of Final Appeal shall include proceedings, applications, orders and decisions relating to or in connection with any opposition to such an appeal or application for leave to appeal. (Added 14 of 1982 s. 2. Amended 79 of 1995 s. 50)

(3) The Chief Executive may, by order, amend Schedule 1. (Added 24 of 1983 s. 2. Amended 26 of 1999 s. 3)

Chapter:	91	Title:	LEGAL AID ORDINANCE	Gazette Number:	79 of 1995; 26 of 1999
Section:	3	Heading:	Appointments	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 26 of 1999 s. 3

(1) The Chief Executive may appoint a person to be the Director of Legal Aid and may also appoint such number of Deputy Directors of Legal Aid, Assistant Directors of Legal Aid and Legal Aid Officers as he may think fit. (Amended 24 of 1983 s.3; 26 of 1999 s. 3)

(2) No person shall be appointed to be, or shall act temporarily as, the Director of Legal Aid or a Deputy Director of Legal Aid or an Assistant Director of Legal Aid or a Legal Aid Officer unless he is qualified to practise as a legal practitioner in Hong Kong, the United Kingdom or in a jurisdiction listed in Schedule 1 to the Legal Practitioners Ordinance (Cap 159). (Amended 24 of 1983 s. 3; 27 of 1991 s. 3)

(3) Every person holding an appointment under subsection (1) shall, when performing any duty or exercising any power under this Ordinance or under rules made pursuant to section 9A of the Criminal Procedure Ordinance (Cap 221), have all the rights, powers, privileges, and duties of a barrister and solicitor duly admitted under the Legal Practitioners Ordinance (Cap 159), including a right of audience before any court or the Court of Final Appeal: (Amended 79 of 1995 s. 50)

Provided that no such person shall undertake or conduct as counsel the case for a defendant at the trial of such defendant in any criminal cause or matter or conduct any appeal on behalf of any such defendant in any criminal cause or matter. (Replaced 58 of 1972 s.2. Amended 48 of 1983 s.2)

(4) Notification in the Gazette to the effect that a person has been appointed to any of the offices referred to in subsection (1), or has ceased to hold any such office, shall be sufficient proof of the facts stated in the notice. (Added 58 of 1972 s.2)

Chapter:	91	Title:	LEGAL AID ORDINANCE	Gazette Number:	
Section:	4	Heading:	Panels of counsel and solicitors	Version Date:	30/06/1997

(1) The Director shall prepare and maintain separate panels of counsel and solicitors enrolled on the rolls of barristers or solicitors maintained in accordance with the provisions of the Legal Practitioners Ordinance (Cap 159) who are willing to investigate, report and give an opinion upon applications for the grant of legal aid and to act for aided persons. (Amended 14 of 1982 s.3)

(2) The Director shall enter in the panel any limitation as to the number per annum or as to the type of proceedings in which a counsel or solicitor is prepared to act for aided persons and shall give effect to such limitation. (Replaced 54 of 1984 s.3)

(3) Any counsel and solicitor shall be entitled to have his name included on the panel unless the Director is satisfied that there is good reason for excluding him by reason of his conduct when acting or assigned to act for persons receiving legal aid or of his professional conduct generally.

(4) The Director shall not include the name of a counsel or solicitor on the panel unless he is satisfied that such counsel or solicitor has a current practising certificate and shall remove from the panels the name of any counsel or solicitor who does not have a current practising certificate.

(5) Subject to the provisions of section 25(2), any counsel or solicitor may at any time request the Director to remove his name from the panel and the Director shall comply with such request.

(Amended 54 of 1984 s.3)

Chapter:	91A	Title:	LEGAL AID REGULATIONS	Gazette Number:	79 of 1995 s. 50; 25 of 1998 s. 2
Regulation:	18	Heading:	Fees and costs in contentious proceedings	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2

(1) In any proceedings before a court or tribunal with regard to any matter involving any officer holding office under section 3 of the Ordinance, the fees and costs of and incidental to the conduct of the proceedings (including all matters preliminary to the proceedings) and the appearance of any such officer shall be governed by the Hong Kong Court of Final Appeal Rules (Cap 484 sub. leg.) and Order 62 of the Rules of the High Court (Cap 4 sub. leg.). (79 of 1995 s. 50; 25 of 1998 s. 2)

(2) For the purpose of the Hong Kong Court of Final Appeal Rules (Cap 484 sub. leg.) and the Rules of the High Court (Cap 4 sub. leg.), and in the application of any other legislative provision as to fees and costs or the practice relating to fees and costs, an officer holding office under section 3 of the Ordinance is deemed to have the status of a barrister and solicitor duly admitted under the Legal Practitioners Ordinance (Cap 159), except that, in consideration of an item which in a bill rendered by or against a party who is not an aided person would-

(a) consist of costs allowable to a solicitor solely in relation to the employment of counsel;
or

(b) consist of fees payable to counsel solely in relation to his instruction by a solicitor; or

(c) involve remuneration to both solicitor and counsel in respect of the same event,

the Registrar, on taxation, shall be informed of that fact and shall take into consideration whether one or more of the officers holding office under section 3 of the Ordinance were engaged on the preparation or hearing of the case.

(3) If in any proceedings referred to in paragraph (1) the Director of Legal Aid appears before any court or tribunal in person, whether the Director is a Senior Counsel or not, that court or tribunal, or the Registrar on taxation, may provide for such fees and costs as are consequent on the appearance of leading counsel. (94 of 1997 s. 18)

(L.N. 172 of 1972)

Chapter:	91A	Title:	LEGAL AID REGULATIONS	Gazette Number:	
Regulation:	19	Heading:	Fees and costs in non-contentious proceedings	Version Date:	30/06/1997

For the purpose of any agreement for the payment of fees and costs in non-contentious matters an officer holding office under section 3 of the Ordinance is deemed to have the status of a barrister and solicitor duly admitted under the Legal Practitioners Ordinance (Cap 159).

(L.N. 172 of 1972)

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Chapter:	106B	Title:	TELECOMMUNICATIONS (CONTROL OF INTERFERENCE) REGULATIONS	Gazette Number:	36 of 2000
Regulation:	5	Heading:	Enforcement of regulations as to use	Version Date:	16/06/2000

- (1) If the Authority is of the opinion-
- (a) that any apparatus to which regulation 4 applies does not comply with the requirement referred to in regulation 7; and either
 - (b) that the use of the apparatus is likely to cause undue interference with the working of any apparatus for telecommunications used for the purpose of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or (36 of 2000 s. 28)
 - (c) that the use of the apparatus is likely to cause undue interference with the working of any other apparatus for telecommunications and in fact has caused or is causing such interference in a case where he considers that all reasonable steps to minimize interference have been taken in relation to the station or apparatus receiving the telecommunications, he may serve on the person in whose possession the apparatus is a notice in writing requiring that, after a date fixed by the notice, not being less than fourteen days from the date of service thereof, the apparatus shall not be used, whether by the person to whom the notice is given or otherwise, or, if the Authority thinks fit so to frame the notice, shall only be used in such manner, at such time and in such circumstances as may be specified in the notice: (36 of 2000 s. 28)

Provided that if the Authority is satisfied that the use of the apparatus concerned is likely to cause undue interference such as is referred to in sub-paragraph (b), the date fixed by the notice may, in the discretion of the Authority, be the date of service of the notice or any other date earlier than

fourteen days from the date of service.

(2) If the Authority is satisfied that the use of any apparatus to which regulation 4 applies is likely to cause undue interference such as is referred to in paragraph (1)(b) and that the circumstances of the case warrant the service of a notice under that paragraph requiring that the apparatus shall not be used from the date of service of the notice, he may, in addition to the service of such a notice and either before or after the service of the notice, seal the apparatus in such manner, or remove such part thereof, as ensures that the apparatus is not used, but in such a case, where the apparatus is sealed or a part thereof is removed before the service of the notice, the notice aforesaid shall be served within three days after the apparatus is sealed or the part removed therefrom.

(3) A notice under paragraph (1) may be revoked or varied by a subsequent notice in writing by the Authority served on the person in whose possession the apparatus then is:

Provided that-

- (a) where a notice under this paragraph has the effect of imposing any additional restrictions on the use of the apparatus, the provisions of paragraph (1) relating to the coming into force of notices shall apply in relation to the notice as if it had been a notice served under that paragraph; and
- (b) where the Authority is satisfied that the apparatus has been altered or otherwise made to comply with the requirement referred to in regulation 7, he shall revoke the notice and forthwith break the seal (if any) on, or replace the part (if any) removed from, the apparatus.

(4) No person, being a person who knows that a notice of the Authority under this regulation is in force with respect to any apparatus, shall use that apparatus, or cause or permit it to be used, in contravention of the notice.

(5) Any person who contravenes the provisions of paragraph (4) shall be guilty of an offence and shall be liable on summary conviction-

- (a) where the apparatus with respect to which the notice was given was sealed or a part of it was removed under and in accordance with paragraph (2), for the first such offence under this sub-paragraph, to a fine of \$10000 and to imprisonment for 3 months, and, for any subsequent such offence under this sub-paragraph to a fine of \$20000 and to imprisonment for 6 months; and
- (b) in any other case, for the first such offence under this sub-paragraph, to a fine of \$5000, and, for any subsequent such offence under this sub-paragraph, to a fine of \$10000:

Provided that no person shall be convicted of an offence under this paragraph if it is made to appear to the court that at the time of the use of the apparatus in contravention of the notice an application had been made in writing to the Authority for revocation of the notice and that the Authority had, without reasonable cause (the burden of proof whereof shall be upon the Authority), failed or neglected to revoke the notice within a reasonable time after receipt of the application for revocation. (L.N. 256 of 1994)

Chapter:	109	Title:	DUTIABLE COMMODITIES ORDINANCE	Gazette Number:
Section:	48A	Heading:	Proceedings for forfeiture	Version Date: 30/06/1997

(1) When a claimant gives notice under section 48(6), the Commissioner shall apply to a magistrate for the forfeiture of the goods or things liable to forfeiture and shall state in the application the name and address of the claimant or in the case of a claimant who does not have a permanent address in Hong Kong, the name and address of the solicitor authorized to accept service.

(2) When an application is made to a magistrate, the magistrate shall issue a summons to the claimant, requiring him to appear before a magistrate upon the hearing of the application, and shall cause a copy of the summons to be served on the Commissioner.

(3) Where a claimant is the defendant in criminal proceedings before a magistrate and there is no other claimant, on an application made in that behalf by the Commissioner, the magistrate may hear the forfeiture application immediately following the hearing of criminal proceedings and subsection (2) shall not apply.

(4) A magistrate may, at the time and place of hearing for forfeiture application, or at an adjourned hearing, hear a person-

- (a) who has not been served with a notice of seizure and was not present when goods or things liable to forfeiture were seized; or
- (b) whose identity was not known to the Commissioner at the time of, or immediately after, seizure; and
- (c) who appears to the magistrate to have a right to claim ownership of, or a legal or equitable interest in, the goods or things liable to forfeiture,

on his claim as to why the goods or things liable to forfeiture should not be forfeited.

(5) If, at the time and place appointed in a summons, neither the claimant nor another person who may have been entitled to make a claim appears and the magistrate is satisfied-

- (a) that the summons was served;
- (b) that a person at the address for service, including a solicitor nominated to accept service on behalf of a claimant, has refused to accept the service of summons; or
- (c) that the address for service given to the Commissioner is inadequate to effect service of the summons,

the magistrate shall hear the application without further inquiry as to the whereabouts of the claimant.

(6) Upon the hearing of an application under this section a magistrate shall order that the goods or things, as the case may be, be forfeited to the Government where- (Amended 46 of 1996 s. 23)

- (a) the person who appears in answer to the summons fails to satisfy the magistrate that he was, or would have been, entitled to make a claim under section 48(6) in respect of the seized goods or things; and
- (b) no other person appears before the magistrate and satisfies him that he was, or would have been, entitled to make a claim; and
- (c) the magistrate is satisfied that the goods or things are liable to forfeiture.

(7) Upon the hearing of an application under this section, in any case other than a case referred to in subsection (6), a magistrate may if he is satisfied that the goods or things are liable to forfeiture and that a person is, or would have been, entitled to make a claim under section 48(6) in respect of the seized goods or things order that the goods or things-

- (a) be forfeited to the Government; (Amended 46 of 1996 s. 23)

- (b) be delivered to the claimant subject to any condition which he may specify in the order, including a condition-
 - (i) that the duty payable under this Ordinance be paid; and
 - (ii) that the claimant discharge the obligations imposed on him under this Ordinance;
 or
- (c) be disposed of in the manner and subject to the conditions as he may specify in the order.

(8) If, after a magistrate has ordered that goods or things liable to forfeiture be delivered to a person, that person cannot be found or refuses to accept the goods or things, the Commissioner may apply to a magistrate who may-

- (a) order that the goods or things liable to forfeiture be forfeited; or
- (b) make any other order as he considers fit in the circumstances.

(9) On the hearing of an application-

- (a) a certified copy of the record of proceedings, including the decision of the court or magistrate, in proceedings for the contravention of this Ordinance is admissible in evidence; and
- (b) a certificate issued by the Director of Marine or a person authorized by him as a Certifying Authority under the Merchant Shipping (Registration) (Tonnage) Regulations (Cap 415 sub. leg.) certifying the gross tonnage of a ship, shall without proof of the signature, be admissible as evidence of the facts stated in the certificate.

(Added 70 of 1993 s. 5)

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Chapter:	111	Title:	ESTATE DUTY ORDINANCE	Gazette Number:	L.N. 106 of 2002
Section:	3	Heading:	Interpretation	Version Date:	01/07/2002

(1) In this Ordinance, unless the context otherwise requires-

"account" (遺產呈報表) means an account of the particulars and value of the estate of a deceased person in such form as may be prescribed by the Secretary for Financial Services and the Treasury, and verified by affidavit; (Amended 27 of 1996 s. 2; L.N. 106 of 2002)

"affidavit for the Commissioner" (遺產申報誓章) means an affidavit in such form as may be prescribed by the Secretary for Financial Services and the Treasury verifying the particulars and value of the estate of a deceased person; (Amended 27 of 1996 s. 2; L.N. 106 of 2002)

"applicable Part of Schedule 1" (附表1適用部分) means-

- (a) in the case of persons dying before 27 February 1931, Part 1 of Schedule 1;
- (b) in the case of persons dying on or after the date shown in column 1 of the following table and before the date shown in column 2, the Part of Schedule 1 shown in column 3; and

- (c) in the case of persons dying on or after the last date shown in column 1 of the following table, the last Part of Schedule 1 shown in column 3-

TABLE

Date of Death		Applicable Part of Schedule 1
On or after	And before	
27 February 1931	1 July 1936	Part 2
1 July 1936	1 April 1941	Part 3
1 April 1941	1 April 1948	Part 4
1 April 1948	1 February 1959	Part 5
1 February 1959	1 January 1963	Part 6
1 January 1963	1 April 1967	Part 7
1 April 1967	1 April 1970	Part 8
1 April 1970	1 April 1972	Part 9
1 April 1972	1 April 1974	Part 10
1 April 1974	11 June 1976	Part 11
11 June 1976	3 June 1977	Part 12
3 June 1977	11 July 1980	Part 13
11 July 1980	29 May 1981	Part 14
29 May 1981	4 June 1982	Part 15
4 June 1982	1 April 1987	Part 16
1 April 1987	1 April 1990	Part 17
1 April 1990	1 April 1993	Part 18
1 April 1993	1 April 1994	Part 19
1 April 1994	1 April 1995	Part 20
1 April 1995	1 April 1996	Part 21
1 April 1996	1 April 1997	Part 22
1 April 1997	1 April 1998	Part 23
1 April 1998		Part 24;

(Replaced 27 of 1996 s. 2. Amended 44 of 1997 s. 2; L.N. 152 of 1998; 19 of 1998 s. 2)

"assets" (資產) includes goodwill;

"associated operations" (相聯行動) means any 2 or more operations of any kind being-

- (a) operations which affect the same property, or one of which affects some property and the other or others of which affect property which represents, whether directly or indirectly, that property or income arising from that property, or any property representing accumulations of any such income; or
- (b) any 2 operations of which one is effected with reference to the other, or with a view to enabling it to be effected or to facilitating its being effected, and any third operation having a like relation to either of those two, and any fourth operation having a like relation to any of those three, and so on,

whether those operations are effected by the same person or by different persons, whether they are connected otherwise than as aforesaid or not, and whether they are contemporaneous or any of them precedes or follows any other;

"average rate" (平均率) means, in relation to a company, a rate per cent per annum, the percentage being ascertained by-

- (a) computing the aggregate amount of the net profits of the company for the relevant

accounting years, a deduction being made, where the company sustained a loss in any of those years, of the amount of the loss;

- (b) dividing that amount by the number of those years; and
- (c) comparing the result with the principal value of the assets of the company passing on the death of the deceased by virtue of section 35 after making the allowances to be made under section 39;

"Commissioner" (署長) means such person as the Chief Executive may appoint as Commissioner for the purpose of this Ordinance; (Amended 21 of 1972 s. 2; 12 of 1999 s. 3)

"company" (公司) includes any body corporate, wheresoever incorporated;

"debenture" (債權證) means, in relation to a company, any obligation of the company in respect of any loan capital issued by the company otherwise than as consideration for a loan made to it in the ordinary course of banking business, or in respect of any debt incurred by the company-

- (a) for any money borrowed by the company, otherwise than by way of temporary loan made in the ordinary course of a banking business;
- (b) for any transfer of capital assets made to the company by any person, unless the obligation is one resulting from a dealing with a person who transferred such assets to the company in, and on terms consistent with, the ordinary course of a business carried on by him;
- (c) without consideration, or for consideration the value of which to the company at the time when the debt was incurred was substantially less than the value at that time of the debt, including any premium thereon; or
- (d) where the debt was of such a nature that it would in the ordinary course of business and apart from some special arrangement, have carried interest, if the debt did not carry interest or carried interest at a rate which was either unreasonably high or unreasonably low;

"disposition" (產權處置) includes any trust, covenant, agreement or arrangement, whether made by a single operation or by associated operations, and also, in relation to shares in or debentures of a company, the extinguishment or any alteration of rights attaching thereto, whether effected by a single operation or by associated operations;

"distributed assets" (經分派資產) means, in relation to a company, assets of the company to which section 35(3) applies which were disposed of or distributed by the company as mentioned in that subsection, and "value of the distribution" (分派價值) means, in relation to any distributed assets, the value thereof or, if partial consideration, other than the extinguishment, or an alteration, of rights attaching to shares in or debentures of a company to which that section applies, was given for the distribution in money or money's worth received by the company for its own use and benefit, the value thereof less the value of the consideration given;

"dividend" (股息) includes a bonus chargeable to tax under the Inland Revenue Ordinance (Cap 112) and also any bonus which would be so chargeable if it had arisen in or been derived from Hong Kong; (Amended 31 of 1990 s. 10)

"estate duty" (遺產稅) means duty chargeable under this Ordinance;

"executor" (遺囑執行人) means the executor or administrator of a deceased person and includes, as regards any obligation under this Ordinance, any person who takes possession of or intermeddles with the property of a deceased person or any portion thereof;

"incumbrance" (產權負擔) includes mortgage and terminable charge;

"interest in expectancy" (預期權益) includes an estate in remainder or reversion and every future interest whether vested or contingent, but does not include a reversion expectant upon the determination of a lease;

"member" (成員) means, in relation to a company, a holder in his own right of any share in or

- debenture of the company, and a person interested in any share in or debenture of the company held, whether by himself or another, otherwise than in the holder's own right;
- "officer" (高級人員) means, in relation to a company, any person who exercises the functions of a director, manager, secretary or liquidator of the company;
- "payment" (繳付、付款) includes a transfer of property and a set-off or release of an obligation, and references to the amount of a payment include, in relation to property transferred or to an obligation set-off or release, references to the value thereof;
- "periodical payment" (按期付款) means a payment by way of dividend or interest, a payment by way of remuneration not being a single lump sum payment, and any other payment being one of a series of payments, whether inter-connected or not, whether of the same or of varying amounts, and whether payable at regular intervals or otherwise;
- "power" (權力) includes any right or power exercisable by virtue of the holding of shares in or debentures of a company, and any right or power to procure an issue of shares in or debentures of a company;
- "property" (財產) includes movable and immovable property and the proceeds of sale thereof respectively and any money or investment for the time being representing the proceeds of sale;
- "property passing on the death" (去世時轉移的財產) includes property passing either immediately on the death or after any interval, and either certainly or contingently, and either originally or by way of substitutive limitation, and "on the death" (去世時) includes "at a period ascertainable only by reference to the death" (在僅可依據該宗死亡才可以確定的一段期間);
- "settlement" (授產安排、授產契) means any non-testamentary disposition in writing, whether made voluntarily or upon a good or valuable consideration other than a bona fide pecuniary consideration, whereby any definite and certain property is settled or agreed to be settled in any manner for any purpose whatsoever;
- "Unified Exchange" (聯合交易所) means the stock market established under section 27 of the Stock Exchanges Unification Ordinance (Cap 361). (Added 31 of 1990 s. 2)
[cf. 1894 c. 30 s. 22(1) U.K. 1940 c. 29 ss. 44, 47(2) & 59 U.K.; 1944 c. 23 s. 36 U.K.]
- (2) For the purposes of this Ordinance-
- (a) a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were sui juris, enable him to dispose of the property; and "general power" (一般權力) includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exercisable by instrument inter vivos or by will, or both, but exclusive of any power exercisable either in a fiduciary capacity under a disposition not made by himself or as mortgagee;
 - (b) a disposition taking effect out of the interest of the deceased person shall be deemed to have been made by him, whether the concurrence of any other person was or was not required;
 - (c) money which a person has a general power to charge on property shall be deemed to be property of which he has power to dispose;
 - (d) the creation by a person or with his consent of a debt or other right enforceable against him personally or against property of which he was or might become competent to dispose, or to charge or burden for his own benefit, shall be deemed to have been a disposition made by that person, and in relation thereto the expression "property" (財產) shall include the debt or right created; [cf. 1940 c. 29 s. 45(1) U.K.]
 - (e) the extinguishment at the expense of the deceased of a debt or other right shall be deemed to have been a disposition made by the deceased in favour of the person for whose benefit the debt or right was extinguished, and in relation thereto the

expression "property" (財產) shall include the benefit conferred by the extinguishment of the debt or right. [cf. 1940 c. 29 s. 45(2) U.K.]

[cf. 1894 c. 30 s. 22(2) U.K.]

(3) A person shall be deemed to have made a transfer of property to a company if the property came to be included in the resources of the company by the effect of a disposition made by him or with his consent or of any associated operations of which such a disposition formed one. [cf. 1940 c. 29 s. 58(2) U.K.]

(4) A person shall be deemed to have received or had any payment, income, profit, enjoyment, assets, or interest, the receipt or having whereof by him is relevant for the purposes of this Ordinance, if any of the following conditions have been satisfied in relation thereto, that is to say-

- (a) if the relevant payment or other matter has been applied in any manner for the benefit of that person, or has been dealt with by that or any other person in any manner calculated to cause it to inure for the benefit of that person at any time, whether in the form of income or not or if any property which was or would be available for the purpose by reason of the effect or successive effects of any one or more of associated operations relating to the relevant payment or other matter has been so applied or dealt with;
- (b) if any advantages received or to be received at any time by that person have been provided out of that payment or other matter, or out of any such property as aforesaid;
- (c) if that person became able in any manner to control the application of the relevant payment or other matter, or of any such property as aforesaid, otherwise than in a fiduciary capacity;
- (d) if the relevant payment or other matter, or any such property as aforesaid, has been applied in any manner so as to increase the value to that person of any property in which he was beneficially interest; or
- (e) as respects such profits as are mentioned in section 36, if the receipt by, or accrual to, the company of those profits operated in any manner so as to increase the value to that person of any property in which that person was beneficially interested, so however that the amount of the income or profits which that person is to be treated as having received by virtue of this paragraph shall be limited to the amount of the increase in value of the property in question,

and references in this Ordinance to the deceased's receiving or having, or being or becoming entitled to receive or have, any such payment or other matter as aforesaid shall be construed accordingly. [cf. 1940 c. 29 s. 58(3) U.K.]

(5) References in this Ordinance-

- (a) to a disposition's being made by any person, to a power's being exercised or exercisable by any person, or to any other act's being done by any person, include references to its being made, or being exercised or exercisable, or being done, by him and another jointly or by another at his direction or by a company of which he had control, or powers equivalent to control, within the meaning of section 44(3), whether with or without the consent of any other person having similar powers; references importing an omission on the part of any person in relation to any such matter as aforesaid shall be construed in like manner; and references in relation to any such matter, as aforesaid to its being made, or being exercised or exercisable, or being done or omitted, with the consent of any person include references to its being made, or being exercised or exercisable, being done or omitted, at his request or with or subject to his acquiescence; [cf. 1940 c. 29 s. 58(4) U.K.; 1954 c. 44 s. 29(6) U.K.]
- (b) to a person having any power or control or doing any act in a fiduciary capacity shall be construed as references to his having that power or control or doing that act in a fiduciary capacity imposed on him otherwise than by a disposition made by him and in such a capacity only; [cf. 1940 c. 29 s. 58(5) U.K.]

- (c) to an interest ceasing or being limited to cease on a death shall be construed as including references to its being subject to a limitation, in whatsoever form, having the effect of providing in the alternative for its cesser on the death or on the occurrence of some event, or the expiration of some period, before the death; [cf. 1940 c. 29 s. 58(6) U.K.]
- (d) to a transfer of property, (except in the definition of "payment" (繳付、付款) in subsection (1)) shall include a reference to a payment of money, and the expressions "disposition" (產權處置) and "value" (價值) respectively, in relation to money, shall include payment and amount. [cf. 1952 c. 33 s. 72(2) U.K.]

(Replaced 1 of 1959 s. 2)

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Chapter:	111	Title:	ESTATE DUTY ORDINANCE	Gazette Number:
Schedule:	2	Heading:		Version Date: 30/06/1997

[section 35]

(Amended 34 of 1994 s. 8; 41 of 1995 s. 5; 27 of 1996 s. 17)

PROVISIONS SUPPLEMENTARY TO SECTIONS 34 TO 45 INCLUSIVE

Amounts to be taken into account in respect of benefits, and
time when benefits are to be treated as accruing

1. (1) The provisions of this paragraph shall have effect for the purpose of determining the amounts to be taken into account, for the purposes of section 35(2), as the amounts of benefits accruing to the deceased from the company.

(2) No amount shall be taken into account more than once.

(3) Where an amount is taken into account by reference to the deceased's having been entitled to a benefit which he did not in fact receive, or by reference to a power which was not in fact exercised or was surrendered, due regard shall be had to the effect that his receiving the benefit, or the power's being exercised, would have had in relation to other benefits.

(4) The amounts that are to be taken into account by reference to the deceased's having been entitled to a benefit which he did not in fact receive, or by reference to a power which was not in fact exercised or was surrendered, shall be such as would have fallen to be taken into account as benefits received by the deceased if he had acted in relation to the claiming to benefits and the exercising of powers during the 3 years ending with his death to his greatest financial advantage, due regard being had to any consideration which he would have had to give in respect of a claim to any benefit or the exercise of any power.

(5) In making for the purposes of sub-paragraph (4) a computation of any diminution of income which the deceased would have sustained by giving any such consideration as it therein mentioned, or of any increase of income which the company would have obtained from any such

consideration to be given to the company, it shall be assumed that the consideration would have yielded income equal to interest at the average rate on the amount or value thereof.

(6) The amounts to be taken into account shall include any tax charged under the Inland Revenue Ordinance (Cap 112), in respect of the benefits in question.

(7) The amount to be taken into account in respect of a benefit consisting of any enjoyment in specie of land or buildings or land and buildings or other property of the company or of a right thereover shall be the value of the enjoyment thereof for the period during which the benefit subsisted, and that value shall be calculated in the case of leasehold property situate in Hong Kong by reference to the annual assessment as ascertained for the purposes of section 5 of the Inland Revenue Ordinance (Cap 112), and in the case of other land or buildings or land and buildings by such method as the Commissioner may consider just and reasonable. (Amended 31 of 1990 s. 10)

2. (1) The provisions of this paragraph shall have effect for the purpose of determining-

(a) whether a benefit accruing to the deceased from the company is to be treated as having accrued to him during the 3 years ending with his death, or during a particular accounting year, or at any other relevant time; and

(b) the period during which a benefit consisting of any enjoyment in specie of land or buildings or land and buildings or other property of the company or of a right thereover is to be treated as having subsisted.

(2) A benefit consisting of profits of the company or a periodical payment which the deceased received, or became entitled to, but did not in fact, receive, shall be treated as having accrued to him at the earliest time at which he could have obtained receipt thereof.

(3) A benefit consisting of profits of the company or a periodical payment which the deceased could have become entitled to receive by an exercise in the 3 years ending with his death of a power which was not in fact exercised or was surrendered shall be treated as having accrued to him at the earliest time at which he could have obtained receipt thereof if he had acted as mentioned in paragraph 1(4).

(4) A benefit consisting of interest on such a payment other than a periodical payment as is mentioned in section 36 which the deceased could have become entitled to receive shall be treated as having accrued to him in any accounting year to the extent to which the period during which the interest is to be treated as accruing fell within that year.

(5) A benefit consisting of any such enjoyment in specie as aforesaid shall be treated as having accrued to the deceased in the said 3 years if any part of the period during which it subsisted fell within those years, and shall be treated as having accrued to him in any accounting year to the extent to which the period during which it subsisted fell within that year.

(6) A benefit consisting of any such enjoyment in specie as aforesaid shall be treated as having subsisted during the following period, that is to say-

(a) in the case of enjoyment that the deceased had, during the period for which he had it;

(b) in the case of enjoyment which he became entitled to, but did not in fact, have, during the period for which he could have had it;

(c) in the case of enjoyment which he could have become entitled to have by an exercise in the 3 years ending with his death of a power was not in fact exercised or was surrendered, during the period for which he could have had it if he had acted as mentioned in paragraph 1(4).

Adjustments as to Distributed Assets and Additions to Assets

3. (1) Where the assets of the company passing on the death of the deceased by virtue of section 35 include any distributed assets, or by reason of the company's having been wound up or dissolved before the death consist of distributed assets, the following provisions of this paragraph shall have effect.

(2) The net profits of the company shall be determined as if the income of the company had included, or the company had had income equal to, interest on a sum equal to the value of such distribution at the average rate from the date thereof.

(3) If on any distribution the deceased received beneficially an interest in any of the distributed assets, the benefits accruing to the deceased from the company shall be ascertained as if the amount brought into the income of the company under sub-paragraph (2) by reference to the value of the distribution of those assets had been income of the company which the deceased was entitled to receive immediately on its accrual to the company, or, where the interest in those assets which the deceased received was less than an absolute interest, had been such income to an extent corresponding to the proportion which the value of the interest in those assets received by him bore to the value of those assets.

(4) Where sub-paragraph (3) has effect-

- (a) the value on which, apart from this provision, estate duty would be payable on the death of the deceased by virtue of section 35 shall be reduced by an amount equal to the value of the distribution of the assets in question, or, where the interest in those assets which the deceased received was less than an absolute interest, by an amount equal to the proportion of that value; and
- (b) any amount which is treated as a benefit accruing to the deceased from the company by virtue of that sub-paragraph shall be treated for the purposes of section 40(1) and (2) as a benefit received by him.

4. (1) Where the principal value of the assets of the company passing on the death of the deceased by virtue of section 35 is increased by reason of an addition's having been made to the assets of the company, otherwise than by way of profits in respect of which the company was chargeable to tax under the Inland Revenue Ordinance (Cap 112), between the beginning of the first of the relevant accounting years and the death of the deceased, either-

- (a) in consideration of an issue of shares in or debentures of the company; or
- (b) otherwise howsoever, except by way of purchase for full consideration in money or money's worth given by the company, the following provisions of this paragraph shall have effect in relation to the added assets.

(2) The net profits of the company shall be determined as if the income of the company had included interest on a sum equal to the value of the addition at the average rate from the beginning of the first of the relevant accounting years to the date of the addition.

(3) If a transfer of any of the added assets or of any interest in any of them was made to the company by the deceased, the benefits accruing to the deceased from the company shall be ascertained as if the amount brought into the income of the company under sub-paragraph (2) by reference to the value of the addition of those assets had been income of the company which the deceased was entitled to receive immediately on its accrual to the company, or had been such income to an extent corresponding to the proportion which the value of the interest transferred bore to the value of those assets, as the case may be.

(4) Where sub-paragraph (3) has effect, if the deceased received as consideration for the addition of the assets in question an interest in any shares in or debentures of the company in respect of which estate duty would be payable on his death apart from anything in section 40(3), any amount which is treated as a benefit accruing to him from the company by virtue of that sub-paragraph shall be treated for the purposes of section 40(3) as a benefit accruing to him by virtue of his interest in those shares or debentures.

(5) In this paragraph, the expression "value of the addition" (增添資產價值) means, in relation to any added assets, the value thereof or, if partial consideration, other than an issue of, or an alteration of rights attaching to, shares in or debentures of the company, was given therefor in money or money's worth out of the resources or at the expense of the company, the value thereof less the value of the consideration given. Prevention of duplication of charge in respect of benefits and charge

in respect of shares

5. For the purposes of section 40(3), where the benefits that accrued to the deceased from the company in the relevant accounting years included benefits that accrued to him otherwise than as mentioned in that subsection, but the deceased had at any time an interest in, or a power was at any time exercisable in relation to, shares in or debentures of the company in respect of which estate duty would be payable on his death apart from anything in that subsection, and by virtue of that interest or power benefits accrued to the deceased from the company in those years, or would so have accrued to him if any payments had been made by virtue of rights attached to those shares or debentures, then-

- (a) if the first-mentioned benefits consisted to any extent of payments made out of moneys which, if not so applied, could have been applied in increasing the last-mentioned benefits, or as payments which would have constituted such benefits; or
- (b) if the first-mentioned benefits are brought into the computation made section 35(2) to the exclusion to any extent of the last-mentioned benefits,

the first-mentioned benefits shall to that extent be treated as if they had accrued to the deceased by virtue of his interest in, or of the power exercisable in relation to, the said shares or debentures.

Accounting Year

6. (1) The expression "accounting year" (會計年度) means in relation to a company, if the company has, before the death of the deceased, made up accounts for a period of 12 months ending in the last year of his life, that period and each previous period of 12 months ending on the date corresponding to that to which the accounts were made up, or, if not, a period of 12 months ending on such date in the last year of his life as the Commissioner may determine and each previous period of 12 months ending on the date corresponding to the date determined.

(2) The expression "relevant accounting years" (有關會計年度) means the accounting years by reference to which the extent of the passing of the assets of the company is to be determined under section 35.

(3) Where an accounting year does not coincide with a period for which accounts of the company were made up, the Commissioner may, for the purpose of determining the profits or net profits of the company for that accounting year, divide any such period and make such apportionments and aggregations of the profits of the company as may be necessary, so, however, that any apportionments so made shall be made in proportion to the number of months or fractions of months in the respective periods for which the apportionment is made.

Grant of prior assurances

7. Where at any time a transfer of property has been made by any person to a company to which section 35 applies the company may apply to the Commissioner for an assurance that the provisions of that section will not be applied on the death of such person by reason only of such transfer and the Commissioner may if he is satisfied that the transfer and any associated operations were effected bona fide for commercial reasons and such transfer and any associated operations have not been effected with the purpose of avoiding estate duty payable upon such death, give such an assurance.

(Added 1 of 1959 s. 12. Amended 47 of 1962 s. 14; 24 of 1967 s. 6; 37 of 1970 s. 5; 27 of 1972 s. 6; 24 of 1974 s. 5; 31 of 1976 s. 6; 31 of 1977 s. 6; 33 of 1980 s. 5; 29 of 1981 s. 8; 28 of 1982 s. 7; 29 of 1987 s. 6; 31 of 1990 s. 9; 29 of 1993 s. 5)

[cf. 1940 c. 29 7th Schd. U.K.]

Chapter:	112	Title:	INLAND REVENUE ORDINANCE	Gazette Number:
Section:	15E	Heading:	Stock borrowing and lending	Version Date: 30/06/1997

(1) This section applies where-

- (a) in relation to a stock borrowing under a stock borrowing and lending agreement, the borrower has used the borrowed stock obtained from a lender for one or more than one specified purpose and has effected a stock return;
- (b) if any distribution is made or a right or option is issued in respect of the borrowed stock during the borrowing period, regardless of whether that event occurs before or after the borrowed stock is disposed of by the borrower to a third party, the lender receives from the borrower the distribution or identical property, the right or option or an identical right or option, or a compensatory payment equal to the value of the distribution or the value of the right or option;
- (c) the lender does not dispose of, whether by transfer, declaration of trust or otherwise, the right to receive any part of the total consideration payable or to be given by the borrower under the stock borrowing and lending agreement;
- (d) both the borrower and the lender were dealing with each other at arm's length in relation to the stock borrowing and the stock return; and
- (e) the lender does not enter into the stock borrowing with the purpose, or main purpose, of avoiding or deferring the inclusion of any amount in profits in respect of which the lender is chargeable to tax under this Part.

(2) For the purpose of determining whether an amount, other than any fee payable under a stock borrowing and lending agreement, should be taken into account in ascertaining the profits in respect of which a lender is chargeable to tax under this Part in respect of a stock borrowing or a stock return, the lender is to be treated as if-

- (a) the stock borrowing, to the extent of the quantity and description of the borrowed stock in respect of which the stock return is subsequently made, had not been entered into;
- (b) the stock return had not been made;
- (c) the lender had, at all times during the relevant borrowing period, held the borrowed stock in respect of which the stock return is made; and
- (d) the stock which is the subject of the stock return were the borrowed stock in respect of which the stock return made.

(3) Where-

- (a) a lender receives from a borrower in relation to the borrowed stock a distribution or identical property or a right or option or identical property; and
- (b) had the borrowed stock continued to be held by the lender at all times during the borrowing period an amount would have been included or excluded, as the case may be, in ascertaining for a year of assessment the profits in respect of which the lender is chargeable to tax under this Part in respect of the distribution or the right or option,

then an equal amount shall be likewise treated in ascertaining the chargeable profits of the lender for that year of assessment.

(4) Where a lender receives from a borrower in relation to the borrowed stock a compensatory payment in respect of a distribution made or right or option issued during the borrowing period, then in determining whether an amount is to be included or excluded, as the case may be, in ascertaining for a year of assessment the profits in respect of which the lender is chargeable to tax under this Part in respect of the compensatory payment, the lender is to be treated as if-

- (a) the distribution had been made, or the right or option had been issued directly to him in respect of the borrowed stock; and
- (b) he had disposed of the distribution or right or option immediately after its making or issue, as the case may be, for a consideration equal to that compensatory payment.

(5) In determining the amount, if any, other than a fee payable under a stock borrowing and lending agreement, to be taken into account in ascertaining the profits in respect of which a borrower is chargeable to tax under this Part in respect of a stock borrowing or a stock return, the borrower is to be treated as if the stock borrowing and the stock return respectively had been carried out for a consideration equal to the market value of the borrowed stock at the time of the relevant stock borrowing.

(6) Where a person has entered into a stock borrowing and lending agreement under which a stock borrowing has been effected, and at the time of making an assessment of profits tax on that person for any year of assessment the assessor is of the opinion that the requirements specified in subsection (1) have been or will be satisfied, the assessor may make the assessment on the basis that this section is applicable.

(7) Where-

- (a) an assessment has been made on the basis that this section is applicable; and
- (b) after the making of the assessment, the assessor becomes satisfied that this section is not applicable,

then the assessor may accordingly adjust the assessment.

(8) In this section-

"borrower" (借用人), "borrowed stock" (被借用證券), "lender" (借出人), "specified purpose" (指明用途), "stock borrowing" (證券借用), "stock borrowing and lending agreement" (證券借用及借出協議), "stock return" (證券交還) and "Unified Exchange" (聯合交易所), subject to subsection (9), have the same meanings as in the Stamp Duty Ordinance (Cap 117); (Amended 56 of 1996 s. 2)

"borrowing period" (借用期間), in relation to any borrowed stock, means the period commencing when that stock was borrowed under a stock borrowing and ending when a stock return is effected in relation to that stock;

"distribution" (派發) includes-

- (a) an interest payment;
- (b) a dividend;
- (c) a share issued by a company to a shareholder in the company where the share is issued as a bonus share;
- (d) an amount credited by the trustee of a unit trust to a unit holder other than by way of redemption, realization or liquidation;
- (e) a unit issued by the trustee of a unit trust;

"option" (認購權) includes-

- (a) in relation to a company, an option to acquire shares in the company;
- (b) in relation to a unit trust, an option to acquire units in the unit trust;

"right" (權利) includes-

- (a) in relation to a company, a right to acquire shares in the company or to acquire an

- option;
- (b) in relation to a unit trust, a right to acquire units in the unit trust or to acquire an option;
- "specified securities" (指明證券) means any of the following, not being Hong Kong stock the sale and purchase of which in Hong Kong are subject to the rules and practices of the Unified Exchange-
- (a) any shares, stocks, debentures, loan stocks, funds, bonds or notes of or issued by any body, whether corporate or unincorporate, or any government or local government authority, or any other similar investment of any description;
 - (b) any units under a unit trust scheme;
 - (c) any right, option or interest in or in respect of any security referred to in paragraph (a) or (b),

which the Commissioner may specify in writing, either generally or in any particular case, for the purposes of this section. (Added 56 of 1996 s. 2)

(9) For the purposes of construing a term by reference to the Stamp Duty Ordinance (Cap 117) in subsection (8), a reference in the corresponding term in the Stamp Duty Ordinance (Cap 117) to "Hong Kong stock" or to "Hong Kong stock the sale and purchase of which in Hong Kong are subject to the rules and practices of the Unified Exchange", is construed as including a reference to specified securities that the Commissioner has specified under subsection (8). (Added 56 of 1996 s. 2)

(10) For the purpose of the definition of "specified securities" in subsection (8), the terms "Hong Kong stock", "unit" and "unit trust scheme" have the same meanings as in the Stamp Duty Ordinance (Cap 117). (Added 56 of 1996 s. 2)

(Added 71 of 1994 s. 2)

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Chapter:	112	Title:	INLAND REVENUE ORDINANCE	Gazette Number:	31 of 1998; 32 of 1998
Section:	16	Heading:	Ascertainment of chargeable profits	Version Date:	17/04/1998

Remarks:

Adaptation amendments retroactively made - see 12 of 1999 s. 3

(1) In ascertaining the profits in respect of which a person is chargeable to tax under this Part for any year of assessment there shall be deducted all outgoings and expenses to the extent to which they are incurred during the basis period for that year of assessment by such person in the production of profits in respect of which he is chargeable to tax under this Part for any period, including-

- (a) where the conditions set out in subsection (2) are satisfied, sums payable by such person by way of interest upon any money borrowed by him for the purpose of producing such profits, and sums payable by such person by way of legal fees, procuration fees, stamp duties and other expenses in connection with such borrowing; (Replaced 2 of 1971 s. 11. Amended 36 of 1984 s. 4)

- (b) rent paid by any tenant of land or buildings occupied by him for the purpose of producing such profits, but not exceeding, in the case of rent paid to the tenant's spouse, or by a partnership to one or more of the partners thereof or to a spouse of any such partner, an amount equal to the assessable value of the land or buildings; (Amended 76 of 1975 s. 8; 8 of 1983 s. 11; 71 of 1983 s. 14)
- (c) tax of substantially the same nature as tax imposed under this Ordinance, proved to the satisfaction of the Commissioner to have been paid elsewhere, whether by deduction or otherwise, by any corporation or by a person other than a corporation who carries on a trade, profession or business in Hong Kong, during the basis period for the year of assessment in respect of profits chargeable to tax by virtue of section 15(1)(f), (g), (i), (j), (k) or (l): (Amended 7 of 1986 s. 12; 19 of 1986 s. 3; 63 of 1997 s. 2)

Provided that no deduction shall be made under this paragraph if the corporation or person concerned is eligible for relief under Part VIII in respect of such profits; (Added 73 of 1978 s. 4. Amended 36 of 1984 s. 4)

- (d) bad debts incurred in any trade, business or profession, proved to the satisfaction of the assessor to have become bad during the basis period for the year of assessment, and doubtful debts to the extent that they are respectively estimated to the satisfaction of the assessor to have become bad during the said basis period notwithstanding that such bad or doubtful debts were due and payable prior to the commencement of the said basis period:

Provided that-

- (i) deductions under this paragraph shall be limited to debts which were included as a trading receipt in ascertaining the profits, in respect of which the person claiming the deduction is chargeable to tax under this Part, of the period within which they arose, and debts in respect of money lent, in the ordinary course of the business of the lending of money within Hong Kong, by a person who carries on that business; (Amended 7 of 1986 s. 12)
- (ii) all sums recovered during the said basis period on account of amounts previously allowed in respect of bad or doubtful debts shall for the purposes of this Ordinance be treated as part of the profits of the trade, business or profession for that basis period;
- (e) expenditure incurred in the repair of any premises, plant, machinery, implement, utensil or article employed in the production of such profits;
- (f) expenditure incurred in the replacement of any implement, utensil or article employed in the production of such profits:

Provided that no allowances have been or shall be made under the provisions of Part VI in respect of such implement, utensil or article;

- (g) notwithstanding section 17, a sum expended for the registration of a trade mark or design, or the registration or grant of a patent, used in the trade, profession or business which produces such profits; (Replaced 26 of 1969 s. 14. Amended 52 of 1997 s. 160)
- *(ga) the payments and expenditure specified in sections 16AA, 16B, 16C, 16E, 16F and 16G as provided therein; (Added 35 of 1965 s. 9. Amended 56 of 1993 s. 9; 31 of 1998 s. 8; 32 of 1998 s. 6)
- (h) such other deductions as may be prescribed by any rule made under this Ordinance.

(2) The conditions referred to in subsection (1)(a) are that-

- (a) the money has been borrowed by a financial institution;
- (b) the money has been borrowed by a public utility company specified in the Schedule 3 at a rate of interest not exceeding the rate specified by the Financial Secretary by notice in the Gazette; (Amended 17 of 1989 s. 5)

- (c) the money has been borrowed from a person other than a financial institution or an overseas financial institution and the sums payable by way of interest are chargeable to tax under this Ordinance;
- (d) the money has been borrowed from a financial institution or an overseas financial institution and the repayment of the principal or interest is not secured or guaranteed either in whole or in part, and whether directly or indirectly, by any instrument executed or any undertaking given by or on behalf of the borrower or an associate of the borrower against a deposit made with that or any other financial institution or overseas financial institution where any sums payable by way of interest on the deposit are not chargeable to tax under this Ordinance; (Amended 7 of 1986 s. 4; 63 of 1997 s. 2)
- (e) the money has been borrowed wholly and exclusively to finance-
 - (i) capital expenditure incurred on the provision of machinery or plant which qualifies for an allowance under Part VI; or
 - (ii) the purchase of trading stock, and such stock is used by the borrower in the production of profits chargeable to tax under this Part,
 and-
 - (A) the lender is not an associate of the borrower; and
 - (B) where the money is borrowed from, or the relevant sum payable by way of interest upon the money is payable to, a trustee of a trust estate or a corporation controlled by such a trustee, each of the trustee, the corporation and the beneficiary under the trust is not an associate of the borrower; (Replaced 36 of 1984 s. 4. Amended 7 of 1986 s. 4; 63 of 1997 s. 2)
- (f) the person chargeable to tax is a corporation and the deduction is in respect of interest payable by that corporation-
 - (i) on debentures;
 - (ii) to the holder of any instrument issued-
 - (A) bona fide and in the course of carrying on business and which is marketable in Hong Kong or in a major financial centre outside Hong Kong approved by the Commissioner for the purposes of this subparagraph; or
 - (B) in pursuance of any agreement or arrangements, where the issue of an advertisement or invitation to the public in respect of such agreement or arrangements, or any document which contains such an advertisement or invitation, has been authorized by the Securities and Futures Commission under section 4(2)(g) of the Protection of Investors Ordinance (Cap 335); or (Amended 10 of 1989 s. 65)
 - (iii) on moneys borrowed from an associated corporation, where the moneys borrowed in the hands of the associated corporation arise entirely from the proceeds of an issue by the associated corporation of debentures or of any such instrument as is described in subparagraph (ii), in an amount not exceeding the interest payable by the associated corporation to the holders of its debentures or of such instruments. (Added 7 of 1986 s. 4)

(3) In subsection (2) and this subsection-

"associate" (相聯者), in relation to a person, means-

- (a) where the person is a natural person-
 - (i) a relative of the person;
 - (ii) a partner of the person and any relative of that partner;
 - (iii) a partnership in which the person is a partner;
 - (iv) any corporation controlled by the person, by a partner of the person or by a partnership in which the person is a partner;

- (v) an director or principal officer of any such corporation as is referred to in subparagraph (iv);
- (b) where the person is a corporation-
 - (i) any associated corporation;
 - (ii) any person who controls the corporation and any partner of such person, and, where either such person is a natural person, any relative of such person;
 - (iii) any director or principal officer of that corporation or of any associated corporation and any relative of any such director or officer;
 - (iv) any partner of the corporation and, where such partner is a natural person, any relative of such partner;
- (c) where the person is a partnership-
 - (i) any partner of the partnership and where such partner is a partnership any partner of that partnership, any partner with the partnership in any other partnership and where such partner is a partnership any partner of that partnership and where any partner of, or with, or in any of the partnerships mentioned in this subparagraph is a natural person, any relative of such partner;
 - (ii) any corporation controlled by the partnership or by any partner thereof or, where such a partner is a natural person, any relative of such partner;
 - (iii) any corporation of which any partner is a director or principal officer;
 - (iv) any director or principal officer of a corporation referred to in subparagraph (ii);

"associated corporation" (相聯法團), in relation to a person, means-

- (a) a corporation over which the person has control;
- (b) if the person is a corporation-
 - (i) a corporation which has control over the person; or
 - (ii) a corporation which is under the control of the same person as is the first-mentioned person;

"beneficiary under the trust" (信託的受益人) means any person who benefits or is capable (whether by the exercise of a power of appointment or otherwise) of benefiting under a trust estate, either directly or through any interposed person, or who is able or might reasonably be expected to be able, whether directly or indirectly, to control the activities of the trust estate or the application of its corpus or income;

"control" (控制), in relation to a corporation, means the power of a person to secure-

- (a) by means of the holding of shares or the possession of voting power in or in relation to that or any other corporation; or
- (b) by virtue of any powers conferred by the articles of association or other document regulating that or any other corporation,

that the affairs of the first-mentioned corporation are conducted in accordance with the wishes of that person;

"debentures" (債權證) means debentures listed on a stock exchange in Hong Kong or any other stock exchange recognized for the purposes of this paragraph by the Commissioner;

"overseas financial institution" (海外財務機構) means a person carrying on the business of banking or deposit-taking outside Hong Kong other than a person whom the Commissioner has, in accordance with the powers vested in him by subsection (4), determined shall not be recognized for the purposes of subsection (2) as an overseas financial institution;

"principal officer" (主要職員) means-

- (a) a person employed by a corporation who, either alone or jointly with one or more other persons, is responsible under the immediate authority of the directors for the conduct of the business of the corporation; or
- (b) a person so employed who, under the immediate authority of a director of the

corporation or a person to whom paragraph (a) applies, exercises managerial functions in respect of the corporation;

"relative" (親屬) means the spouse, parent, child, brother or sister of the relevant person, and, in deducing such a relationship, an adopted child shall be deemed to be a child both of the natural parents and the adopting parent and a step child to be the child of both the natural parents and of any step parent. (Replaced 63 of 1997 s. 2)

(4) The Commissioner may for the purposes of subsection (2) determine that a person shall not be recognized as an overseas financial institution if he is of the opinion that that person's banking or deposit-taking business is not adequately supervised by a supervisory authority. (Added 36 of 1984 s. 4)

(5) The amendments to this section effected by the Inland Revenue (Amendment) Ordinance 1984 (36 of 1984) shall not have the effect of disallowing any deduction under subsection (1)(a) which could lawfully have been made immediately prior to the coming into force of that Ordinance where the deduction is in respect of sums payable prior to 1 April 1984. (Added 36 of 1984 s. 4. Amended 7 of 1986 s. 4)

(6) The Chief Executive in Council may, by notice in the Gazette, amend the Schedule 3. (Added 17 of 1989 s. 5. Amended 12 of 1999 s. 3)

(Replaced 28 of 1964 s. 7. Amended 35 of 1965 s. 9)

*** The amendment made by Ord. No. 31 of 1998 to section 16(1)(ga) applies in relation to the year of assessment commencing on 1 April 2000 and to all subsequent years of assessment. (31 of 1998 s. 2(2); L.N. 175 of 2000)**

Chapter:	112	Title:	INLAND REVENUE ORDINANCE	Gazette Number:	
Section:	16E	Heading:	Purchase and sale of patent rights, etc.	Version Date:	30/06/1997

(1) Notwithstanding anything in section 17, in ascertaining the profits from any trade, profession or business in respect of which a person is chargeable to tax under this Part for any year of assessment there shall, subject to subsections (2) and (6), be deducted any expenditure incurred by such person during the basis period for that year of assessment (other than any amount which is allowable as a deduction apart from this section) on the purchase of patent rights or rights to any know-how, for use in Hong Kong in the trade, profession or business in the production of such profits. (Amended 7 of 1986 s. 12; 15 of 1992 s. 2)

(2) Where any rights of a kind referred to in subsection (1) are purchased partly for use in Hong Kong and partly for use outside Hong Kong the deduction allowable under this section shall be such part of the expenditure referred to in subsection (1) as is, having regard to the extent of the use in Hong Kong, reasonable and appropriate in the circumstances of the case. (Amended 7 of 1986 s. 12)

(2A) No deduction is allowable under subsection (1) in respect of patent rights or rights to any know-how purchased by a person wholly or partly from an associate. (Added 15 of 1992 s. 2)

(2B) For the purposes of subsection (2A), rights of a kind referred to in subsection (1) that are purchased or sold by a trustee of a trust estate or a corporation controlled by such a trustee shall be deemed to have been purchased or sold, as the case may be, by each of the trustee, the corporation and the beneficiary under the trust. (Added 15 of 1992 s. 2)

(3) Where any rights of a kind referred to in subsection (1) in respect of which a deduction has been allowed to any person under this section in ascertaining the profits from a trade, profession or business are thereafter sold by him-

- (a) the proceeds of sale; or
- (b) if the deduction was one to which subsection (2) applied, such part of the proceeds of sale as relates to the rights in respect of which a deduction was allowed under that subsection,

not being an amount otherwise chargeable to tax under this Part, shall, notwithstanding the exclusion relating to the sale of capital assets contained in section 14, be treated as a trading receipt of the trade, profession or business accruing at the time of sale, or if the sale occurs on or after the date on which the trade, profession or business is permanently discontinued, accruing immediately before the discontinuance.

(4) In this section-
"associate" (相聯者), in relation to a person who purchases (including a person who is deemed to have purchased) rights of a kind referred to in subsection (1), means-

- (a) where the purchaser is a natural person-
 - (i) a relative of the purchaser;
 - (ii) a partner of the purchaser and any relative of that partner;
 - (iii) a partnership in which the purchaser is a partner;
 - (iv) any corporation controlled by the purchaser, by a partner of the purchaser or by a partnership in which the purchaser is a partner;
 - (v) any director or principal officer of any such corporation as is referred to in

- subparagraph (iv);
- (b) where the purchaser is a corporation-
 - (i) any associated corporation;
 - (ii) any person who controls the corporation and any partner of such person, and, where either such person is a natural person, any relative of such person;
 - (iii) any director or principal officer of that corporation or any associated corporation and any relative of any such director or officer;
 - (iv) any partner of the corporation and, where such partner is a natural person, any relative of such partner;
- (c) where the purchaser is a partnership-
 - (i) any partner of the partnership and where such partner is a partnership any partner of that partnership, any partner with the partnership in any other partnership and where such partner is a partnership any partner of that partnership and where any partner of, or with, or in any of the partnerships mentioned in this subparagraph is a natural person, any relative of such partner; (Replaced 65 of 1993 s. 2)
 - (ii) (Repealed 65 of 1993 s. 2)
 - (iii) any corporation controlled by the partnership or by any partner thereof or, where such a partner is a natural person, any relative of such partner;
 - (iv) any corporation of which any partner is a director or principal officer;
 - (v) any director or principal officer of a corporation referred to in subparagraph (iii);

"associated corporation" (相聯法團) means-

- (a) a corporation over which a person who purchases (including a person who is deemed to have purchased) rights of a kind referred to in subsection (1) has control;
- (b) a corporation which has control over such a purchaser, being a corporation; or
- (c) a corporation which is under the control of the same person as such a purchaser, being a corporation;

"beneficiary under the trust" (信託受益人) means any person who benefits or is capable (whether by the exercise of a power of appointment or otherwise) of benefiting under a trust estate, either directly or through any interposed person, or who is able or might reasonably be expected to be able, whether directly or indirectly, to control the activities of the trust estate or the application of its corpus or income;

"control" (控制), in relation to a corporation, means the power of a person to secure-

- (a) by means of the holding of shares or the possession of voting power in or in relation to that or any other corporation; or
- (b) by virtue of any powers conferred by the articles of association or other document regulating that or any other corporation,

that the affairs of the first-mentioned corporation are conducted in accordance with the wishes of that person;

"know-how" (工業知識) means any industrial information or techniques likely to assist in the manufacture or processing of goods or materials;

"patent rights" (專利權) means the right to do or authorize the doing of anything which would, but for that right, be an infringement of a patent;

"principal officer" (主要職員) means-

- (a) a person employed by a corporation who, either alone or jointly with one or more other persons, is responsible under the immediate authority of the directors for the conduct of the business of the corporation; or
- (b) a person so employed who, under the immediate authority of a director of the body corporate or a person to whom paragraph (a) applies, exercises managerial functions in respect of the body corporate;

"relative" (親屬) means the spouse, parent, child, brother or sister of the relevant person, and, in deducting such a relationship, an adopted child shall be deemed to be a child both of the natural parents and the adopting parent and a step child to be the child of both the natural parents and of any step parent. (Replaced 15 of 1992 s. 2)

(5) In this section, a reference to the purchase or sale of rights of a kind referred to in subsection (1) includes a reference to the purchase or sale of a share or interest in any such rights. (Added 15 of 1992 s. 2)

(6) The amendments made to this section by the Inland Revenue (Amendment) Ordinance 1992 (15 of 1992) apply to patent rights or rights to any know-how purchased under contracts entered into on or after 18 April 1991 and the provisions of this section that were in force immediately before the commencement of that Ordinance continue to apply to patent rights or rights to any trade mark or design purchased under contracts entered into before 18 April 1991 and also to proceeds received from the sale of those rights whether before or after 18 April 1991 as if the amendments had not been enacted. (Added 15 of 1992 s. 2)

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Chapter:	112	Title:	INLAND REVENUE ORDINANCE	Gazette Number:	32 of 1998
Section:	20AA	Heading:	Persons not treated as agents	Version Date:	17/04/1998

(1) For the purposes of section 20A, the following persons are deemed not to be an agent of a non-resident person-

- (a) where profits are chargeable to tax under this Part by reference to so much of any trade, profession or business as relates to transactions carried out through a broker and falling within subsection (2), the broker;
- (b) where profits are chargeable to tax under this Part by reference to so much of any trade, profession or business as relates to transactions carried out through an approved investment adviser and falling within subsection (3), the approved investment adviser.

(2) Where any profits are chargeable to tax under this Part by reference to so much of any trade, profession or business as relates to a transaction carried out through a broker, the transaction is taken, in relation to the profits (the "taxable profits"), to fall within this subsection if-

- (a) at the time of the transaction, the broker was carrying on the business of a broker;
- (b) the transaction was carried out by the broker for the non-resident person in the ordinary course of the business;
- (c) the remuneration that the broker received for providing the services of a broker to the non-resident person for the transaction was at a rate not less than the one customary for the class of business;
- (d) the non-resident person does not fall (apart from this paragraph) to be treated as having the broker as his agent in relation to any other profits not included in the taxable profits under this subsection or subsection (3) but chargeable to tax under this Part for the same year of assessment; and
- (e) the broker was not an associate of the non-resident person during the year of assessment.

(3) Where any profits are chargeable to tax under this Part by reference to so much of any trade, profession or business as relates to a transaction carried out through an approved investment adviser, the transaction is taken, in relation to the profits (the "taxable profits"), to have been carried out through the

approved investment adviser and to fall within this subsection if-

- (a) (Repealed 32 of 1998 s. 14)
- (b) at the time of the transaction, the approved investment adviser was carrying on the business of an approved investment adviser;
- (c) the transaction was carried out by the approved investment adviser for the non-resident person in the ordinary course of the business;
- (d) the remuneration that the approved investment adviser received for providing the services of an approved investment adviser to the non-resident person for the transaction was at a rate not less than the one customary for the class of business;
- (e) the non-resident person does not fall (apart from this paragraph) to be treated as having the approved investment adviser as his agent in relation to any other profits not included in the taxable profits under this subsection or subsection (2) but chargeable to tax under this Part for the same year of assessment;
- (f) the approved investment adviser was not an associate of the non-resident person during the year of assessment; and
- (g) the approved investment adviser, when he acted for the non-resident person in the transaction, did so in an independent capacity.

(4) This section applies to a person who acts as a broker or provides services as an approved investment adviser as part only of a business and as if that part is a separate business.

(5) For the purposes of this section, an approved investment adviser is not regarded as acting in an independent capacity when acting on behalf of the non-resident person unless, having regard to the legal, financial and commercial characteristics of the relationship between them, it is a relationship between persons carrying on independent businesses dealing with each other at arm's length.

(6) In this section-

"approved investment adviser" (認可投資顧問) means-

- (a) a person registered as an investment adviser under Part VI of the Securities Ordinance (Cap 333); or
- (b) a person who would otherwise be required to be registered as an investment adviser under the Securities Ordinance (Cap 333) but is exempted from registration as an investment adviser under that Ordinance, to the extent that the person carries on business as an investment adviser only;

"associate" (相聯者), in relation to a non-resident person, means-

- (a) where the person is a natural person-
 - (i) a relative of the person;
 - (ii) a partner of the person and any relative of that partner;
 - (iii) a partnership in which the person is a partner;
 - (iv) any corporation controlled by the person, by a partner of the person or by a partnership in which the person is a partner;
 - (v) any director or principal officer of any such corporation as is referred to in subparagraph (iv);
- (b) where the person is a corporation-
 - (i) any associated corporation;
 - (ii) any person who controls the corporation and any partner of such person, and, where either such person is a natural person, any relative of such person;
 - (iii) any director or principal officer of that corporation or of any associated corporation and any relative of any such director or officer;
 - (iv) any partner of the corporation and, where such partner is a natural person, any relative of such partner;
- (c) where the person is a partnership-
 - (i) any partner of the partnership and where such partner is a partnership any partner

of that partnership, any partner with the partnership in any other partnership and where such partner is a partnership any partner of that partnership and where any partner of, or with, or in any of the partnerships mentioned in this subparagraph is a natural person, any relative of such partner;

- (ii) any corporation controlled by the partnership or by any partner thereof or, where such a partner is a natural person, any relative of such partner;
- (iii) any corporation of which any partner is a director or principal officer;
- (iv) any director or principal officer of a corporation referred to in subparagraph (ii);

"associated corporation" (相聯法團) in relation to a person means-

- (a) a corporation over which the person has control;
- (b) a corporation which has control over such a person, being a corporation; or
- (c) a corporation which is under the control of the same person, being a corporation;

"broker" (經紀) means-

- (a) a person registered as a dealer under Part VI of the Securities Ordinance (Cap 333); or
- (b) a person exempted from registration as a dealer under Part VI of the Securities Ordinance (Cap 333), to the extent that the person carries on business as a dealer only;

"control" (控制), in relation to a corporation, means the power of a person to secure-

- (a) by means of the holding of shares or the possession of voting power in or in relation to that or any other corporation; or
- (b) by virtue of any powers conferred by the articles of association or other document regulating that or any other corporation, that the affairs of the first-mentioned corporation are conducted in accordance with the wishes of that person;

"principal officer" (主要職員) means-

- (a) a person employed by a corporation who, either alone or jointly with one or more other persons, is responsible under the immediate authority of the directors for the conduct of the business of the corporation; or
- (b) a person so employed who, under the immediate authority of a director of the body corporate or a person to whom paragraph (a) applies, exercises managerial functions in respect of the body corporate;

"relative" (親屬) means the spouse, parent, child, brother or sister of the relevant person, and, in deducing such a relationship, an adopted child shall be deemed to be a child both of the natural parents and the adopting parent and a step child to be the child of both the natural parents and of any step parent. (Amended 32 of 1998 s. 14)

(Added 56 of 1996 s. 3)

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Chapter:	112	Title:	INLAND REVENUE ORDINANCE	Gazette Number:	
Section:	21A	Heading:	Computation of assessable profits from cinematograph films, patents, trademarks, etc.	Version Date:	30/06/1997

(1) The assessable profits of a person arising in or derived from Hong Kong in respect of a sum

deemed by section 15(1)(a) or (b) to be a receipt arising in or derived from Hong Kong from a trade, profession or business carried on in Hong Kong shall, for the purposes of this Ordinance and notwithstanding any other provisions of this Part, be taken to be-

- (a) 100% of the sum in the case of a sum derived from an associate:

Provided that this paragraph shall not apply in the case where the Commissioner is satisfied that no person carrying on a trade, profession or business in Hong Kong has at any time wholly or partly owned the property in respect of which the sum is paid; or

- (b) 10% of the sum in any other case, including any case of the description mentioned in the proviso to paragraph (a).

(2) For the purpose of ascertaining whether a sum was derived from an associate in the application of subsection (1), where the sum was derived from or by a trustee of a trust estate or a corporation controlled by such a trustee, that sum shall be deemed to have been derived from or by, as the case may be, each of the trustee, the corporation and the beneficiary under the trust.

(3) In this section-

"associate" (相聯者), in relation to a person, means-

- (a) where the person is a natural person-
- (i) a relative of the person;
 - (ii) a partner of the person and any relative of that partner;
 - (iii) a partnership in which the person is a partner;
 - (iv) any corporation controlled by the person, by a partner of the person or by a partnership in which the person is a partner;
 - (v) any director or principal officer of any such corporation as is referred to in subparagraph (iv);
- (b) where the person is a corporation-
- (i) any associated corporation;
 - (ii) any person who controls the corporation and any partner of such person, and, where either such person is a natural person, any relative of such person;
 - (iii) any director or principal officer of that corporation or of any associated corporation and any relative of any such director or officer;
 - (iv) any partner of the corporation and, where such partner is a natural person, any relative of such partner;
- (c) where the person is a partnership-
- (i) any partner of the partnership and where such partner is a partnership any partner of that partnership, any partner with the partnership in any other partnership and where such partner is a partnership any partner of that partnership and where any partner of, or with, or in any of the partnerships mentioned in this subparagraph is a natural person, any relative of such partner;
 - (ii) any corporation controlled by the partnership or by any partner thereof or, where such a partner is a natural person, any relative of such partner;
 - (iii) any corporation of which any partner is a director or principal officer;
 - (iv) any director or principal officer of a corporation referred to in subparagraph (ii);

"associated corporation" (相聯法團), in relation to a person, means-

- (a) a corporation over which the person has control;
- (b) if the person is a corporation-
- (i) a corporation which has control over the person; or
 - (ii) a corporation which is under the control of the same person as is the first-mentioned person;

"beneficiary under the trust" (信託的受益人) means any person who benefits or is capable (whether by the exercise of a power of appointment or otherwise) of benefiting under a trust estate, either

directly or through any interposed person, or who is able or might reasonably be expected to be able, whether directly or indirectly, to control the activities of the trust estate or the application of its corpus or income;

"control" (控制), in relation to a corporation, means the power of a person to secure-

- (a) by means of the holding of shares or the possession of voting power in or in relation to that or any other corporation; or
- (b) by virtue of any powers conferred by the articles of association or other document regulating that or any other corporation,

that the affairs of the first-mentioned corporation are conducted in accordance with the wishes of that person;

"principal officer" (主要職員) means-

- (a) a person employed by a corporation who, either alone or jointly with one or more other persons, is responsible under the immediate authority of the directors for the conduct of the business of the corporation; or
- (b) a person so employed who, under the immediate authority of a director of the corporation or a person to whom paragraph (a) applies, exercises managerial functions in respect of the corporation;

"relative" (親屬) means the spouse, parent, child, brother or sister of the relevant person, and, in deducing such a relationship, an adopted child shall be deemed to be a child both of the natural parents and the adopting parent and a step child to be the child of both the natural parents and of any step parent.

(Replaced 65 of 1993 s. 3)

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Chapter:	112	Title:	INLAND REVENUE ORDINANCE	Gazette Number:	32 of 1998
Section:	39E	Heading:	Allowances under this Part in respect of capital expenditure on leased machinery and plant	Version Date:	17/04/1998

Remarks:

Adaptation amendments retroactively made - see 12 of 1999 s. 3

(1) Notwithstanding anything to the contrary in this Part, a person (in this section referred to as "the taxpayer") who incurs capital expenditure on the provision of machinery or plant, being machinery or plant acquired by the taxpayer under a contract entered into after the commencement of the Inland Revenue (Amendment) Ordinance 1986 (7 of 1986), for the purpose of producing profits chargeable to tax under Part IV shall not have made to him the initial or annual allowances prescribed in section 37, 37A or 39B if, at a time when the machinery or plant is owned by the taxpayer, a person holds rights as lessee under a lease of the machinery or plant, and-

- (a) the machinery or plant was, prior to its acquisition by the taxpayer, owned and used by that person (whether alone or with others), or any associate of that person (which person or any such associate is hereinafter referred to as "the end-user"); or
- (b) the machinery or plant, not being a ship or aircraft or any part thereof, is while the lease is in force-

- (i) used wholly or principally outside Hong Kong by a person other than the taxpayer; or
- (ii) the whole or a predominant part of the cost of the acquisition or construction of the machinery or plant was financed directly or indirectly by a non-recourse debt; or
- (c) the machinery or plant is a ship or aircraft or any part thereof and-
 - (i) the person holding rights as lessee is not an operator of a Hong Kong ship or aircraft; or
 - (ii) the whole or a predominant part of the cost of acquisition or construction of the ship or aircraft or the part thereof was financed directly or indirectly by a non-recourse debt. (Amended 15 of 1992 s. 4)

(2) Subsection (1)(a) shall not apply where-

- (a) the machinery or plant was acquired by the taxpayer on payment from the end-user at not more than the price which the end-user paid to the supplier (not being a supplier who is himself an end-user); and
- (b) no initial or annual allowances have at any time prior to the acquisition of the machinery or plant by the taxpayer been made under section 37, 37A or 39B to the end-user in respect of such machinery or plant.

(3) For the purposes of subsection (2) an allowance shall be deemed not to have been made if the end-user, by notice in writing to the Commissioner within 3 months of the date on which the capital expenditure on the provision of machinery or plant giving rise to the allowance is incurred, or within such further time as the Commissioner may, in any particular case, permit, disclaims such allowance.

(4) For the purposes of this section, where a trustee of a trust estate or a corporation controlled by such a trustee owns machinery or plant or holds rights as a lessee under a lease of machinery or plant, the trustee, the corporation and the beneficiary under the trust shall each be deemed to be the owner or holder, as the case may be, of rights as a lessee of the machinery or plant. (Replaced 15 of 1992 s. 4)

(5) In this section-

"acquisition" (取得) means acquisition by a person as owner and includes holding or hiring under a hire-purchase agreement or, if the hire-purchase agreement is a conditional sale agreement, holding as purchaser;

"associate" (相聯者), in relation to a person holding rights as lessee under any lease of machinery or plant (including a person who is deemed to be holding such rights), means-

- (a) where the person holding such rights is a natural person-
 - (i) a relative of the person holding such rights;
 - (ii) a partner of the person holding such rights and any relative of that partner;
 - (iii) a partnership in which the person holding such rights is a partner;
 - (iv) any corporation controlled by the person holding such rights, by a partner of the person holding such rights or by a partnership in which the person holding such rights is a partner;
 - (v) any director or principal officer of any such corporation as is referred to in subparagraph (iv);
- (b) where the person holding such rights is a corporation-
 - (i) any associated corporation;
 - (ii) any person who controls the corporation and any partner of such person, and, where either such person is a natural person, any relative of such person;
 - (iii) any director or principal officer of that corporation or of any associated corporation and any relative of any such director or officer;
 - (iv) any partner of the corporation and, where such partner is a natural person, any relative of such partner;
- (c) where the person holding such rights is a partnership-
 - (i) any partner of the partnership and where such partner is a partnership any partner

of that partnership, any partner with the partnership in any other partnership and where such partner is a partnership any partner of that partnership and where any partner of, or with, or in any of the partnerships mentioned in this subparagraph is a natural person, any relative of such partner; (Replaced 65 of 1993 s. 4)

- (ii) (Repealed 65 of 1993 s. 4)
- (iii) any corporation controlled by the partnership or by any partner thereof or, where such a partner is a natural person, any relative of such partner;
- (iv) any corporation of which any partner is a director or principal officer;
- (v) any director or principal officer of a corporation referred to in subparagraph (iii);

"associated corporation" (相聯法團) means-

- (a) a corporation over which the person holding rights under any lease of machinery or plant (including a person who is deemed to be holding such rights) has control;
- (b) a corporation which has control over such person holding rights, being a corporation;
- (c) a corporation which is under the control of the same person as such person holding rights, being a corporation;

"beneficiary under the trust" (信託的受益人) means any person who benefits or is capable (whether by the exercise of a power of appointment or otherwise) of benefiting under a trust estate, either directly or through any interposed person, or who is able or might reasonably be expected to be able, whether directly or indirectly, to control the activities of the trust estate or the application of its corpus or income; (Replaced 15 of 1992 s. 4)

"control" (控制), in relation to a corporation, means the power of a person to secure-

- (a) by means of the holding of shares or the possession of voting power in or in relation to that or any other corporation; or
- (b) by virtue of any powers conferred by the articles of association or other document regulating that or any other corporation,

that the affairs of the first-mentioned corporation are conducted in accordance with the wishes of that person;

"end-user" (最終使用者) means any person (whether alone or with others) holding rights as lessee under a lease of machinery or plant or any associate of such person;

"held for use" (持有以供使用) includes installed ready for use and held in reserve;

"non-recourse debt" (無追索權債項), in relation to the financing of the whole or a predominant part of the cost of the acquisition or construction of any machinery or plant, means a debt where the rights of the creditor in the event of default in the repayment of principal or payment of interest-

- (a) are limited wholly or predominantly to any or all of the following-
 - (i) rights (including a right to moneys payable) in relation to the machinery or plant or the use of the machinery or plant;
 - (ii) rights (including rights to moneys payable) in relation to goods produced, supplied, carried, transmitted or delivered, or services provided, by means of the machinery or plant;
 - (iii) rights (including a right to moneys payable) in relation to the loss or disposal of the whole or a part of the machinery or plant or of the taxpayer's interest in the machinery or plant;
 - (iv) any conjunction of such rights as are referred to in subparagraphs (i), (ii) and (iii);
 - (v) rights in respect of a mortgage or other security over the machinery or plant; or
 - (vi) rights arising out of any arrangement relating to the financial obligations of the end-user of the machinery or plant towards the taxpayer, being financial obligations in relation to the machinery or plant;
- (b) are in the opinion of the Commissioner capable of being limited as described in paragraph (a), having regard to either or both of the following-

- (i) the assets of the taxpayer;
- (ii) any arrangement to which the taxpayer is a party; or
- (c) where paragraphs (a) and (b) do not apply, are limited by reason that not all of the assets of the taxpayer (not being assets that are security for a debt of the taxpayer other than a debt arising in relation to the financing of the whole or part of the cost of the acquisition of the machinery or plant) would be available for the purpose of the discharge of the whole of the debt so arising (including the payment of interest) in the event of any action or actions by the creditor or creditors against the taxpayer arising out of the debt;

"operator of a Hong Kong aircraft" (香港飛機的經營者) means a person who-

- (a) holds an air operators' certificate issued under the Air Navigation (Hong Kong) Order 1995 (Cap 448 sub. leg.); and (Amended 12 of 1999 s. 3)
- (b) carries on business as an operator of aircraft and the business is controlled and managed in Hong Kong;

"operator of a Hong Kong ship" (香港船舶的經營者) means a person who-

- (a) is responsible for defraying all or a substantial portion of the expenses of operating the ship and the ship operates mainly in the waters of Hong Kong or between the waters of Hong Kong and waters within the river trade limits; and
- (b) carries on business as an operator of ships and the business is controlled and managed in Hong Kong;

"principal officer" (主要職員) means-

- (a) a person employed by a corporation who, either alone or jointly with one or more other persons, is responsible under the immediate authority of the directors for the conduct of the business of the corporation; or
- (b) a person so employed who, under the immediate authority of a director of the body corporate or a person to whom paragraph (a) applies, exercises managerial functions in respect of the body corporate;

"relative" (親屬) means the spouse, parent, child, brother or sister of the relevant person, and, in deducing such a relationship, an adopted child shall be deemed to be a child both of the natural parents and the adopting parent and a step child to be the child of both the natural parents and of any step parent;

"used" (使用) includes held for use.

(Amended 32 of 1998 s. 24)

(6) The amendments made to this section by section 4(b) and (d)(iv) of the Inland Revenue (Amendment) Ordinance 1992 (15 of 1992) apply to capital expenditure on the provision of machinery or plant under a transaction entered into on or after 15 November 1990 except expenditure under a transaction which was the subject of an application for advance clearance made to the Commissioner before 15 November 1990 and the Commissioner before or after that date expressed the opinion that the transaction would not fall within the terms of section 61A or, where no such application was made in respect of a transaction entered into before 15 November 1990 under which expenditure was incurred on or after 15 November 1990, the transaction under which the expenditure was made is, in the Commissioner's opinion, of the same type as any for which, in the circumstances prevailing as at 14 November 1990, he would have expressed the opinion that the transaction would not fall within the terms of section 61A. (Added 15 of 1992 s. 4)

(Added 7 of 1986 s. 7)

Chapter:	112	Title:	INLAND REVENUE ORDINANCE	Gazette Number:	31 of 1998 s. 18; 32 of 1998 s. 27
Section:	42	Heading:	Calculation of total income	Version Date:	17/04/1998

(1) For the purposes of this Part the total income of an individual for any year of assessment shall, subject to subsection (8), be the aggregate of the following amounts-

- (a) (i) (Repealed 56 of 1993 s. 21)
- (ii) in respect of the years of assessment commencing on or after 1 April 1983, the sum equivalent to the net assessable value as ascertained in accordance with sections 5(1A) and 5B; (Added 8 of 1983 s. 12)

Provided that where an individual is a joint owner or co-owner of property, that individual's share of the net assessable value shall be computed by apportioning the value ascertained in accordance with section 5(1A) or 5B-

- (a) in the case of joint ownership, between the joint owners equally; and
 - (b) in the case of ownership in common, between the owners in common each in proportion to his share in such ownership; (Added 52 of 1993 s. 3)
- (b) the net assessable income of the individual for that year of assessment; and (Replaced 71 of 1983 s. 21. Amended 17 of 1989 s. 10)
 - (c) subject to subsection (1A), the assessable profits of the individual for that year of assessment computed in accordance with Part IV: (Amended 32 of 1998 s. 27)
 - (d) (Repealed 17 of 1989 s. 10)

Provided that there shall be deducted from that part of the total income arising from paragraph (a) the amount of any interest payable on any money borrowed for the purpose of producing that part of the total income where the amount of such interest has not been allowed and deducted under Part IV. (Amended 17 of 1989 s. 10)

(1A) For the purposes of subsection (1)(c), any assessable profits in respect of concessionary trading receipts shall be deemed to be the amount arrived at by dividing such assessable profits by the adjustment factor. (Added 32 of 1998 s. 27)

- (2) There shall be deducted from the total income of an individual for any year of assessment-
 - (a) such deductions as are under Part IVA allowable to the individual; and (Replaced 31 of 1998 s. 18)
 - (b) the amount of the individual's loss or share of loss for that year of assessment computed in accordance with Part IV.

(3)-(4) (Repealed 31 of 1998 s. 18)

- (5) (a) Where in any year of assessment the aggregate amount of the deductions under subsection (2)(a) and the loss under subsection (2)(b) for an individual exceeds the total income of the individual-
 - (i) subject to subparagraph (ii), that part of the amount of such excess not

exceeding the amount of the loss under subsection (2)(b) for the individual for that year of assessment shall be carried forward to be set off against the total income of the individual for future years of assessment;

- (ii) where the total incomes of the individual and his or her spouse are required to be aggregated under section 42A(1), the amount of such excess shall be reduced as far as can be done by being set off against the total income of his or her spouse for that year of assessment as reduced under subsection (2), and that part of the amount of such excess not exceeding the amount of the loss under subsection (2)(b) for the individual for that year of assessment which is not so reduced shall be carried forward to be set off against the total income of the individual for future years of assessment.
- (b) Where paragraph (a) does not apply and in any year of assessment the amount of the loss under subsection (2)(b) for an individual exceeds the total income of the individual-
- (i) subject to subparagraph (ii), the amount of such excess shall be carried forward to be set off against the total income of the individual for future years of assessment;
 - (ii) where the total incomes of the individual and his or her spouse are required to be aggregated under section 42A(1), the amount of such excess shall be reduced as far as can be done by being set off against the total income of his or her spouse for that year of assessment as reduced under subsection (2), and that part of the amount of such excess which is not so reduced shall be carried forward to be set off against the total income of the individual for future years of assessment.
- (c) Where paragraphs (a) and (b) do not apply and in any year of assessment the amount of the deductions under subsection (2)(a) for an individual exceeds the total income of the individual-
- (i) subject to subparagraph (ii), the amount of such excess shall not be carried forward to be set off against the total income of the individual for future years of assessment;
 - (ii) where the total incomes of the individual and his or her spouse are required to be aggregated under section 42A(1), the amount of such excess shall be reduced as far as can be done by being set off against the total income of his or her spouse for that year of assessment as reduced under subsection (2), and that part of the amount of such excess which is not so reduced shall not be carried forward to be set off against the total income of the individual for future years of assessment.
- (Replaced 31 of 1998 s. 18)

(6) Subsection (5)(a)(ii) and (b)(ii) shall apply, with any necessary modifications, in relation to an individual who has elected to be personally assessed under this Part and to his or her spouse where- (Amended 31 of 1998 s. 18)

(a) by reason of the application of section 41(1A), that individual could not have so elected unless his or her spouse did so too, had his or her spouse had income assessable under this Ordinance; and

(b) for this reason only he or she was able so to elect,
as if the total income of both spouses had been required to be aggregated under section 42A(1). (Replaced 43 of 1989 s. 13)

(7) The amount of any excess set off under subsection (5) against an individual's total income or that of the individual's spouse for any year of assessment shall not be set off for any other year of assessment.

(8) For the purposes of this Part the total income of an individual for any year of assessment shall not include the profits or losses or share of profits or losses of that individual as a member of any partnership (other than a partnership referred to in section 345(2) of the Companies Ordinance

(Cap 32)) consisting, at any time in that year of assessment, of more than 20 partners. (Amended 51 of 1978 s. 9)

(9) For the purposes of subsection (8), in calculating the number of partners in a partnership there shall be included every partner in any other partnership which is itself a partner in the first-mentioned partnership

(10) Where an election is made by a husband and wife under section 41(1A) the total income (as reduced under subsections (2) and (5)) of each of them shall be separately calculated under this section before both incomes are aggregated under section 42A. (Replaced 43 of 1989 s. 13)

(Replaced 7 of 1975 s. 30. Amended 71 of 1983 s. 21; 43 of 1989 s. 13)

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Chapter:	112	Title:	INLAND REVENUE ORDINANCE	Gazette Number:
Section:	88	Heading:	Exemption of charitable bodies	Version Date: 30/06/1997

Notwithstanding anything to the contrary in this Ordinance contained there shall be exempt and there shall be deemed always to have been exempt from tax any charitable institution or trust of a public character:

Provided that where a trade or business is carried on by any such institution or trust the profits derived from such trade or business shall be exempt and shall be deemed to have been exempt from tax only if such profits are applied solely for charitable purposes and are not expended substantially outside Hong Kong and either- (Amended 7 of 1986 s. 12)

- (a) the trade or business is exercised in the course of the actual carrying out of the expressed objects of such institution or trust; or
- (b) the work in connection with the trade or business is mainly carried on by persons for whose benefit such institution or trust is established.

(Added 3 of 1949 s. 18. Amended 30 of 1950 Schedule; 49 of 1956 s. 66; 26 of 1969 s. 40; 65 of 1970 s. 10)

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Chapter:	115	Title:	IMMIGRATION ORDINANCE	Gazette Number:
Schedule:	2	Heading:	TRANSITIONAL PROVISIONS	Version Date: 30/06/1997

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" (遞解外國人條例), and "Immigration (Control and Offences) Ordinance" (入境(管制及罪行)條例) 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 or of 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)

----- Forwarded by CY AU YEUNG/DOJ/HKSARG on 06/02/2003 03:12 PM -----

Chapter:	115B	Title:	IMMIGRATION (PLACES OF DETENTION) ORDER	Gazette Number:	L.N. 324 of 1998
Schedule:	3	Heading:		Version Date:	14/10/1998

[paragraph 2]

1. The Immigration Department Detention Quarters within the Hong Kong Airport Building.
2. The area of the 13th floor of the Wanchai Tower II, 7 Gloucester Road, occupied by the Immigration Department set aside as a detention room. (L.N. 384 of 1989)
3. Victoria Road Centre. (L.N. 336 of 1980)
4. The area of the Hong Kong-Macau Ferry Terminal occupied by the Immigration Department set aside as a detention room. (L.N. 119 of 1975)
5. The area of the first floor of the China Ferry Terminal, Canton Road, Tsimshatsui occupied by the Immigration Department set aside as a detention quarters. (L.N. 296 of 1988)
6. The military camp at Drills Corner, New Territories. (L.N. 282 of 1978)
7. Rooms 13/28, 11E/13A, 8W/16A, 8W/19 and 8W/18A and the West Wing of Ward 10 of the British Military Hospital, Kowloon. (L.N. 12 of 1979)
- 8-9. (Repealed L.N. 249 of 1985)
10. (Repealed L.N. 358 of 1989)
11. (Repealed L.N. 198 of 1982)
12. (Repealed L.N. 33 of 1990)
13. (Repealed L.N. 275 of 1988)

14. (Repealed L.N. 137 of 1992)
15. The land and buildings known as Hut 8A and B and the adjacent exercise area in Section 5 of the Whitehead Detention Centre which area is delineated in red on a plan numbered APB/13207A signed by the Secretary for Security and dated 5 August 1991 and thereon coloured pink copies of which plan are deposited in the offices of the Security Branch of the Government Secretariat, Central Government Offices, Hong Kong and at the Whitehead Detention Centre. (L.N. 338 of 1991)
16. New Horizons Vietnamese Refugee Departure Centre. (L.N. 103 of 1992)
17. Custodial ward of Queen Mary Hospital under the control of the Correctional Services Department, except that part of the ward located therein controlled by the police. (L.N. 255 of 1992)
18. Custodial ward of Queen Elizabeth Hospital under the control of the Correctional Services Department, except that part of the ward located therein controlled by the police. (L.N. 255 of 1992)
19. The ground floor of the Kai Tak Vietnamese Migrant Transit Centre. (L.N. 275 of 1993)
20. Chi Ma Wan Detention Centre (Lower Camp). (L.N. 276 of 1993)
21. The area of the 2nd floor, Central Government Pier, Road D3, New Central Reclamation Area, Central, occupied by the Immigration Department set aside as a detention room. (L.N. 391 of 1995)
22. High Island Detention Centre. (L.N. 360 of 1997)
23. The 1st and 2nd floors of No. 1 Ma Tau Kok Road, Kowloon. (L.N. 538 of 1997)
24. The area set aside as a detention room in the part of the River Trade Terminal, Tuen Mun, occupied by the Immigration Department. (L.N. 324 of 1998)

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Chapter:	115E	Title:	IMMIGRATION (TREATMENT OF DETAINEES) ORDER	Gazette Number:
Schedule:	2	Heading:	CENTRES	Version Date: 30/06/1997

[paragraph 2]

1. (Repealed L.N. 138 of 1992)
 - 2-3. (Repealed L.N. 359 of 1989)
 4. The land and buildings known as Hut 8A and B and the adjacent exercise area in Section 5 of the Whitehead Detention Centre which area is delineated in red on a plan numbered APB/13207A signed by the Secretary for Security and dated 5 August 1991 and thereon coloured pink copies of which plan are deposited in the offices of the Security Branch of the Government Secretariat, Central Government Offices, Hong Kong and at the Whitehead Detention Centre. (L.N. 339 of 1991)
 5. New Horizons Vietnamese Refugee Departure Centre. (L.N. 104 of 1992)
 6. Custodial ward of Queen Mary Hospital under the control of the Correctional Services Department, except that part of the ward located therein controlled by the police. (L.N. 256 of 1992)
 7. Custodial ward of Queen Elizabeth Hospital under the control of the Correctional Services Department, except that part of the ward located therein controlled by the police. (L.N. 256 of 1992)
 8. The ground floor of the Kai Tak Vietnamese Migrant Transit Centre. (L.N. 277 of 1993)
 9. Chi Ma Wan Detention Centre (Lower Camp). (L.N. 278 of 1993)
 10. High Island Detention Centre. (L.N. 361 of 1997)
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Chapter:	115I	Title:	IMMIGRATION (VIETNAMESE REFUGEE CENTRES) (DEPARTURE CENTRE) RULES	Gazette Number:
Schedule:		Heading:	SCHEDULE	Version Date: 30/06/1997

[rule 2]

New Horizons Vietnamese Refugee Departure Centre. (L.N. 106 of 1992)
(L.N. 217 of 1981; L.N. 200 of 1982; L.N. 254 of 1985; L.N. 248 of 1988; L.N. 144 of 1992)

Chapter:	117	Title:	STAMP DUTY ORDINANCE	Gazette Number:
Schedule:	3	Heading:	PROVISIONS FOR DETERMINING AMOUNT OF SHARE CAPITAL HELD THROUGH OTHER BODIES CORPORATE	Version Date: 30/06/1997

[section 45]

1. Where, in the case of a number of bodies corporate, the first directly owns share capital of the second and the second directly owns share capital of the third, then, for the purposes of this Schedule, the first shall be deemed to own share capital of the third through the second, and, if the third directly owns share capital of a fourth, the first shall be deemed to own share capital of the fourth through the second and third, and the second shall be deemed to own share capital of the fourth through the third, and so on.

2. In this Schedule-

- (a) any number of bodies corporate of which the first directly owns share capital of the next and the next directly owns share capital of the next but one and so on, and, if they are more than 3, any 3 or more of them, are referred to as "a series";
- (b) in any series-
 - (i) that body corporate which owns share capital of another through the remainder is referred to as "the first owner";
 - (ii) that other body corporate the share capital of which is owned is referred to as "the last owned body corporate";
 - (iii) the remainder, if one only, is referred to as an "intermediary" and, if more than one, referred to as "a chain of intermediaries";
- (c) a body corporate in a series which directly owns share capital of another body corporate in the series is referred to as an "owner";
- (d) any 2 bodies corporate in a series of which one owns share capital of the other directly, and not through one or more of the other bodies corporate in the series, are referred to as being directly related to one another.

3. Where every owner in a series owns the whole of the share capital of the body corporate to which it is directly related, the first owner shall be deemed to own through the intermediary or chain of intermediaries the whole of the share capital of the last owned body corporate.

4. Where one of the owners in a series owns a fraction of the share capital of the body corporate to which it is directly related, and every other owner in the series owns the whole of the share capital of

the body corporate to which it is directly related, the first owner shall be deemed to own that fraction of the share capital of the last owned body corporate through the intermediary or chain of intermediaries.

5. Where-

- (a) each of 2 or more of the owners in a series owns a fraction, and every other owner in the series owns the whole, of the share capital of the body corporate to which it is directly related; or
- (b) every owner in a series owns a fraction of the share capital of the body corporate to which it is directly related, the first owner shall be deemed to own through the intermediary or chain of intermediaries such fraction of the share capital of the last owned body corporate as results from the multiplication of those fractions.

6. Where the first owner in any series owns a fraction of the share capital of the last owned body corporate in that series through the intermediary or chain of intermediaries in that series, and also owns another fraction or other fractions of the share capital of the last owned body corporate, either-

- (a) directly; or
- (b) through an intermediary or intermediaries which is not a member or are not members of that series; or
- (c) through a chain or chains of intermediaries of which one or some or all are not members of that series; or
- (d) in a case where the series consists of more than 3 bodies corporate, through an intermediary or intermediaries which is a member or are members of the series, or through a chain or chains of intermediaries consisting of some but not all of the bodies corporate of which the chain of intermediaries in the series consists, then, for the purpose of ascertaining the amount of the share capital of the last owned body corporate owned by the first owner, all those fractions shall be aggregated and the first owner shall be deemed to own the sum of those fractions.

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Chapter:	123	Title:	BUILDINGS ORDINANCE	Gazette Number:	L.N. 259 of 2000
Section:	17	Heading:	Conditions may be imposed in certain cases	Version Date:	01/11/2000

(1) Where an application is made to the Building Authority in respect of any of the building works or street works set out in Column A, he may take such action by way of imposing conditions and requirements by orders in writing, and refusing his approval of plans or his consent to commence the building works or street works as is set out in Column B opposite the particular item in Column A.

A

1. Approval of plans of building works in connection with an existing building which would result in a new building.

2. Approval of plans of building works for the erection of a new building to which access is to be obtained by means of an existing access road which does not comply with the regulations.

B

1. For the purpose of making such new building comply with the standard of structural stability and public health established from time to time by regulations-

(a) require plans to be submitted showing additional building works, and refuse approval of the plans already submitted pending his approval of such plans together with the plans required to be submitted under this section; and

(b) require to be carried out the building works shown on such approved additional plans or such other building works as he may consider necessary.

2. For the purpose of making such access road comply with the regulations-

(a) require plans to be submitted showing the necessary street works; and

(b) require street works to be carried out in accordance with an approved plan.

A

3. Approval of plans of street works where in the opinion of the Building Authority-

- (a) the bearing capacity of the ground forming the foundation of the carriage-way is such that the thicknesses of materials to be used in the surfacing thereof, as prescribed by regulations, are inadequate; or
- (b) that the volume of traffic which may be expected to use such street is such that a carriage-way constructed in accordance with the regulations will be inadequate.

4. Approval of plans of building works or street works involving the construction, formation, laying out or any alteration of any access to or opening to or from any street.

5. Consent to commence building works to be carried out on land-

- (a) abutting or fronting on a new private street; or
- (b) to which access is to be obtained by means of a new access road or an access road to which alterations are to be made.

6. Approval of plans showing, or consent to commence, building works involving-

- (a) the structural use of materials; (Replaced 57 of 1987 s. 4)
- (b) site formation works, excavation works, piling works, foundation works or any other structural works; or (Replaced 57 of 1987 s. 4. Amended 39 of 2000 s. 3)
- (c) ground investigation in the scheduled areas. (Replaced 41 of 1982 s. 5. Amended 52 of 1990 s. 4)

B

3. Require such carriage-way to be constructed in such manner as he may prescribe.

4. Require such access or opening to be constructed and sited in such manner as in his opinion will ensure the safety and convenience of traffic and pedestrians using or expected to use such street.

5. For the purpose of making such private streets or access roads comply with the regulations-

- (a) require plans of street works to be submitted and may refuse his consent to the commencement of the building works until he has approved such plans; and
- (b) require street works to be carried out in accordance with an approved plan.

6. Require and prescribe conditions for-

- (a) maximum loads and stresses;
- (b) tests of materials;
- (c) the use of materials;
- (ca) instrumentation for checking design assumptions and monitoring the effect of the works;
- (d) standards of workmanship;
- (e) qualified supervision;
- (f) the sequence of works in respect of works in area number 1 of the scheduled areas; and (Amended 52 of 1990 s. 4)
- (g) a performance review in respect of-
 - (i) works in the scheduled areas; or
 - (ii) works in sites outside the scheduled areas where-
 - (A) the Building Authority considers that the geological conditions need to be verified during

construction and before an application for occupation permit is made under section 21;

(B) the groundwater regime will be adversely affected by the works; or

(C) the Building Authority is of the opinion that the works incorporate unconventional designs, the performance of which has not been fully demonstrated by local case histories, tests and investigations. (Replaced 39 of 2000 s. 3)

7. Approval of plans showing, or consent to commence, site formation works, piling works, excavation works or foundation works.

7. Prescribe conditions subject to which the works may be carried out, being conditions that the Building Authority considers necessary to prevent a collapse, whether total or partial, or the likelihood of such a collapse, of any adjoining or other building, street or land or to prevent any adjoining or other building, street or land becoming so dangerous, or the likelihood of any such building, street or land becoming so dangerous, that it will collapse or be likely to collapse, either totally or partially. (Added 27 of 1964 s. 3. Amended 40 of 1965 s. 2; 23 of 1969 s. 4; 72 of 1980 s. 5)

(Added 44 of 1959 s. 4)

(2) Where the Building Authority approves plans of building works, or gives his consent to the commencement of building works, pursuant to the directions of a committee of review given under subsection (8) of section 50, he shall impose such conditions as the committee of review may have required under that subsection. (Added 40 of 1965 s. 2)

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Chapter:	131	Title:	TOWN PLANNING ORDINANCE	Gazette Number:	62 of 2000
Section:	17B	Heading:	Appeals	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 62 of 2000 s. 3

(1) An applicant who is aggrieved by a decision of the Board on a review under section 17 may appeal by lodging, within 60 days after notification of the Board's decision under section 17(6), a notice of appeal setting out the grounds for the appeal and such other particulars as may be prescribed.

(2) The appellant and the Board may appear before an Appeal Board in person, where applicable, or by an authorized representative.

(3) No decision of an Appeal Board shall be questioned by virtue of the absence of a member of the Appeal Board during the hearing of an appeal provided that member does not participate in the final decision of the Appeal Board.

(4) The Chief Executive in Council may make regulations prescribing the procedures to be followed in making an appeal, including matters to be set out in or to accompany the notice of appeal, the hearing of an appeal and the determination of an appeal. (Amended 62 of 2000 s. 3)

(5) If a person mentioned in subsection (2) fails to appear on a date set for the hearing of an appeal, an Appeal Board may proceed to hear any other party entitled to appear and may make its decision without hearing the absent party.

(6) Prior to or at the hearing of an appeal, an Appeal Board may-

- (a) consider and determine whether a party should have access to documents which the party claims are relevant to the appeal and which are in the possession or control of another person and order that other person to give the party access to such documents;
- (b) hear evidence on oath and administer any oath necessary to swear in a witness;
- (c) admit or take into account any statement, document, information or matter whether or not it would be admissible as evidence in a court of law;
- (d) by notice in writing summon any person to appear before it to give evidence and to produce any document or other thing specified in the notice.

(7) Any notice or order of an Appeal Board shall be issued under the hand of the Chairman or a Deputy Chairman. (Amended 14 of 1996 s. 3)

(8) At the completion of the hearing of parties appearing at an appeal or at any adjourned hearing, an Appeal Board may-

- (a) adjourn for such period as it considers necessary to reach its decision;
- (b) confirm, reverse or vary the decision appealed against;
- (c) award to a party such costs legal or otherwise as it considers reasonably incidental to the preparation and presentation of an appeal.

(9) The decision of an Appeal Board on any appeal shall be final.

(Added 101 of 1991 s. 4)

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Chapter:	136	Title:	MENTAL HEALTH ORDINANCE	Gazette Number:	L.N. 29 of 1999
Section:	59A	Heading:	Mental Health Review Tribunal	Version Date:	01/02/1999

Remarks:

Adaptation amendments retroactively made - see 60 of 2000 s. 3

PART IVA

MENTAL HEALTH REVIEW TRIBUNAL

(1) There shall be a tribunal known as the Mental Health Review Tribunal for the purpose of dealing with applications and references by and in respect of patients under this Ordinance or mentally handicapped persons to whom Part IIIA or IIIB applies, as the case may be, ("relevant persons"). (Amended 81 of 1997 s. 44)

(2) The tribunal shall consist of-

- (a) a chairman appointed by the Chief Executive and having such legal experience as the Chief Executive considers suitable;
- (b) persons (referred to in this Part as "the medical members") being registered medical practitioners appointed by the Chief Executive on the recommendation of the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap 113); (Amended L.N. 76 of 1989; 68 of 1990 s. 24)
- (c) persons (referred to in this Part as "the social work members") appointed by the Chief Executive who have such experience and knowledge of social work as the Chief Executive considers suitable; and
- (d) persons appointed by the Chief Executive and having such experience and knowledge of administration, clinical psychology, or such other qualifications or experience, as the Chief Executive considers suitable. (Amended 60 of 2000 s. 3)

(3) The members of the tribunal shall hold and vacate office under the terms of the instrument under which they are appointed, but may resign office by notice in writing to the Chief Executive. (Amended 60 of 2000 s. 3)

(4) Any member of the tribunal who ceases to hold office shall be eligible for re-appointment.

(5) Subject to the rules referred to in section 59G, the members who are, with the chairman, to exercise the functions of the tribunal for the purposes of any proceedings or class or group of proceedings under this Ordinance shall be appointed by the chairman, and of the members so appointed-

- (a) one or more shall be appointed from the medical members;
- (b) one or more shall be appointed from the social work members; and
- (c) one or more shall be appointed from the members who are neither medical members nor social work members.

(6) Subject to the rules referred to in section 59G, the jurisdiction of the tribunal may be exercised by the chairman and 3 of its members, and references in this Ordinance to the tribunal shall be construed accordingly.

(7) The Registrar of the High Court may defray the expenses of the tribunal to such amount as he may, with the consent of the Financial Secretary, determine. (Amended 25 of 1998 s. 2)

(8) There shall be a secretary to the tribunal who shall be appointed by the Chief Executive. (Amended 60 of 2000 s. 3)

(9) The persons recommended to the Chief Executive by the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap 113) under subsection (2)(b) shall be persons who, in the opinion of the Director, have relevant experience in psychiatry. (Amended L.N. 76 of 1989; 68 of 1990 s. 24; 60 of 2000 s. 3)

(Part IVA added 46 of 1988 s. 23)

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Chapter:	138A	Title:	PHARMACY AND POISONS REGULATIONS	Gazette Number:	L.N. 112 of 2002
Schedule:	2	Heading:	ARTICLES EXEMPTED BY REGULATION 8 FROM THE PROVISIONS OF THE ORDINANCE AND OF THESE REGULATIONS	Version Date:	28/06/2002

[regulation 8]

GROUP I

GENERAL EXEMPTIONS

Adhesives; anti-fouling compositions; builders' materials; ceramics; distempers; electrical valves; enamels; explosives; fillers; fireworks; fluorescent lamps; glazes; glues; inks; lacquer solvents; loading materials; matches; motor fuels and lubricants; paints other than pharmaceutical paints; photographic paper; pigments; plastics; propellants; rubber; varnishes

(L.N. 195 of 1977; L.N. 262 of 1995)

GROUP II

SPECIAL EXEMPTIONS

A

Poison	Substance or article in which exempted
Alkaloids, the following-	
Brucine	Surgical spirit containing not more than 0.015% of brucine
Emetine	Ipecacuanha; extracts and tinctures of ipecacuanha; substances containing less than 0.05% of emetine
Lobelia, alkaloids of	Preparations for the relief of asthma in the form of cigarettes, smoking mixtures or fumigants; substances containing less than 0.1% of the alkaloids of lobelia
Pilocarpus, alkaloids of	Substances containing less than 0.025% of the alkaloids of pilocarpus, preparations containing not more than 2%, weight of the sulphate salt of transpilosine (L.N. 137 of 1978)
Pomegranate, alkaloids of	Pomegranate bark
Stavesacre, alkaloids of	Soaps; ointments lotions for external use
para-Aminobenzenesulphonamide; its salts; derivatives of para-aminobenzenesulphonamide having any of the hydrogen atoms of the para amino group or of the sulphonamide group substituted by another radical; their salts	Feeding stuffs containing not more than 0.5% of total sulphonamides
Androgenic, oestrogenic and progestational substances, the following-	
Benzoestrol	Preparations intended for external application only; except preparations containing more than 4 milligrammes of oestrogenic substance per 100 grammes of inert substance (L.N. 415 of 1984)
Derivatives of stilbene, dibenzyl or naphthalene with oestrogenic activity; their esters	
Steroid compounds with androgenic or oestrogenic or progestational activity; their esters	preparations intended to be taken orally for contraceptive purposes only which contain not more than the following per dose- 0.15 milligrammes Desogestrel; 3.00 milligrammes Drospirenone; 0.05 milligrammes Ethinyloestradiol; 0.10 milligrammes Gestodene; 0.25 milligrammes Levonorgestrel; 2.50 milligrammes Lynoestrenol; 0.05 milligrammes Mestranol; 1.00 milligrammes Norethisterone; 0.25 milligrammes Norgestimate; and 0.50 milligrammes Norgestrel, multivitamin preparations with or without minerals containing not more than 0.01 mg. ethinyloestradiol or not more than 2.5 mg. Methyltestosterone or both in each dosage form (L.N. 369 of 1980; L.N. 112 of 2002)
Antihistamine substances; their salts; any compound with any substance falling within this item	Preparations intended for external application only and preparations containing not more than 1% of anti-histamine substances for application in the nose or eye
Arsenical poisons	Poultry or pig feeding stuffs containing not more than 0.005% of 4-hydroxy-3-nitrophenylarsonic acid and not containing any other arsenical poison; animal feeding stuffs

	containing not more than 0.01% of arsenic acid and not containing any other arsenical poison; poultry feeding stuffs containing not more than 0.0375% of carbarson and not containing any other arsenical poison; medicines containing arsenic in a non-assimilable form
Barbituric acid; its salts; its derivatives; their salts; any compound with any substance falling within this item	Self-heating preparations, in aerosol dispensers intended for external application only, containing 1, 5-diethyl-2-thio-4, 6-pyrimidine-dione and not containing any other substance mentioned opposite hereto in the first column
Chloroform	Substances containing less than 1% of chloroform; solid preparations; toothpaste
Clioquinol	Preparations intended for external application only (L.N. 137 of 1978)
Creosote obtained from wood	Substances containing less than 50% of creosote obtained from wood
Diperodon; its salts	Preparations intended for external application only, containing not more than 1% of diperodon, calculated as anhydrous base
Hydrocyanic acid	Preparations of wild cherry; in reagent kits supplied for medical or veterinary purposes; substances containing less than the equivalent of 0.1%, weight in weight, of hydrocyanic acid (HCN)
Lead acetate	Substances containing less than 4% of lead acetate
Lead, compounds of	Machine-spread plasters
Lignocaine; its salts	Preparations intended for external application only, containing not more than 0.7% of Lignocaine or its salts (L.N. 369 of 1980)
Mercury, nitrates of	Ointments containing less than the equivalent of 3%, weight in weight, of mercury (Hg)
Mescaline; its salts	Living plants
Phenols	Butylated hydroxytoluene, carvacrol, creosote obtained from coal tar; essential oils in which phenols occur naturally; medicines containing less than 1% of phenols; nasal sprays, mouth washes, pastilles, lozenges, capsules, pessaries, ointments or suppositories containing less than 2.5% of phenols, in reagent kits supplied for medical or veterinary purposes; smelling bottles; soaps for washing; solid substances, other than pastilles, lozenges, capsules, pessaries, ointments and suppositories, containing less than 60% of phenols; Tar (coal or wood), crude or refined; para-tertiary amylphenol; tertiary butylcresol; para-tertiary butylphenol; para-(1, 1, 3, 3-tetramethylbutyl) phenol; thymol
Phenyl mercuric salts	Toilet, cosmetic and therapeutic preparations containing not more than 0.01% of phenyl mercuric salts as preservative;

Picric acid	antiseptic dressings on toothbrushes; in textiles containing not more than 0.01% of phenyl mercuric salts as a bacteriostat and fungicide
Podophyllum resin	Substances containing less than 5% of picric acid Preparations containing not more than 1.5%, weight in weight, of podophyllum resin
Procaine	Feeding stuffs containing any substance to which the Antibiotics Ordinance (Cap 137) for the time being applies
Quinine; its salts; its derivatives; their salts	Preparations containing not more than 1% of quinine, its salts, its derivatives or their salts; soft drinks, wines or tonic wines; preparations containing not more than 15% of quinine, its salts, its derivatives or their salts for use in the manufacture of soft drinks, wines, tonic wines, or confectionery (L.N. 130 of 1987)
Sodium ethyl mercurithio-salicylate	Therapeutic substances containing less than 0.1% of sodium ethyl mercurithiosalicylate as a preservative
Sodium fluoride	Substances containing less than 3% of sodium fluoride as a preservative; dentifrices containing not more than 0.33% of sodium fluoride; mouth wash tables containing not more than 0.2% of sodium fluoride and liquid mouth washes containing not more than 0.05% thereof; tablets containing not more than 0.016%, weight in weight, of sodium fluoride and intended, when chewed to prevent tooth decay (L.N. 202 of 1999)

(L.N. 138 of 2000)

B

Acetanilide; alkyl acetanilides	Substances not being preparations for the treatment of human ailments
Ammonia	Substances not being solutions of ammonia or preparations containing solutions of ammonia; substances containing less than 5%, weight in weight, of ammonia (NH ₃); refrigerators; smelling bottles
Antimony, chlorides of	Polishes
Arsenical poisons	Pyrites ores or sulphuric acid containing arsenical poisons as natural impurities
Barium, salts of	Witherite other than finely ground witherite; barium carbonate bonded to charcoal for case hardening; fire extinguishers containing barium chloride
gamma-Benzene hexachloride	Substances containing not more than 5% by weight of gamma-benzene hexachloride; when used in agriculture or horticulture (L.N. 195 of 1977)
Diamines, the following; their salts-phenylene diamines; toluene diamines; other alkylated-benzene diamines	Substances other than preparations for the dyeing of hair
Dinitrophenols	Substances not being preparations for the treatment of human ailments
Disulfiram	Substances not being preparations for the treatment of human ailments
Formaldehyde	Substances containing less than 5%, weight in weight, of formaldehyde (H. CHO); photographic glazing or hardening solutions
Formic acid	Substances containing less than 5%, weight in weight, of formic acid (H. COOH)
Hydrochloric acid	Substances containing less than 9%, weight in weight, of hydrochloric acid (HCl)
Mercuric chloride	Batteries
Mercuric chloride; mercuric iodide; organic compounds of mercury	Dressings on seeds or bulbs
Mercury, oxides of	Canker and wound paints (for trees) containing not more than 3%, weight in weight, of yellow mercuric oxide
Nicotine	Tobacco; preparations in aerosol dispensers containing not more than 0.2% of nicotine, weight in weight; other liquid preparations and solid preparations with a soap base, containing not more than 7.5% of nicotine, weight in weight
Nitric acid	Substances containing less than 9%, weight in weight, of nitric acid (HNO ₂)
Nitrobenzene	Substances containing less than 0.1% of nitrobenzene; soaps containing less than 1 % of nitrobenzene; polishes
para-Nitrobenzyl cyanide	Photographic solutions containing less than the equivalent of 0.1%, weight in weight, of hydrocyanic acid (HCN)
para-Nitrophenol	Preparations for use in agriculture or horticulture containing not more than 0.5% of para-Nitrophenol as preservative
Oxalic acid; metallic oxalates	Laundry blue; polishes; cleaning powders or scouring products containing the equivalent of not more than 10% of oxalic acid dihydrate

Phosphoric acid	Substances containing phosphoric acid, not being descaling preparations containing more than 50%, weight in weight, of ortho-phosphoric acid (L.N. 137 of 1978)
Potassium hydroxide	Substances containing the equivalent of less than 17% of total caustic alkalinity expressed as potassium hydroxide; accumulators, batteries
Sodium hydroxide	Substances containing the equivalent of less than 12% of total caustic alkalinity expressed as sodium hydroxide
Sodium nitrite	Substances other than preparations containing more than 0.1% of sodium nitrite for the destruction of rats or mice
Sodium silicofluoride	Substances containing less than 3% of sodium silicofluoride as preservative
Sulphaquinoxaline; its salts	Preparations for the destruction of mice and rats containing not more than the equivalent of 0.5% of sulphaquinoxaline
Sulphuric acid	Substances containing less than 9%, weight in weight, of sulphuric acid (H ₂ SO ₄); accumulators; batteries and sealed containers in which sulphuric acid is packed together with car batteries for use in those batteries; fire extinguishers

(L.N. 195 of 1977; L.N. 262 of 1995)

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Chapter:	138A	Title:	PHARMACY AND POISONS REGULATIONS	Gazette Number:
Schedule:	6	Heading:	POISONS EXEMPTED BY REGULATION 4 FROM LABELLING PROVISIONS WHEN SOLD OR SUPPLIED IN CERTAIN CIRCUMSTANCES	Version Date: 30/06/1997

[regulation 4(2)]

A

Antimony, chlorides of; oxides of; sulphides of; antimonates; antimonites

Chloroform

Glyceryl trinitrate

Lead acetates; compounds of lead with acids from fixed oils

Mercuric chloride; mercuric iodide; organic compounds of mercury

Mercury, nitrates of; oxides of

Oxalic acid; metallic oxalates

Phenols; compounds of phenol with a metal

Picric acid

B

Ammonia

Alkali fluorides

Dinitronaphthols; dinitrophenols; dinitrothymols

Formaldehyde

Formic acid

Hydrochloric acid

Hydrofluoric acid; sodium silicofluoride

Nitric acid

Nitrobenzene

meta-Nitrophenol; ortho-nitrophenol; para-nitrophenol

Phosphorus, yellow

Potassium hydroxide

Sodium hydroxide

Sulphuric acid

(L.N. 262 of 1995)

Chapter:	139A	Title:	PUBLIC HEALTH (ANIMALS AND BIRDS) REGULATIONS	Gazette Number:	L.N. 276 of 2001
Regulation:	57	Heading:	Penalty	Version Date:	12/02/2002

Expanded Cross Reference:

9, 10, 11, 20, 21, 22, 23, 24, 31, 32, 33, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54

(1) Any person who acts in contravention of regulation 1, 2, 3, 4(1), 5, 7, 9 to 11, 13, 20 to 24, 31 to 33, 36, 36C, 36D, 40, 43 to 46, 48 to 54 or 56 or who fails to comply with a direction given under regulation 4(1A) or (2) or who fails to comply with a notice given under regulation 36A shall be liable on summary conviction to a fine at level 1, as well as to suffer any forfeiture that may be prescribed therein. <* Note - Exp. x-Ref: Regulations 9, 10, 11, 20, 21, 22, 23, 24, 31, 32, 33, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54 *> (L.N. 44 of 1998)

(2) Any person who acts in contravention of regulation 7A, 7B(1), (2), (2A) or (3), 9A(1), 9B or 9C shall be liable on summary conviction to a fine at level 4 as well as to suffer any forfeiture. (L.N. 44 of 1998; L.N. 165 of 1998)

(G.N.A. 87 of 1951; G.N.A. 54 of 1956; G.N.A. 89 of 1962; L.N. 3 of 1970; L.N. 160 of 1977; L.N. 78 of 1988; L.N. 218 of 2001)

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Chapter:	151	Title:	SOCIETIES ORDINANCE	Gazette Number:	L.N. 90 of 2001
Schedule:		Heading:	SCHEDULE	Version Date:	01/06/2001

[section 2]

PERSONS TO WHICH THE ORDINANCE DOES NOT APPLY

- (1) Any company registered under the Companies Ordinance (Cap 32).
- (2) Any co-operative society registered under the Co-operative Societies Ordinance (Cap 33).
- (3) Any trade union or any trade union federation registered under the Trade Unions Ordinance (Cap 332). (Replaced L.N. 59 of 1964)
- (4) (a) An association the affairs of which are conducted wholly or partly in any school premises and which consists wholly or mainly of persons under the age of 21 years who are undergoing primary education or secondary education in any school.

- (b) For the purposes of this item, "primary education" (小學教育), "school" (學校), "school premises" (校舍) and "secondary education" (中學教育) have the meanings assigned to them by section 3 of the Education Ordinance (Cap 279). (Replaced 8 of 2001 s. 30)
- (5) Any company or association constituted pursuant to or under any Ordinance or other legislation applicable to Hong Kong. (Replaced 13 of 1999 s. 3)
- (5A) Any company or association which was, immediately before the commencement of the Adaptation of Laws (No. 3) Ordinance 1999 (13 of 1999), a company or association constituted under Royal Charter, Royal Letters Patent or any Imperial Act and was, immediately before that commencement, a local society. (Added 13 of 1999 s. 3)
- (6) Any company, association or partnership formed for the sole purpose of carrying on any lawful business and registered under any other Ordinance. (Amended 71 of 1988 s. 2)
- (7) (Repealed 75 of 1992 s. 32)
- (8) Any Chinese temple registered under the Chinese Temples Ordinance (Cap 153).
- (9) Any credit union registered under the Credit Unions Ordinance (Cap 119). (Added L.N. 41 of 1970)
- (10) Any corporation registered under the Building Management Ordinance (Cap 344). (Added L.N. 107 of 1973. Amended 27 of 1993 s. 48)
- (11) Any association of owners or occupiers of premises which is approved for the purposes of this Ordinance by the Secretary for Home Affairs by notice in writing. (Added L.N. 107 of 1973. Amended L.N. 94 of 1974; L.N. 17 of 1982; L.N. 14 of 1983; L.N. 18 of 1983; L.N. 262 of 1989)
- (12) Any association or group of persons which-
- (a) is formed for the sole purpose of recreation or training;
 - (b) conducts its activities wholly or largely in a Community or Youth Centre; and
 - (c) was formed with and continues to have the approval of the Director of Social Welfare. (Added L.N. 114 of 1974)
- (13) Any association of which-
- (a) one or more of the directors, trustees or other office holders; or
 - (b) the committee or board or other body having the management of the association, is or are incorporated by any Ordinance. (Added L.N. 93 of 1975)
- (14) The operator of, and participants in, any chit fund, as defined in section 2 of the Chit-Fund Businesses (Prohibition) Ordinance (Cap 262), which complies with section 5(2) of that Ordinance. (Added L.N. 225 of 1975)
- (15) (Repealed 75 of 1992 s. 32)
- (16) An unincorporated trust-
- (a) of a public character established solely for charitable purposes; or
 - (b) established solely for the purpose of engaging in a retirement scheme approved under section 87A of the Inland Revenue Ordinance (Cap 112). (Added 75 of 1992 s. 32)
(Added 28 of 1961 s. 19)

Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 85 of 2002
Section:	52	Heading:	Powers of Monetary Authority	Version Date:	24/05/2002

PART X

POWERS OF CONTROL OVER AUTHORIZED INSTITUTIONS

- (1) Where-
- (a) an authorized institution informs the Monetary Authority-
 - (i) that it is likely to become unable to meet its obligations; or
 - (ii) that it is insolvent or about to suspend payment;
 - (b) an authorized institution becomes unable to meet its obligations or suspends payment;
 - (c) the Monetary Authority is of the opinion that-
 - (i) an authorized institution is carrying on its business in a manner detrimental to the interests of-
 - (A) its depositors or potential depositors;
 - (B) its creditors; or
 - (C) holders or potential holders of multi-purpose cards issued by it or the issue of which is facilitated by it;
 - (ii) an authorized institution is insolvent or is likely to become unable to meet its obligations or is about to suspend payment;
 - (iii) an authorized institution has contravened or failed to comply with any of the provisions of this Ordinance;
 - (iv) an authorized institution has contravened or failed to comply with any condition attached under section 16 to its authorization or approval, the condition specified in section 49(1), the condition specified in section 50(1), the condition specified in section 50(2) or the condition specified in section 51A(2); or
 - (v) his power under section 22(1) to propose to revoke the authorization of an authorized institution is exercisable (and whether or not section 23(1) has been complied with); or (Replaced 4 of 1997 s. 10)
 - (d) the Financial Secretary advises the Monetary Authority that he considers it in the public interest to do so,

the Monetary Authority, after consultation with the Financial Secretary, may exercise such one or more of the following powers as may from time to time appear to him to be necessary-

- (A) to require the institution, by notice in writing served on it, forthwith to take any action or to do any act or thing whatsoever in relation to its affairs, business and property as he may consider necessary (including any requirement imposing restrictions on the banking business, business of taking deposits as a deposit-taking company or business of taking deposits as a restricted licence bank, or business of issuing or facilitating the issue of multi-purpose cards as the case may be, which may be carried on by the institution); (Replaced 49 of 1995 s. 13. Amended 4 of 1997 s. 10)
- (B) subject to subsection (3E), to give a direction that, during the period for which the direction is in force, the institution shall seek advice on the management of its affairs, business and property from an Advisor, for which purpose the Monetary Authority

shall appoint a person to be the Advisor of that institution; (Replaced 49 of 1995 s. 13)

- (C) subject to subsections (3D) and (3E), to give a direction that, during the period for which the direction is in force, such of the affairs, business and property of the institution as are specified in the direction shall be managed by a Manager, for which purpose the Monetary Authority shall-
 - (I) appoint a person to be the Manager of that institution; and
 - (II) specify in the direction the primary objective or objectives (not inconsistent with the provisions of this Ordinance) with which the Manager shall comply; (Replaced 49 of 1995 s. 13)
- (D) to report the circumstances to the Chief Executive in Council. (Amended 68 of 1999 s. 3)

(2) Except in the circumstances specified in subsection (1)(a), the Monetary Authority shall not exercise the power conferred by subsection (1)(D) unless he has-

- (a) where the authorized institution is incorporated in Hong Kong and a direction given under subsection (1)(C) is in force in respect of the institution-
 - (i) given to the institution, and such relevant persons, if any, as he thinks fit, not less than 7 days' notice in writing (or such lesser period as is permitted under subsection (2A)) stating-
 - (A) his intention to exercise such power; and
 - (B) his reasons for the exercise thereof; and
 - (ii) afforded the institution, and such relevant persons, if any, as he thinks fit, an opportunity to submit to him representations in writing thereon (which representations, if any, shall form part of his report to the Chief Executive in Council); (Replaced 49 of 1995 s. 13. Amended 68 of 1999 s. 3)
- (b) where the authorized institution is incorporated outside Hong Kong and a direction given under subsection (1)(C) is in force in respect of the institution-
 - (i) given to the institution, at its principal place of business outside Hong Kong, not less than 7 days' notice in writing (or such lesser period as is permitted under subsection (2A)) stating-
 - (A) his intention to exercise such power; and
 - (B) his reasons for the exercise thereof; and
 - (ii) afforded the institution an opportunity to submit to him representations in writing thereon (which representations, if any, shall form part of his report to the Chief Executive in Council); (Replaced 49 of 1995 s. 13. Amended 68 of 1999 s. 3)
- (c) in any other case-
 - (i) given to the authorized institution not less than 7 days' notice in writing (or such lesser period as is permitted under subsection (2A)) stating-
 - (A) his intention to exercise such power; and
 - (B) his reasons for the exercise thereof; and
 - (ii) afforded the institution an opportunity to submit to him representations in writing thereon (which representations, if any, shall form part of his report to the Chief Executive in Council). (Added 49 of 1995 s. 13. Amended 68 of 1999 s. 3)

(2A)The Monetary Authority may give an authorized institution and any relevant person less than the 7 days' notice in writing referred to in subsection (2) where- (Amended 49 of 1995 s. 13)

- (a) he has the consent of the Financial Secretary to do so; and
- (b) to do so is reasonable in the circumstances. (Added 67 of 1992 s. 3)

(3) (Repealed 49 of 1995 s. 13)

(3A)Subject to subsection (3D), the Monetary Authority may from time to time vary a direction

given under subsection (1)(C) in respect of-

- (a) the affairs, business and property specified in the direction of the authorized institution to which the direction relates;
- (b) the primary objective or objectives specified in the direction with which the Manager of the institution shall comply. (Added 49 of 1995 s. 13)

(3B) It is hereby declared that any thing done, in reliance on a direction given under subsection (1)(C), at any time before a variation under subsection (3A) of that direction shall not be invalid by reason only of that variation. (Added 49 of 1995 s. 13)

(3C) During the period for which a direction given under subsection (1)(C) is in force in respect of an authorized institution, any reference in this Part to-

- (a) the affairs, business or property, or any combination thereof, of the institution; or
- (b) the primary objective or objectives with which the Manager of the institution shall comply,

shall, unless the context otherwise requires, be construed to mean-

- (i) where paragraph (a) is applicable, such affairs, business or property, or combination thereof, as the case may be;
- (ii) where paragraph (b) is applicable, such primary objective or objectives, specified in that direction as varied from time to time under subsection (3A). (Added 49 of 1995 s. 13)

(3D) Notwithstanding any other provision of this Part, no direction given under subsection (1)(C) (including any variation thereof under subsection (3A)) in respect of an authorized institution incorporated outside Hong Kong shall apply to any of the affairs, business or property of the institution except-

- (a) so much of the affairs and business of the institution as are carried on, or managed, in or from Hong Kong; and
- (b) so much of the property of the institution as is either or both of the following-
 - (i) located in, or managed from, Hong Kong;
 - (ii) an asset of the institution's principal place of business in Hong Kong or of any local branch or local office. (Added 49 of 1995 s. 13. Amended 32 of 2001 s. 10)

(3E) The Monetary Authority shall not give a direction under subsection (1)(B) or (C) in respect of an authorized institution in relation to which the Court of First Instance has made an order for the winding-up of the institution. (Added 49 of 1995 s. 13. Amended 25 of 1998 s. 2)

(3F) It is hereby declared that the Monetary Authority may exercise his power under subsection (1)(B) or (C) in such a way as to appoint-

- (a) a company or partnership; or
- (b) without prejudice to the generality of paragraph (a), 2 or more persons,

to be the Advisor or Manager, as the case may be, of an authorized institution. (Added 49 of 1995 s. 13)

(3G) Where the Monetary Authority exercises his power under subsection (1)(C) in such a way as to appoint 2 or more persons to be the Manager of an authorized institution, he shall-

- (a) by notice in writing, specify which of the duties and powers imposed or conferred on a Manager under this Ordinance shall be discharged or exercised, as the case may be, in relation to the institution, by-
 - (i) any such person alone;
 - (ii) any such persons jointly;
 - (iii) each such person; and
- (b) attach that notice to the direction concerned given under that subsection served on the institution under section 53A(1),

and the provisions of this Ordinance (including section 53G) shall be read and have effect with such modifications as are necessary to take into account that notice. (Added 49 of 1995 s. 13)

(3H) For the avoidance of doubt, it is hereby declared that a person appointed under subsection (1)(B) or (C) to be the Advisor or Manager of an authorized institution may be a person who holds an appointment under section 5A(3) of the Exchange Fund Ordinance (Cap 66). (Added 49 of 1995 s. 13)

(3I) (Repealed 4 of 1997 s. 27)

(4) Every director, every chief executive and every manager of an authorized institution which fails to comply with any requirement of the Monetary Authority under subsection (1)(A) commits an offence and is liable- (Amended 32 of 2001 s. 24)

- (a) on conviction upon indictment to a fine at tier 9 and to imprisonment for 5 years and, in the case of a continuing offence, to a further fine at tier 5 for every day during which the offence continues; or
- (b) on summary conviction to a fine at tier 5 and to imprisonment for 2 years and, in the case of a continuing offence, to a further fine at tier 2 for every day during which the offence continues. (Amended 4 of 1997 s. 27)

(5) In this section, "relevant person" (有關人士), in relation to an authorized institution, means any person who-

- (a) is the Manager of the institution;
- (b) is a minority shareholder controller, majority shareholder controller or indirect controller of the institution;
- (c) has ceased to be a chief executive or director of the institution by virtue of section 53B(1)(a);
- (d) is a chief executive or director of the institution by virtue of the operation of section 53B(2). (Added 49 of 1995 s. 13)

(Amended 82 of 1992 s. 25)

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Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 85 of 2002
Section:	60	Heading:	Publication of audited balance sheet, etc.	Version Date:	24/05/2002

(1)-(2) (Repealed 42 of 1999 s. 5)

(3) Every authorized institution incorporated in Hong Kong shall, not later than 4 months after the close of each financial year, or within such further period as the Monetary Authority approves in writing, exhibit- (Amended 42 of 1999 s. 5)

- (a) a copy of its audited annual accounts for that year;
- (b) a copy of the report of the auditors made pursuant to section 141 of the Companies Ordinance (Cap 32);
- (c) a copy of the report of the directors laid or to be laid before the company in general meeting in accordance with section 129D(1) of that Ordinance;
- (d)-(e) (Repealed 42 of 1999 s. 5)

in a conspicuous position in the principal place of business of the institution in Hong Kong and in each local branch and, in the case of each of the documents, until the next time a document of the same kind is so exhibited in compliance with this subsection.

(4) A copy of each of the documents referred to in subsection (3) shall be lodged with the Monetary Authority by an authorized institution, prior to first exhibition thereof under that subsection, with a list of the names of all companies of which, for the time being, its directors are also directors.

(5) Subject to subsection (5A), every authorized institution incorporated outside Hong Kong shall, not later than 6 months after the close of each financial year, or within such further period as the Monetary Authority approves in writing, lodge with the Monetary Authority- (Amended 42 of 1999 s. 5)

- (a) a copy of its audited annual balance sheet (including any notes thereon), and a copy of the profit and loss account for that year;
- (b) a copy of the report of the auditor, or any person exercising a similar function in accordance with the law of the place in which the institution is incorporated, upon that annual balance sheet (including any notes thereon) and profit and loss account; and
- (c) a copy of the report of the directors with respect to the profit or loss of the institution for that year and the state of the institution's affairs as at the end thereof where the law of the place in which the institution is incorporated requires such a report.

(5A) With the approval in writing of the Monetary Authority, an authorized institution may, instead of complying with subsection (5) by lodging with the Monetary Authority the documents required under that subsection, comply with that subsection by lodging with the Monetary Authority the like documents of its holding company on a consolidated basis. (Added 42 of 1999 s. 5)

(6) The Monetary Authority may by notice in writing exempt an authorized institution which has complied with subsection (5) from section 59(1) subject to such conditions as he may think proper to attach thereto.

(7) Where an authorized institution has complied with subsection (5) in respect of a financial year, it shall, unless otherwise permitted by the Monetary Authority, as soon as practicable thereafter exhibit a copy of each document lodged with the Monetary Authority under that subsection-

- (a) in a conspicuous position in the principal place of business of the institution in Hong Kong and in each local branch; and
- (b) in the case of any such document, until the next time a document of the same kind is so exhibited in compliance with this subsection.

(8) The Monetary Authority may require any authorized institution to submit such further information as he may think necessary for the proper understanding of any document it has under subsection (4) or (5) lodged with the Monetary Authority; and such information shall be submitted within such period and in such manner as the Monetary Authority may require. (Amended 42 of 1999 s. 5)

(9) Every director, every chief executive and every manager of an authorized institution which contravenes subsection (3), (4), (5) or (7) commits an offence and is liable- (Amended 42 of 1999 s. 5; 32 of 2001 s. 24)

- (a) on conviction upon indictment to a fine at tier 7; or
- (b) on summary conviction to a fine at tier 5,

and, in the case of a continuing offence, to a further fine at tier 2 for every day during which the offence continues. (Amended 4 of 1997 s. 27)

(10) Every director, every chief executive and every manager of an authorized institution which fails without reasonable excuse to comply with any requirement under subsection (8) commits an offence and is liable on conviction upon indictment or on summary conviction to a fine at tier 5 and to imprisonment for 6 months and, in the case of a continuing offence, to a further fine at tier 2 for every day during which the offence continues. (Amended 4 of 1997 s. 27; 32 of 2001 s. 24)

(11) In this section, "audited annual accounts" (經審計的周年帳目), in relation to an authorized institution- (Amended 42 of 1999 s. 5)

- (a) means the institution's balance sheet and profit and loss account, together with any notes thereon, which are subject to a report by the institution's auditor pursuant to section 141 of the Companies Ordinance (Cap 32); and

- (b) includes the institution's cash flow statement, together with any notes thereon, if that auditor expresses an opinion on the institution's cash flow in that report.

(Replaced 49 of 1995 s. 19)

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Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 288 of 1999
Section:	122	Heading:	Winding-up of authorized institutions	Version Date:	19/11/1999

(1) The provisions of the Companies Ordinance (Cap 32) with regard to a creditors' voluntary winding-up shall not apply to authorized institutions.

(2) On a petition by the Financial Secretary, acting in accordance with a direction of the Chief Executive in Council under section 53(1)(iii), the Court of First Instance may- (Amended 68 of 1999 s. 3)

- (a) on any ground specified in section 177 of the Companies Ordinance (Cap 32); or
- (b) if it is satisfied that it is in the public interest that the authorized institution or former authorized institution should be wound up,

order the winding-up of an authorized institution or former authorized institution in accordance with the provisions of the Companies Ordinance (Cap 32) relating to the winding-up of companies.

(3) Where before the presentation of a petition for the winding up of an authorized institution by the Court of First Instance, and whether or not the petition is presented by the Financial Secretary, there has in respect of the institution been a direction given under section 52(1)(C) which has continued in force at all times until the presentation of the petition, and a winding-up order is made thereon, then, notwithstanding the provisions of section 184(2) of the Companies Ordinance (Cap 32), the winding up of the institution by the Court of First Instance shall, for the purposes of sections 170, 179, 182, 183, 266, 267, 269 and 274, and section 271(1)(d), (e), (h), (i), (j), (k), (l) and (o), of that Ordinance, be deemed to have commenced at the time the direction was so given. (Replaced 49 of 1995 s. 38. Amended 4 of 1997 s. 18)

(4) Nothing in section 182 of the Companies Ordinance (Cap 32) shall invalidate any disposition of the business or property of an authorized institution made by the Manager of the institution, or by the institution under the direction of the Manager, acting in good faith in the course of managing the affairs, business and property of the institution. (Replaced 49 of 1995 s. 38)

(5) Where the Financial Secretary is entitled to petition the Court of First Instance by virtue of section 117(5)(f), the Court of First Instance may wind up a deposit-taking company or restricted licence bank or former deposit-taking company or restricted licence bank in accordance with the provisions of the Companies Ordinance (Cap 32) relating to the winding-up of companies if-

- (a) the deposit-taking company or restricted licence bank is unable to pay sums due and payable to its depositors or is able to pay such sums only by defaulting on its obligations; or
- (b) the value of the deposit-taking company's or restricted licence bank's assets is less

than the amount of its liabilities. (Replaced 3 of 1990 s. 47)

(6) Nothing in this section shall authorize the winding-up of a former deposit-taking company or restricted licence bank which does not continue to have any liability in respect of any deposit for which it had a liability at the time when it was authorized. (Amended 3 of 1990 s. 47; 49 of 1995 s. 38)

(7) Where a petition for the winding up of an authorized institution is presented by a person other than the Financial Secretary, a copy of the petition shall be served on the Monetary Authority and he shall be entitled to be heard on the petition and to call, examine and cross-examine any witness and, if he so thinks fit, support or oppose the making of a winding-up order. (Added 42 of 1999 s. 13)

(Amended 25 of 1998 s. 2)

Chapter:	172A	Title:	PLACES OF PUBLIC ENTERTAINMENT REGULATIONS	Gazette Number:	L.N. 320 of 1999
Regulation:	169A	Heading:	Variation of licence conditions	Version Date:	01/01/2000

- (1) (a) Subject to subparagraph (b), where a licence has been granted or renewed subject to conditions, the licensing authority may-
- (i) vary any 1 or more of those conditions;
 - (ii) substitute any conditions for 1 or more of those conditions;
 - (iii) add any further conditions to those conditions.
- (b) The licensing authority shall not vary, substitute or add conditions under subparagraph (a), unless after it has consulted-
- (i) (A) in case the condition concerned relates to premises which are under the control of the Housing Authority, the Director of Housing;
 - (B) in case the condition concerned relates to a vessel, the Director of Marine; or
 - (C) in case the condition concerned relates to any other premises, the Building Authority;
 - (ii) in case the condition concerned relates to fire safety, the Director of Fire Services; and
 - (iii) in case the condition concerned relates to the safety of laser equipment, the Director of Electrical and Mechanical Services,
- it considers that because a change in circumstances or other matter detrimentally affects or may so affect the safety or suitability of the relevant premises for purposes of entertainment, the variation, substitution or addition is reasonable.
- (2) Where it is proposed to vary, substitute or add conditions under this regulation, the licensing authority shall before putting the proposal into effect both notify the licensee in writing of the proposal and afford him an opportunity to make representations in relation to it.
- (3) Where conditions are varied, substituted or added pursuant to this regulation-
- (a) the licensing authority shall notify the licensee concerned in writing of the variation, substitution or addition and the notification shall be sent to the licensee by registered post; and
 - (b) such licensee may, within the period of 28 days after the date of the receipt by him of such notification, appeal to the Municipal Services Appeals Board as regards the variation, substitution or addition. (78 of 1999 s. 7)
- (4) Where an appeal under this regulation is made, the Municipal Services Appeals Board may dismiss the appeal if, and only if, having had regard to the provisions of paragraph (1) which relate to safety or suitability, it is satisfied that the licensing authority acted reasonably. (78 of 1999 s. 7)
- (L.N. 193 of 1996)
-

LEGAL PRACTITIONERS (AMENDMENT)
ORDINANCE

Ord. No. 42 of 2000

A1599

13. Section added
The following is added –

“31C. Employed barristers

- (1) In this section “employed barrister (受僱大律師) means a barrister who, under a contract of employment, provides legal services exclusively to his employer.
- (2) An employed barrister may apply to the Bar Council for an employed barrister’s certificate if –
 - (a) at any time, he has been issued a practising certificate under section 30; or
 - (b) he has completed the prescribed qualifying period of active practice; or
 - (c) he has been an employed barrister in Hong Kong for at least 12 months immediately preceding the date of his application.
- (3) An employed barrister may be issued an employed barrister’s certificate and the provisions of sections 29(2C) and 30 respecting practising certificates apply to employed barrister’s certificates issued under this section and, for the purposes of this section, references in those sections to a barrister or a practising certificate shall be deemed to be references to an employed barrister and an employed barrister’s certificate respectively.
- (4) The publication in the Gazette by the Bar Council of a list of the names and addresses of those barristers who have obtained employed barrister’s certificates for the period therein stated shall be prima facie evidence that each person named therein is the holder of such a certificate for the period specified in such list, and the absence from any such list of the name of any person shall be prima facie evidence that the person does not hold such a certificate.
- (5) An employed barrister who holds a current employed barrister’s certificate may, on behalf of his employer but for the purpose of obtaining a legal opinion only, instruct a barrister who holds a current practising certificate, without retaining a solicitor.”

Chapter:	179	Title:	MATRIMONIAL CAUSES ORDINANCE	Gazette Number:	
Section:	55	Heading:	Recognition in Hong Kong of overseas divorces and legal separations	Version Date:	30/06/1997

Expanded Cross Reference:
56,57,58

PART IX

RECOGNITION OF OVERSEAS DIVORCES AND LEGAL SEPARATIONS

(1) Sections 56 to 58 shall have effect, subject to section 61, as respects the recognition in Hong Kong of the validity of overseas divorces and legal separations. <* Note - Exp. X-Ref.: Sections 56, 57, 58 *>

(2) For the purposes of subsection (1) "overseas divorces and legal separations" (外地離婚及合法分居) means divorces and legal separations which-

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

[cf. 1971 c. 53 s. 2 U.K.]

Chapter:	179	Title:	MATRIMONIAL CAUSES ORDINANCE	Gazette Number:	
Section:	57	Heading:	Cross-proceedings and divorces following legal separations	Version Date:	30/06/1997

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

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

entitled to recognition by virtue of those provisions.

[cf. 1971 c. 53 s. 4 U.K.]

Chapter:	197A	Title:	ESSENTIAL SERVICES CORPS (GENERAL) REGULATIONS	Gazette Number:	
Regulation:	10	Heading:	Appointment of Unit and Sub-Unit Controllers. Duties and powers	Version Date:	30/06/1997

(1) The organization and control of Units and Sub-Units shall be conducted by Unit and Sub-Unit Controllers.

(2) Unit and Sub-Unit Controllers may be appointed by the Commissioner from members of the Corps. (L.N. 116 of 1974)

(3) It shall be the duty of a Unit Controller or Sub-Unit Controller to supervise and control all duties performed by the Unit or Sub-Unit under his control and to keep proper record of all members of the Corps and equipment appertaining to his Unit or Sub-Unit. For such purposes a Unit Controller or Sub-Unit Controller may-

- (a) issue orders as he may think fit for the direction of the duties to be performed by such Unit or Sub-Unit;
 - (b) assign any member of his Unit or Sub-Unit to any duty required to be performed by the Unit or Sub-Unit, for which duties the medical classification of the member and his abilities and qualifications fit him;
 - (c) organize the training of members in the duties which they may be called upon to perform. (G.N.A. 162 of 1951; L.N. 49 of 1967)
-

Chapter:	204	Title:	INDEPENDENT COMMISSION AGAINST CORRUPTION ORDINANCE	Gazette Number:	L.N. 55 of 2000
Section:	13	Heading:	Powers of the Commissioner	Version Date:	03/03/2000

(1) For the purpose of the performance of his functions under this Ordinance the Commissioner may-

- (a) authorize in writing any officer to conduct an inquiry or examination;
- (b) enter any Government premises and require any Crown servant to answer questions concerning the duties of any Crown or public servant and require the production of any standing orders, directions, office manuals or instructions relating thereto;
- (c) (Repealed 45 of 1992 s. 3)
- (d) authorize in writing any person to perform any of his duties and to exercise such powers under this Ordinance and the Prevention of Bribery Ordinance (Cap 201) as he may specify. (Amended 10 of 2000 s. 47)

(2) The Commissioner or any officer authorized for the purposes of this subsection in writing by the Commissioner shall have the following powers, namely-

- (a) as regards the performance of any of the Commissioner's functions under this Ordinance, access to all records, books and other documents relating to the work of any Government department in the possession or under the control of any Crown servant;
- (b) in so far as is necessary for the performance of any of the Commissioner's functions under section 12(d) or (f), access to such records, books and other documents in the possession or under the control of a public body as the Commissioner or such officer reasonably considers will reveal the practices and procedures of that public body;
- (c) as regards any such records, books and other documents, power to photograph or make copies of them. (Replaced 48 of 1996 s. 23)

(3) In this section "documents" (文件) has the meaning assigned to "document" in section 2 of the Prevention of Bribery Ordinance (Cap 201). (Added 48 of 1996 s. 23)

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	39 of 1999
Section:	83S	Heading:	Disposal of groundless appeal	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 39 of 1999 s. 3

If it appears to the Registrar that a notice of an appeal purporting to be a ground of appeal which involves a question of law alone does not show any substantial ground of appeal, he may refer the appeal to the Court of Appeal for summary determination; and where the case is so referred the Court of Appeal may, if it considers that the appeal is frivolous or vexatious, and can be determined without adjourning it for a full hearing, dismiss the appeal summarily, without calling on anyone to attend the hearing or to appear for the HKSAR thereon.

(Added 34 of 1972 s. 18. Amended 39 of 1999 s. 3)
[cf. 1968 c. 19 s. 20 U.K.]

Chapter:	245H	Title:	FRONTIER CLOSED AREA (PERMISSION TO ENTER) NOTICE	Gazette Number:	
Paragraph:	3	Heading:	Frontier Closed Area	Version Date:	30/06/1997

In this notice "the Frontier Closed Area" (邊境禁區) means the area specified in the Schedule to the Frontier Closed Area Order (Cap 245 sub. leg.).

Chapter:	281F	Title:	MERCHANT SHIPPING (FEES) REGULATIONS	Gazette Number:	L.N. 90 of 1999; 44 of 1999
Schedule:		Heading:	SCHEDULE	Version Date:	01/04/1999

Remarks:
Adaptation amendments retroactively made - see 64 of 1999 s. 3

[regulations 3, 5, 5A, 6,
7, 8, 11A & 12]

PART I
(No provision)

PART II

FEES FOR SURVEYS

SECTION A-PASSENGER SHIPS AND SAFETY CERTIFICATE

Note:(1) The fees prescribed under items 1 to 4 inclusive of this Section cover-

- (a) the survey of the hull, boilers and propelling machinery (including tests of the materials), and the inspection of the equipment of the ship including the lights and sound signals; and
 - (b) the survey of a ship for load line if the 2 surveys are carried out concurrently.
- (2) The fees prescribed under items 1 to 4 inclusive of this Section do not cover-
- (a) the inspection of the crew accommodation referred to in Section M of this Part;
 - (b) the survey of inflatable life rafts referred to in Section G of this Part;
 - (c) the survey of a radio installation or any installation referred to in Section E of this Part.
- (3) In any case in which the duration of the certificate has been limited by the surveyor's declaration, owing to special reasons rendering one or more further surveys necessary within the ensuing 12 months, the total fees payable under items 2, 3, 4, 5(a), (b), (c) and (d) inclusive of this Section for certificates covering the period of 12 consecutive months shall not exceed that payable for a 12 months' certificate.

Purpose or service

Fee
\$

The following fees shall be payable for surveys and shall include the issue in duplicate of the appropriate certificate-

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. For the initial survey of a ship for the issue of a passenger certificate, safety certificate or passenger certificate combined with a safety certificate 2. For the survey of a ship for the renewal of a passenger certificate, safety certificate or passenger certificate combined with a safety certificate, in the case of a ship - <ol style="list-style-type: none"> (a) not exceeding 500 tons (b) exceeding 500 tons but not exceeding 1000 tons (c) exceeding 1000 tons but not exceeding 1500 tons (d) exceeding 1500 tons but not exceeding 5000 tons (e) exceeding 5000 tons but not exceeding 10000 tons (f) exceeding 10000 tons but not exceeding 15000 tons (g) exceeding 15000 tons but not exceeding 20000 tons (h) exceeding 20000 tons but not exceeding 30000 tons (i) exceeding 30000 tons 3. For the survey of a ship for the renewal of a passenger certificate, a safety certificate or a passenger certificate combined with a safety certificate of less than 12 months' validity 4. For extending a passenger certificate, a safety certificate or a passenger certificate combined with a safety certificate being in each case a certificate granted exceptionally to cover a period not more than 3 months beyond the expiration date of an existing certificate 5. For the issue of a passenger certificate, a safety certificate or a passenger certificate combined with a safety certificate, including a survey where necessary, in each case being a certificate issued in substitution for an existing certificate of the same kind for any of the following- <ol style="list-style-type: none"> (a) changing the plying limits | <p>a fee determined by the time involved, charged at the hourly rate.</p> <p>31815</p> <p>52855</p> <p>79290</p> <p>91520 plus \$9805 for each 500 tons or part thereof by which the ship exceeds 1500 tons.</p> <p>160020 plus \$7120 for each 500 tons or part thereof by which the ship exceeds 5000 tons.</p> <p>230970 plus \$13475 for each 1000 tons or part thereof by which the ship exceeds 10000 tons.</p> <p>298245 plus \$13475 for each 1000 tons or part thereof by which the ship exceeds 15000 tons.</p> <p>365520 plus \$6725 for each 1000 tons or part thereof by which the ship exceeds 20000 tons.</p> <p>432535 plus \$4050 for each 1000 tons or part thereof by which the ship exceeds 30000 tons.</p> <p>1/12 of the appropriate fee calculated in accordance with item 2 for each month or part of a month but not less than 1/2 of appropriate fee calculated in accordance with item 2.</p> <p>1/4 of the appropriate fee calculated in accordance with item 2.</p> <p>5305</p> |
|--|--|

(b) giving additional plying limits	5305	
(c) decreasing the number of passengers the ship may carry	5305	
(d) changing particulars in the certificate where a visit to the ship is not necessary	5305	
(e) increasing the number of passengers the ship may carry		a fee determined by the time involved, charged at the hourly rate but not less than \$5305.
6. For the survey for a passenger certificate issued in respect of a passenger ship not registered in Hong Kong, stating only the number of passengers the ship may carry		a fee determined by the time involved, charged at the hourly rate but not less than \$12245.
7. For a certificate that a ship complies with the standards necessary for the issue of a passenger certificate or passenger and safety certificate, except for certain items not surveyed		a fee determined by the time involved, charged at the hourly rate.
8. For the survey of the hull in dry dock and for the issue of a dry docking certificate-		
(a) in the case of a ship holding passenger certificates either issued or recognized by the Government-		
(i) not exceeding 10000 tons	5885	
(ii) exceeding 10000 tons	7855	
(b) in the case of any other ship		1/10 of the appropriate fee in item 2 but not less than \$10805 (including withdrawn propeller shaft).
9. For a certificate modifying in respect of a particular voyage, any passenger certificate or any safety certificate or any passenger certificate combined with a safety certificate		2950 plus \$4425 for each visit of a surveyor to the ship in question.
10. For a certificate where the survey is conducted on the running survey system and covers-		the appropriate survey fee under item 2 of this Section apportioned in accordance with the Note to this item plus 1/4 of the appropriate survey fee under item 2 of this Section.
(a) survey of complete ship;		
(b) survey of hull;		
(c) survey of boilers, main and auxiliary machinery; or		
(d) survey of navigational and life saving appliances except inflatable life rafts		
Note: The survey fee for a passenger certificate, a safety certificate or a passenger certificate combined with a safety certificate under this item is apportioned as follows-		
(a) Survey of hull		2/5 of the appropriate survey fee under item 2 or the sum of the fees for the items surveyed, whichever is the less.
(b) Survey of boilers, main and auxiliary machinery		2/5 of the appropriate survey fee under item 2 or the sum of the fees for the items surveyed, whichever is the less.
(c) Survey of navigational and life-saving appliances except inflatable life rafts		1/5 of the appropriate survey fee under item 2 or the sum of the fees for the items surveyed, whichever is the less.
11. For a partial survey of the hull, the machinery or the safety equipment of ships holding valid passenger certificates following a reported accident or casualty. Per visit subsequent to the initial visit by a surveyor	4425	

SECTION B-EXAMINATION AND APPROVAL OF PLANS

Note: (1) The fee charged for examination and approval of plans is additional to any prescribed fee for survey or for witnessing of tests, except initial surveys for registry.

(2) Where work on the examination and approval of plans is done for which a fee is not prescribed, the fee charged will be determined by the Director in agreement with the applicant, having regard to the nature and extent of the work involved.

1. For the examination of the design of any type of fire detecting system or plans of any type of installation for fire extinguishing)
)
)
2. For the examination of structural drawing and scantlings)
3. For the consideration of the watertight subdivision arrangements)
)
4. For the consideration of the fire protection arrangements)
5. For the consideration of designs of boilers or shafting, or other machinery parts) a fee determined by the time
) involved, charged at the hourly
rate.
6. For the consideration of the arrangement of fire appliances, life-saving appliances, navigation lights and sound signals or navigational equipment)
)
7. For the examination of the design of side-scuttles, or fire-resisting doors, or ships' side or other hull fittings)
8. For the examination of designs of fittings intended for use in connection with the subdivision or structure of a ship)
9. For the consideration of the arrangement of radio-telegraphy installations)
)

SECTION C-SURVEYS OF BOILERS AND MACHINERY

Purpose or service

Fee
\$

The following fees shall be payable-

1. For the survey and hydraulic testing of boilers intended for use on board ship)
2. For the survey of boiler parts, machinery, etc.-)
 - (a) Air receivers or welded pressure vessels of Class I and II)
 - (b) Air receivers or welded pressure vessels of Class III)
 - (c) Auxiliary unit (such as evaporators, heaters, filters, coolers, pumps and other similar items))
 - (d) Boiler mountings)
 - (e) Electric generators and motors)
 - (f) Main switchboard tests)
3. For survey of engines (including turbines) steam or internal combustion)
4. For survey of machinery items, gearing, shafting, propellers and other similar items)
5. For survey of oil fuel installations, tanks, cofferdams and oily water separators, pressure gauges and other similar items)
6. For survey of steering gear-)
Steering gear, main and auxiliary, complete)
7. For survey of superheaters for boilers)
8. For survey of watertight doors -)
 - (a) Examination of design, inspection and witnessing of tests of the prototype and issue of a certificate of inspection and tests where appropriate) a fee determined by the time involved, charge at the hourly rate.
 - (b) Watertight doors of an approved design)
9. For survey of bars, plates or rivets, witnessing tensile and bend tests)
10. For survey of boilers and superheater tubes subject to internal or external pressure, inspection, hydraulic and ductility tests)
11. For survey of castings or forgings for stem, stern post rudder or propeller, inspection and tests)
12. For survey of engine casting and forging, superheater headers or similar items, inspection and material tests)
13. For witnessing tests of a new electrode intended for use on parts of ships' hulls which are of primary structural importance)
14. For survey of the finished work of flanged or worked plates, compensation rings, and manhole doors)
15. For survey of furnaces and witnessing material tests)
16. For survey of steam and feed pipes and witnessing material tests)
17. For the inspection and verification of testing machines used for testing materials coming under Government survey and for the issue of a certificate-)
 - (a) For inspection and verification for first issue of a certificate)

(b) For inspection and verification for renewal of a certificate	5885
18. For a certificate of inspection, or certificates of material or hydraulic test, in duplicate	3685

SECTION D-CARGO SHIP SAFETY CONSTRUCTION CERTIFICATES

The following fees shall be payable-

1. Standard Fees for Cargo Ship Safety Construction Surveys and Certificates-

Gross Tonnage of Ship	Issue of Certificate \$	Renewal of Certificate \$	Intermediate or Periodical Survey \$
500 tons and under 1000 tons	97860 plus \$12245 for each 100 tons or part thereof by which the ship exceeds 500 tons	22025	5885
1000 tons and under 15000 tons	195725 plus \$44045 for each 500 tons or part thereof by which the ship exceeds 1000 tons		
1000 tons and under 1500 tons		33300	8815
1500 tons and under 5000 tons		39160 plus \$3465 for each 500 tons or part thereof by which the ship exceeds 1500 tons	9805 plus \$1010 for each 500 tons or part thereof by which the ship exceeds 1500 tons
5000 tons and under 10000 tons		69975 plus \$1995 for each 500 tons or part thereof by which the ship exceeds 5000 tons	16645 plus \$515 for each 500 tons or part thereof by which the ship exceeds 5000 tons
10000 tons and under 15000 tons		109120 plus \$2950 for each 1000 tons or part thereof by which the ship exceeds 10000 tons	26445 plus \$755 for each 1000 tons or part thereof by which the ship exceeds 10000 tons
15000 tons and over	1428670 plus \$24475 for each 1000 tons or part thereof by which the ship exceeds 15000 tons		
15000 tons and under 20000 tons		123805 plus \$2465 for each 1000 tons or part thereof by which the ship exceeds 15000 tons	30110 plus \$515 for each 1000 tons or part thereof by which the ship exceeds 15000 tons
20000 tons and under 30000 tons		136030 plus \$1740 for each 1000 tons or part thereof by which the ship exceeds 20000 tons	32575 plus \$515 for each 1000 tons or part thereof by which the ship exceeds 20000 tons
30000 tons and over		151690 plus \$1740 for each 1000 tons or part thereof by which the ship exceeds 30000 tons	37455 plus \$515 for each 1000 tons or part thereof by which the ship exceeds 30000 tons

(L.N. 270 of 1995)

Purpose or service	Fee \$
2. For the survey for the issue or renewal of a Cargo Ship Safety Construction Certificate or for the intermediate survey when carried out by a certifying authority at the same time as a survey for classification purposes	no fee.
3. For the survey for the issue of a Cargo Ship Safety Construction Certificate to a ship, the keel of which was laid before 7 December 1965, when carried out by a surveyor	the appropriate fee in the second column of item 1.
4. For every renewal or intermediate survey carried out by a surveyor which is not carried through in one operation	the appropriate fee in the third and fourth columns of item 1 plus \$7085 for each additional visit required to complete the survey.
5. For the survey for the issue to a ship of a Cargo Ship Safety Construction Certificate to remain in force for a period not exceeding 3 months, where the ship is one in respect of which there is or has within the period of 12 months preceding the survey been in force a passenger certificate, a safety certificate or a passenger certificate combined with a safety certificate, the fee payable for such survey shall be as follows-	
(a) If the survey is carried out before or within 1 month after the expiry of the certificate	7350
(b) If the survey is carried out more than 1 month but within 12 months after the expiry of the certificate	14700
6. For the survey of a tanker, carried out by a surveyor, before a survey for the issue or renewal of a Cargo Ship Safety Construction Certificate or an intermediate survey	
7. Where repairs have been made to a cargo ship which require a special survey to be carried out by a surveyor) a fee determined by the) time involved, charged) at the hourly rate.)

SECTION E-RADIO, RADAR AND NAVIGATIONAL EQUIPMENT INSTALLATIONS

Note: The fees specified in this Section are in addition to the fee for the issue or extension of a passenger certificate, a safety certificate and a safety equipment certificate under Sections A and F respectively.

Purpose or service	Fee \$
The following fees shall be payable-	
1. For the initial survey and the issue in duplicate of a radio certificate or a radio-telephone certificate or a qualified certificate thereof together with an exemption certificate	a fee determined by the time involved, charged at the hourly rate.
2. For the renewal survey and issue in duplicate of a radio certificate, or a qualified radio certificate, together with an exemption certificate-	
(a) For ships not exceeding 1600 tons	5885
(b) For ships exceeding 1600 tons	8815
Note: For every extension of a radio certificate or radio-telephone certificate to which this item applies for a period not more than 3 months beyond the expiration date of an existing certificate	1/4 of the appropriate fee in this item.
3. For survey and issue in duplicate of a radio-telephone certificate	4425
4. For survey and issue in duplicate of a radio certificate or a qualified radio certificate, together with an exemption certificate, for a period of less than 12 months	1/12 of the appropriate fee in item 2 of this Section for each month or part of a month but not less than 1/2 of the appropriate fee in item 2 of this Section.
5. For survey and issue in duplicate of a radio-telephone certificate for a period of less than 12 months	1/12 of the appropriate fee in item 3 of this Section for each month or part of a month but not less than 1/2 of the appropriate fee in item 3 of this Section.
6. For issue of an exemption certificate only	1210
7. (a) For a copy of a radio certificate	1210
(b) For a copy of a qualified radio certificate coupled with an exemption certificate	1210
8. For a copy of an exemption certificate only	1210
9. For the inspection of a ship on the application of the owner for the purposes of seeing that she is properly provided with a radio installation and radio officers or radio-telephone operators, (not being an inspection for the purpose of issuing a passenger and safety certificate or a safety radio certificate) and for the issue of a report on Form Surveys 69 (Radio)	a fee determined by the time involved, charged at the hourly rate.
10. For a copy of a Form Surveys 69 (Radio)	1210
11. For verifying the navigational equipment under the Merchant Shipping (Safety) (Navigational Equipment) Regulations (Cap 369 sub. leg.)	a fee determined by the time involved, charge at the hourly rate.
12. For the inspection of a ship for such purposes otherwise than on the application of the owner, if the ship is found not to be properly provided with a radio or radar installation and/or radio officers or radio-telephone operators, for each visit	4425
13. For the provision of facilities for the calibration of a radio direction finder for a period starting from the time at which facilities were requested and continuing until the calibration is completed or abandoned-	
(a) For the first hour or part thereof	4425
(b) For each 1/2 hour or part thereof after the first hour	1010

- Note:
- (1) The fee under this item is in addition to the fee chargeable under regulation 6 for the provision of facilities outside office hours.
 - (2) The fee under this item is chargeable in case of cancellation of service unless notice of cancellation is given at least 2 office hours prior to the time at which the facilities were requested.

SECTION F-SAFETY EQUIPMENT CERTIFICATE

- Note:(1) The services specified in items 1, 2, 3 and 4 of this Section include-
- (a) the survey or inspection of life-saving appliances except inflatable life rafts and inflatable boats at servicing depots;
 - (b) the survey or inspection of fire appliances;
 - (c) the survey or inspection of pilot ladders;
 - (d) the survey or inspection of lights and sound signalling apparatus;
 - (e) the issue of Form Surveys 183/183A; and
 - (f) the cost of endorsement on Form Surveys 183/183A, where such endorsement is necessary.
- (2) For a partial inspection of safety equipment on a ship, Form Surveys 183/183A will be completed only for the items surveyed.

Purpose or service	Fee \$
The following fees shall be payable-	
1. For the initial survey of a ship for the issue in duplicate of a safety equipment certificate or a qualified safety equipment certificate together with an exemption certificate, in the case of a ship of-	
(a) 500 tons or over but under 1600 tons	103160
(b) 1600 tons or over but under 3000 tons	154950
(c) 3000 tons or over but under 10000 tons	206330
(d) 10000 tons or over but under 15000 tons	257700
(e) 15000 tons or over	308660
Note: The fees prescribed in this item include examination and approval of plans relating to the arrangement of safety equipment.	
2. For the annual, intermediate or renewal survey of a ship for endorsement or re-issue of a safety equipment certificate or a qualified safety equipment certificate together with an exemption certificate, in the case of a ship of-	
(a) 500 tons or over but under 1600 tons	16160 plus \$8340 for each visit after the second.
(b) 1600 tons or over but under 3000 tons	24005 plus \$8340 for each visit after the second.
(c) 3000 tons or over but under 10000 tons	32310 plus \$8340 for each visit after the second.
(d) 10000 tons or over but under 15000 tons	35750 plus \$8340 for each visit after the second.
(e) 15000 tons or over	39160 plus \$8340 for each visit after the second.
3. For survey and issue in duplicate of a safety equipment certificate for a period of validity of less than 24 months	1/24 of the appropriate fee in item 2 of this Section for each month or part of a month but not less than 1/2 of the appropriate fee in item 2 of this Section
4. For a partial inspection of the safety equipment of a ship required to hold a safety equipment certificate-	
(a) made on the application of the owner; or	
(b) made otherwise than on the application of the owner, where equipment is found defective:	
For each visit made by a surveyor to the ship	4425
Maximum fee	the appropriate fee in item 2 of this Section.
5. For the survey a ship for the issue of a safety equipment certificate granted exceptionally to cover a period not exceeding 3 months beyond the expiration date of an existing certificate	1/4 of the appropriate fee in item 2 of this Section
6. For the initial inspection of the safety equipment of a ship not required to hold safety equipment certificates and for the issue of a report on Form Surveys 183/183A on the application of the owner, in the case of a ship of-	
(a) under 50 tons	13005
(b) 50 tons or over but under 150 tons	18615
(c) 150 tons or over but under 300 tons	25765

- (d) 300 tons or over but under 500 tons
- (e) 500 tons or over

30900

the appropriate fee in item 1 of this Section.

Note: The fees prescribed in this item include examination and approval of plans relating to the arrangement of safety equipment.

- 7. For a subsequent inspection of the safety equipment of a ship not required to hold safety equipment certificates and for the issue of a report on Form Surveys 183/183A on the application of the owner, in the case of a ship of-

- (a) under 50 tons
- (b) 50 tons or over but under 150 tons
- (c) 150 tons or over but under 500 tons
- (d) 500 tons or over

5405 plus \$4425 for each visit after the first.

6875 plus \$4425 for each visit after the first.

8340 plus \$4425 for each visit after the first.

the appropriate fee in item 2 of this Section.

- 8. For every copy of Form Surveys 183/183A

1210

- 9. For a partial inspection of the safety equipment of a ship not required to hold safety equipment certificate-

- (a) made on the application of the owner; or
- (b) made otherwise than on the application of the owner, where equipment is found defective; or
- (c) made otherwise than on the application of the owner in consequence of changes or modification in the equipment:

For each visit made to the ship

4425 but where more than one visit is necessary the total fee for all visits shall not exceed the appropriate fee in item 2 of Section A for a passenger ship or item 7 of this Section for any other ship.

- 10. (Repealed L.N. 90 of 1999 and 44 of 1999 s. 25)

SECTION G-LIFE-SAVING APPLIANCES

Purpose or service	Fee \$
The following fees shall be payable for survey of-	
1. Lifeboats and buoyant apparatus-	
For the inspection during construction, for the certificate or re-certification of lifeboats and buoyant apparatus, and for the issue of a report of inspection on Form Surveys 123A-	
(a) For the inspection of a lifeboat constructed of glass re-inforced plastics, in the case of a lifeboat which is certified to carry-	
not exceeding 60 persons	4920
exceeding 60 persons but not exceeding 70 persons	5545
exceeding 70 persons but not exceeding 80 persons	6130
exceeding 80 persons but not exceeding 90 persons	6875
exceeding 90 persons but not exceeding 100 persons	7350
exceeding 100 persons but not exceeding 120 persons	8815
exceeding 120 persons but not exceeding 150 persons (maximum permitted number)	10550
(b) For the inspection of a lifeboat constructed of materials other than glass re-inforced plastics-	
for a lifeboat constructed of wood	2 x the appropriate fee in item 1(a) of this Section.
for a lifeboat constructed of steel but not having built-in buoyancy tanks	}
for a lifeboat constructed of aluminium but not having built-in buoyancy tanks	
for a lifeboat constructed of steel or aluminium having built-in buoyancy tanks	
(c) For the inspection of mechanically and hand propelled lifeboats, motor lifeboats and motor lifeboats fitted with a radio cabin and searchlight-	2 x the appropriate fee in item 1(a) of this Section.
for a mechanically and hand propelled lifeboat	the appropriate fee in item 1(a) or 1(b) of this Section plus \$1125.
for a motor lifeboat	the appropriate fee in item 1(a) or 1(b) of this Section plus \$2245.
for a motor lifeboat fitted with a radio cabin and searchlight	the appropriate fee in item 1(a) or 1(b) of this Section plus \$2950.
(d) For the inspection of buoyant apparatus constructed of materials other than glass re-inforced plastics	755 per buoyant apparatus but not less than \$2950.
(e) For the inspection of buoyant apparatus constructed of glass re-inforced plastics	1/2 of the appropriate fee in item 1(d) of this Section.
2. Lifejackets, lifebuoys, inflatable rafts and boats-	
(a) For the inspection and stamping of lifejackets at the maker's works-	

<p>For each lifejacket</p> <p>(b) For the inspection and stamping of lifebuoys- For each lifebuoy</p> <p>(c) For the inspection and re-certification of inflatable life rafts and inflatable boats at servicing depots- For each raft or boat</p> <p>3. Boat davits and winches- For the inspection at the maker's works of boats' davits and winches intended for stock or for ships not registered or licensed in Hong Kong (23 of 1998 s. 2)</p> <p>4. Appliances-</p> <p>(a) For the examination of the design, or a modification to a design, of a life-saving appliance, the witnessing of tests and inspection of an appliance made to the design</p> <p>(b) For the inspection of a proofed fabric or adhesive and consideration of report of tests carried out by an independent laboratory</p> <p>(c) The issue of a certificate of tests if required</p>	<p>5.5 but not less than \$1210 per visit.</p> <p>10 but not less than \$1210 per visit.</p> <p>1695</p> <p>a fee determined by the time involved, charged at the hourly rate.</p>
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}

a fee determined by the time involved, charged at the hourly rate.

SECTION H-FIRE APPLIANCES

Purpose or service	Fee \$
The following fees shall be payable-	
1. For the survey of fire extinguishers, fire detecting apparatus, smoke helmets and breathing appliances, fire pumping units, spray nozzles, cinema projectors and other similar appliances-	
(a) Inspections and witnessing tests, or where resubmitted after alteration, for the first 20 appliances or part thereof during a single visit	2465
(b) For each subsequent 20 appliances or part thereof during the same visit	1905
(c) For the issue of an inspection certificate if required	1210
2. For the examination of the design of a fire appliance, the witnessing of tests and inspection of the first appliance made to the design, and the issue of a certificate of test if required	a fee determined by the time involved, charged at the hourly rate.
3. For the examination of the design of a fire-detecting system, inert gas system or fixed fire extinguishing installation or plans of a froth or carbon dioxide installation for fire extinguish	a fee determined by the time involved, charged at the hourly rate.

SECTION I-LIGHTS AND SOUND SIGNALS

Purpose or service	Fee \$
The following fees shall be payable-	
1. For the examination of the design of a light and sound signal apparatus, the testing and inspection of the first apparatus made to the design, and if required, the issue of a certificate of test-	
(a) Navigation lantern	
(b) Burner	
(c) Lens	
(d) Daylight signalling lamp	
(e) Sound signalling apparatus	
(f) Any similar apparatus	
	a fee determined by the time involved, charged at the hourly rate.
	}
2. For the inspection of lanterns manufactured to specifications of approved prototypes including the issue of a lantern certificate-	
(a) for the first 30 lanterns or part thereof inspected during a single visit	2465
(b) for each subsequent lantern inspected during the same visit	57
3. For the inspection of lights and fog signals on any ship-	
(a) made on the application of the owner; or	
(b) made otherwise than on the application of the owner, where the equipment is found to be defective:	
For each visit made to the ship	7350

SECTION J-LOAD LINE AND SEAWORTHINESS

Note: The fees specified under this Section include where appropriate the issue in duplicate of the load line or load line exemption certificate, as the case may be.

Purpose or service Fee
\$

The following fees shall be payable-

1. For surveys and inspections for load line certificates and load line exemption certificates.
 - (a) Table of Standard Fees-

Standard Fees

Gross Tonnage of Ship		Initial Survey \$	Periodical Survey \$	Periodical Inspection \$
Under	50 tons	14700	11770	3940
50 tons and under	100 tons	24475	19570	4920
100 tons and under	150 tons	39160	31815	5885
150 tons and under	200 tons	47500	38170	6875
200 tons and under	300 tons	58730	46995	7855
300 tons and under	500 tons	78310	62645	8815
500 tons and under	1000 tons	97860	77320	9805
1000 tons and under	1500 tons	117440	96900	12245
1500 tons and under	2000 tons	137020	110080	13475
2000 tons and under	2500 tons	151690	119880	14700
2500 tons and under	3000 tons	161480	129670	15930
3000 tons and under	4000 tons	171250	139470	17150
4000 tons and under	5000 tons	185935	148270	18615
5000 tons and under	6000 tons	200620	159030	20090
6000 tons and under	7000 tons	215295	171250	21560
7000 tons and under	8000 tons	229980	181050	23035
8000 tons and under	9000 tons	239745	190820	24005
9000 tons and under	10000 tons	249550	200620	24985
10000 tons and under		259340	207945	25950

(L.N. 270 of 1995)

- (b) For the survey for the issue or renewal of an International Load Line Certificate, or for the periodical survey or inspection of the load line, when carried out by the assigning authority at the same time as a survey for classification purposes no fee
- (c) Where a periodical inspection is not completed in one visit the standard periodical inspection fee in sub-item (a) of this item plus, for each additional visit-
- | | |
|---|------|
| Where the ship- | |
| does not exceed 100 tons | 1485 |
| exceeds 100 tons but does not exceed 200 tons | 2950 |
| exceeds 200 tons but does not exceed 300 tons | 4425 |
| exceeds 300 tons but does not exceed 500 tons | 5885 |
| exceeds 500 tons | 7350 |
- Note: For the purpose of this sub-item "additional visit" (額外巡視) means a visit attributable to the inability or failure of the owner to have the ship available for inspection or to keep it so available after the commencement of the inspection.
- (d) Where the survey or inspection of a ship is carried out concurrently with a survey for a passenger certificate, a safety certificate or a passenger certificate combined with a safety certificate- an initial survey 1/2 the difference between the standard fee for an initial survey and a periodical survey in sub-item (a) of this item.
- a periodical survey 1/2 the standard periodical inspection fee in sub-item (a) of this item.
- a periodical inspection no fee.
- (e) For the survey of a ship in respect of which a load line certificate or load line exemption certificate is in force, where alterations have been made to the ship which involve the assignment of new freeboards but are not such as to necessitate a complete survey of the ship for that purpose the standard periodical inspection fee in sub-item (a) of this item.
- (f) For the consideration of stability information to determine compliance with the stability requirements in Schedules 4 and 7 to the Merchant Shipping (Safety) (Load Line) Regulations (Cap 369 sub. leg.) a fee determined by the time involved, charged at the hourly rate.
- Note: The fee prescribed in this sub-item is additional to the appropriate fee in the Table of Standard Fees in sub-item (a) of this item.
- (g) For the consideration of stability information of a ship in respect of which an inclining test has been dispensed with a fee determined by the time involved, charged at the hourly rate.
- Note: The fee prescribed in this sub-item is additional to the appropriate fee in the Table of Standard Fees in sub-item (a) of this item.
- (h) For witnessing an inclining experiment a fee determined by the time involved, charged at the hourly rate.
- Note: The fee prescribed in this sub-item is additional to the appropriate fee in the Table of Standard Fees in sub-item (a) of this item.
- (i) For the consideration of calculations in accordance with the Merchant Shipping (Safety) (Load Line) Regulations (Cap 369 sub. a fee determined by the time involved, charged at the hourly

leg.) as to the ability of a ship to withstand the flooding of compartments rate.

Note: The fee prescribed in this sub-item is additional to the appropriate fee in the Table of Standard Fees in sub-item (a) of this item.

2. For the survey of a ship in respect of which a load line certificate is in force for the purpose of an exemption for deeper loading a fee determined by the time involved, charged at the hourly rate.
3. For the survey of and issue of a load line certificate or load line exemption certificate for a ship required to make a single international voyage or a single voyage outside the prescribed limits of the appropriate certificate a fee determined by the time involved, charged at the hourly rate.
4. For the survey of a ship required to make a single voyage under tow a fee determined by the time involved, charged at the hourly rate.
5. For the survey of and the issue in substitution for an existing load line exemption certificate of a corresponding certificate showing amended or extended plying limits a fee determined by the time involved, charged at the hourly rate.
6. Fees for survey of ships alleged to be unseaworthy-
 - (a) For the survey of a ship which is detained (other than upon the complaint of a member of the crew) on account of overloading, improper loading, insufficient ventilation of coal cargoes, undermanning or defective equipment a fee determined by the time involved, charged at the hourly rate.

Note: The fee prescribed in this sub-item is payable when a ship is detained or when it appears to a surveyor that at the time the ship was detained it was unsafe.
 - (b) For the survey of a ship which is detained (other than upon the complaint of a member of the crew) on account of defective hull or machinery a fee determined by the time involved, charged at the hourly rate.

Note: The fee prescribed in this sub-item is payable when a ship is detained or when it appears that at the time the ship was detained it was unsafe.
 - (c) For the survey of a ship upon the complaint of a member of the crew whether the survey is carried out by a Government surveyor, or by a person appointed for that purpose either by the Government or a Court a fee determined by the time involved, charged at the hourly rate.
 - (d) For the survey of a ship which is detained because the appropriate load line is submerged a fee determined by the time involved, charged at the hourly rate.
 - (e) For the survey of a ship which is detained for being-
 - (i) unmarked; or
 - (ii) improperly marked, with load lines:
For each visit a fee determined by the time involved, charged at the hourly rate.

Note: The surveys referred to in sub-items (a) to (e) of this item apply when a ship is detained or is found to be in such condition as would normally render her liable to detention under section 108 of the Merchant Shipping Ordinance (Cap 281), or section 12 of the Shipping and Port Control Ordinance (Cap 313) or section 48(3), 49(6), 54(2), 58(4), 59(2), 60, 68, 72 or 117 of the Merchant Shipping (Safety) Ordinance (Cap 369).

- | | | |
|----|--|--|
| 7. | If a vessel requires inspection due to fire, damage or accident, per visit in addition to the appropriate fee for each item surveyed | a fee determined by the time involved, charged at the hourly rate. |
| 8. | Fees for survey for seaworthiness of obsolete war vessels, hulks, wrecks, or similar vessels | a fee determined by the time involved, charged at the hourly rate. |

SECTION K-FOREIGN-GOING SHIPS CARRYING DANGEROUS GOODS

Purpose or service	Fee \$
The following fees shall be payable-	
1. For the inspection of a ship for stowage of explosives or other dangerous goods in accordance with the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap 413 sub. leg.)-	
(a) for one visit for one compartment	5160
(b) for each additional compartment at the same visit	1485
(c) for a certificate stating that stowage is in accordance with that Regulation	2145
2. For the inspection of a compartment of a ship constructed for the stowage of explosives or other dangerous goods in accordance with the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap 413 sub. leg.)-	
(a) for one visit for one compartment	5160
(b) for each additional compartment at the same visit	1485
(c) for a certificate stating that compartments are suitable for the stowage of explosives or other dangerous goods in accordance with that Regulation	2145
3. For the inspection of portable explosives magazines in accordance with the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap 413 sub. leg.)-	
(a) for one visit for one magazine	4425
(b) for each additional magazine at the same visit	755
(c) for a certificate stating that a magazine has been constructed in accordance with that Regulation	2145
4. For the examination of plans relating to stowage or shipping of dangerous goods in accordance with the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap 413 sub. leg.)	a fee determined by the time involved, charged at the hourly rate.
5. For the examination and survey of bulk chemical tankers under International Maritime Organization Codes for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk	a fee determined by the time involved, charged at the hourly rate.
6. For the examination and survey of bulk gas carriers under International Maritime Organization Codes for the Construction and Equipment of ships Carrying Liquefied Gases in Bulk	a fee determined by the time involved, charged at the hourly rate.

(64 of 1999 s. 3)

SECTION L-SHIPS CARRYING GRAIN CARGOES

Purpose or service	Fee \$
The following fees shall be payable-	
1. For the examination of a plan of loading for grain cargoes	a fee determined by the time involved, charged at the hourly rate.
2. For examining and certifying a copy of a plan of loading subsequent to the examination of the original plan	a fee determined by the time involved, charged at the hourly rate.
3. For an alteration in a plan of loading not affecting the original calculation	a fee determined by the time involved, charged at the hourly rate.
4. For the inspection on a ship of any alteration in the arrangement of fittings for the carriage of grain cargoes necessitating an alteration in the plan of loading	a fee determined by the time involved, charged at the hourly rate.
5. For the inspection on a ship of grain fittings-	
(a) for one visit for one compartment	5160
(b) for each additional compartment at the same visit	1485

SECTION M

(Repealed 44 of 1995 s. 143)

SECTION N

(No provision)

SECTION O-TRAWLERS

Purpose or service	Fee \$
The following fees shall be payable-	
1. For the initial survey of any hull, machinery and equipment and the first issue of a certificate of survey	a fee determined by the time involved, charged at the hourly rate
2. For a survey of any hull, machinery and equipment and the renewal of a certificate of survey	3565
Note: (1) The fee specified in this item does not include a survey for the measurement of tonnage or for examination of plans and stability information.	
(2) If more than 3 visits of a surveyor to the vessel are required before the renewal of any certificate of survey, the appropriate fee shall be increased by 1/4 in respect of each surveyor for each visit exceeding 3, including the final survey visit.	
3. For extending a certificate of survey-	
(a) for a period not exceeding 1 month	1210
(b) for a period exceeding 1 month but not exceeding 2 months	1785
4. For examination of all plans and stability information	a fee determined by the time involved, charged at the hourly rate

SECTION P-LAUNCHES AND FERRY VESSELS

- Note: (1) Surveys for the services under this Section (except item 6) do not include surveys for tonnage measurement or for examination of plans and stability information.
- (2) If more than 3 visits of a surveyor or a person holding the post of a ship inspector in the Government to the vessel are required before the issue of any certificate of survey, the appropriate fee shall be increased by 1/4 in respect of each surveyor or each person holding the post of a ship inspector in the Government for each such visit exceeding 3, including the final survey visit.
- (3) For the extension of any certificate of survey for a period not exceeding 3 months, the fee payable shall be 1/2 of the appropriate fee.
- (4) In this Section, "Specified Sheltered Waters" (指明遮蔽水域) means the waters specified in the First Schedule to the Merchant Shipping (Launches and Ferry Vessels) Regulations (Cap 313 sub. leg.). (L.N. 576 of 1994)

Purpose or service

Fee
\$

The following fees shall be payable-

- | | | |
|----|---|--------------------|
| 1. | For a survey of and the issue of a certificate of survey for a launch or ferry vessel to ply within the Specified Sheltered Waters only that is certified to carry- (L.N. 576 of 1994) | |
| | (a) not more than 50 passengers | 1335 |
| | (b) more than 50 passengers but not more than 100 passengers | 2200 |
| | (c) more than 100 passengers, for each 50 passengers, or part thereof, over 100 passengers | 515 |
| 2. | For a survey of and the issue of a certificate of survey for a launch or ferry vessel which is not confined to plying within the Specified Sheltered Waters only and which is certified to carry- | |
| | (a) not more than 50 passengers | 2270 |
| | (b) more than 50 passengers but not more than 100 passengers | 2860 |
| | (c) more than 100 passengers but not more than 500 passengers | 4745 |
| | (d) more than 500 passengers for each 100 passengers, or part thereof, over 500 passengers | 970 |
| | | (L.N. 576 of 1994) |
| 3. | For a survey of and the issue of a certificate of survey for a passenger vehicular ferry vessel; being in addition to the appropriate fee payable under item 2(a), (b), (c) or (d). | 4745 |
| | | (L.N. 576 of 1994) |
| 4. | For a survey of and the issue of a certificate of survey for a launch certified to tow other craft- | 2860 |
| | Note: If a survey under item 1 or 2 is required simultaneously with a survey under this item, then only 1/2 of the fee under this item shall be payable in addition to the fee payable under item 1 or 2, as the case may be. | |
| | | (L.N. 576 of 1994) |
| 5. | (Repealed L.N. 576 of 1994) | |

6.	For the examination of plans and stability information-	
	(a) Hull plans for a vessel certified to carry-	
	(i) not more than 50 passengers	1815
	(ii) more than 50 passengers but not more than 100 passengers	2970
	(iii) more than 100 passengers	5930
	(b) Machinery plans for a vessel certified to carry-	
	(i) not more than 50 passengers	1815
	(ii) more than 50 passengers but not more than 100 passengers	2970
	(iii) more than 100 passengers	5930
	(c) Electrical plans, for each generator installed	1235
	(d) Stability information	1235
	(e) Structural fire protection	2970
	(f) Fire extinguishing installation	2970

- Note: (1) For examination of plans in respect of minor modification to an existing licensed vessel, the fee shall be 1/2 of the appropriate fee.
- (2) For examination of plans and stability information in respect of a floating restaurant referred to in Section Q the fee shall be twice the appropriate fee under this item.

SECTION Q-SMALL CRAFT AND OTHER MISCELLANEOUS VESSELS

- Note: (1) Inspection for the services specified in this Section does not include inspection for measurement of tonnage or for examination of plans and stability information.
- (2) If more than 3 visits of a surveyor or an inspector to the vessel are required before the issue or endorsement of any certificate, the appropriate fee shall be increased by 1/4 in respect of each surveyor or each inspector for each such visit exceeding 3, including the final inspection visit.
- (3) For the extension of any certificate of inspection for a period not exceeding 3 months the fee payable shall be 1/2 of the appropriate fee.

Purpose or service	Fee \$
The following fees shall be payable-	
1. For an inspection of and the issue of a certificate of inspection for-	
(a) Junks fitted with mechanical means of propulsion-	
(i) with engines of total horsepower up to 15 B.H.P.	565
(ii) with engines of total horsepower more than 15 B.H.P. but not exceeding 30 B.H.P.	780
(iii) with engines of total horsepower more than 30 B.H.P. but not exceeding 50 B.H.P.	1045
(iv) with engines of total horsepower more than 50 B.H.P. but not exceeding 80 B.H.P.	1335
(v) with engines of total horsepower more than 80 B.H.P., for each 40 B.H.P. or part thereof, over 80 B.H.P.	150
(b) Lighters and junks fitted with diesel or other auxiliary, for each engine installed	1145
(c) Water boats-	
(i) self-propelled, western type	4535
(ii) not self-propelled, western type	2640
(iii) native type	1145
(d) Vessels of western type	3775
(e) Floating restaurants certified to accommodate-	
(i) not more than 100 persons	3775
(ii) more than 100 persons, for each 50 persons, or part thereof, over 100 persons	780
(f) (i) Floating docks which are classed by a classification society approved by the Director	7535
(ii) Floating docks which are not classed as in (i)	a fee determined by the time involved, charged at the hourly rate.
(g) Floating workshops	3775
2. For surveys of and the issue of freeboard certificates or prescribed periodical inspections of dumb lighters-	

Tonnage	Survey Fee \$	Periodic Inspection Fee \$
Under 100 tons	1520	515
100 tons or over but under 200 tons	1895	780
200 tons or over but under 300 tons	2270	1020
300 tons or over	2640	1255

3.	For the examination of plans and stability information-	
	(a) Hull plans including scantlings structure and arrangement	1235
	(b) Machinery plans including shafting, piping and pumping	1235
	(c) Electrical plans for each generator installed	1235
	(d) Stability information	1030
	(e) Structural fire protection	2355
	(f) Fire extinguishing installation	2355

Note: (1) For examination of plans in respect of minor modification to an existing licensed vessel, the fee shall be 1/2 of the appropriate fee.

(2) For examination of plans and stability information in respect of a floating restaurant the fee shall be twice of the appropriate fee under item 6 of Section P.

SECTION R-CARRIAGE OF DANGEROUS GOODS-LOCAL CRAFT

Note: (1) Inspection for the services specified in this Section does not include inspection and the issue of a certificate of inspection under Sections P and Q.

(2) If more than 3 visits of a surveyor or an inspector to the vessel are required before the issue of any certificate or declaration of fitness, the appropriate fee shall be increased by 1/4 in respect of each surveyor and each inspector for each such visit exceeding 3, including the final inspection visit.

(3) For the extension of any Declaration of Fitness for a period not exceeding 3 months the fee payable shall be 1/2 of the appropriate fee.

Purpose or service	Fee \$
The following fees shall be payable-	
1. For the inspection for the carriage of dangerous goods and the issue of a Declaration of Fitness-	
(a) Vessels other than tankers, in respect of each category of dangerous goods specified in the Dangerous Goods (Application and Exemption) Regulations (Cap 295 sub. leg.)	815
(b) Tankers, in respect of each category of dangerous goods specified in the Dangerous Goods (Application and Exemption) Regulations (Cap 295 sub. leg.)-	
(i) under 500 gross registered tonnage	1895
(ii) 500 gross registered tonnage and over	3775
2. For the examination of plans-	
(a) Vessels other than tankers, in respect of each category of dangerous goods specified in the Dangerous Goods (Application and Exemption) Regulations (Cap 295 sub. leg.)	1030
(b) Tankers, in respect of each category of dangerous goods specified in the Dangerous Goods (Application and Exemption) Regulations (Cap 295 sub. leg.)-	
(i) under 500 gross registered tonnage	2355
(ii) 500 gross registered tonnage and over	4710

Note: For examination of plans in respect of modification to an existing vessel and the issue of a

Declaration of Fitness, the fee payable shall be 1/2 of the appropriate fee.

PART III

FEES FOR CERTAIN SERVICES RENDERED BY THE
MERCANTILE MARINE OFFICE

	Purpose or service	Fee \$
	The following fees shall be payable-	
1.	For engagement or discharge of fishermen at the Office-	
	(a) For fishermen engaged or discharged, on opening or closing of a fishing vessel's half yearly agreement, per fisherman	160
	(b) For fishermen engaged or discharged during the currency of the agreement, per fisherman	160

(L.N. 240 of 1996)

PART IV

FEES PAYABLE FOR EXAMINATIONS, ETC.

- Note: (1) The fees specified in this Part include the issue of the appropriate certificate of competency.
- (2) The fees for sight tests specified in item 4(a) and (b) are included in the fees for an examination for a certificate of competency specified in item 1 or 3 in cases where the sight test is conducted as part of the examination. In the event of a candidate failing the sight test, the balance of the relevant fees paid for the examination, less the fee for sight test, will be refunded to the candidate.

Purpose or service	Fee \$
1. Fees for examinations for certificates of competency as Trawler Masters and Trawler Masters (Limited)- For an examination for a certificate of competency on each occasion a candidate presents himself-	
(a) Trawler Master	4345
(b) Trawler Master (Limited)	2410
(c) For an examination in signalling in relation to sub-item (a) or (b), if taken separately from the remainder of the full examination, for each attempt	985
(d) If a candidate for a certificate of competency in relation to sub-item (a) or (b) is examined or re-examined in either the written or the oral part of the examination	1/2 of the appropriate fee in sub-item (a) or (b)
2. Fees for examinations for certificates of competency as Trawler Engineers- For an examination for a certificate of competency on each occasion a candidate presents himself- Trawler Engineer, for a full examination	2895
3. Fees for examination for local certificates of competency, on each occasion a candidate presents himself, or for grant of certificates, if no such fees are charged under Part IV of the Shipping and Port Control Ordinance (Cap 313)-	
(a) Master (vessel other than a pleasure vessel)-	
(i) for vessels of 300 tons and under	1255
(ii) for vessels of 60 tons and under	515
(b) Engineer (vessel other than a pleasure vessel)-	
(i) for engines above 150 B.H.P.	1255
(ii) for engines 150 B.H.P. and under	515
(c) Master (pleasure vessel)	515
(d) Engineer (pleasure vessel)	515
(e) For bona fide fisherman	515
4. Fees for miscellaneous examinations, certificates and endorsements-	
(a) For a sight test for an examination in item 1	270
(b) For a sight test for an examination in item 3	270
(c) For a further sight test on appeal	780
(d) For a further sight test on special appeal	1520
(e) For an examination of a candidate holding a local certificate of competency as Engineer for acting appointment as Trawler Engineer	2025
5. Fees for copies of certificates issued under this Part-	
(a) For a copy of a certificate of competency	220
(b) For a copy of a sight test certificate	150
(c) For a copy of a local certificate of competency as Master or Engineer, when not re-examined	220

Note: No fee shall be payable under this item if the Director is satisfied that the loss of a certificate was without fault on the part of the holder of the certificate.

(L.N. 240 of 1996)

PART V

FEES PAYABLE IN RELATION TO LAUNCHES AND
FERRY VESSELS AND PLEASURE VESSELS

- Note: (1) Fees for surveys and examinations for local certificates of competency will be found in Parts II and IV respectively. (L.N. 576 of 1994)
- (2) In this Part, "Specified Sheltered Waters" (指明遮蔽水域) means the waters specified in the First Schedule to the Merchant Shipping (Launches and Ferry Vessels) Regulations (Cap 313 sub. leg.). (L.N. 576 of 1994)

Purpose or service	Fee \$
1. Fees for licence-	
(a) A launch or ferry vessel licensed to ply within the Specified Sheltered Waters, of net tonnage- (L.N. 576 of 1994)	
under 20	365
20 and over but under 60	730
60 and over but under 100	1115
100 or over	1115 plus \$355 for every 40 tons or part thereof by which the tonnage exceeds 100 tons.
(b) (Repealed L.N. 576 of 1994)	
(c) A launch or ferry vessel which is not confined to plying only within the Specified Sheltered Waters, of net tonnage- (L.N. 576 of 1994)	
under 20	1115
20 and over but under 60	2200
60 and over but under 100	3300
100 or over	3300 plus \$355 for every 40 tons or part thereof by which the tonnage exceeds 100 tons.
(d) (Repealed L.N. 576 of 1994)	
(e) Pleasure vessels of length-	
not exceeding 5 m	355
exceeding 5 m but not exceeding 8 m	705
exceeding 8 m but not exceeding 11 m	1400
exceeding 11 m	1400 plus \$1400 for every 3 m or part thereof by which the length exceeds 11 m.
And in addition, in respect of a pleasure vessel licensed to carry more than 14 persons (including crew), for each person in excess of 14	175
Note: If the duration of any licence is for less than 12 months, the fee shall be 1/12 of the appropriate fee for each month subject to a minimum fee of 3/12 thereof.	
2. Fee for replacement of licence book lost, destroyed or defaced	355
3. Fee for temporary permit in lieu of licence	355
4. Fee for unlicensed vessel to remain in the waters of Hong Kong- per week	355 for a vessel not exceeding 50 tons plus \$355 for every 50 tons or part thereof by which the tonnage exceeds 50 tons.
5. (Repealed L.N. 576 of 1994)	
6. Fee for certificate of exemption from regulations- per certificate	525
7. Fee for endorsement of licence upon change of ownership	355
8. Fee for search of licence registers	175
9. Fee for a certified true copy of licence register or any other document	210
10. Fee for endorsement of licence upon mortgage/hire purchase, discharge of mortgage/hire purchase or transfer of mortgage/hire purchase	355
11. Fee for issue of a licence disc or a duplicate licence disc for a launch	355

- and ferry vessel (L.N. 576 of 1994)
12. Fee for issue of a duplicate licence disc for a pleasure vessel 175

Note: When a licence is lost through fire or shipwreck a duplicate may be issued free of charge.

PART VI

FEE PAYABLE IN RELATION TO MISCELLANEOUS CRAFT

Note: Fees for surveys and examinations for local certificates of competency will be found in Parts II and IV respectively.

- | | |
|--|-----------|
| | Fee
\$ |
| Purpose or service | |
| 1. The fees payable for the licensing of miscellaneous craft shall be in accordance with the following scale-
For a licence valid for a period of 1 year- | |

Licence Fees-Non-Mechanized Vessels

Capacity in piculs		Cl. I	Cl. II	Cl. III	Cl. IV	Cl. V	Cl. VI
Exceeding	Not exceeding	\$	\$	\$	\$	\$	\$
	500	97	185	1850	185	185	97
500	1000		365	3650	365	365	185
1000	2000		730	7300	730	730	365
2000	3000		1090	10900	1090	1090	545
3000	4000		1455	14550	1455	1455	730
4000	5000		1815	18150	1815	1815	910
5000	6000		2180	21800	2180	2180	1090
6000	7000		2545	25450	2545	2545	1275
7000	8000		2905	29050	2905	2905	1455
8000	9000		3270	32700	3270	3270	1635
9000	10000		3630	36300	3630	3630	1815
10000			3630	36300	3630	3630	1815
Upwards			plus \$365	plus \$3650	plus \$365	plus \$365	plus \$185

for every 1000 piculs or part thereof by which the capacity exceeds 10000 piculs

Note: In the case of Class III vessels, an additional fee of \$175 is charged for each person which a Ceremonial Boat is licensed to carry (as shown in the licence book of the vessel).

Licence Fees-Mechanized Vessels

Capacity in piculs		Cl. I	Cl. II	Cl. III	Cl. IV	Cl. V	Cl. VI
Exceeding	Not exceeding	\$	\$	\$	\$	\$	\$
	500	220	365		365	365	210
500	1000		730		730	730	365
1000	2000		1455		1455	1455	730
2000	3000		2180		2180	2180	1090
3000	4000		2905		2905	2905	1455
4000	5000		3630		3630	3630	1815
5000	6000		4360		4360	4360	2180
6000	7000		5085		5085	5085	2545
7000	8000		5810		5810	5810	2905
8000	9000		6540		6540	6540	3270
9000	10000		7260		7260	7260	3630
10000			7260		7260	7260	3630
Upwards			plus \$730		plus \$730	plus \$730	plus \$365

for every 1000 piculs or part thereof by which the capacity exceeds 10000 piculs.

Licence Fees-Class VII Vessels

For every 100 net registered tons or part thereof	3665
For every 100 net registered tons or part thereof in the case of a vessel that is moored to an area of sea bed which is included in a lease of the adjacent foreshore, or the lease of which is granted in conjunction with a lease of the adjacent foreshore	730

Licence Fees-Class VII Vessels

For every 100 Thames gross tons or part thereof	3665
And in addition, for each person the vessel is licensed to carry (as shown in the licence book of the vessel)	175

- Note: (1) Where a licence is required for a period not exceeding 9 months, 6 months or 3 months duration, 3/4, 1/2 or 1/4 of the respective fee prescribed in the above scale shall be payable.
- (2) A nominal fee of \$17 shall be charged for the licensing of sampans and dinghies normally carried by Class V and Class VI vessels, and for the licensing of sampans of under 15 piculs used exclusively in connection with fishing stakes, oyster beds or shrimping, provided that the licence of the parent vessel or stake net is endorsed with the licence number of the sampan or dinghy and vice versa.
- (3) The licence fee shall cover the first issue of a licence book but shall not cover issue of duplicates.
- (4) A fee of \$365 shall be charged for the inspection of vessels in respect of applications for conversion of class or suitability for specific purposes, when an inspection is required, other than in connection with the licensing or relicensing of vessels.
- (5) The Thames gross tonnage of a Class VIII vessel shall be determined in accordance with the following formula-

$$\frac{B}{(L - B) B} \times \text{---}$$

_____ , where-

94

"L" is the length of the vessel measured on deck; and

"B" is the breadth of the vessel measured on deck.

2.	Fee for special anchorage permit (unlicensed vessels) for a period not exceeding 7 days	355 for vessels of 10000 piculs in capacity or under plus \$35 for every 1000 piculs or part thereof by which the capacity exceeds 10000 piculs.
3.	Fee for repainting licence numbers on vessels which have become obliterated or defaced	73
4.	Fee for issue of duplicate licence book	355
	Note: When a licence book is lost through fire or shipwreck a duplicate may be issued free of charge.	
5.	Fee for certificate of exemption from regulations- per certificate	525
6.	Fee for endorsement of licence upon change of ownership	355
7.	Fee for search of licence registers	175
8.	Fee for a certified true copy of licence register or any other document	210
9.	Fee for endorsement of licence upon mortgage/hire purchase or discharge of mortgage/hire purchase	355
10.	Fee for issue of a licence disc or a duplicate licence disc	355
		(L.N. 270 of 1995)

PART VII

FEES IN RELATION TO COURTS OF SURVEY

Purpose or service		Fee
		\$
1.	On filing notice of appeal, for every 100 tons or part thereof of the gross tonnage of the ship	1010
2.	On filing every affidavit	97
3.	On entering appearance	285
4.	On subpoena	210
5.	On each subpoena after the first	97
6.	On every statement of the order required to be made by the court	285
7.	On the production and swearing of every witness	285
8.	On every consent by the parties to refer the question of costs, or of costs and damages, to the court, to be paid by each party	565
9.	On every hearing, for each day, to be paid by each party	a fee determined by the Court of Survey at its discretion.
10.	On every order whether for the release or detention of the ship or for payment of costs, or costs and damages, to be paid by the party taking out the order	565
11.	On every photostatic copy of the judgment or report, or of notes of the evidence, or of any of the proceedings in the appeal, per folio of 72 words	15 subject to a minimum fee of \$220.

(Schedule replaced L.N. 247 of 1992. L.N. 333 of 1993; L.N. 334 of 1994; L.N. 270 of 1995)

Chapter:	281K	Title:	MERCHANT SHIPPING (COMPULSORY THIRD PARTY RISKS INSURANCE) REGULATIONS	Gazette Number:
Regulation:	4	Heading:	Production of proof of insurance on application for licence, etc.	Version Date: 30/06/1997

(1) Any person-

- (a) applying for a licence in respect of a vessel to which section 107C(1) applies;
- (b) producing such a licence to the Director for endorsement, or delivering a notice of transfer to the Director, following transfer of ownership of the vessel to him,

pursuant to regulations made or deemed to have been made under section 33 of the Shipping and Port Control Ordinance (Cap 313) shall upon such application, production or delivery produce to the Director any necessary policy of insurance or such other documentary proof as shall be sufficient to indicate that-

(i) on the date when such licence takes effect there will be in operation; or
(ii) where the Director is to endorse an existing current licence following a transfer of ownership, there is in operation,
such policy of insurance in respect of third party risks as is required under section 107C.

(2) Notwithstanding anything contained in the regulations referred to in subregulation (1), the Director shall not issue or endorse a licence in respect of a vessel to which section 107C(1) applies in favour of an applicant who fails to comply with subregulation (1).

(3) For the purposes of subregulation (1) the Director may accept as sufficient proof of the operation of a policy of insurance a certificate of insurance issued in respect of that policy for the purposes of section 107M(1).

(Enacted 1989)

Chapter:	303A	Title:	RADIATION (CONTROL OF RADIOACTIVE SUBSTANCES) REGULATIONS	Gazette Number:
Regulation:	13	Heading:	Conditions for first employment	Version Date: 30/06/1997

(1) No proprietor of any affected undertaking or affected industrial undertaking shall employ therein any person in any work or process involving the handling or transport of any unsealed radioactive substance who-

- (a) is under the age of 18 years; or
- (b) has not, within the period of 4 months immediately preceding his first employment by such proprietor in such work or process, undergone a medical examination by the panel, including blood examination and the taking of relevant medical and occupational histories, and has been certified fit for such employment.

(2) Any person may apply in writing to the Board for medical examination by the panel for the purpose of complying with the requirements of subregulation (1)(b) and, upon receipt of the application, the Board shall direct the panel to carry out, free of charge, such examination as soon as may be, but in any event not exceeding 14 days, after receipt of the application and shall within 10 days after the examination supply to the applicant 2 copies of a certificate certifying the date upon which the examination took place and whether the applicant was found to be fit or unfit, as the case may be, for employment in radiation work.

(3) For the purpose of this regulation the expression "first employment" (首次受僱) includes re-employment in any work or process involving the handling of any radioactive substance following a cessation of such employment for any period exceeding 14 months.

(4) Any proprietor of any affected undertaking or affected industrial undertaking who contravenes any of the provisions of subregulation (1) shall be guilty of an offence and liable on

conviction to a fine of \$15000. (L.N. 226 of 1990)

(L.N. 98 of 1970)

Chapter:	311F	Title:	AIR POLLUTION CONTROL (SPECIFIED PROCESSES) REGULATIONS	Gazette Number:	L.N. 106 of 2002
Schedule:	2	Heading:		Version Date:	01/07/2002

[regulations 4, 11, 12, 13 & 16]

FORM 1

[regulation 4]

AIR POLLUTION CONTROL (SPECIFIED PROCESSES) REGULATIONS

APPLICATION FOR A LICENCE PURSUANT TO SECTION 14 OF
THE AIR POLLUTION CONTROL ORDINANCE

To: The Authority

1. I/We* the undersigned hereby apply under section 14 of the Air Pollution Control Ordinance for a licence for the conduct of the undermentioned specified process and I/we* hereby declare that the following particulars and the additional information, if any, provided are correct and the relevant plans and specifications are prepared by the qualified engineer(s)/authorized person(s) listed in paragraph 3 of the application.

I/We* enclose the application fee of \$ as prescribed in the Third Schedule to these regulations.

This application, including plans and specifications, comprises pages.

Dated this day of 19

Signature of Applicant

Name

2. Details of Owner(s)+

Name of the Owner(s) (Surname First)		Status	Correspondence Address	Telephone Number	Identity Card/ Certificate of Incorporation* Number
English	Chinese				

* Delete if not applicable.
+ Including the applicant.

3. Qualified Engineer/Authorized Person

Name of Qualified Engineer/Authorized Person (Surname First)	Correspondence Address	Telephone Number	Material+ Prepared
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4. Premises where the specified process is to be conducted

Name of Premises (if any)		Address		Telephone Number
English	Chinese			
Contact Person in the Premises (Surname First)		Correspondence Address	Telephone Number	
English	Chinese	Title or Position		

Business Registration No.	Certificate of Incorporation No.	No. of Employees in the Premises	Area of the Premises (m ²)	Land Status
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Nature of Tenure	Name of Air Control Zone in which the Premises are Located
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+ Including the plans and specifications mentioned in paragraphs 5 to 9.

5. Nature of Work

Classification of Specified Process under Application	Mode of Operation (Continuous/Batch)	Installed/Processing* Capacity	Silo Capacity (for Cement Works only)	Total No. of Emission Points
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6. Noxious or Offensive Emissions

Mode of Discharge to Atmosphere
Cross-section of Discharge Exit or Chimney

Highest Building /Structure within 100m of the Premises

Emission Point No.	Exhaust Gas Flowrate (m ³ /h)	Exit Temperature (°C)	Fugitive Emission (Yes/No)	Discharge or Chimney Height (m)	If NOT discharged upward freely, please specify	Width (m)	Length (m)	Diameter (m)	Discharge	Height (m)
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* Delete if not applicable.

Details of Emissions

Emission Point No.	Efflux Velocity (m/s)	Emission Rate (kg/h) Composition	Average	Maximum	Average Daily Concentration* (mg/m ³)	Maximum Concentration* (mg/m ³)	Duration of Maximum Concentration (h/d)
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* Expressed as at standard temperature and pressure of 0 degree Celsius and 101.325 kPa.

7. Fuel Usage

Emission Point No.	Type of Fuel Using Equipment	Rated Capacity (MJ/h)	Fuel to be Used				Fuel Consumption Rate (kg/h)	
			Type	Ash Content(%)	Sulphur Content(%)	Other Specifications	Maximum	Normal

8. Raw Materials and Products

Type	Nature or General Composition	Description of the Process	Raw Material Usage Consumption Rate			Product Production Production Rate		
			Normal(kg/h)	Maximum(kg/h)	Annual Use (t)	Normal(kg/h)	Maximum (kg/h)	Annual Production (t)

9. Drawings

Please provide

- (1) A block plan, drawn to a scale of 1:500 and prepared by an authorized person, showing the buildings and topography surrounding the premises where the specified process is to be conducted and the location of all emission points and their corresponding numbers.
- (2) Schematic diagrams of process flow prepared by a qualified engineer, showing the flow of materials, including raw materials, materials in process of manufacture, manufactured materials, by-products and waste materials. All emission points and processes/equipment, including air pollution control equipment, associated with each emission point, must be identified and labelled with consistent reference numbers.

10. Notes

- (1) The Authority may require the applicant to submit any other information about the specified process under application as specified in a notice in writing served by the Authority in accordance with section 27 of the Air Pollution Control Ordinance within such time and in such form as is specified in the same notice.
- (2) This application is subject to public notification provision pursuant to section 14 of the Air Pollution Control Ordinance. The applicant, however, may apply to withhold any information contained in this application from public notification to the extent as permitted under section 40 of the Ordinance.
- (3) The expense in public notification in causing a notice to be published in an English language and a Chinese language newspaper shall be met by the applicant himself.

- (4) The Authority may, not earlier than 40 days after the last notice is published in the newspaper, either grant or refuse to grant the licence.
- (5) The prescribed fee for application is NOT refundable.
- (6) Any person who provides information which he knows to be incorrect in a material respect or recklessly makes any statement which is incorrect in a material respect or knowingly omits any material particular commits an offence and is liable to a fine of \$50000.
(L.N. 311 of 1993; L.N. 212 of 1996; L.N. 577 of 1997)

FORM 2

[regulation 4]

AIR POLLUTION CONTROL (SPECIFIED PROCESSES) REGULATIONS

APPLICATION FOR RENEWAL OF A LICENCE PURSUANT TO SECTION 16 OF
THE AIR POLLUTION CONTROL ORDINANCE

To: The Authority

1. I/We* the undersigned, being the licence holder of the undermentioned licence, hereby apply under Section 16 of the Air Pollution Control Ordinance for the renewal of a licence for the conduct of the undermentioned specified process. I/We* hereby declare that the particulars of the undermentioned specified process, including any chimney and relevant plant,
nature and emission of any air pollutant, the fuel usage, raw materials and products are substantially unchanged and that the following particulars provided are correct.

Dated this day of 19

Signature of Applicant

Name

2. Details of Owner(s) +

Name of the Owner(s)
(Surname First)
English Chinese

Status	Correspondence Address	Telephone Number	Identity Card/Certificate of Incorporation* Number
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* Delete if not applicable.
+ Including the applicant.

3. Premises where the specified process is conducted

Name of Premises (if any)
English Chinese

Address

Telephone Number

Contact Person in the Premises (Surname First)
English Chinese

Title or Position

Correspondence Address

Telephone Number

Business Registration No.

Certificate of Incorporation No.

No. of Employees in the Premises

Area of the Premises (m²)

Land Status

Nature of Tenure

Name of Air Control Zone in which the Premises are Located

4. Nature of Work

Existing Licence No.	Expiry Date	Classification of Specified Process under Application	Mode of Operation (Continuous/Batch)	Installed/ Processing* Capacity	Silo Capacity (for Cement Works Only)	Total No. of Emission Points
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5. Notes

Any person who provides information which he knows to be incorrect in a material respect or recklessly makes any statement which is incorrect in a material respect or knowingly omits any material particular commits an offence and is liable to a fine of \$50000.

* Delete if not applicable.

(L.N. 311 of 1993; L.N. 212 of 1996)

FORM 3

[regulation 4]

AIR POLLUTION CONTROL (SPECIFIED PROCESSES) REGULATIONS

APPLICATION FOR VARIATION OF A LICENCE PURSUANT TO SECTION 18, OR VARIATION OR CANCELLATION OF ANY TERM OR CONDITION OF AN EXEMPTION PURSUANT TO SECTION 23, OF THE AIR POLLUTION CONTROL ORDINANCE

To: The Authority

1. I/We* the undersigned, being the licence/exemption* holder of the undermentioned licence/exemption*, hereby apply under Section 18/23* of the Air Pollution Control Ordinance for the variation of a licence/variation or cancellation of a term or condition of an exemption* for the conduct

of the undermentioned specified process and I/we* hereby declare the following particulars and the additional information, if any, provided are correct and the relevant plans and specifications are prepared by the qualified engineer(s)/authorized person(s) listed in paragraph 3 of this application.

I/We* enclose the application fee of \$ as prescribed in the Third Schedule to these regulations.

This application, including plans and specifications, comprises pages.

Dated this day of 19

Signature of Applicant

Name

2. Details of Owner(s)+

Name of the Owner(s)
(Surname First)

English Chinese

Status

Correspondence Address

Telephone
Number

Identity Card/
Certificate of
Incorporation*
Number

* Delete if not applicable.

+ Including the applicant.

3. Qualified Engineer/Authorized Person

Name of Qualified
Engineer/Authorized
Person (Surname First)

Correspondence Address

Telephone
Number

Material+
Prepared

4. Premises where the specified process is conducted

Name of Premises (if any)

English Chinese

Address

Telephone
Number

Contact Person in the

Premises (Surname First)		Title or Position	Correspondence Address	Telephone Number
English	Chinese			
Business Registration No.	Certificate of Incorporation No.	No. of Employees in the Premises	Area of the Premises (m ²)	Land Status
Nature of Tenure		Name of Air Control Zone in which the Premises are Located		

+ Including the plans and specifications mentioned in paragraphs 5 and 6.

5. Details of Variation in Respect of which Approval is Sought

(1) Nature of Works

Mode of Operation (Continuous/Batch)		Classification of Specified Process under Application		Installed/Processing* Capacity	
Existing Licence/Exemption* No.	Expiry Date (if applicable)	Existing Licence/Exemption*	Proposed Variation	Existing Licence/Exemption*	Proposed Variation
Silo Capacity (for Cement Works Only)			Total No. of Emission Points		
Existing Licence/Exemption*		Proposed Variation	Existing Licence/Exemption*	Proposed Variation	

(2) Terms and Conditions to be Varied or Cancelled

(To be completed only for application for variation or cancellation of terms and conditions imposed by the Authority on an exemption for conduct of a specified process)

Terms and Conditions imposed on the Existing Exemption	Proposed Variation or Cancellation	Justifications for such Variation or Cancellation
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* Delete if not applicable

(3) Noxious or Offensive Emissions

(a) Existing Licence

Mode of Discharge to Atmosphere

Cross-section of Discharge Exit or Chimney

Emission Point No.	Exhaust Gas Flowrate (m ³ /h)	Exit Temperature (°C)	Fugitive Emission (Yes/No)	Discharge or Chimney Height (m)	If NOT discharged upward freely, please specify	Width (m)	Length (m)	Diameter (m)	Highest Building/ Structure within 100m of the Premises	
									Discharge	Height (m)

Details of Emissions

Emission Point No.	Efflux Velocity (m/s)	Composition	Emission Rate (kg/h)		Average Daily Concentration* (mg/m ³)	Maximum Concentration* (mg/m ³)	Duration of Maximum Concentration (h/d)
			Average	Maximum			

* Expressed as at standard temperature and pressure of 0°C and 101.325 kPa.

(b) Proposed Variation

Mode of Discharge to Atmosphere

Cross-section of Discharge Exit or Chimney

Emission Point	Exhaust Gas	Exit Temperature (°C)	Fugitive Emission (Yes/No)	Discharge or Chimney Height	If NOT discharged upward freely,	Width (m)	Length (m)	Diameter (m)	Highest Building/ Structure within 100m of the Premises	
									Discharge	Height (m)

No. Flowrate
 (m³/h)

No) (m) please specify

Details of Emissions

Emission Point No.	Efflux Velocity (m/s)	Composition	Emission Rate (kg/h)		Average Daily Concentration* (mg/m ³)	Maximum Concentration* (mg/m ³)	Duration of Maximum Concentration (h/d)
			Average	Maximum			

* Expressed as at standard temperature and pressure of 0°C and 101.325 kPa.

+ To be assigned by the applicant.

(4) Fuel Usage, Raw Materials, Products and Processes/Equipment

Describe the details of proposed variation in respect to the fuel usage, raw materials, products and processes/equipment described for the purpose of the existing licence or exemption and state what action, if any, is proposed to minimize the amount or effects of any air pollution.

6. Drawings

Please provide, wherever applicable,

- (1) A block plan, drawn to a scale of 1:500 and prepared by an authorized person, showing the buildings and topography surrounding the premises where the specified process is to be conducted and the location of all emission points and their corresponding numbers.
- (2) Schematic diagrams of process flow prepared by a qualified engineer, showing the flow of materials, including raw materials, materials in process of manufacture, manufactured materials, by-products and waste materials. All emission points and processes/equipment, including air pollution control equipment, associated with each emission point, must be identified and labelled with consistent reference numbers.

7. Notes

- (1) The Authority may require the applicant to submit any other information about the specified

process under application as specified in a notice in writing served by the Authority in accordance with section 27 of the Air Pollution Control Ordinance within such time and in such form as is specified in the same notice.

- (2) This application is subject to public notification provision pursuant to section 14 of the Air Pollution Control Ordinance. The applicant, however, may apply to withhold any information contained in this application from public notification to the extent as permitted under section 40 of the Ordinance.
- (3) The expense in public notification in causing a notice to be published in an English language and a Chinese language newspaper shall be met by the applicant himself.
- (4) The Authority may grant the application, with or without modification, or refuse to grant it but shall not do so earlier than 30 or 40 days, respectively for variation or cancellation of any term or condition of exemption and variation of a licence, after the last notice is published in a newspaper.
- (5) The prescribed fee for application is NOT refundable.
- (6) Any person who provides information which he knows to be incorrect in a material respect or recklessly makes any statement which is incorrect in a material respect or knowingly omits any material particular commits an offence and is liable to a fine of \$50000
(L.N. 311 of 1993; L.N. 212 of 1996; L.N. 577 of 1997)

FORM 4

[regulation 4]

AIR POLLUTION CONTROL (SPECIFIED PROCESSES) REGULATIONS

APPLICATION FOR TRANSFER OF A LICENCE PURSUANT TO SECTION 18A OF
THE AIR POLLUTION CONTROL ORDINANCE

To: The Authority

1. We the undersigned, being the licence holder and the prospective transferee of the undermentioned licence, hereby apply jointly under section 18A of the Air Pollution Control Ordinance for the transfer of the licence for the conduct of the undermentioned specified process and we hereby declare that the particulars of the undermentioned specified process, including any chimney and relevant plant, nature and emission of any air pollutant, the fuel usage, raw materials and products are substantially unchanged and that the following particulars provided are correct.

We enclose the application fee of \$ as prescribed in the Third Schedule to these regulations.

Dated this day of 19

Signature of Applicant (i)
Licence Holder

Name

(ii)
Prospective Transferee

Name

2. Details of the Transferee

Name of the Owner(s)
(Surname First)

English Chinese

Status

Correspondence Address

Telephone
Number

Identity Card/
Certificate of
Incorporation*
Number

3. Premises where the specified process is conducted

Name of Premises (if
any)

English Chinese

Address

Telephone
Number

Contact
Person in
the
Premises
(Surname
First)

English Chinese

Title or Position

Correspondence Address

Telephone
Number

Business
Registration No.

Certificate of
Incorporation No.

No. of Employees
in the Premises

Area of the Premises
(m²)

Land Status

Nature of Tenure

Name of Air Control Zone in which the Premises are Located

4. Nature of Work

Existing Licence
No.

Expiry
Date

Classification of
Specified Process
under Application

Mode of Operation
(Continuous/Batch)

Installed/
Processing*
Capacity

Silo Capacity
(for Cement
Works Only)

Total No. of
Emission Points

5. Notes

- (1) The prescribed fee for application is NOT refundable.
- (2) Any person who provides information which he knows to be incorrect in a material respect or recklessly makes any statement which is incorrect in a material respect or knowingly omits any material particular commits an offence and is liable to a fine of \$ 50000.

* Delete if not applicable.

(L.N. 311 of 1993; L.N. 212 of 1996; L.N. 577 of 1997)

FORM 5

[regulation 11]

NOTICE OF OBJECTION TO THE GRANTING OR RENEWAL
OR VARIATION OR TRANSFER*
OF A LICENCE OR VARIATION OR CANCELLATION
OF A TERM OR CONDITION OF AN EXEMPTION
PURSUANT TO SECTION 14/16/18/18A/23*
OF THE AIR POLLUTION CONTROL ORDINANCE

To: The Authority

1. Full Name of Objector:

2. Home Address of Objector:
Office Address of Objector:
Occupation:
Telephone No.:

3. Details of the Application Under Objection:
Registration No.:
Name of Applicant:
Purpose of the Application:
Address of the Premises Where the Specified Process Is To Be
Conducted:

4. Relevant Air Quality Objective(s) being Threatened:

5. The grounds for this objection are: (set them out in full)
.....
.....
.....

.....
(Signature) Objector

Dated this day of 19
Copy to the Secretary for the Environment, Transport and Works

* Delete if not applicable.

(L.N. 244 of 1989; L.N 212 of 1996; 78 of 1999 s. 7; L.N. 106 of 2002)

AIR POLLUTION CONTROL (SPECIFIED PROCESSES) REGULATIONS

LICENCE FOR THE CONDUCT OF A SPECIFIED PROCESS

Licence No.:

PART A (Main Licence):

Pursuant to section 15/16* of the Air Pollution Control Ordinance, the Authority grants/renews* this licence to

Full Name of Licence Holder

to use or permit to be used the premises at

Full Address of the

premises at which the specified process is to be conducted

for the conduct of the specified process described in Part B subject to the terms and conditions described in or attached to Part C of this licence.

This licence shall be effective from the day of 19 and expire on the day of 19

..... for Authority

Dated this day of 19

- NOTE: (a) This licence consists of three parts, respectively Part A (Main Licence), Part B (Process Description) and Part C (Terms and Conditions). (b) If any variation of this licence is required, the licence holder shall apply for the variation of the licence in accordance with section 18 of the Air Pollution Control Ordinance. (c) Application for renewal of licence must be made not earlier than 120 days before and not later than 60 days after the date of expiry of this licence. (d) A licence holder who contravenes any term or condition of this licence and who is convicted of an offence under section 30A of the Ordinance is liable to a fine of \$100000 on condition for a first offence and \$200000 and imprisonment for 6 months for a second or subsequent offence and, in addition, to a daily fine of \$20000 for a continuing offence.

* Delete if not applicable.

PART B (Process Description):

Hereunder is the brief description of the process to be conducted in the premises mentioned in Part A of this licence. A more exact description of the process is contained in application of registration no.dated the day of 19

- 1. Classification of specified process:

2. Installed/Processing* Capacity:
3. Silo Capacity (for Cement Works only):
4. Fuel Usage:

Emission Point No.	Type	Fuel to be Used			Consumption Rate	
		Ash Content	Sulphur Content	Other Specifications	Maximum	Normal

5. Raw Materials and Products:

Type	Nature or General Composition	Raw Materials Usage			Product Production		
		Consumption Rate		Annual Use	Production Rate		Annual Production
		Normal	Maximum		Normal	Maximum	

6. Other particulars:

PART C (Terms and Conditions):

The Authority grants this licence to the licence holder to use or permit to be used the premises as mentioned in Part A of this licence for the conduct of the specified process as mentioned in Part B of this licence, subject to the following terms and conditions:

(Hereunder insert the terms and conditions to be imposed to this licence-sections 15(4) and 16(5) of the Air Pollution Control Ordinance)

* Delete if not applicable.

(L.N. 311 of 1993; L.N. 212 of 1996)

AIR POLLUTION CONTROL (SPECIFIED PROCESSES) REGULATIONS

EXEMPTION FROM LICENSING PURSUANT TO SECTION 20

Exemption No.:

PART A (Main Exemption):

Pursuant to section 20 of the Air Pollution Control Ordinance, the Authority exempts from the operation
Full name of exemption holder

of section 13 in respect of the premises at

Full address of the premises at

..... which are being used or being developed for use
which the specified process is to be conducted
for the conduct of the specified process as described in Part B of this exemption.

.....
for Authority

Dated this day of 19

- NOTE: (a) This exemption consists of three parts, respectively Part A (Main Exemption), Part B (Process Description) and Part C (Terms and Conditions).
(b) The Authority may by notice in writing impose terms and conditions in relation to this exemption in accordance with section 22 of the Ordinance. Any terms and conditions so imposed are described in or attached to Part C of this exemption.
(c) Under section 21 of the Ordinance this exemption shall cease if any changes are made to the premises used for the conduct of a specified process. The exemption holder shall then apply for a licence in accordance with section 14 of the Ordinance.
(d) The owner of any premises who is convicted of an offence under section 19(3) of the Ordinance is liable to a fine of \$50000 and on conviction this exemption shall cease under section 20A of the Ordinance.
(e) The exemption holder who contravenes any term or condition of this exemption and who is convicted of an offence under section 30A of the Ordinance is liable to a fine of \$100000 on conviction for a first offence and \$200000 and imprisonment for 6 months for a second or subsequent offence and, in addition, to a daily fine of \$20000 for a continuing offence.

(L.N. 311 of 1993)

PART B (Process Description):

Hereunder is the brief description of the process to be conducted in the premises mentioned in Part A of this record. A more exact description of the process is contained in a notice given to the Authority containing such particulars and information as specified in an order published in the Gazette in accordance with section 19(1) of the Air Pollution Control Ordinance.

1. Classification of specified process:
2. Installed/Processing* Capacity:
3. Silo Capacity (for Cement Works only):
4. Fuel Usage:

Emission Point No.	Type	Fuel to be Used			Consumption Rate	
		Ash Content	Sulphur Content	Other Specifications	Maximum	Normal

5. Raw Materials and Products:
Raw Materials Usage
Consumption Rate

Type	Nature or General Composition	Raw Materials Usage Consumption Rate			Product Production Production Rate		
		Normal	Maximum	Annual Use	Normal	Maximum	Annual Production

6. Other Particulars:

PART C (Terms and Conditions):

The Authority has imposed by notice in writing to the exemption holder on the day of 19 in relation to this exemption term and conditions in accordance with section 22 of the Ordinance. This exemption shall continue in force subject to the observance of the terms and conditions which are contained in the said notice and reproduced below:

(Hereunder insert the terms and conditions in relation to this exemption-section 22 of the Air Pollution Control Ordinance)

* Delete if not applicable.

Chapter:	311F	Title:	AIR POLLUTION CONTROL (SPECIFIED PROCESSES) REGULATIONS	Gazette Number:	L.N. 106 of 2002
Schedule:	4	Heading:		Version Date:	01/07/2002

[regulations 14 & 16]

Particulars to be entered in the register of an application for a licence, or for variation of a licence, or for variation or cancellation of a term or condition of an exemption; or where so directed by the Secretary for the Environment, Transport and Works for renewal or transfer of a licence and for cessation of an exemption with application for a licence

Item

1. Date of the application.
2. Name and address of applicant.
3. Address of premises where the specified process is to be conducted.
4. Classification of specified process under application.
5. Other specified processes operating in the same premises and their licence or exemption numbers.
6. Date of entry into the register, and the date of notice in newspapers.
7. Points of emission to atmosphere to be listed, with exhaust gas flow rate and exit temperature, and emission rate and composition of noxious offensive emissions (estimated if necessary), control equipment to be used to render noxious or offensive emissions harmless and inoffensive, and mode of discharge to atmosphere, including discharge or chimney heights and their cross-sectional dimensions.
8. A note that any person may object within 30 days of notice in newspapers, to the granting of the application on the grounds that the Air Quality Objective in that area is being threatened or the emission of noxious or offensive emissions would be, or be likely to be, prejudicial to health. An objection requires the name, address, and identity of the person making the objection, the address of the premises of the proposed specified process, and how the Air Quality Objective is being threatened or how the emission of noxious or offensive emissions would cause prejudice to health. Objections should be made in Form 5 in the Second Schedule to the Air Pollution Control

(Specified Processes) Regulations and be forwarded to the Authority and copied to the Secretary for the Environment, Transport and Works.

9. A note stating whether an air pollution control plan required under section 14A of the Ordinance has been submitted and whether the plan is available for inspection.

Note: Item 9 applies only to an application under section 14 of the Ordinance for a licence.

(L.N. 244 of 1989; L.N. 311 of 1993; 78 of 1999 s. 7; L.N. 106 of 2002)

Chapter:	313	Title:	SHIPPING AND PORT CONTROL ORDINANCE	Gazette Number:	L.N. 319 of 1999
Section:	2	Heading:	Interpretation	Version Date:	17/12/1999

In this Ordinance, unless the context otherwise requires-

"agent" (代理人) means any person acting in Hong Kong as agent for the owner of a vessel for the purposes of this Ordinance;

"aid to navigation" (助航設備) means a lighthouse, beacon or buoy, and any cables, wires and other forms of communication apparatus connected or used with a lighthouse, beacon or buoy;

"authorized officer" (獲授權人員) means-

- (a) the Director and any public officer of the Marine Department of or above the rank of Marine Inspector Class II; (Amended 46 of 1981 s. 3)
- (b) any police officer of or above the rank of Sergeant; and (Amended 60 of 1979 s. 2)
- (c) any public officer authorized in writing in this behalf by the Director;

"beacon" (航標) means any light, mark or sign established as an aid to navigation, other than a lighthouse or buoy;

"buoy" (浮標) means any floating light, mark or sign established as an aid to navigation, other than a lighthouse or beacon;

"cargo" (貨物) means any goods, container, pallet, material and solid ballast, ships' stores, provisions and equipment, mail and passengers' baggage, carried, or intended to be carried, in or on a vessel; (Amended 70 of 1999 s. 3)

"cargo handling" (貨物處理) means-

- (a) the loading of cargo on, or the unloading of cargo from, a vessel;
- (b) the transfer of cargo within a vessel; or
- (c) the hoisting, lowering, moving and handling of cargo or any other thing in any manner, on or from a vessel;

"collision regulations" (碰撞規例) means the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap 369 sub. leg.); (Added 57 of 1990 s. 3)

"dangerous goods" (危險品) means the substances and articles which are specified in the Schedule to the Dangerous Goods (Application and Exemption) Regulations (Cap 295 sub. leg.);

"dead ship" (廢船) means any ship exceeding 50 metres in length, other than a laid-up vessel, which-

- (a) is, for any reason, unable to proceed under its own power;
- (b) is, for any reason, unable to manoeuvre with its own steering gear;
- (c) is, for any reason, unable to work its own anchors; or
- (d) has any part of the hull structure removed, or under repair, which may affect the water-tight integrity of the ship;

"Director" (處長) means the Director of Marine;

"dynamically supported craft" (動力承托的航行器) means a craft that is operable on or above water and the weight of which, or a significant part thereof, is balanced in one mode of operation by other than hydrostatic forces;

"junk" (中式帆船) includes any vessel-

- (a) of Chinese or other Asiatic build, construction or rig;
- (b) of Chinese or other Asiatic build and construction but of European rig; or (Amended L.N. 386 of 1993)
- (c) of European build and construction, but of Chinese or other Asiatic rig,

whether such vessel is of a sea-going type or not and whether mechanically propelled or not;

"laid-up vessel" (閑置船隻) means any vessel exceeding 50 metres in length, other than a dead ship, which remains, or is to remain, within the waters of Hong Kong through lack of employment or pending the outcome of any legal proceedings before any court;

"lighthouse" (燈塔) includes a lightship and any floating or other light exhibited for the guidance of ships, other than a beacon or buoy;

"master" (船長), in relation to a vessel other than a vessel to which Part IV applies, means the person (except a pilot) having for the time being command or charge of the vessel;

"material" (物料) includes construction material, waste material and debris; (Added 70 of 1999 s. 3)

"mooring" (繫泊設備) includes a mooring dolphin or post, buoy, pontoon, floating pier or other floating structure used for the mooring of vessels or to assist in the embarkation or disembarkation to or from vessels;

"owner" (擁有人)-

- (a) in relation to a vessel, means-
 - (i) the person or persons registered or licensed as the owner of the vessel, or in the absence of registration or licensing, the person or persons owning the vessel, except that in relation to a vessel owned by a State which is operated by a person registered as the vessel's operator, it means the person registered as its operator; or
 - (ii) a demise charterer of the vessel; and
- (b) in relation to cargo, includes-
 - (i) the consignor, consignee or shipper of the cargo; and
 - (ii) the agent of the owner of the cargo;

"pilot" (領港員) means the person who is a pilot within the meaning of the Pilotage Ordinance (Cap 84);

"place on land" (陸上地方) means-

- (a) any premises, building or vehicle on land;
- (b) any building, structure or object erected or placed on the bed or shore of the sea; or
- (c) anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea;

"port" (港口) means any area of the waters of Hong Kong which is declared to be a port under section

56;

"port dues" (港口費) means any due, fee or charge payable under this Ordinance in respect of a vessel which enters the waters of Hong Kong or uses any port facility;

"port facility" (港口設施) means any aid to navigation, mooring or signal station;

"river trade limits" (內河航限) means-

(a) the waters in the vicinity of Hong Kong within the following boundaries-

(i) to the East, meridian 114⁰ 30' East;

(ii) to the South, parallel 22⁰ 09' North; and

(iii) to the West, meridian 113⁰ 31' East; and

(b) all inland waterways in the provinces of Kwangtung and Kwangsi on the mainland of China to which access can be obtained by water from the area defined in paragraph (a);

"ship" (船、船舶) means any vessel used in navigation other than a vessel propelled by oars or a junk;

"signal station" (信號站) means a signal station so specified by regulations made under this Ordinance;

"tidal water" (感潮水域) means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides;

"tons" (噸) and "tonnage" (噸位) mean tons and tonnage as calculated according to the Merchant Shipping (Registration) (Tonnage) Regulations (Cap 415 sub. leg.); (Amended 64 of 1999 s. 3)

"use of signals of distress regulations" 《使用遇險訊號規例》 means the Merchant Shipping (Safety) (Use of Signals of Distress) Regulations (Cap 369 sub. leg.); (Added 57 of 1990 s. 3. Amended 70 of 1999 s. 3)

"vessel" (船隻) includes-

(a) any ship, junk, boat, dynamically supported craft, seaplane, or any other description of vessel used in navigation; and

(b) any other description of vessel in Hong Kong or in the waters of Hong Kong not used in navigation or not constructed or adapted for use in navigation; (Amended 46 of 1981 s. 3)

"waters of Hong Kong" (香港水域) means waters of Hong Kong within the meaning of section 3 of the Interpretation and General Clauses Ordinance (Cap 1). (Replaced 26 of 1998 s. 44)

(Amended 57 of 1990 s. 3)

Chapter:	313G	Title:	MERCHANT SHIPPING (PLEASURE VESSELS) REGULATIONS	Gazette Number:	
Regulation:	3C	Heading:	Display of licence discs	Version Date:	30/06/1997

(1) The licensed owner shall display at all times in a conspicuous position on his pleasure vessel (other than a pleasure vessel ordinarily attached to or carried on it to which regulation 3(8) applies) the current licence disc issued under regulation 3(3) or 3A in respect of the vessel.

(2) A licensed owner who fails to comply with paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$2000. (L.N. 219 of 1981)

(3) A licensed owner who displays on his pleasure vessel a licence disc-

(a) which has expired or is not valid for any other reason; or

(b) on which the figures or other particulars are not legible,

shall be guilty of an offence and shall be liable on conviction to a fine of \$2000. (L.N. 219 of 1981)
(L.N. 55 of 1978)

Chapter:	316	Title:	CENSUS AND STATISTICS ORDINANCE	Gazette Number:	L.N. 106 of 2002
Section:	11	Heading:	Power to direct statistical surveys	Version Date:	01/07/2002

PART III

STATISTICAL SURVEYS

(1) The Secretary for Financial Services and the Treasury may, by order in the Gazette, direct that a statistical survey be carried out in relation to any matter specified in section 4(b) other than a census of population. (Amended 87 of 1993 s. 2; L.N. 106 of 2002)

(2) An order made under subsection (1)-

(a) shall specify-

(i) the purposes for which the survey is required;

(ii) the persons in respect of whom or matters in respect of which information is to be given for such purposes;

(iii) the class or description of persons who are required to give information for such purposes;

(iv) the date by which all completed schedules collected or received by census officers for the survey and all copies thereof shall be destroyed; and

(b) may-

(i) specify the date or dates on which or the period in respect of which the survey is to be carried out;

(ii) require any specified person to furnish to the Commissioner, in such form and manner and within such time as may be specified in the order, such estimates or returns as may

- be so specified relating to the matters which are the subject of the survey;
- (iii) authorize the use of sampling methods for the collection of the statistical information relevant to the survey.
-

Chapter:	316	Title:	CENSUS AND STATISTICS ORDINANCE	Gazette Number:	
Section:	11A	Heading:	Notification of voluntary statistical survey	Version Date:	30/06/1997

PART IIIA

VOLUNTARY STATISTICAL SURVEYS

(1) The Commissioner may, by notice in the Gazette, declare his intention to carry out a voluntary statistical survey under this Part to collect, compile, analyse, abstract and publish statistical information relating to the commercial, industrial, financial, social, economic and general activities and condition of the people.

(2) A notice under subsection (1) shall give a descriptive title to the survey and-

(a) shall so far as is practicable having regard to the purposes of the survey, specify-

(i) the nature of the survey;

(ii) the class or description of persons from whom information is sought;

(iii) the date by which all completed schedules collected or received by census officers for the survey and all copies thereof shall be destroyed; and

(b) may-

(i) specify the date or dates on which or the period in respect of which the survey is to be carried out;

(ii) permit the use of sampling methods for the collection of the statistical information relevant to the survey.

(Added 1 of 1990 s. 3)

Chapter:	330A	Title:	MOTOR VEHICLES (FIRST REGISTRATION TAX) (DEPRECIATION) REGULATIONS	Gazette Number:	
Regulation:	2	Heading:	Rates of depreciation	Version Date:	30/06/1997

(1) For the purposes of section 4E(2)(c) and (d) of the Ordinance, the rate of depreciation, where applicable, shall be- (29 of 1996 s. 7)

(a) in respect of petrol-driven motor vehicles, twenty-five per cent per annum;

(b) in respect of all other motor vehicles, twenty per cent per annum.

(2) In respect of any period of less than one year or any part of a year, depreciation shall be calculated by reference to the number of months in such period or part of a year and the rate shall be one-twelfth of the appropriate annual rate. (L.N. 114 of 1967)

Chapter:	341	Title:	ARBITRATION ORDINANCE	Gazette Number:	36 of 2000
Schedule:	5	Heading:	UNCITRAL MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION	Version Date:	16/06/2000

[section 2]

(As adopted by the United Nations Commission
on International Trade Law on 21 June 1985)

CHAPTER I. GENERAL PROVISIONS

Article 1. Scope of application*

(1) This Law applies to international commercial** arbitration, subject to any agreement in force between this State and any other State or States.

(2) The provisions of this Law, except articles 8, 9, 35 and 36, apply only if the place of arbitration is in the territory of this State.

(3) An arbitration is international if:

(a) the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different States; or

(b) one of the following places is situated outside the State in which the parties have their places of business:

(i) the place of arbitration if determined in, or pursuant to, the arbitration agreement;

(ii) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or

(c) the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one country.

(4) For the purposes of paragraph (3) of this article:

(a) if a party has more than one place of business, the place of business is that which has the closest relationship to the arbitration agreement;

(b) if a party does not have a place of business, reference is to be made to his habitual residence.

(5) This Law shall not affect any other law of this State by virtue of which certain disputes may not be submitted to arbitration or may be submitted to arbitration only according to provisions other than those of this Law.

Note: This article is subject to section 34C(2) of this Ordinance. (Added 75 of 1996 s. 17)

Article 2. Definitions and rules of interpretation

For the purposes of this Law:

- (a) "arbitration" means any arbitration whether or not administered by a permanent arbitral institution;
- (b) "arbitral tribunal" means a sole arbitrator or a panel of arbitrators;
- (c) "court" means a body or organ of the judicial system of a State;
- (d) where a provision of this Law, except article 28, leaves the parties free to determine a certain issue, such freedom includes the right of the parties to authorize a third party, including an institution, to make that determination;
- (e) where a provision of this Law refers to the fact that the parties have agreed or that they may agree or in any other way refers to an agreement of the parties, such agreement includes any arbitration rules referred to in that agreement;
- (f) where a provision of this Law, other than in articles 25(a) and 32(2)(a), refers to a claim, it also applies to a counter-claim, and where it refers to a defence, it also applies to a defence to such counter-claim.

Article 3. Receipt of written communications

- (1) Unless otherwise agreed by the parties:
 - (a) any written communication is deemed to have been received if it is delivered to the addressee personally or if it is delivered at his place of business, habitual residence or mailing address; if none of these can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last-known place of business, habitual residence or mailing address by registered letter or any other means which provides a record of the attempt to deliver it;
 - (b) the communication is deemed to have been received on the day it is so delivered.
- (2) The provisions of this article do not apply to communications in court proceedings.

Article 4. Waiver of right to object

A party who knows that any provision of this Law from which the parties may derogate or any requirement under the arbitration agreement has not been complied with and yet proceeds with the arbitration without stating his objection to such non-compliance without undue delay or, if a time-limit is provided therefor, within such period of time, shall be deemed to have waived his right to object.

Article 5. Extent of court intervention

In matters governed by this Law, no court shall intervene except where so provided in this Law.

Article 6. Court or other authority for certain functions of arbitration assistance and supervision

The functions referred to in articles 11(3), 11(4), 13(3), 14, 16(3) and 34(2) shall be performed by...[Each State enacting this model law specifies the court, courts or, where referred to therein, other authority competent to perform these functions.]

Note: This article is subject to section 34C(3) and (4) of this Ordinance. (Added 75 of 1996 s. 17)

CHAPTER II. ARBITRATION AGREEMENT

Article 7. Definition and form of arbitration agreement

(1) "Arbitration agreement" is an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not. An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(2) The arbitration agreement shall be in writing. An agreement is in writing if it is contained in a document signed by the parties or in an exchange of letters, telex, telegrams or other means of telecommunications which provide a record of the agreement, or in an exchange of statements of claim and defence in which the existence of an agreement is alleged by one party and not denied by another. The reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement provided that the contract is in writing and the reference is such as to make that clause part of the contract. (Amended 36 of 2000 s. 28)

Note: Section 2AC of this Ordinance applies instead of article 7(2). See subsection (5) of that section. (Added 75 of 1996 s. 17)

Article 8. Arbitration agreement and substantive claim before court

(1) A court before which an action is brought in a matter which is the subject of an arbitration agreement shall, if a party so requests not later than when submitting his first statement on the substance of the dispute, refer the parties to arbitration unless it finds that the agreement is null and void, inoperative or incapable of being performed.

(2) Where an action referred to in paragraph (1) of this article has been brought, arbitral proceedings may nevertheless be commenced or continued, and an award may be made, while the issue is pending before the court.

Article 9. Arbitration agreement and interim measures by court

It is not incompatible with an arbitration agreement for a party to request, before or during arbitral proceedings, from a court an interim measure of protection and for a court to grant such measure.

CHAPTER III. COMPOSITION OF ARBITRAL TRIBUNAL

Article 10. Number of arbitrators

(1) The parties are free to determine the number of arbitrators.

(2) Failing such determination, the number of arbitrators shall be three.

Note: This article is subject to section 34C(5) of this Ordinance. (Added 75 of 1996 s. 17. Amended 80 of 1997 s. 102)

Article 11. Appointment of arbitrators

(1) No person shall be precluded by reason of his nationality from acting as an arbitrator, unless otherwise agreed by the parties.

(2) The parties are free to agree on a procedure of appointing the arbitrator or arbitrators, subject to the provisions of paragraphs (4) and (5) of this article.

(3) Failing such agreement,

(a) in an arbitration with 3 arbitrators, each party shall appoint one arbitrator, and the 2 arbitrators thus appointed shall appoint the third arbitrator; if a party fails to appoint the arbitrator within 30 days of receipt of a request to do so from the other party, or if the 2 arbitrators fail to agree on the third arbitrator within 30 days of their appointment, the

- appointment shall be made, upon request of a party, by the court or other authority specified in article 6;
- (b) in an arbitration with a sole arbitrator, if the parties are unable to agree on the arbitrator, he shall be appointed, upon request of a party, by the court or other authority specified in article 6.
- (4) Where, under an appointment procedure agreed upon by the parties,
- (a) a party fails to act as required under such procedure, or
 - (b) the parties, or 2 arbitrators, are unable to reach an agreement expected of them under such procedure, or
 - (c) a third party, including an institution, fails to perform any function entrusted to it under such procedure, any party may request the court or other authority specified in article 6 to take the necessary measure, unless the agreement on the appointment procedure provides other means for securing the appointment.
- (5) A decision on a matter entrusted by paragraph (3) or (4) of this article to the court or other authority specified in article 6 shall be subject to no appeal. The court or other authority, in appointing an arbitrator, shall have due regard to any qualifications required of the arbitrator by the agreement of the parties and to such considerations as are likely to secure the appointment of an independent and impartial arbitrator and, in the case of a sole or third arbitrator, shall take into account as well the advisability of appointing an arbitrator of a nationality other than those of the parties.

Article 12. Grounds for challenge

- (1) When a person is approached in connection with his possible appointment as an arbitrator, he shall disclose any circumstances likely to give rise to justifiable doubts as to his impartiality or independence. An arbitrator, from the time of his appointment and throughout the arbitral proceedings, shall without delay disclose any such circumstances to the parties unless they have already been informed of them by him.
- (2) An arbitrator may be challenged only if circumstances exist that give rise to justifiable doubts as to his impartiality or independence, or if he does not possess qualifications agreed to by the parties. A party may challenge an arbitrator appointed by him, or in whose appointment he has participated only for reasons of which he becomes aware after the appointment has been made.

Article 13. Challenge procedure

- (1) The parties are free to agree on a procedure for challenging an arbitrator, subject to the provisions of paragraph (3) of this article.
- (2) Failing such agreement, a party who intends to challenge an arbitrator shall, within 15 days after becoming aware of the constitution of the arbitral tribunal or after becoming aware of any circumstance referred to in article 12(2), send a written statement of the reasons for the challenge to the arbitral tribunal. Unless the challenged arbitrator withdraws from his office or the other party agrees to the challenge, the arbitral tribunal shall decide on the challenge.
- (3) If a challenge under any procedure agreed upon by the parties or under the procedure of paragraph (2) of this article is not successful, the challenging party may request, within 30 days after having received notice of the decision rejecting the challenge, the court or other authority specified in article 6 to decide on the challenge, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal, including the challenged arbitrator, may continue the arbitral proceedings and make an award.

Article 14. Failure or impossibility to act

- (1) If an arbitrator becomes de jure or de facto unable to perform his functions or for other reasons

fails to act without undue delay, his mandate terminates if he withdraws from his office or if the parties agree on the termination. Otherwise, if a controversy remains concerning any of these grounds, any party may request the court or other authority specified in article 6 to decide on the termination of the mandate, which decision shall be subject to no appeal.

(2) If, under this article or article 13(2), an arbitrator withdraws from his office or a party agrees to the termination of the mandate of an arbitrator, this does not imply acceptance of the validity of any ground referred to in this article or article 12(2).

Article 15. Appointment of substitute arbitrator

Where the mandate of an arbitrator terminates under article 13 or 14 or because of his withdrawal from office for any other reason or because of the revocation of his mandate by agreement of the parties or in any other case of termination of his mandate, a substitute arbitrator shall be appointed according to the rules that were applicable to the appointment of the arbitrator being replaced.

CHAPTER IV. JURISDICTION OF ARBITRAL TRIBUNAL

Article 16. Competence of arbitral tribunal to rule on its jurisdiction

(1) The arbitral tribunal may rule on its own jurisdiction, including any objections with respect to the existence or validity of the arbitration agreement. For that purpose, an arbitration clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract. A decision by the arbitral tribunal that the contract is null and void shall not entail ipso jure the invalidity of the arbitration clause.

(2) A plea that the arbitral tribunal does not have jurisdiction shall be raised not later than the submission of the statement of defence. A party is not precluded from raising such a plea by the fact that he has appointed, or participated in the appointment of, an arbitrator. A plea that the arbitral tribunal is exceeding the scope of its authority shall be raised as soon as the matter alleged to be beyond the scope of its authority is raised during the arbitral proceedings. The arbitral tribunal may, in either case, admit a later plea if it considers the delay justified.

(3) The arbitral tribunal may rule on a plea referred to in paragraph (2) of this article either as a preliminary question or in an award on the merits. If the arbitral tribunal rules as a preliminary question that it has jurisdiction, any party may request, within 30 days after having received notice of that ruling, the court specified in article 6 to decide the matter, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal may continue the arbitral proceedings and make an award.

Article 17. Power of arbitral tribunal to order interim measures

Unless otherwise agreed by the parties, the arbitral tribunal may, at the request of a party, order any party to take such interim measure of protection as the arbitral tribunal may consider necessary in respect of the subject-matter of the dispute. The arbitral tribunal may require any party to provide appropriate security in connection with such measure.

CHAPTER V. CONDUCT OF ARBITRAL PROCEEDINGS

Article 18. Equal treatment of parties

The parties shall be treated with equality and each party shall be given a full opportunity of presenting his case.

Article 19. Determination of rules of procedure

(1) Subject to the provisions of this Law, the parties are free to agree on the procedure to be followed by the arbitral tribunal in conducting the proceedings.

(2) Failing such agreement, the arbitral tribunal may, subject to the provisions of this Law, conduct the arbitration in such manner as it considers appropriate. The power conferred upon the arbitral tribunal includes the power to determine the admissibility, relevance, materiality and weight of any evidence.

Article 20. Place of arbitration

(1) The parties are free to agree on the place of arbitration. Failing such agreement, the place of arbitration shall be determined by the arbitral tribunal having regard to the circumstances of the case, including the convenience of the parties.

(2) Notwithstanding the provisions of paragraph (1) of this article, the arbitral tribunal may, unless otherwise agreed by the parties, meet at any place it considers appropriate for consultation among its members, for hearing witnesses, experts or the parties, or for inspection of goods, other property or documents.

Article 21. Commencement of arbitral proceedings

Unless otherwise agreed by the parties, the arbitral proceedings in respect of a particular dispute commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent.

Article 22. Language

(1) The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the arbitral tribunal shall determine the language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

(2) The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the arbitral tribunal.

Article 23. Statements of claim and defence

(1) Within the period of time agreed by the parties or determined by the arbitral tribunal, the claimant shall state the facts supporting his claim, the points at issue and the relief or remedy sought, and the respondent shall state his defence in respect of these particulars, unless the parties have otherwise agreed as to the required elements of such statements. The parties may submit with their statements all documents they consider to be relevant or may add a reference to the documents or other evidence they will submit.

(2) Unless otherwise agreed by the parties, either party may amend or supplement his claim or defence during the course of the arbitral proceedings, unless the arbitral tribunal considers it inappropriate to allow such amendment having regard to the delay in making it.

Article 24. Hearings and written proceedings

(1) Subject to any contrary agreement by the parties, the arbitral tribunal shall decide whether to hold oral hearings for the presentation of evidence or for oral argument, or whether the proceedings shall be conducted on the basis of documents and other materials. However, unless the parties have agreed that no hearings shall be held, the arbitral tribunal shall hold such hearings at an appropriate stage of the

proceedings, if so requested by a party.

(2) The parties shall be given sufficient advance notice of any hearing and of any meeting of the arbitral tribunal for the purposes of inspection of goods, other property or documents.

(3) All statements, documents or other information supplied to the arbitral tribunal by one party shall be communicated to the other party. Also any expert report or evidentiary document on which the arbitral tribunal may rely in making its decision shall be communicated to the parties.

Article 25. Default of a party

Unless otherwise agreed by the parties, if, without showing sufficient cause,

- (a) the claimant fails to communicate his statement of claim in accordance with article 23(1), the arbitral tribunal shall terminate the proceedings;
- (b) the respondent fails to communicate his statement of defence in accordance with article 23(1), the arbitral tribunal shall continue the proceedings without treating such failure in itself as an admission of the claimant's allegations;
- (c) any party fails to appear at a hearing or to produce documentary evidence, the arbitral tribunal may continue the proceedings and make the award on the evidence before it.

Article 26. Expert appointed by arbitral tribunal

(1) Unless otherwise agreed by the parties, the arbitral tribunal

- (a) may appoint one or more experts to report to it on specific issues to be determined by the arbitral tribunal;
- (b) may require a party to give the expert any relevant information or to produce, or to provide access to, any relevant documents, goods or other property for his inspection.

(2) Unless otherwise agreed by the parties, if a party so requests or if the arbitral tribunal considers it necessary, the expert shall, after delivery of his written or oral report, participate in a hearing where the parties have the opportunity to put questions to him and to present expert witnesses in order to testify on the points at issue.

Article 27. Court assistance in taking evidence

The arbitral tribunal or a party with the approval of the arbitral tribunal may request from a competent court of this State assistance in taking evidence. The court may execute the request within its competence and according to its rules on taking evidence.

CHAPTER VI. MAKING OF AWARD AND TERMINATION OF PROCEEDINGS

Article 28. Rules applicable to substance of dispute

(1) The arbitral tribunal shall decide the dispute in accordance with such rules of law as are chosen by the parties as applicable to the substance of the dispute. Any designation of the law or legal system of a given State shall be construed, unless otherwise expressed, as directly referring to the substantive law of that State and not to its conflict of laws rules.

(2) Failing any designation by the parties, the arbitral tribunal shall apply the law determined by the conflict of laws rules which it considers applicable.

(3) The arbitral tribunal shall decide *ex aequo et bono* or as *amiable compositeur* only if the parties have expressly authorized it to do so.

(4) In all cases, the arbitral tribunal shall decide in accordance with the terms of the contract and shall

take into account the usages of the trade applicable to the transaction.

Article 29. Decision making by panel of arbitrators

In arbitral proceedings with more than one arbitrator, any decision of the arbitral tribunal shall be made, unless otherwise agreed by the parties, by a majority of all its members. However, questions of procedure may be decided by a presiding arbitrator, if so authorized by the parties or all members of the arbitral tribunal.

Article 30. Settlement

(1) If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.

(2) An award on agreed terms shall be made in accordance with the provisions of article 31 and shall state that it is an award. Such an award has the same status and effect as any other award on the merits of the case.

Article 31. Form and contents of award

(1) The award shall be made in writing and shall be signed by the arbitrator or arbitrators. In arbitral proceedings with more than one arbitrator, the signatures of the majority of all members of the arbitral tribunal shall suffice, provided that the reason for any omitted signature is stated.

(2) The award shall state the reasons upon which it is based, unless the parties have agreed that no reasons are to be given or the award is an award on agreed terms under article 30.

(3) The award shall state its date and the place of arbitration as determined in accordance with article 20(1). The award shall be deemed to have been made at that place.

(4) After the award is made, a copy signed by the arbitrators in accordance with paragraph (1) of this article shall be delivered to each party.

Article 32. Termination of proceedings

(1) The arbitral proceedings are terminated by the final award or by an order of the arbitral tribunal in accordance with paragraph (2) of this article.

(2) The arbitral tribunal shall issue an order for the termination of the arbitral proceedings when:

(a) the claimant withdraws his claim, unless the respondent objects thereto and the arbitral tribunal recognizes legitimate interest on his part in obtaining a final settlement of the dispute;

(b) the parties agree on the termination of the proceedings;

(c) the arbitral tribunal finds that the continuation of the proceedings has for any other reason become unnecessary or impossible.

(3) The mandate of the arbitral tribunal terminates with the termination of the arbitral proceedings, subject to the provisions of articles 33 and 34(4).

Article 33. Correction and interpretation of award; additional award

(1) Within 30 days of receipt of the award, unless another period of time has been agreed upon by the parties:

(a) a party, with notice to the other party, may request the arbitral tribunal to correct in the award any errors in computation, any clerical or typographical errors or any errors of similar nature;

(b) if so agreed by the parties, a party, with notice to the other party, may request the arbitral tribunal to give an interpretation of a specific point or part of the award. If the arbitral tribunal considers the request to be justified, it shall make the correction or give the interpretation within 30 days of receipt of the request. The interpretation shall form part of the award.

(2) The arbitral tribunal may correct any error of the type referred to in paragraph (1)(a) of this article on its own initiative within 30 days of the date of the award.

(3) Unless otherwise agreed by the parties, a party, with notice to the other party, may request, within 30 days of receipt of the award, the arbitral tribunal to make an additional award as to claims presented in the arbitral proceedings but omitted from the award. If the arbitral tribunal considers the request to be justified, it shall make the additional award within 60 days.

(4) The arbitral tribunal may extend, if necessary, the period of time within which it shall make a correction, interpretation or an additional award under paragraph (1) or (3) of this article.

(5) The provisions of article 31 shall apply to a correction or interpretation of the award or to an additional award.

CHAPTER VII. RECOURSE AGAINST AWARD

Article 34. Application for setting aside as exclusive recourse against arbitral award

(1) Recourse to a court against an arbitral award may be made only by an application for setting aside in accordance with paragraphs (2) and (3) of this article.

(2) An arbitral award may be set aside by the court specified in article 6 only if:

(a) the party making the application furnishes proof that:

(i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of this State; or

(ii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or

(iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the award which contains decisions on matters not submitted to arbitration may be set aside; or

(iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Law from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Law; or

(b) the court finds that:

(i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or

(ii) the award is in conflict with the public policy of this State.

(3) An application for setting aside may not be made after 3 months have elapsed from the date on which the party making that application had received the award or, if a request had been made under article 33, from the date on which that request had been disposed of by the arbitral tribunal.

(4) The court, when asked to set aside an award, may, where appropriate and so requested by a party, suspend the setting aside proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the arbitral tribunal's opinion will eliminate the grounds for setting aside.

CHAPTER VIII. RECOGNITION AND ENFORCEMENT OF AWARDS

Note: This Chapter does not apply to international arbitration agreements or to arbitrations under those agreements. See section 34C(1) of this Ordinance. (Added 75 of 1996 s. 17)

Article 35. Recognition and enforcement

(1) An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and, upon application in writing to the competent court, shall be enforced subject to the provisions of this article and of article 36.

(2) The party relying on an award or applying for its enforcement shall supply the duly authenticated original award or a duly certified copy thereof, and the original arbitration agreement referred to in article 7 or a duly certified copy thereof. If the award or agreement is not made in an official language of this State, the party shall supply a duly certified translation thereof into such language.***

Article 36. Grounds for refusing recognition or enforcement

(1) Recognition or enforcement of an arbitral award, irrespective of the country in which it was made, may be refused only:

- (a) at the request of the party against whom it is invoked, if that party furnishes to the competent court where recognition or enforcement is sought proof that:
 - (i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or
 - (ii) the party against whom the award is invoked was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or
 - (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or
 - (v) the award has not yet become binding on the parties or has been set aside or suspended by a court of the country in which, or under the law of which, that award was made; or
- (b) if the court finds that:
 - (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or
 - (ii) the recognition or enforcement of the award would be contrary to the public policy of this State.

(2) If an application for setting aside or suspension of an award has been made to a court referred to in paragraph (1)(a)(v) of this article, the court where recognition or enforcement is sought may, if it considers it proper, adjourn its decision and may also, on the application of the party claiming recognition or enforcement of the award, order the other party to provide appropriate security.

(Fifth Schedule added 64 of 1989 s. 25)

- * **Article headings are for reference purposes only and are not to be used for purposes of interpretation.**
- ** **The term "commercial" should be given a wide interpretation so as to cover matters arising from all relationships of a commercial nature, whether contractual or not. Relationships of a commercial nature include, but are not limited to, the following transactions: any trade transaction for the supply or exchange of goods or services; distribution agreement; commercial representation or agency; factoring; leasing; construction of works; consulting; engineering; licensing; investment; financing; banking; insurance; exploitation agreement or concession; joint venture and other forms of industrial or business co-operation; carriage of goods or passengers by air, sea, rail or road.**
- *** **The conditions set forth in this paragraph are intended to set maximum standards. It would, thus, not be contrary to the harmonization to be achieved by the model law if a State retained even less onerous conditions.)**

Chapter:	342	Title:	CUSTOMS AND EXCISE SERVICE ORDINANCE	Gazette Number:	L.N. 235 of 1998
Schedule:	2	Heading:	ORDINANCES REFERRED TO IN SECTIONS 17 AND 17A	Version Date:	29/05/1998

[sections 17 & 17A]

Copyright Ordinance (Cap 528) (Replaced 92 of 1997 s. 280)
 Import and Export Ordinance (Cap 60)
 Post Office Ordinance (Cap 98)
 Dutiable Commodities Ordinance (Cap 109)
 Pesticides Ordinance (Cap 133) (Added L.N. 143 of 1977. Amended 79 of 1990 s. 21)
 Dangerous Drugs Ordinance (Cap 134)
 Antibiotics Ordinance (Cap 137)
 Pharmacy and Poisons Ordinance (Cap 138)
 Acetylating Substances (Control) Ordinance (Cap 145) (Added L.N. 253 of 1975)
 Animals and Plants (Protection of Endangered Species) Ordinance (Cap 187) (Added L.N. 235 of 1976)
 Plant (Importation and Pest Control) Ordinance (Cap 207) (Added L.N. 117 of 1976)
 Weapons Ordinance (Cap 217) (Added L.N. 361 of 1981)
 Firearms and Ammunition Ordinance (Cap 238) (Replaced L.N. 361 of 1981)
 Dangerous Goods Ordinance (Cap 295) (Added L.N. 1 of 1974)
 Reserved Commodities Ordinance (Cap 296) (Added L.N. 73 of 1983)
 Air Pollution Control Ordinance (Cap 311) (Added 13 of 1993 s. 37)
 Trade Descriptions Ordinance (Cap 362) (Replaced 39 of 1980 s. 37)
 Control of Obscene and Indecent Articles Ordinance (Cap 390) (Replaced L.N. 132 of 1987)
 Ozone Layer Protection Ordinance (Cap 403) (Added 24 of 1989 s. 19)
 Drug Trafficking (Recovery of Proceeds) Ordinance (Cap 405) (Added 35 of 1989 s. 33)

Rabies Ordinance (Cap 421) (Added L.N. 452 of 1995)
 Toys and Children's Products Safety Ordinance (Cap 424) (Added 80 of 1992 s. 36)
 Organized and Serious Crimes Ordinance (Cap 455) (Added 82 of 1994 s. 35)
 Consumer Goods Safety Ordinance (Cap 456) (Added 84 of 1994 s. 36)
 Mutual Legal Assistance in Criminal Matters Ordinance (Cap 525) (Added 87 of 1997 s. 36)
 Prevention of Copyright Piracy Ordinance (Cap 544) (Added 22 of 1998 s. 42)
 (Amended 13 of 1995 s. 2)

Chapter:	354	Title:	WASTE DISPOSAL ORDINANCE	Gazette Number:	L.N. 320 of 1999
Section:	33	Heading:	Regulations	Version Date:	01/01/2000

(1) The Governor in Council may after consultation with the Advisory Council on the Environment by regulation provide for- (Amended L.N. 165 of 1984; 8 of 1986 s. 8; L.N. 57 of 1994; 78 of 1999 s. 7)

- (a) the additional wastes or classes of waste to which a draft waste disposal plan under section 3 shall apply;
- (b) the design and construction of containers or enclosures for the storage of animal waste;
- (ba) the capacity, design, type, number, construction and materials used in the construction of containers provided in or on livestock premises for the storage of livestock waste; (Added 58 of 1987 s. 11)
- (bb) the capacity, design, type, number, construction and materials used in the construction of containers provided outside livestock premises for the collection of livestock waste; (Added 58 of 1987 s. 11)
- (c) the precautions to be taken to guard against dangers to public health or risks of pollution arising from waste;
- (d) the waste or classes of waste that may be disposed of under section 16 without a licence;
- (e) any substance, matter or thing to be defined as chemical waste with reference to such substance or chemical as may be prescribed and exceptions thereto, including the exception of any substance, matter or thing-
 - (i) of a class or description specified by the Director by notice in the Gazette; or
 - (ii) which the Director is satisfied having regard to such criteria or procedures as may be prescribed, does not constitute a danger to health or risk of pollution to the environment; (Replaced 86 of 1991 s. 12)
- (ea) the class, quantity or other description of waste in respect of which notice is to be given under section 17; (Added 86 of 1991 s. 12)
- (eb) exemptions or exclusions from the requirement to give notice under section 17 or from the regulations or any requirement thereof; (Added 86 of 1991 s. 12)
- (ec) the registration of persons producing or causing to be produced any waste, the keeping of a register or registers by the Director for that purpose and the particulars to be entered in any such register or registers; (Added 86 of 1991 s. 12)
- (ed) applications for registration and other procedures relating to registration; (Added 86 of 1991 s. 12)
- (ee) the inspection of the register in such places and at such times as may be determined by the Director and the issue by him of certified copies of entries in the register; (Added 86 of 1991 s. 12)

- (ef) the amendment of the register by the Director and the assignment, amendment or cancellation by him of registration numbers; (Added 86 of 1991 s. 12)
- (eg) prohibitions against producing or causing to be produced any waste by an unregistered person and the invalidity of the transfer of any registration; (Added 86 of 1991 s. 12)
- (f) the capacity, design, construction and materials to be used in the construction of containers holding beverages or fluids;
- (g) prohibiting the distribution of containers or any class of container which do or does not comply with such requirements as may be prescribed under paragraph (f), and without prejudice to the generality of the foregoing, such prohibition may be by reference to-
 - (i) the type of container;
 - (ii) the date of distribution;
 - (iii) place of distribution by retail sale;
 - (iv) the type of beverage or fluid;
 - (v) the source of the container;
- (h) the storage of any waste, the places, manner and conditions in which it is to be stored including-
 - (i) requirements as to containers for storage;
 - (ii) the labelling of such containers;
 - (iii) specifications of and particulars to be contained in such labels;
 - (iv) the display of notices in places of storage;
 - (v) specifications of and particulars to be contained in such notices; and
 - (vi) the maximum quantity of waste that may be stored; (Replaced 86 of 1991 s. 12)
- (ha) the collection, removal, transportation, transfer, reception, import or export or disposal, including treatment, reprocessing and recycling of any waste including in particular the arrangements to be made and the procedure to be observed in relation to such activities; (Added 86 of 1991 s. 12)
- (hb) the duties of any person producing, causing to be produced, or in possession of any waste or engaged in or connected with any activity described in paragraph (ha); (Added 86 of 1991 s. 12)
- (i) any fees and charges payable under this Ordinance; (Amended 8 of 1986 s. 8; 78 of 1999 s. 7)
- (j) the charges payable to the Director for any service provided by or on behalf of the Crown in relation to the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of any waste or class of waste; (Replaced 14 of 1995 s. 8)
- (ja) the procedure for appeals under Part VI and the forms to be used in relation to such appeals; (Added 86 of 1991 s. 12)
- (jb) the service of any notice under this Ordinance; (Added 14 of 1995 s. 8)
- (k) prescribing anything which is to be or may be prescribed by regulations.
- (l) different requirements in relation to wastes of different classes or descriptions; (Added 86 of 1991 s. 12)
- (m) generally carrying into effect the provisions of this Ordinance. (Added 86 of 1991 s. 12)
- (1A) Regulations made under this section may-
 - (a) empower the Director-
 - (i) to issue any document, in such form as he may determine, to be used in relation to the production, possession, collection, transportation, transfer, reception, import or export or disposal including treatment, reprocessing or recycling of any waste;
 - (ii) in such document to specify particulars or information to be supplied by any person engaged in or connected with any activity referred to in subparagraph (i);
 - (iii) without prejudice to subparagraph (ii), to require from any person specified in the regulations information as he may consider appropriate relating to any activity referred

- to in subparagraph (i);
 - (iv) to specify additional particulars in respect of any labels required pursuant to subsection (1)(h);
 - (v) to require the removal from any place of any waste which in his opinion is a threat to the health or safety of any person or constitutes a risk of pollution to the environment;
 - (vi) to approve or otherwise-
 - (A) arrangements made for the disposal of chemical waste in circumstances as may be prescribed; or
 - (B) storage of waste in excess of a prescribed maximum quantity;
 - (vii) to grant exemptions with or without conditions from the regulations or any specified provision of the regulations; or
 - (viii) to determine or specify the form of any document (not being a document the form of which is prescribed) required for the purposes of the regulations;
 - (b) provide-
 - (i) in respect of chemical waste, that notwithstanding that regulations relating thereto have come into operation, they or any provision thereof shall not apply to such waste until a day appointed by the Director by notice in the Gazette for the purpose and that he may appoint different days with reference to any chemical or substance prescribed under subsection (1)(e) or a chemical or substance which is included in or is a constituent or component of such chemical or substance;
 - (ii) that any requirement to register imposed on a person pursuant to the regulations shall not apply to such persons and for such period or under such circumstances as may be prescribed. (Added 86 of 1991 s. 12)
- (1B) Without prejudice to the generality of subsection (1)(j), regulations made under that subsection may-
- (a) provide for different levels of charges to be payable for waste received at different transfer, reception or disposal points or for waste delivered in different types of vehicle;
 - (b) where any service referred to in that subsection is provided in response to an accident or emergency involving waste (and whether or not in consequence of the accident or emergency there is an imminent danger to any person or property), provide for different or additional charges than would be the case where any such service is provided otherwise than in response to such an accident or emergency;
 - (c) where any charge (including part of any charge) prescribed under that subsection remains unpaid after becoming due and payable, provide for the imposition of a surcharge not exceeding 20% of that charge;
 - (d) provide for the recovery of any charge (including any surcharge) prescribed under that subsection. (Added 14 of 1995 s. 8)
- (2) Regulations under this section may provide-
- (a) that-
 - (i) a contravention of any specified provision thereof; or
 - (ii) to knowingly or recklessly provide incorrect or misleading information or omit material particulars or information or knowingly or recklessly certify as correct anything which is incorrect, in relation to any requirement in the regulations, shall be an offences punishable with a fine not exceeding \$200000 and imprisonment not exceeding 6 months; and
 - (b) that if a person is convicted of an offence referred to in paragraph (a) and that offence is a continuing offence, such person shall, in addition to the penalties which may be imposed under that paragraph, be liable to a fine of \$10000 for each day on which the offence continues. (Replaced 86 of 1991 s. 12)
- (3) Regulations under this section may, in respect of any charge payable to the Director incurred or to be incurred under this Ordinance, provide for-

- (a) the Director to authorize the deferral of payment of the charge for a period specified by the Director and, in that connection, to specify the security (if any) to be furnished to and received by the Director as guarantee for payment of the deferred charge;
 - (b) the appointment by the Director of a person to collect on the Director's behalf the charge or any security referred to in paragraph (a);
 - (c) methods of the collection of the charge or security by the Director or by any person appointed under paragraph (b) and the manner in which a charge or security so collected should be accounted for. (Added 10 of 1997 s. 3)
- (4) Regulations under this section may, as regards any premises used for or in connection with the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of waste (which activities are referred to in this subsection as "relevant activities" (有關活動))-
- (a) provide for-
 - (i) the regulation of traffic within, entering or leaving the premises;
 - (ii) the safety of persons present in the premises;
 - (iii) the avoidance of any nuisance or any risk of damage to health or the environment arising from the carrying on of any activity in the premises;
 - (iv) the prevention of any disruption to the operation of the premises or the carrying out of any relevant activity in the premises;
 - (v) measures to prevent or deter the commission of any offence under this Ordinance in or in relation to the premises;
 - (vi) means of detecting the commission of any offence against this Ordinance in or in relation to the premises;
 - (vii) measures to deter the evasion of any charges payable under this Ordinance in connection with a relevant activity in the premises;
 - (b) confer on the Director such powers as may be necessary or expedient for achieving the purposes specified in paragraph (a)(i) to (vii);
 - (c) authorize the Director-
 - (i) to delegate-
 - (A) any person charged with carrying out or assisting in the carrying out of any relevant activity in such premises, or any person employed by such person; or
 - (B) any person charged with the collection of charges payable to the Director under this Ordinance or any person employed by such person,to exercise any of the powers conferred on the Director by regulations made under paragraph (b);
 - (ii) to give directions of a general character to any person such as is specified in subparagraph (i) in relation to the performance of functions or the exercise of powers vested by this Ordinance. (Added 10 of 1997 s. 3)
- (5) Regulations under this section-
- (a) may require the disclosure by a third person of information concerning the identity of any person who, being the driver of a vehicle, is suspected of having committed an offence against this Ordinance and may provide for the admission into evidence in proceedings for an offence under this Ordinance of information so obtained as proof of the identity of the driver of a vehicle at the time of the offence;
 - (b) may provide, for the purposes of any criminal proceedings under this Ordinance or any civil proceedings under this Ordinance, including proceedings for the recovery of any charge payable under this Ordinance, for the admission into evidence of any document-
 - (i) produced by means of an image recording or printing device; or
 - (ii) purporting to be a record concerning such a device,as proof of the matters contained in such document. (Added 10 of 1997 s. 3)
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Chapter:	354	Title:	WASTE DISPOSAL ORDINANCE	Gazette Number:	
Schedule:	6	Heading:	WASTE TO WHICH SECTIONS 20A(1)(a) AND 20B(1)(a) APPLY	Version Date:	30/06/1997

[sections 20A, 20B & 20H
& Seventh Schedule]

In this Schedule-

- (a) the first digits of the code number of the Harmonised Commodity Description and Coding System (or Harmonised System) are, wherever possible, listed in column 2 opposite an entry as a possible cross reference to the Harmonised System;
- (b) the indicative "ex" against a number in column 2 identifies a specific item contained within the Harmonised System code heading;
- (c) "non-dispersible"(非擴散性) in relation to waste does not include any waste in the form of powder, sludge, dust or solid items containing encased hazardous liquids.

GA-Metal and metal-alloy waste in metallic, non-dispersible form

The following waste and scrap of precious metals and their alloys:

GA010	ex711210	-of gold ¹
GA020	ex711220	-of platinum ¹ (the expression "platinum" includes platinum, iridium, osmium, palladium, rhodium and ruthenium)
GA030	ex711290	-of other precious metal ¹ , e.g. silver

The following ferrous waste and scrap of iron or steel:

GA040	720410	-Waste and scrap of cast iron
GA050	720421	-Waste and scrap of stainless steel
GA060	720429	-Waste and scrap of other alloy steels
GA070	720430	-Waste and scrap of tinned iron or steel
GA080	720441	-Turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles
GA090	720449	-Other ferrous waste and scrap
GA100	720450	-Remelted scrap ingots
GA110	ex730210	-Used iron and steel rails

The following waste and scrap of non-ferrous metals and their alloys:

GA120	740400	-Copper waste and scrap
GA130	750300	-Nickel waste and scrap
GA140	760200	-Aluminium waste and scrap
GA150	ex780200	-Lead waste and scrap
GA160	790200	-Zinc waste and scrap
GA170	800200	-Tin waste and scrap
GA180	ex810191	-Tungsten waste and scrap
GA190	ex810291	-Molybdenum waste and scrap
GA200	810420	-Magnesium waste and scrap
GA220	ex810510	-Cobalt waste and scrap
GA230	ex810600	-Bismuth waste and scrap
GA240	ex810710	-Cadmium waste and scrap
GA250	ex810810	-Titanium waste and scrap
GA260	ex810910	-Zirconium waste and scrap
GA270	ex811000	-Antimony waste and scrap
GA280	ex811100	-Manganese waste and scrap
GA290	ex811211	-Beryllium waste and scrap
GA300	ex811220	-Chromium waste and scrap
GA310	ex811230	-Germanium waste and scrap
GA320	ex811240	-Vanadium waste and scrap
	ex811291	Waste and scrap of
GA330		-Hafnium
GA340		-Indium
GA350		-Niobium
GA360		-Rhenium
GA370		-Gallium
GA380		-Thallium
GA390	ex284430	-Thorium waste and scrap
GA400	ex280490	-Selenium waste and scrap
GA410	ex280450	-Tellurium waste and scrap
GA420	ex280530	-Rare earth waste and scrap

GB-Metal bearing waste arising from melting, smelting and refining of metals

GB010	262011	-Hard zinc spelter
GB020		Zinc containing dross:
GB021		-Galvanizing slab zinc top dross (>90% Zn)
GB022		-Galvanizing slab zinc bottom dross (>92% Zn)
GB023		-Zinc die casting dross (>85% Zn)
GB024		-Hot dip galvanizers slab zinc dross (batch) (>92% Zn)
GB025		-Zinc skimmings
GB030		Aluminium skimmings
GB040		Slags from precious metals and copper processing for further refining
GB050		Tantalum bearing tin slags with less than 0.5% tin

GC-Other waste containing metals

GC010		Electrical assemblies consisting only of metals or alloys
GC020		Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery
GC030	ex890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
GC040		Motor vehicle wrecks, drained of liquids
GC050		Spent catalysts:
GC051		-fluid catalytic cracking (FCC) catalysts
GC052		-precious metal bearing catalysts
GC053		-transition metal catalysts (e.g. chromium, cobalt, copper, iron, nickel, manganese, molybdenum, tungsten, vanadium, zinc)
GC070	ex261900	Slag arising from the manufacture of iron or steel(2) excluding those slags which have been specifically produced to meet both national and relevant international requirements and standards, including environmental protection specifications

GD-Waste from mining operations: this waste to be in non-dispersible form

GD010	ex250490	Natural graphite waste
GD020	ex251400	Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
GD030	252530	Mica waste
GD040	ex252930	Leucite, nepheline and nepheline syenite waste
GD050	ex252910	Felspar waste
GD060	ex252921 ex252922	Fluorspar waste
GD070	ex281122	Silica waste in solid form excluding those used in foundry operations

GE-Glass waste in non-dispersible form

GE010	ex700100	Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
GE020		Fibre glass waste

GF-Ceramic waste in non-dispersible form

GF010		Ceramic waste which has been fired after shaping, including ceramic vessels (before and/or after use)
GF020	ex811300	Cermet waste and scrap (metal ceramic composites)
GF030		Ceramic based fibres not specified or included in the Seventh Schedule

GG-Other waste containing principally inorganic constituents, which may contain metals and organic material

GG010		Partially refined calcium sulphate produced from flue gas desulphurisation (FGD)
GG020		Waste gypsum wallboard or plasterboard arising from the demolition of buildings
GG030	ex2621	Bottom ash and slag tap from coal fired power plants
GG040	ex2621	Coal fired power plants fly ash
GG050		Anode butts of petroleum coke and/or bitumen
GG060	ex2803	Spent activated carbon
GG080	ex262100	Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
GG090		Sulphur in solid form
GG100		Limestone from the production of calcium cyanamide (having a pH less than 9)
GG110	ex262100	Neutralized red mud from alumina production
GG120		Sodium, potassium, calcium chlorides
GG130		Carborundum (silicon carbide)
GG140		Broken concrete
GG150	ex262090	Lithium-Tantalum and Lithium-Niobium containing glass scraps

GH-Solid plastic waste

All solid plastic waste including but not limited to:

GH010	3915	Waste, parings and scrap of plastics of:
GH011	ex391510	-polymers of ethylene
GH012	ex391520	-polymers of styrene
GH013	ex391530	-polymers of vinyl chloride
GH014	ex391590	-polymers or co-polymers e.g.: <ul style="list-style-type: none"> · polypropylene · polyethylene terephthalate · acrylonitrile co-polymer · butadiene co-polymer · styrene co-polymer · polyamides · polybutylene terephthalates · polycarbonates · polyphenylene sulphides · acrylic polymers · paraffins (C10-C13)³ · polyurethane (not containing chlorofluorocarbons) · polysiloxanes (silicones) · polymethyl methacrylate · polyvinyl alcohol · polyvinyl butyral · polyvinyl acetate · polymers of fluorinated ethylene (Teflon, PTFE)
GH015	ex391590	-Resins or condensation products e.g.: <ul style="list-style-type: none"> · urea formaldehyde resins · phenol formaldehyde resins · melamine formaldehyde resins · epoxy resins · alkyd resins · polyamides

GI-Paper, paperboard and paper product waste

GI010	4707	Waste and scrap of paper or paperboard:
GI011	470710	-of unbleached kraft paper or paperboard or of corrugated paper or paperboard
GI012	470720	-of other paper or paperboard, made mainly of bleached chemical pulp, not colored in the mass
GI013	470730	-of paper or paperboard made mainly of mechanical pulp (e.g. newspapers, journals and similar printed matter)
GI014	470790	-other, including but not limited to: <ol style="list-style-type: none"> 1) laminated paperboard 2) unsorted waste and scrap

GJ-Textile waste

GJ010	5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
GJ011	500310	-not carded or combed
GJ012	500390	-other
GJ020	5103	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
GJ021	510310	-noils of wool or of fine animal hair
GJ022	510320	-other waste of wool or of fine animal hair
GJ023	510330	-waste of coarse animal hair
GJ030	5202	Cotton waste (including yarn waste and garnetted stock)
GJ031	520210	-yarn waste (including thread waste)
GJ032	520291	-garnetted stock
GJ033	520299	-other
GJ040	530130	Flax tow and waste
GJ050	ex530290	Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.)
GJ060	ex530390	Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
GJ070	ex530490	Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus <i>Agave</i>
GJ080	ex530519	Tow and waste (including yarn waste and garnetted stock) of coconut
GJ090	ex530529	Tow and waste (including yarn waste and garnetted stock) of abaca (<i>Manila hemp</i> or <i>Musa textilis</i> Nee)
GJ100	ex530599	Tow and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
GJ110	5505	Waste (including noils, yarn waste and garnetted stock) of man-made fibres
GJ111	550510	-of synthetic fibres
GJ112	550520	-of artificial fibres
GJ120	630900	Worn clothing and other worn textile articles
GJ130	ex6310	Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
GJ131	ex631010	-sorted
GJ132	ex631090	-other

GK-Rubber waste

GK010	400400	Waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom
GK020	401220	Used pneumatic tyres
GK030	ex401700	Waste and scrap of hard rubber(e.g. ebonite)

GL-Untreated cork and wood waste

GL010	ex440130	Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
GL020	450190	Cork waste, crushed, granulated or ground cork

GM-Waste arising from agro-food industries

GM070	ex2307	Wine lees
GM080	ex2308	Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
GM090	152200	Degras, residues resulting from the treatment of fatty substances or animal or vegetable waxes
GM100	050690	Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
GM110	ex051191	Fish waste
GM120	180200	Cocoa shells, husks, skins and other cocoa waste
GM130		Waste from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

GN-Waste arising from tanning and fellmongery operations and leather use

GN010	ex0502	Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair
GN020	ex050300	Horsehair waste, whether or not put up as a layer with or without supporting material
GN030	ex050590	Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation
GN040	ex411000	Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles, excluding leather sludges

GO-Other waste containing principally organic constituents, which may contain metals and inorganic materials

GO010	ex050100	Waste of human hair
GO020		Waste straw
GO030		Deactivated fungus mycelium from penicillin production to be used as animal feed
GO040		Waste photographic film base and waste photographic film not containing silver
GO050		Single use cameras without batteries

(Added 14 of 1995 s. 10)

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- 1 Mercury is specifically excluded as a component of these metals or their alloys or amalgams.
 - 2 This entry covers the use of such slags as a source of titanium dioxide and vanadium.
 - 3 These cannot be polymerised and are used as plasticisers.
-

Chapter:	354J	Title:	WASTE DISPOSAL (CHARGES FOR DISPOSAL OF CHEMICAL WASTE) REGULATION	Gazette Number:	
Schedule:	1	Heading:	CHARGES FOR DISPOSAL OF CHEMICAL WASTE OTHER THAN SPECIAL CHEMICAL WASTE	Version Date:	30/06/1997

[section 5(1) & (3)]

Item	Disposal of chemical waste	\$ per thousand kilograms of chemical waste
1.	Incineration of chemical waste- basic charge	2847
	plus	
	if any chemical waste contains a calorific value of 15 Gigajoule/tonne or below	174
	plus	
	if any chemical waste contains a halogen concentration of-	
	(a) above 0% and below or equal to 30% by weight	54
	(b) above 30% and below or equal to 50% by weight	896
	(c) above 50% by weight	1384
	plus	
	if any chemical waste contains a sulphur concentration of-	
	(a) above 0% and below or equal to 20% by weight	47
	(b) above 20% and below or equal to 40% by weight	697
	(c) above 40% by weight	1394
	plus	
	any special handling	2491
2.	Physical or chemical treatment of chemical waste- basic charge	1027
	plus	
	if any chemical waste contains a chromium concentration of-	
	(a) above 0% and below or equal to 20% by weight	348
	(b) above 20% and below or equal to 40% by weight	7257
	(c) above 40% by weight	20319
	plus	
	if any chemical waste contains an ammonia concentration of-	
	(a) above 0% and below or equal to 20% by weight	1042
	(b) above 20% and below or equal to 40% by weight	8709
	(c) above 40% by weight	20319
	plus	
	any special handling	2491
3.	Oil/Water separation of chemical waste	771

(L.N. 167 of 1996; L.N. 231 of 1997)

Chapter:	364	Title:	THE HONG KONG ASSOCIATION OF BANKS ORDINANCE	Gazette Number:	
Section:	8	Heading:	Committee	Version Date:	30/06/1997

- (1) There shall be a Committee of the Association which shall comprise-
- (a) the continuing members which shall be the note-issuing bank as defined in section 2 of the

Bank Notes Issue Ordinance (Cap 65); (Replaced 76 of 1995 s. 5)

- (b) 9 elected members which shall be elected in accordance with the bylaws of the Association and which shall be, and be elected,-
 - (i) as to 4 members, by those members whose place of incorporation is Hong Kong; (Amended 27 of 1986 s. 137; 43 of 1990 s. 16)
 - (ii) as to 5 members, by those members whose place of incorporation is outside Hong Kong.
 - (2) (Repealed 76 of 1995 s. 5)
 - (3) Any member of the Committee which ceases for any reason to be a member of the Association shall ipso facto cease to be a member of the Committee.
 - (4) (a) There shall be a Chairman and Vice-Chairmen of the Committee.
 - (b) The office of the Chairman shall be held by each of the continuing members on rotation in the order specified by the Committee and approved by the Monetary Authority.
 - (c) Subject to the approval of the Monetary Authority, and with the agreement of all continuing members, the Committee may vary the order of rotation specified in paragraph (b).
 - (d) All continuing members not holding the office of Chairman shall be the Vice-Chairmen. (Replaced 76 of 1995 s. 5)
 - (5) The period of office for the Chairman shall be 1 year. (Replaced 76 of 1995 s. 5)
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Chapter:	369AD	Title:	MERCHANT SHIPPING (SAFETY) (LOAD LINE) REGULATIONS	Gazette Number:	L.N. 125 of 2000
Schedule:	3	Heading:	RECORD OF PARTICULARS	Version Date:	01/05/2000

[regulation 25]

The following is the form of record of particulars referred to in regulation 25-

MERCHANT SHIPPING (SAFETY) (LOAD LINE) REGULATIONS 1990

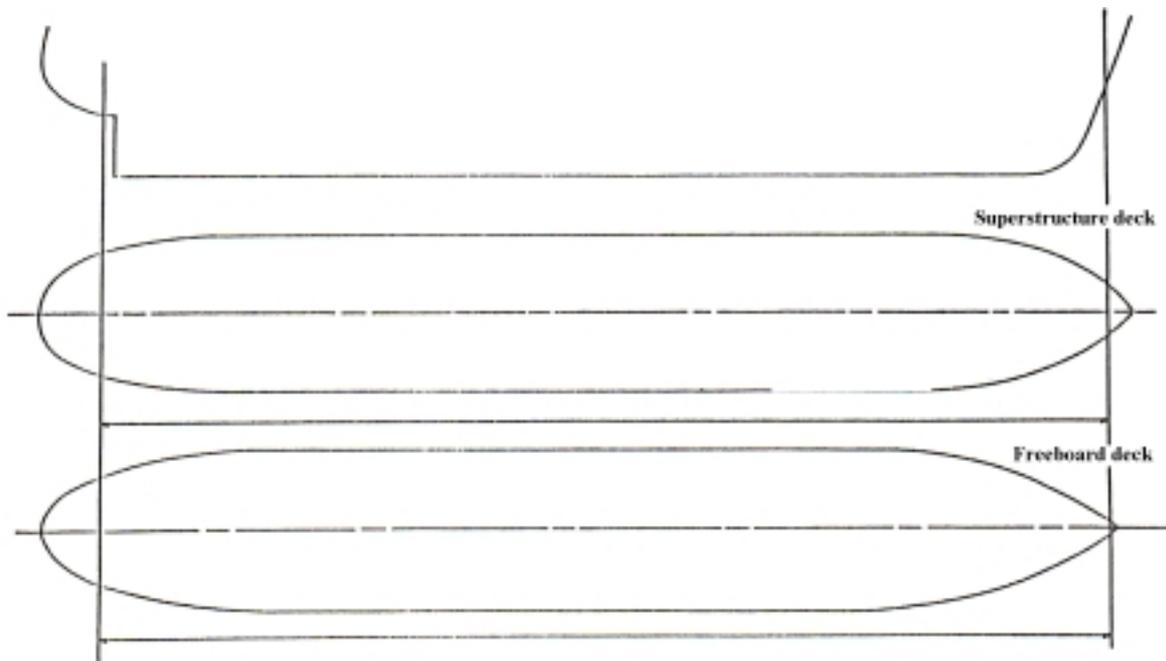
RECORD OF PARTICULARS RELATING TO
CONDITIONS OF ASSIGNMENT

In this record references to regulations are references to the regulations set out in Annex I to the Convention of 1966 as modified by the Protocol of 1988 relating thereto, and references to paragraphs are references to paragraphs of Schedule 4 (Conditions of Assignment) to the above mentioned regulations. (L.N. 35 of 2000)

Name of ship
Port of registry
Nationality
Distinctive number of letters
Shipbuilders
Yard number
Date of build/conversion
Freeboards assigned as a ship of Type
Classification
Date and place of initial survey

A plan of suitable size may be attached to this Report in preference to the sketches on this page

Disposition and dimensions of superstructures, trunks, deckhouses, machinery casings; extent of bulwarks, guard rails and wood sheathing on exposed deck, to be inserted in the diagrams and tables following; together with positions of hatchways, gangways, and other means for the protection of the crew; cargo ports, bow and stern doors, side scuttles, scuppers, ventilators, air pipes, companionways, and other items that would affect the seaworthiness of the ship.



(See Schedule 4 to these regulations, paragraphs 7 and 8)

**DOORWAYS IN SUPERSTRUCTURES, EXPOSED MACHINERY CASINGS AND DECKHOUSES
PROTECTING OPENING IN FREEBOARD AND SUPERSTRUCTURE DECKS**

(Regulations 12, 17 and 18)

Closing Appliances

Location	Ref. No. on Sketch or Plan	Number and Size of Openings	Height of Sills	Type and Material	Number of Clips
In forecastle bulkhead					
In bridge forward bulkhead					
In bridge after bulkhead					
In raised quarter deck bulkhead					
In poop bulkhead					
In exposed machinery casings on freeboard or raised quarter decks					
In exposed machinery casings on superstructure decks					
In machinery casings within superstructures or deckhouses on freeboard deck					
In deckhouses in Position 1 enclosing openings leading below freeboard deck					
In deckhouses in Position 2 enclosing openings leading within enclosed superstructures or below freeboard deck					
In exposed pump room casings					

(See Schedule 4 to these regulations, paragraph 5)

HATCHWAYS AT POSITIONS 1 AND 2 CLOSED BY PORTABLE COVERS AND SECURED WEATHERTIGHT BY TARPAULINS AND BATTENING DEVICES (Regulation 15)

Position and Reference No. on Sketch or Plan

Dimensions of clear opening at top of coaming

Height of coamings above deck

Number

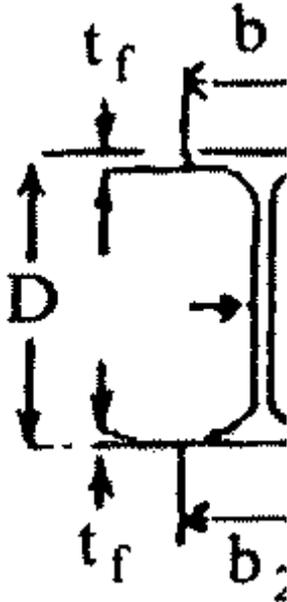
Spacing

$b_1 \times t_f$

$D \times t_w$

$b_2 \times t_f$

PORTABLE BEAMS Bearing surface



Means of securing each beam

Material

Thickness

PORTABLE COVERS Direction fitted

Bearing surface

Spacing of Cleats

No. of layers

TARPAULINS Material

Means of securing each section of covers:

Are wood covers fitted with galvanized end bands?

(See Schedule 4 to these regulations, paragraphs 6 and 19)

HATCHWAYS AT POSITIONS 1 AND 2 CLOSED BY WEATHERTIGHT COVERS OF STEEL (OR OTHER EQUIVALENT MATERIAL) FITTED WITH GASKETS AND CLAMPING DEVICES (Regulation 16)

Position and Reference No. on Sketch or Plan

Dimensions of clear opening at top of coaming

Height of coaming above deck

Type of cover or Patent Name

Material

Position and Reference No. on Sketch or Plan

Dimensions of clear opening at top of coaming

Height of coaming above deck

Type of cover or Patent Name

Material

(See Schedule 4 to these regulations, paragraphs 7 and 8)

MACHINERY SPACE OPENINGS AND MISCELLANEOUS OPENINGS IN FREEBOARD AND SUPERSTRUCTURE DECKS (Regulations 17 and 18)

Position and Reference No. on Sketch or Plan

Dimensions

Height of coaming

Material

COVER { How attached

Number and Spacing of Toggles

Position and Reference No. on Sketch or Plan

Dimensions

Height of coaming

Material

COVER	{	How attached
-------	---	--------------

Number and Spacing of Toggles

Particulars of spurling pipe closing arrangements (Regulation 18 and see Schedule 4 to these regulations, paragraph 8):

(See Schedule 4 to these regulations, paragraph 9)

VENTILATORS ON FREEBOARD AND SUPERSTRUCTURE DECKS (POSITIONS 1 AND 2) (Regulation 19)

Deck on which fitted	Coaming			Type (State PatentName if any)	Closing Appliances
	Number fitted	Dimensions	Height		

(See Schedule 4 to these regulations, paragraph 10)

AIR PIPES ON FREEBOARD AND SUPERSTRUCTURE DECKS (Regulation 20)

Coaming					
Deck on which fitted	Number fitted	Dimensions	Height	Type (State Patent Name if any)	Closing Appliances

(See Schedule 4 to these regulations, paragraph 11)

CARGO PORTS AND OTHER SIMILAR OPENINGS (Regulation 21)

Position of port	Dimensions of opening	Distance of lower edge from freeboard deck	Securing devices	Remarks
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(See Schedule 4 to these regulations, paragraph 12)

SCUPPERS, INLETS AND DISCHARGES (Regulation 22)

State if Scupper or Discharge	Number	Pipe			Vertical distance above top of keel			Number, Type and Material of Discharge Valves	Position of Controls
		Diameter	Thickness	Material	Outlet in hull From	Inboard end	Uppermost Valve		

NOTE: In Ro-ro ships, indicate how ready accessibility to scupper valves is ensured when vehicle space is filled

- | | | |
|-------------|---------------|--|
| S-Scupper | MS-Mild Steel | SD-Screw down |
| D-Discharge | CS-Cast Steel | ANR-Automatic non-return |
| | GM-Gun Metal | SD ANR-Screw down automatic non-return |

Any other approved material to be designated

(See Schedule 4 to these regulations, paragraph 13)

SIDE SCUTTLES (Regulation 23)

Position	Number fitted	Material		Frame	Deadlight	Type of Glass and Thickness	Standards used and Type No.
		Clear Glass size	Fixed or opening				

Indicate the vertical distance between the freeboard deck and the lower sill of the side scuttle positioned at the greatest vertical distance below the freeboard deck.

(See Schedule 4 to these regulations, paragraphs 14 and 20)

FREEING PORTS (Regulation 24)

Length of Bulwark	Height of Bulwark	Number and Size of Freeing Ports each side	Total Area each side	Required Area each side
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Freeboard Deck
After Well

Forward Well

Superstructure Deck

State fore and aft position of each freeing port in relation to superstructure end bulkheads	}	After Well Forward Well
--	---	----------------------------

Particulars of shutters, bars or rails fitted to freeing ports.

Height of lower edge of freeing port above deck.

(See Schedule 4 to these regulations, paragraphs 15, 18, 22, 23 and 24)

PROTECTION ON THE CREW (Regulations 25 and 26)

State particulars of bulwarks or guardrails on freeboard and superstructure decks:

State details of lifelines, walkways, gangways or underdeck passageways where required to be fitted:

(See Schedule 4 to these regulations, paragraph 29)
TIMBER DECK CARGO FITTINGS (Regulation 44)

State particulars of uprights, sockets, lashings, guardrails and lifelines:

OTHER SPECIAL FEATURES

INITIAL SURVEY

The conditions of assignment shown on this form are a record of the arrangements and fittings provided on the ship and are in accordance with the requirements of the relevant regulations set out in Annex I to the Convention of 1966 as modified by the Protocol of 1988 relating thereto and of these regulations. (L.N. 35 of 2000)

.....
(Surveyor's Signature)

.....
(Date)

SUBSEQUENT RENEWAL SURVEYS

(L.N. 35 of 2000)

I have completed the renewal survey and am satisfied that the fittings and appliances are in accordance with the particulars shown in this record and are in good condition and that approved stability information and, where applicable, information relating to loading and ballasting of the ship is on board. (L.N. 35 of 2000)

Signature	Port of Survey	Date of Survey
.....
.....
.....
.....

(Enacted 1991)

Chapter:	369AD	Title:	MERCHANT SHIPPING (SAFETY) (LOAD LINE) REGULATIONS	Gazette Number:
Schedule:	5	Heading:	FREEBOARDS	Version Date: 30/06/1997

[regulation 27]

1. Interpretation

In this Schedule expressions defined in Schedule 4 have the meanings thereby assigned to them respectively, and-

"block coefficient" (方形係數) or the symbol "(C_b)" in relation to a ship means the product of-

$$\frac{\nabla}{L.Bd_1}$$

where-

∇ is the volume of the moulded displacement of the ship (excluding bossing) if the ship has a metal shell, and of displacement to the outer surface of the hull if the ship has a shell of any other material, displacement being taken in each case at a moulded draught of d₁, and d₁ is 85 per cent of the least moulded depth:

Provided that in no case shall the block coefficient (C_b) be taken to be less than 0.68;

"depth for freeboard" (乾舷深度) and the symbol "(D)" in relation to a ship-

- (a) means, except as otherwise stated in paragraph (b), the moulded depth of the ship amidships plus the thickness of the freeboard deck stringer plate where fitted, plus, if the exposed freeboard deck is sheathed, the product of $\frac{T(L) - (S)}{(L)}$

where T is the mean thickness of the exposed sheathing clear of deck openings;

- (b) in the case of a ship having a rounded gunwale with a radius greater than 4 per cent of the breadth of the ship (B) or having topsides of unusual form, means the depth, calculated in accordance with paragraph (a), which would be the depth for freeboard purposes of a ship having a midship section with vertical topsides and with the same round of beam and the same area of topside section as that of the midship section of the first mentioned ship;

"effective length" (有效長度) and the symbol "(E)" in relation to a superstructure means the effective length of the superstructure ascertained in accordance with the provisions of paragraph 9 of this Schedule;

"flush deck ship" (平甲板船) means a ship which has no superstructure on the freeboard deck;

"length" (長度) and the symbol "(S)" in relation to a superstructure means the length of the superstructure ascertained in accordance with the provisions of paragraph 9 of this Schedule;

"moulded depth" (型深) in relation to a ship means the vertical distance measured from the top of the keel to the top of the freeboard deck beam at side:

Provided that-

- (a) in the case of a wood or composite ship, it shall be measured from the lower edge of the keel rabbet;
- (b) if the form at the lower part of the midship section of the ship is of a hollow character, or if thick garboards are fitted, it shall be measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;
- (c) in the case of a ship having rounded gunwales, it shall be measured to the point of intersection of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design;
- (d) if the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, it shall be measured to a line of reference extending from the lower part of the deck along a line parallel to the raised part of the deck;

"summer draught" (夏季吃水) in relation to a ship means the draught measured from-

- (a) in the case of a wood or composite ship, the lower edge of the keel rabbet;
- (b) if the form at the lower part of the midship section is of a hollow character, or if thick garboards are fitted, the point where the line of the flat of the bottom continued inwards cuts the side of the keel; and
- (c) in any other case from the top of the keel,

to the point which when load lines and marks have been marked on the ship's side will correspond to the centre of the ring of the load line mark;

"summer timber draught" (夏季木材吃水) in relation to a ship means the draught measured from point (a), (b) or (c) described in the definition of "summer draught" to the point which when timber load lines have been marked on the ship's side will correspond to the upper edge of the Summer Timber load line;

"tabular freeboard" (表列乾舷) means in the case of a Type "A" ship the freeboard appropriate to the ship's length under Freeboard Table A set out in Schedule 6 to these regulations and in the case of a Type "B" ship the freeboard appropriate to the ship's length under Freeboard Table B in that Schedule.

2. Freeboards: general

(1) Except as otherwise provided in subparagraphs (2) and (3), the freeboards to be assigned to a ship other than Timber freeboards shall be determined in accordance with the provisions of Part I of this Schedule, and Timber freeboards to be assigned to a ship shall be determined in accordance with Part II.

(2) Freeboards determined as described in subparagraph (1) are the freeboards appropriate to ships the structural strength of which complies with the highest standard required by an Assigning Authority; and the freeboards to be assigned to ships the structural strength of which does not comply with that standard shall be freeboards so determined but increased in each case by such amount as the Assigning Authority

with the approval of the Director may determine as appropriate to the ship's structural strength.

- (3) The freeboards to be assigned to-
sailing ships;
tugs;
ships of wood or of composite construction or of other materials;
ships with constructional features such as to render freeboards determined as described in subparagraph (1) unreasonable or impracticable; and
unmanned barges having on the freeboard deck only small access openings closed by watertight gasketed covers of steel,

shall be determined in accordance with the provisions of Part III of this Schedule.

PART I

Freeboards Other Than Timber Freeboards

3. Determination of freeboards

(1) The Summer freeboard shall be determined in accordance with the provisions of paragraphs 4 to 16 of this Schedule:

Provided that the freeboard so obtained but omitting any correction made for deck-line as provided in paragraph 8 shall be not less than 50 millimetres except in the case of a ship with hatchways in Position 1 to which paragraph 5 of Schedule 4 applies but which do not have pontoon covers, in which case it shall be not less than 150 millimetres.

(2) The Tropical freeboard shall be obtained by deducting from the Summer freeboard applicable to the ship one forty-eighth (1/48th) of the summer draught of the ship:

Provided that the freeboard so obtained but omitting any correction made for deck-line as provided in paragraph 8 shall be not less than 50 millimetres except in the case of a ship with hatchways in Position 1 to which paragraph 5 of Schedule 4 applies but which do not have pontoon covers, in which case it shall be not less than 150 millimetres.

(3) The Winter freeboard shall be obtained by adding to the Summer freeboard applicable to the ship one forty-eighth (1/48th) of the summer draught of the ship.

(4) The Winter North Atlantic freeboard shall be obtained by adding to the Winter freeboard applicable to the ship a distance of 50 millimetres.

(5) (a) The Fresh Water freeboard shall, subject to subparagraph (b), be obtained by deducting from the Summer freeboard the quantity-

$$(\Delta/4T) \text{ millimetres}$$

where Δ is the displacement in salt water in metric tons at the Summer load waterline, and T represents metric tons per centimetre immersion in salt water at that waterline.

(b) In any case in which the displacement at that waterline cannot be ascertained the deduction shall be one forty eighth (1/48th) of the summer draught of the ship.

4. Summer freeboard: Type "A" ships

The Summer freeboard to be assigned to a Type "A" ship shall be determined as follows-

(1) There shall first be ascertained the ship's tabular freeboard.

(2) If the block coefficient (C_b) of the ship exceeds 0.68 the tabular freeboard shall be

$$(C_b) + 0.68$$

multiplied by the factor 1.36 .

(3) Corrections in accordance with paragraphs 6 to 16 of this Schedule shall be applied to the freeboard ascertained in accordance with subparagraphs (1) and (2).

(4) Subject to the proviso to paragraph 3(1), the freeboard so corrected shall be the Summer

freeboard to be assigned to the ship.

5. Summer freeboard: Type "B" ships

The Summer freeboard to be assigned to a Type "B" ship shall be determined as follows-

(1) There shall first be ascertained the ship's tabular freeboard.

(2) (a) If the ship has hatchways in Position 1 the covers of which are either (i) pontoon covers complying with the requirements of paragraph 5(4) of Schedule 4 or (ii) covers which comply with those of paragraph 6 of that Schedule, the tabular freeboard may be corrected in accordance with such of the provisions of subparagraphs (3) to (7) of this paragraph as are applicable to the ship.

(b) If the ship has hatchways in Position 1 the covers of which comply with the requirements of paragraph 5 of Schedule 4 except those of subparagraph (4) of that paragraph, the tabular freeboard shall be corrected in accordance with the provisions of subparagraph (8) of this paragraph.

(3) The tabular freeboard of a ship to which subparagraph (2)(a) applies and which exceeds 100 metres in length may be reduced by an amount not exceeding the maximum applicable under subparagraphs (4) and (5) if the Assigning Authority is satisfied that-

(a) the measures for the protection of the crew comply with the requirements of paragraph 15 of Schedule 4;

(b) the freeing arrangements comply with the requirements of paragraph 14 of Schedule 4;

(c) all covers of hatchways in Positions 1 and 2 comply with the requirements of paragraph 6 of Schedule 4;

(d) the ship when loaded to the Summer load waterline will remain afloat, after the flooding of any single damaged compartment other than the machinery space at an assumed permeability of 0.95, in the condition of equilibrium described in subparagraph (6):

Provided that if the length of the ship exceeds 225 metres the machinery space shall rank as a floodable compartment for the purposes of this requirement having for the purpose an assumed permeability of 0.85.

(4) Subject to subparagraph (5) no reduction of freeboard pursuant to subparagraph (3) shall exceed 60 per cent of the difference between the tabular freeboards appropriate to the ship's length under Freeboard Table A and Freeboard Table B.

(5) The reduction of 60 per cent referred to in subparagraph (4) may be increased to 100 per cent if the Assigning Authority is satisfied that-

(a) the ship complies with the requirements of paragraphs 17 and 20 of Schedule 4 as if it were a Type "A" ship and with those of paragraph 22 of that Schedule;

(b) the ship complies with the requirements of subparagraph (3)(a) to (c); and

(c) the ship when loaded to the Summer load waterline will remain afloat in the condition of equilibrium described in subparagraph (6) after the flooding-

(i) of any two compartments adjacent fore and aft, neither of which is the machinery space, at an assumed permeability of 0.95; and

(ii) in the case of a ship exceeding 225 metres in length, of the machinery space alone, at an assumed permeability of 0.85.

(6) The condition of equilibrium referred to in subparagraphs (3) and (5) above is as follows-

(a) the final waterline after flooding is below the top of any ventilator coaming, the lower edge of any air pipe opening, the upper edge of the sill of any access opening fitted with a weathertight door, and the lower edge of any other opening through which progressive flooding may take place;

(b) the angle of heel due to unsymmetrical flooding does not exceed 15 degrees;

(c) the metacentric height calculated using the constant displacement method has a positive value of at least 50 millimetres in the upright condition after flooding; and

(d) the ship has adequate residual stability.

(7) The following assumptions shall be made for the purposes of calculations pursuant to subparagraphs (3)(d) and (5)(c)-

- (a) that the vertical extent of damage is equal to the depth of the ship at the point of damage, measured from and including the freeboard deck at side to the underside of the keel;
- (b) that the transverse penetration of damage is not more than one fifth of the breadth of the ship (B), this distance being measured inboard from the ship's side at right angles to the centre line of the ship at the level of the Summer load waterline:

Provided that if damage of a lesser extent results in a more severe condition, such lesser extent shall be assumed;

- (c) that, except in the case of compartments referred to in subparagraph (5)(c)(i), no main transverse bulkhead is damaged;
- (d) that the height of the centre of gravity above the base-line is assessed allowing for homogeneous loading of cargo holds and for 50 per cent of the designed capacity of consumable fluids and stores.

(8) The tabular freeboard of a ship which subparagraph (2)(b) applies shall be increased by the amount shown by the following Table to be appropriate to the ship's length-

TABLE

Length of Ship (metres)	Freeboard increase (millimetres)	Length of Ship (metres)	Freeboard increase (millimetres)	Length of Ship (metres)	Freeboard increase (millimetres)
108 and below	50	139	175	170	290
109	52	140	181	171	292
110	55	141	186	172	294
111	57	142	191	173	297
112	59	143	196	174	299
113	62	144	201	175	301
114	64	145	206	176	304
115	68	146	210	177	306
116	70	147	215	178	308
117	73	148	219	179	311
118	76	149	224	180	313
119	80	150	228	181	315
120	84	151	232	182	318
121	87	152	236	183	320
122	91	153	240	184	322
123	95	154	244	185	325
124	99	155	247	186	327
125	103	156	251	187	329
126	108	157	254	188	332
127	112	158	258	189	334
128	116	159	261	190	336
129	121	160	264	191	339
130	126	161	267	192	341
131	131	162	270	193	343
132	136	163	273	194	346
133	142	164	275	195	348
134	147	165	278	196	350
135	153	166	280	197	353
136	159	167	283	198	355
137	164	168	285	199	357
138	170	169	287	200	358

Freeboards at intermediate lengths of ship shall be obtained by linear interpolation. The increase in the case of ships of more than 200 metres in length shall be such amount as the Director may determine in each particular case.

(9) (a) This subparagraph applies to every Type "B" ship of not more than 100 metres in length having enclosed superstructures the total effective length of which does not exceed 35 per cent of the ship's length (L).

(b) The freeboard calculated in respect of such a ship in accordance with subparagraphs (1), (2) and (8) above shall be increased by an amount ascertained in accordance with the formula $7.5 (100-(L)) (0.35-(E)/(L))$ millimetres.

(10) In the case of a ship the block coefficient (C_b) of which exceeds 0.68 the freeboard calculated in respect of the ship in accordance with subparagraphs (1) to (9) shall be multiplied

$(C_b+0.68)$

by the factor 1.36 .

(11) Corrections in accordance with paragraphs 6 to 16 of this Schedule shall be applied to the freeboard ascertained in accordance with subparagraphs (1) to (10) and subject to the proviso to paragraph 3(1) the freeboard so corrected shall be the Summer freeboard to be assigned to the ship.

6. Basic freeboard

In the following paragraphs of this Schedule "basic freeboard" (基本乾舷) in relation to a ship means the Summer freeboard calculated for the ship in accordance with paragraph 4 or 5 whichever is applicable, but omitting in the case of a Type "A" ship the corrections referred to in paragraph 4(3) and in the case of a Type "B" ship the corrections referred to in paragraph 5(11).

7. Correction for Depth

(1) If the depth for freeboard (D) of a ship exceeds $(L)/15$, the basic freeboard of the ship shall be increased by $((D) - (L)/15) R$ millimetres, R for this purpose being taken to be $(L)/0.48$ in the case of a ship less than 120 metres in length, and 250 in the case of a ship of 120 metres or more in length.

(2) If the depth for freeboard (D) of a ship is less than $(L)/15$, the basic freeboard of the ship shall be reduced by $((D) - (L)/15) R$ millimetres if, but only if, the ship has either (a) an enclosed superstructure covering at least $0.6(L)$ amidships, or (b) an efficient trunk extending for the ship's length (L), or (c) a combination of enclosed superstructures connected by efficient trunks, being a combination extending for the ship's length (L):

Provided that if the height of any such superstructure or trunk is less than standard height the amount of such reduction shall be reduced in the ratio of the actual to the standard height of the superstructure or trunk.

8. Correction for position of deck-line

If the actual depth to the upper edge of the deck-line is greater or less than the depth for freeboard (D), the difference if greater shall be added to, or if less shall be deducted from, the basic freeboard of the ship:

Provided that in a case in which the position of the deck-line has been fixed in accordance with the provisions of regulation 14(3), the actual depth of the ship shall be taken for the purposes of the foregoing requirement to the point amidships where the continuation outwards of the upper surface of the freeboard deck or of any sheathing of that deck intersects the outer surface of the shell of the ship.

9. Standard height, length and effective length of superstructures

(1) The standard height of a superstructure shall be the height appropriate to the ship's length (L) determined in accordance with the following Table-

Length of ship (L) (metres)	Standard Height (metres)	
	of a raised quarter deck	of a superstructure other than a raised quarter deck
30 or less	0.90	1.80
75	1.20	1.80
125 or more	1.80	2.30

Standard heights for intermediate lengths of ship shall be obtained by linear interpolation.

(2) (a) Subject to sub-subparagraph (b), the length of a superstructure (S) shall be the mean length of the parts of the superstructure which lie within the length of the ship (L).

(b) In the case of an enclosed superstructure having an end bulkhead which extends in a fair

convex curve beyond its intersection with the superstructure sides, the length of the superstructure (S) may be taken as its length ascertained in accordance with sub-subparagraph (a) increased on the basis of an equivalent plane bulkhead by the amount of two-thirds of the fore and aft extent of the curvature:

Provided that the amount of the curvature to be taken into account shall not exceed one half the breadth of the superstructure at the point of intersection of the curved end of the superstructure with its side.

(3) The effective length of a superstructure (E) shall be as follows-

(a) Subject to sub-subparagraph (c), (E) in the case of an enclosed superstructure of standard height shall be either-

(i) its length (S); or

(ii) if the superstructure is set in from the sides of the ship, its length (S) modified in the ratio b/B_s , where-

"b" is the breadth of the superstructure at the middle of its length (S); and

" B_s " is the breadth of the ship at the middle of the length of the superstructure (S):

Provided that if the superstructure is so set in for part only of its length, such modification shall be applied only to that part.

(b) Subject to sub-subparagraph (c), (E) in the case of an enclosed superstructure of less than standard height shall be its length (S) reduced in the ratio of the actual height of the superstructure to its standard height.

(c) (E) in the case of an enclosed superstructure consisting of a raised quarter deck shall, if the deck is fitted with an intact front bulkhead, be its length (S) subject to a maximum of 0.6 of the ship's length (L); and if not so fitted, be ascertained by treating the raised quarter deck as a poop of less than standard height.

(d) A superstructure which is not an enclosed superstructure shall have no effective length.

10. Standard height and effective length of trunks

(1) The standard height of a trunk shall be determined in the same manner as that applicable to a superstructure other than a raised quarter deck under paragraph 9(1).

(2) The effective length of a trunk shall be determined as follows-

(a) A trunk which is not an efficient trunk as described in sub-subparagraph (b) shall have no effective length.

(b) A trunk shall be treated as an efficient trunk subject to the following conditions-

(i) that it shall be at least as strong as a superstructure;

(ii) that the hatchways in way of the trunk are in the trunk deck, and the hatchway coamings and covers comply with the requirements of paragraphs 4 to 6 of Schedule 4:

Provided that small access openings with watertight covers may be permitted in the freeboard deck;

(iii) that the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness;

(iv) that a permanent working platform fore and aft fitted with guard rails or guard wires complying with the requirements applicable thereto under paragraph 18(2)(a) of Schedule 4 is provided by the trunk deck, or by detached trunks connected to superstructures by efficient permanent gangways;

(v) that ventilators are protected by the trunk, by watertight covers or by equivalent means;

(vi) that open rails or wires are fitted on the weather parts of the freeboard deck in way of the trunk for at least half their length;

(vii) that the machinery casings are protected by the trunk, or by an enclosed superstructure of at least standard height, or by a deckhouse of the same height and of strength and weathertightness equivalent to those of such a superstructure;

- (viii) that the breadth of the trunk is at least 60 per cent of the breadth of the ship (B);
- (ix) that where there is no superstructure the length of the trunk is at least 0.6(L).
- (c) Except as otherwise provided in sub-subparagraph (d), the effective length of an efficient trunk shall be its full length reduced in the ratio of its mean breadth to the breadth of the ship (B).
- (d) If the actual height of an efficient trunk is less than the standard height, its effective length shall be the length calculated in accordance with sub-subparagraph (c) reduced in the ratio of the actual to the standard height of the trunk. In addition, if the ship is a Type "B" ship and the height of hatchway coamings on the trunk deck is less than that required by paragraph 5(1) or 6(1) of Schedule 4 a reduction from the actual height of the trunk shall be made of an amount corresponding to the difference between the actual height of such coamings and the height so required for them.

11. Deduction for effective length of Superstructures and Trunks

(1) Where the sum of the effective lengths of superstructures of a ship is 1.0(L), the basic freeboard of the ship shall be reduced-

- by 350 millimetres if the ship is 24 metres in length (L);
- by 860 millimetres if the ship is 85 metres in length (L);
- by 1070 millimetres if the ship is 122 metres in length (L) or more,

and by amounts obtained by linear interpolation in the case of ships of intermediate length.

(2) The basic freeboard of a ship, shall be reduced according to the total effective length of her superstructures and trunks as follows-

- (a) in the case of a Type "A" ship, by a percentage ascertained by reference to the following Table, the percentage in the case of a ship having superstructures and trunks of an effective length intermediate to those specified in the Table being obtained by linear interpolation-

TABLE

Percentage of Deduction for Type "A" Ships

Total effective length of superstructures and trunks											
0	0.1(L)	0.2(L)	0.3(L)	0.4(L)	0.5(L)	0.6(L)	0.7(L)	0.8(L)	0.9(L)	1.0(L)	
	0	7	14	21	31	41	52	63	75.3	87.7	100

Percentage of deduction
for all types of
superstructures

- (b) in the case of a Type "B" ship, by a percentage ascertained by reference to the following Table and to such of directions (i) to (iii) appended thereto as apply in the circumstances, the percentage in the case of a ship having superstructures and trunks of an effective length intermediate to those specified in the Table being obtained by linear interpolation-

TABLE

Percentage of Deduction for Type "B" Ships

Total effective length of superstructures and trunks

Line	0	0.1(L)	0.2(L)	0.3(L)	0.4(L)	0.5(L)	0.6(L)	0.7(L)	0.8(L)	0.9(L)	1.0(L)	
))))))))))	
Ships with forecastle and without detached bridge	1	0	5	10	15	23.5	32	46	63	75.3	87.7	100
Ships with forecastle and detached bridge	11	0	6.3	12.7	19	27.5	36	46	63	75.3	87.7	100

- (i) Where the effective length of a bridge covers less than 0.1(L) before amidships and 0.1(L) abaft amidships the percentages shall be obtained by linear interpolation between the lines I and II.
- (ii) Where the effective length of a forecastle is more than 0.4(L), the percentages shall be obtained from line II.
- (iii) Where the effective length of a forecastle is less than 0.07(L), the above percentages shall be reduced by:

$$\frac{(0.07(L) - f)}{5} \times 0.07(L)$$

×

where "f" is the effective length of the forecastle.

12. Measurement of Sheer

(1) The sheer shall be measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

(2) in ships designed with a rake of keel, the sheer shall be measured in relation to a line of reference drawn parallel to the Summer load waterline.

(3) In flush deck ships and in ships with detached superstructures the sheer shall be measured at the freeboard deck.

(4) In ships with topsides of unusual form in which there is a step or break in the topsides, the sheer shall be considered in relation to the equivalent depth amidships.

(5) In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer shall be measured at the superstructure deck. Where the height of the superstructure exceeds the standard height the least difference (Z) between the actual and standard heights shall be added to each end ordinate. Similarly, the intermediate ordinates at distances of 1/6(L) and 1/3(L) from each perpendicular shall be increased by 0.44(Z) and 0.111(Z) respectively.

(6) Where the deck of an enclosed superstructure has at least the same sheer as the exposed freeboard

deck, the sheer of the enclosed portion of the freeboard deck shall not be taken into account.

(7) Where an enclosed poop or forecastle is either (a) of standard height with greater sheer than that of the freeboard deck, or (b) is of more than standard height, an addition to the sheer of the freeboard deck shall be made calculated in accordance with paragraph 14(4).

13. Standard Sheer Profile

The ordinates of the standard sheer profile are given in the following Table-

	Station	Ordinate (in millimetres)	Factor
After half	After perpendicular	$25((L)/3+10)$	1
	1/6 (L) from A.P.	$11.1((L)/3+10)$	3
	1/3 (L) from A.P.	$2.8((L)/3+10)$	3
	Amidships	0	1
Forward half	Amidships	0	1
	1/3 (L) from F.P.	$5.6((L)/3+10)$	3
	1/6 (L) from F.P.	$22.2((L)/3+10)$	3
	Forward perpendicular	$50 ((L)/3+10)$	1

14. Measurement of Variation from Standard Sheer Profile

(1) Where the sheer profile of a ship differs from the standard sheer profile, the four ordinates of each profile in the forward and after halves of the ship shall be multiplied by the appropriate factors given in the Table of ordinates in paragraph 13. The difference between the sums of the respective products and those of the standard divided by 8 shall be the deficiency or excess of sheer in the forward or after half. The arithmetical mean of the excess or deficiency in the forward and after halves shall be the excess or deficiency of sheer.

(2) Where the after half of the sheer profile is greater than the standard sheer profile and the forward half is less than the standard sheer profile, no credit shall be allowed for the part in excess, and deficiency only shall be measured.

(3) Where the forward half of the sheer profile exceeds the standard sheer profile, and the after half of the sheer profile is not less than 75 per cent of the standard sheer profile, credit shall be allowed for the part in excess.

Where the after half of the sheer profile is less than 50 per cent of the standard sheer profile, no credit shall be given for the excess of sheer forward.

Where the sheer in the after half is between 50 per cent and 75 per cent of the standard sheer profile, intermediate allowances may be granted for excess sheer forward.

(4) Where sheer credit is given for a poop or forecastle the following formula shall be used:

$$s = y/3 \times L'/L$$

Where s = sheer credit, to be deducted from the deficiency or added to the excess of sheer;

y = difference between actual and standard height of superstructure at the end ordinate of sheer; and

L' = mean enclosed length of poop or forecastle up to a maximum length of $0.5(L)$.

The above formula provides a curve in the form of a parabola tangential to the actual sheer curve at the freeboard deck and intersecting the end ordinate at a point below the superstructure deck at a distance equal to the standard height of the poop or forecastle. The superstructure deck shall not be less than standard height above this curve at any point. This curve shall be used in determining the sheer profile for forward and after halves of the ship.

15. Correction for Variations from Standard Sheer Profile

(1) The correction for sheer shall be the deficiency or excess of sheer determined in accordance with paragraph 14 multiplied by $0.75 - S/2(L)$.

(2) In the case of a ship with sheer less than the standard sheer profile, the correction for deficiency

of sheer determined in accordance with subparagraph (1) shall be added to the basic freeboard of the ship.

(3) Subject to subparagraph (4), in the case of a ship having an excess of sheer-

- (a) if an enclosed superstructure covers 0.1(L) before and 0.1(L) abaft amidships, the correction for excess of sheer determined in accordance with subparagraph (1) shall be deducted from the basic freeboard of the ship;
- (b) if no enclosed superstructure covers amidships, no deductions shall be made from the basic freeboard of the ship;
- (c) if an enclosed superstructure covers less than 0.1(L) before and 0.1(L) abaft amidships, the correction for excess of sheer determined in accordance with subparagraph (1) shall be modified in the ratio of the amount of 0.2(L) amidships which is covered by the superstructure, to 0.2(L).

(4) The maximum deduction for excess sheer shall be at the rate of 125 millimetres per 100 metres of length (L).

16. Correction for Minimum Bow Height

(1) Except as otherwise provided in subparagraphs (2) and (3), where the bow height of a ship determined in accordance with subparagraph (4) is less than the minimum bow height appropriate to the ship determined in accordance with subparagraph (5), the freeboard determined for the ship in accordance with the foregoing paragraphs shall be increased by an amount equal to the difference between the bow height and the minimum bow height.

(2) Where an existing ship to which subparagraph (1) applies has been so constructed or modified as to comply with all the requirements of Schedule 4 applicable to a new ship of her type and is to be assigned freeboards determined in accordance with this Schedule, and/or-

- (a) the forecastle is less than 0.07(L);
- (b) the sheer extends for less than 15 per cent of the ship's length (L) measured from the forward perpendicular,

the freeboard determined for the ship in accordance with the foregoing paragraphs shall be increased by such amount as the Director may determine in each particular case.

(3) In the case of a ship to which subparagraph (1) applies, being a ship which is constructed to meet exceptional operational requirements, the correction to be made pursuant to subparagraphs (1) and (2) may be reduced or waived if the Director is satisfied that the safety of the ship will not be impaired in consequence in the worst sea and weather conditions likely to be encountered by the ship in service.

(4) The bow height of a ship is the vertical distance at the forward perpendicular between the Summer load waterline of the ship at the designed trim and the top of the exposed deck at side ascertained as follows-

- (a) Where the bow height is obtained by including sheer, the sheer shall extend for not less than 15 per cent of the ship's length (L) measured from the forward perpendicular.
- (b) Where the bow height is obtained by including the height of a superstructure, such superstructure shall-
 - (i) extend from the stem to a point not less than 0.07 of the ship's length (L) measured from the forward perpendicular;
 - (ii) if the ship's length (L) is 100 metres or less, be an enclosed superstructure; and
 - (iii) if the ship's length (L) exceeds 100 metres in length, be fitted with satisfactory closing appliances.

(5) The minimum bow height for a ship shall be derived from formula 1 in the case of a ship of less than 250 metres in length (L) and from formula 2 in the case of a ship of 250 metres or more in length(L)-

Formula 1

$$56(L) \quad 1 - \frac{(L)}{500} \frac{1.36}{C_b + 0.68} \text{ millimetres}$$

$$\left(\quad \right) \left(\quad \right)$$

Formula 2

$$7000 \frac{1.36}{C_b + 0.68} \text{ millimetres}$$

$$\left(\quad \right)$$

C_b being taken as not less than 0.68 in the case of each formula.

PART II

Timber Freeboards

17. Summer Timber freeboard

The Summer Timber freeboard shall be determined as follows-

(1) There shall first be ascertained the freeboard appropriate to the ship under the provisions of subparagraphs (1), (2)(a), (9) and (10) of paragraph 5 of this Schedule.

(2) Corrections shall be applied to the freeboard so obtained in accordance with the provisions of paragraphs 6 to 10 of this Schedule.

(3) Deductions for the effective length of superstructures only shall be made from the freeboard obtained pursuant to subparagraphs (1) and (2), in accordance with the provisions of paragraph 11(1) and (2)(b) of this Schedule but substituting for the Table "Percentage of Deduction for Type "B" ships" therein the following Table-

TABLE

Total effective length of superstructures											
0	0.1(L)	0.2(L)	0.3(L)	0.4(L)	0.5(L)	0.6(L)	0.7(L)	0.8(L)	0.9(L)	1.0(L)	
	20	31	42	53	64	70	76	82	88	94	100

Percentage of deduction
for all types of
superstructures

Percentages at intermediate lengths of superstructures shall be obtained by linear interpolation.

(4) Corrections shall be applied to the freeboard obtained pursuant to subparagraphs (1), (2) and (3) in accordance with the provisions of paragraphs 12 to 15 of this Schedule, and the freeboard so corrected shall be the Summer Timber freeboard to be assigned to the ship.

18. Other Timber freeboards

(1) The Winter Timber freeboard shall be obtained by adding to the Summer Timber freeboard one thirty-sixth (1/36th) of the summer timber draught of the ship.

(2) The Winter North Atlantic Timber freeboard shall be the same as the Winter North Atlantic freeboard assigned to the ship.

(3) The Tropical Timber freeboard shall be obtained by deducting from the Summer Timber freeboard one forty-eighth (1/48th) of the summer timber draught of the ship.

(4) (a) The Fresh Water Timber freeboard shall, subject to subparagraph (b), be obtained by deducting from the Summer Timber freeboard the quantity-

$$\frac{\Delta}{4T} \text{ millimetres}$$

where Δ is the displacement in salt water in metric tons at the waterline which will when load lines have been marked on the ship's side correspond to the Summer Timber load line, and T represents metric tons per centimetre immersion in salt water at that waterline.

(b) In any case in which the displacement at that waterline cannot be ascertained the deduction shall be one forty-eighth (1/48th) of the summer timber draught of the ship.

PART III

Sailing Ships and Other Ships

19. Sailing ships and tugs

The freeboards to be assigned to sailing ships and tugs shall be freeboards determined in accordance with the provisions of Part I of this Schedule increased by such amounts as the Director may direct in each particular case.

20. Ships of wood and other ships

The freeboards to be assigned to ships of wood or of composite construction or of other materials, or to ships with constructional features such as to render freeboards calculated in accordance with Part I of this Schedule unreasonable or impracticable shall be determined by the Director in each particular case.

21. Unmanned barges

The freeboards to be assigned to unmanned barges having on the freeboard deck only small access

openings closed by watertight gasketed covers of steel shall be freeboards determined in accordance with the provisions of Part I of this Schedule omitting paragraphs 5 and 16. Such freeboards may be reduced by such amounts not exceeding 25 per cent as the Director may direct in each particular case. Sailing Ships and Other Ships

(Enacted 1991)

Chapter:	369AR	Title:	MERCHANT SHIPPING (SAFETY) (GMDSS RADIO INSTALLATIONS) REGULATION	Gazette Number:	L.N. 110 of 1998
Section:	3	Heading:	Application	Version Date:	20/02/1998

(1) Subject to subsection (2), this Regulation applies to any ship which is-

- (a) a Hong Kong ship engaged on international voyages;
- (b) any other ship engaged on international voyages while it is within the waters of Hong Kong:

Provided that this Regulation shall not apply to any such Hong Kong ship while it is being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

(2) This Regulation does not apply to-

- (a) ships not propelled by mechanical means; and
- (b) cargo ships of less than 300 tons.

(3) For the purpose of this Regulation-

- (a) "ships constructed" (建造的船隻) means ships the keels of which are laid or which are at a similar stage of construction;
- (b) "a similar stage of construction" (相若建造階段) means the stage at which-
 - (i) construction identifiable with a specific ship begins; and
 - (ii) assembly of that ship has commenced comprising at least 50 tons or 1% of the estimated mass of all structural material, whichever is the less.

(4) Every ship shall comply with section 7(1)(d) and (f) not later than 1 August 1993 and with section 7(1)(c) not later than 1 February 1995.

(5) Subject to the provisions of subsections (4) and (6A), every ship constructed before 1 February 1995 shall- (L.N. 110 of 1998)

- (a) during the period on and from the commencement of this Regulation to and including 31 January 1999-
 - (i) either comply with all applicable requirements of this Regulation; or
 - (ii) comply with all applicable requirements of the Merchant Shipping (Safety) (Radio Installations) Regulations (Cap. 369 sub. leg.) in force prior to the commencement of this Regulation except that any passenger ship, irrespective of its size, shall not be granted any exemption from the requirements of regulation 4(2) of those Regulations; and (L.N. 110 of 1998)
- (b) on and from 1 February 1999, comply with all the applicable requirements of this Regulation.

(6) Every ship constructed on or after 1 February 1995 shall comply with all the applicable requirements of this Regulation.

(6A) Every passenger ship constructed before 1 July 1997 shall comply with the requirements of sections 6(3A), (3B) and (3C) and 7(5) not later than the date of the first periodical survey after 1 July 1997. (L.N. 110 of 1998)

(7) Nothing in this Regulation shall prevent the use by any ship, survival craft or person in distress, of any means at their disposal to attract attention, make known their position and obtain help.

(8) The Director may, by notice in the Gazette, amend all or any of the Schedules.

(Enacted 1992)

Chapter:	374A	Title:	ROAD TRAFFIC (CONSTRUCTION AND MAINTENANCE OF VEHICLES) REGULATIONS	Gazette Number:	L.N. 160 of 2000
Regulation:	2	Heading:	Interpretation	Version Date:	01/11/2000

In these regulations, unless the context otherwise requires-

"agricultural implement" (農具) means an agricultural implement or agricultural machine, being in either case a vehicle;

"agricultural tractor" (農業用拖拉機) means a motor vehicle which is designed or adapted for use primarily in agriculture and which is not used on a road for the conveyance of any goods other than agricultural produce or articles required for the purposes of agriculture;

"agricultural trailer" (農業用拖車) means a trailer other than an agricultural trailed appliance, which is constructed or adapted for the purpose of agriculture, horticulture or forestry and which is only used for one or more of those purposes; (L.N. 203 of 1990)

"air pollutant" (空氣污染物) has the same meaning as in section 2 of the Air Pollution Control Ordinance (Cap 311); (L.N. 160 of 2000)

"articulated vehicle" (掛接車輛) means a motor vehicle with a trailer so attached that part of the trailer is superimposed upon the motor vehicle, and when the trailer is uniformly loaded a substantial part of the weight of the load is borne by the motor vehicle;

"Authority" (監督) has the same meaning as in section 2 of the Air Pollution Control Ordinance (Cap 311); (L.N. 160 of 2000)

"axle weight" (車軸重量), in relation to each axle of a motor vehicle or trailer, means the sum of the weights transmitted to the road surface by all the wheels of that axle; and in counting the number of axles and in determining the sum of the weights transmitted to the road surface by any one axle of a vehicle, where the centres of the areas of contact between all the wheels and the road surface can be included between any 2 vertical planes at right angles to the longitudinal axis of the vehicle less than one metre apart, those wheels shall be treated as constituting one axle; (L.N. 218 of 1984)

"braking efficiency" (制動效能), in relation to the application of brakes to a motor vehicle at any time, means the maximum braking force capable of being developed by the application of those brakes,

expressed as a percentage of the gross vehicle weight of the vehicle;

"close-coupled" (緊耦合), in relation to a trailer, means that the wheels on the same side of the trailer are so fitted that all times while it is in motion they remain parallel to the longitudinal axis of the trailer, and that the distance between the centres of their respective areas of contact with the road surface does not exceed 850 millimetres;

"combination of vehicles" (組合式車輛) means coupled vehicles which travel on the road as a unit;

"compression-ignition engine" (壓燃式引擎) means an engine in which the fuel is injected into the cylinders or combustion space of the engine and is there ignited during normal running solely by the heat of compression of the cylinder charge;

"1926 Convention" (1926年國際公約) and "1949 Convention" (1949年國際公約) have the meanings assigned to them by regulation 2 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg.); (L.N. 258 of 1984)

"deck" (層、車廂地板) means a floor or platform of a vehicle upon which seats are provided for the accommodation of passengers;

"dipped beam" (低光) means a beam of light emitted by a headlamp carried on a vehicle, being a beam which is deflected downwards or both downwards and to the left to such an extent that it is at all times incapable of dazzling any person who is on the same horizontal plane as the vehicle at a greater distance than 8 metres from the headlamp and whose eye-level is not less than one metre above that plane;

"direction indicator" (轉向指示器) means a device required to be fitted to a motor vehicle or trailer for the purpose of indicating the intention of the driver to change the direction of the vehicle to the right or to the left;

"double-decked bus" (雙層巴士) means a bus having 2 decks one of which is wholly or partly above the other and each deck of which is provided with a gangway serving seats on that deck only;

"dual purpose lamp" (雙用途燈) means a lamp combining an obligatory front lamp and an obligatory rear lamp;

"emergency exit" (緊急出口) means an exit on a vehicle which is provided for use only in case of emergency as required by these regulations;

"engineering plant" (工程裝置) means-

(a) movable plant or equipment being a motor vehicle or trailer, specially designed and constructed for the purposes of road construction, maintenance or marking, or other engineering operations, and which-

(i) cannot, owing to the requirements of those purposes, comply in all respects with the requirements of these regulations; and

(ii) is not constructed primarily to carry a load other than a load which is either excavated materials raised from the ground by apparatus on the motor vehicle or trailer, or materials which the vehicle or trailer is specially designed to use or treat while carried thereon; or

(b) a mobile crane which does not comply in all respects with the requirements of these regulations;

"entrance" (入口) means any aperture or space provided to enable passengers to board a vehicle;

"exhaust emission" (排氣污染物) means any air pollutant emitted from the tail pipe of a motor vehicle; (L.N. 160 of 2000)

"exit" (出口) means any aperture or space provided to enable passengers to leave a vehicle;

"extreme rear" (尾端) means the rearmost point for the time being of a vehicle or a sidecar, inclusive of any luggage carrier and any tailboard or other adjustable part except when the tailboard or adjustable part is extended whilst the vehicle is stationary and being loaded or unloaded;

"fare receipt" (車費收據), in relation to a taxi means a receipt within the meaning of regulation 49A(1) of the Road Traffic (Public Service Vehicles) Regulations (Cap 374 sub. leg.) which complies with the requirements of that regulation; (L.N. 148 of 1997)

"fog lamp" (霧燈) means a lamp on a motor vehicle which is to be used primarily in conditions of fog or mist;

"front corner marker lamp" (前角標誌燈) means a lamp required to be carried by a trailer by regulation 108 and which shows a white light to the side and front of the trailer through an arc extending 90 degrees forward from a line at right angles to the longitudinal axis of the trailer;

"gangway" (過道), in relation to a bus or light bus, means the space provided for obtaining access from any entrance to the passengers' seats or from any such seat to an exit, other than an emergency exit, but does not include a staircase or any space in front of a seat which is required only for the use of passengers occupying that seat or that row of seats;

"goods-carrying trailer" (載貨拖車) means a trailer constructed or adapted for use for the carriage of goods of any description and which is either-

- (a) a semi-trailer; or
- (b) a trailer with 4 or more wheels drawn by a goods vehicle or an industrial tractor or land tractor;

"gross combined weight" (組合式車輛總重) means the actual weight transmitted to the road surface by all the wheels of a combination of vehicles;

"half-decked bus" (一層半式巴士) means any bus which is neither a single-decked bus nor a double-decked bus;

"headlamp" (大燈) means a lamp, other than a fog lamp, required to be carried by a vehicle and which is designed, when lit, to illuminate the road in front of the vehicle;

"hours of darkness" (黑夜時間) has the meaning assigned to it by regulation 2(1) and (2) of the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg.);

"illuminated area" (照明面積), in relation to a lamp on a vehicle, means the area of the orthogonal projection on a vertical plane at right angles to the longitudinal axis of the vehicle of that part of the lamp through which the light is emitted;

"industrial tractor" (工業用拖拉機) means a motor tractor, other than a land tractor, which-

- (a) is designed and used primarily for work off roads, or for work on roads in connection only with road construction, maintenance or refuse collection (including any such motor vehicle when fitted with an implement or implements designed primarily for use in connection with such work, whether or not any such implement is of itself designed to carry a load); and
- (b) is so constructed as to be incapable of exceeding a speed of 30 kilometres per hour on the level under its own power;

"internal combustion engine" (內燃引擎) means a compression-ignition engine or a positive-ignition engine;

"international circulation permit" (國際通行許可證) has the meaning assigned to it by regulation 2 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg.);

"land implement" (土地機具) means any implement or machinery used with a land locomotive or a land tractor in connexion with agriculture, grass cutting, forestry, land levelling, dredging or similar operations and any trailer which for the time being carries only the necessary gear or equipment of the land locomotive or land tractor which tows it;

"land implement conveyor" (土地機具運輸裝置) means a trailer, having an unladen weight not exceeding 510 kilograms, which is specially designed and constructed for the conveyance of not more than one land implement and which is marked with its unladen weight, has each of its wheels fitted with a pneumatic tyre and is towed by a land locomotive or land tractor;

"land locomotive" (土地機車) means a locomotive designed and used primarily for work on the land in connection with agriculture, forestry, land levelling, dredging or similar operations, which is driven on a road only when proceeding to and from the site of such work and which when so driven hauls nothing other than land implements or land implement conveyors;

"land tractor" (土地拖拉機) means a motor tractor designed and used primarily for work on the land in connection with agriculture, grass cutting, forestry, land levelling, dredging or similar operations, which is not constructed or adapted itself to carry a load other than-

- (a) water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment;
- (b) an implement fitted to the tractor and used for work on the land in connection with any agricultural or forestry operations;

"liquefied petroleum gas" (石油氣) has the same meaning as in section 2 of the Gas Safety Ordinance (Cap 51); (L.N. 160 of 2000)

"locomotive" (機車) means a motor vehicle which is not constructed itself to carry a load, other than water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the unladen weight of which exceeds 8 tonnes;

"main beam" (主光) means a beam of light emitted by a headlamp, being a beam which is not a dipped beam;

"matched pair of headlamps" (配對大燈) means a pair of headlamps on a vehicle, one on each side of the vertical plane passing through the longitudinal axis of the vehicle (disregarding, for the purpose of ascertaining such axis, any sidecar attached thereto) which comply with the following requirements-

- (a) each headlamp in the pair is at the same height above the ground; and
- (b) the distance between the centre of each headlamp in the pair and the said vertical plane passing through the longitudinal axis of the vehicle does not vary by more than 25 millimetres;

"matched pair of obligatory headlamps" (配對強制性大燈) means a matched pair of headlamps required to be carried by a vehicle by regulation 96, 97 or 98;

"motor tractor" (機動拖拉機) means a motor vehicle which is not constructed itself to carry a load, other than water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment and the unladen weight of which does not exceed 8 tonnes;

"multi-pull means of operation" (多次拉力操作工具), in relation to a braking system, means a device which causes the muscular energy of the driver to apply the brakes of that system progressively as a result of successive applications of that device by the driver;

"obligatory front lamp" (強制性前燈) means a lamp, showing to the front of a vehicle a white light, required to be carried by regulation 89;

"obligatory headlamp" (強制性大燈) means any headlamp required to be carried by a vehicle by regulation 96, 97 or 98;

"obligatory rear lamp" (強制性後燈) means a lamp, capable of showing to the rear of a vehicle a red light, required to be carried by regulation 103; (L.N. 258 of 1984)

"obligatory reflector" (強制性反光體) means a red reflector required to be fitted to a vehicle by regulation 106;

"outermost part" (最外部分), in relation to a vehicle, does not include a door, hinged side or other adjustable part of the vehicle when opened or extended or a driving mirror or a direction indicator;

"overall height" (全高度) means the height of a vehicle standing on a level surface with all tyres inflated to normal pressure, measured vertically from such surface to the highest point of such vehicle or of the load on such vehicle whichever is the higher;

"overall length" (全長度) means the length of a vehicle measured between vertical planes at right angles to

the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of-

- (a) any driving mirror;
- (b) any starting handle;
- (c) any hood when down;
- (d) any expanding or extensible contrivance forming part of a turntable fire escape fixed to the vehicle; and
- (e) any front corner marker lamp or side marker lamp,

and in ascertaining the extreme projecting points of a vehicle account shall be taken of any device or any receptacle on or attached to the vehicle which increases the carrying capacity of the vehicle unless-

- (i) it is a tailboard which is let down while the vehicle is stationary in order to facilitate its loading or unloading;
- (ii) it is a tailboard which is let down in order to facilitate the carriage of, but which is not essential for the support of, loads which are in themselves so long as to extend at least as far as the tailboard when in the upright position; or
- (iii) it is a receptacle which is constructed or adapted for the purpose of being lifted on or off vehicles with goods contained therein and is from time to time actually used for that purpose;

"overall width" (全寬度) means the width of a vehicle measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of-

- (a) any driving mirror;
- (b) any direction indicator;
- (c) so much of the distortion of any tyre as is caused by the weight of the vehicle; and
- (d) any front corner marker lamp or side marker lamp,

and in ascertaining the extreme projecting points of a vehicle account shall be taken of any device or any receptacle on or attached to the vehicle which increases the carrying capacity of the vehicle unless-

- (i) it is a sideboard which is let down while the vehicle is stationary in order to facilitate its loading or unloading; or
- (ii) it is a receptacle which is constructed or adapted for the purpose of being lifted on or off vehicles with goods contained therein and is from time to time actually used for that purpose;

"overhang" (懸出量) means the distance measured horizontally and parallel to the longitudinal axis of a vehicle between the vertical planes at right angles to that axis passing through the 2 points respectively specified in paragraphs (a) and (b) of this definition-

- (a) the rearmost point of the vehicle exclusive of-
 - (i) any hood when down;
 - (ii) any expanding or extensible contrivance forming part of a turntable fire escape fixed to the vehicle;
 - (iii) in the case of a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than 7 passengers, any luggage carrier fitted to the vehicle; and
 - (iv) in the case of a vehicle constructed to tow a trailer, any part of the vehicle designed primarily for use as a means of attaching the trailer and any fitting designed for use in connection with such part, being a part and fitting the total length of which measured parallel to the longitudinal axis of the vehicle does not exceed 300 millimetres; and
- (b) (i) in the case of a motor vehicle having not more than 3 axles of which only one is not a steering axle, the centre point of that axle;
- (ii) in the case of a motor vehicle having 3 axles of which the front axle is the only steering

axle and of a motor vehicle having 4 axles of which the 2 foremost are the only steering axles, a point 100 millimetres to the rear of the centre of a straight line joining the centre points of the 2 rearmost axles; and

- (iii) in any other case, a point situated on the longitudinal axis of the vehicle and such that a line drawn from it at right angles to that axis will pass through the centre of the minimum turning circle of the vehicle;

"passenger vehicle" (客運車輛) means a vehicle constructed solely for the carriage of passengers and their effects;

"pedestrian-controlled vehicle" (徒步控制車輛) means a vehicle, other than a rickshaw, which is controlled by a pedestrian and not constructed or adapted for use or used for the carriage of a driver or passenger;

"permanent top" (固定車頂) means any covering of a vehicle, other than a hood made of canvas or other flexible material which is capable of being readily folded back so that no portion of such hood or any fixed structure of the roof remains vertically above any part of any seat of the vehicle, or, in the case of a double-decked bus, of any seat on the upper deck of the bus;

"pneumatic tyre" (充氣輪胎) means a tyre which is-

- (a) provided with a continuous closed chamber containing air at a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load;
- (b) capable of being inflated and deflated without removal from the wheel or vehicle; and
- (c) of such construction that when it is deflated and is subjected to a normal load, the sides of the tyre collapse;

"poor visibility conditions" (能見度低的情況) has the meaning assigned to it by regulation 2(1) of the Road Traffic (Traffic Control) Regulations (Cap 374 sub. leg.);

"positive-ignition engine" (強制點火式引擎) means an engine operating on the otto cycle in which a mixture of fuel and air is drawn into cylinders and ignited after compression by means of an electric spark applied at a known and predetermined moment of the cycle;

"primary emergency exit" (主要緊急出口) means an emergency exit, being an exit provided in a single-decked bus or in the lower deck of a double-decked bus, of which the dimensions are not less than 1350 millimetres by 500 millimetres;

"printing" (打印) includes any electronic or mechanical mode of representing words in a visible form; (L.N. 148 of 1997)

"rear lamp" (後燈) means a lamp showing to the rear of a vehicle a red light visible from a reasonable distance;

"rear marking" (車尾標記) means a rear marking of the type shown in any of the diagrams numbered 1 to 5 set out in Part I of the Eleventh Schedule;

"rear platform" (車尾平台) means a platform at the rear of a vehicle from which passengers can step directly to the ground through an exit without any step intervening;

"receipt printing device" (收據打印設備), in relation to a taxi, means the device installed in respect of the taxi in accordance with regulation 42A; (L.N. 148 of 1997)

"recut pneumatic tyre" (重切充氣輪胎) means any pneumatic tyre in which an existing tread pattern has been cut or burnt deeper or a new tread pattern has been cut or burnt except where the pattern is cut entirely in additional material added to the tyre for the purpose;

"reflecting area" (反光面積), in relation to a reflector on a vehicle, means the area of the orthogonal projection on a vertical plane at right angles to the longitudinal axis of the vehicle of that part of the reflector designed to reflect light;

"reversing lamp" (倒車燈) means a lamp showing to the rear of a vehicle a white light for the purpose of

reversing;

"rigid vehicle" (整體式車輛) means a motor vehicle which is not constructed or adapted to form part of an articulated vehicle;

"safety glass" (安全玻璃) means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts;

"safety glazing" (安全透明物料) means material (other than glass) so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts;

"sealed beam lamp" (封閉式大燈) means a lamp unit comprising a reflector system, a lens system and one or more electrical filaments, which has been sealed in the course of manufacture and which cannot be dismantled without rendering the unit unusable as a lamp;

"secondary emergency exit" (備用緊急出口) means an emergency exit, other than a primary emergency exit provided in a bus, of which the dimensions are not less than 900 millimetres by 500 millimetres;

"side marker lamp" (旁標誌燈) means a lamp required to be carried by a trailer by regulation 109 and which shows a white light to the side of the trailer through an arc extending a minimum of 70 degrees forward from a line at right angles to the longitudinal axis of the trailer and a red light to the side through an arc extending a minimum of 70 degrees rearward from that line;

"single-decked bus" (單層巴士) means a bus upon which no part of a deck or gangway is vertically above another deck or gangway;

"split braking system" (分路式制動系統), in relation to a motor vehicle, means a braking system so designed and constructed that-

(a) it comprises two independent sections of mechanism capable of developing braking force such that, excluding the means of operation, a failure of any part (other than a fixed member or a brake shoe anchor pin) of one of the said sections shall not cause a decrease in the braking force capable of being developed by the other section;

(b) the said two sections are operated by a means of operation which is common to both sections; and

(c) the braking efficiency of either of the said two sections can be readily checked;

"stop lamp" (停車燈) means a lamp required to be fitted to a motor vehicle, or to a trailer towed by a motor vehicle, for the purpose of warning other road users, when the lamp is lit, that the brakes of the motor vehicle or, in the case of a trailer, the brakes of the towing vehicle or of the combination of vehicles, are being applied;

"stored energy" (儲存能量), in relation to a braking system of a vehicle, means energy (other than the muscular energy of the driver or the mechanical energy of a spring) stored in a reservoir for the purpose of applying the brakes under the control of the driver, either directly or as a supplement to his muscular energy;

"straddle carrier" (跨運車) means a motor vehicle constructed to straddle and lift its load for the purpose of transportation;

"supplementary main beam" (輔助主光) means a main beam which is emitted by an obligatory headlamp which can also emit a dipped beam and which can only be used in conjunction with a main beam from another obligatory headlamp on the same side of the vertical plane passing through the longitudinal axis of the vehicle;

"tangential plane" (切向平面), in relation to sideguard requirements, means the vertical plane formed by the external face of the outermost tyre at the rear and on the same side as the sideguard; (L.N. 203 of 1990)

"towing implement" (拖曳機具) means any device on wheels designed for the purpose of enabling a motor vehicle to tow another vehicle by the attachment of that device to that other vehicle in such a manner that part of that other vehicle is secured to and either rests on or is suspended from the device and

some but not all of the wheels on which that other vehicle normally runs are raised off the ground;

"track laying vehicle" (履帶式車輛) means a vehicle that is so designed and constructed that its weight is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle;

"two-tone horn" (雙音喇叭) means an instrument or apparatus which, when operated, automatically produces a sound which alternates at regular intervals between 2 fixed notes;

"unladen weight" (淨重量), in relation to a vehicle, means the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) including the weight of water or accumulators which are necessary to, or ordinarily used with, the vehicle when working on a road, but exclusive of the weight of fuel, loose tools and loose equipment in the vehicle;

"unleaded petrol" (無鉛汽油) has the same meaning as in section 2 of the Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap 311 sub. leg.); (L.N. 160 of 2000)

"warning instrument" (警報儀器) means any instrument required to be fitted to or carried on or in a vehicle for audibly signalling its approach or presence;

"wheel" (車輪), in the case of a motor vehicle or trailer, means a wheel the tyre or rim of which when the vehicle is in motion on a road is in contact with the ground; and any two such wheels shall be treated as one wheel if the distance between the centres of the areas of contact between them and the road surface is less than 460 millimetres;

"wheel span" (輪距) means the distance between the foremost and rearmost axles;

"wide tyre" (寬輪胎) means a pneumatic tyre which has an area of contact with the road surface of not less than 300 millimetres in width when measured at right angles to the longitudinal axis of the vehicle.

Chapter:	374G	Title:	ROAD TRAFFIC (TRAFFIC CONTROL) REGULATIONS	Gazette Number:	L.N. 192 of 2000
Regulation:	42	Heading:	General driving rules	Version Date:	01/07/2001

PART VII

DRIVING RULES

- (1) A driver shall not- (L.N. 192 of 2000)
- when driving a motor vehicle on a road permit any person not being a driving instructor to grasp or interfere with the steering, gearing or braking mechanism of the vehicle;
 - cause or allow the engine of a motor vehicle on a road to run while the cover of the fuel tank is removed;
 - drive a motor vehicle on a road so that the vehicle (other than plant engaged on road construction or repair) travels backwards, unless it can be done in safety and is not done for a greater distance or time than may be necessary for the safety or reasonable convenience of any occupant of that vehicle or of other users of the road;

- (d) cause or allow a motor vehicle to make a turn on a road in order to proceed on that road or part of that road in the reverse direction to that in which the vehicle was proceeding prior to the turn in such a manner as to be likely to cause obstruction to other users of the road;
- (e) when driving a motor cycle on a road, wear any radio or cassette earphones:
 - Provided that this paragraph shall not apply to a driver of a motor cycle-
 - (i) which is being driven for any police purpose;
 - (ii) which is being driven for any other purpose in respect of which the Commissioner has in writing permitted the use of such earphones.
- (f) drive a motor vehicle through an emergency crossing unless he-
 - (i) complies with the requirement indicated by a traffic sign or a road marking; or
 - (ii) drives the vehicle for fire services, ambulance, or police purposes; (L.N. 248 of 1991; L.N. 192 of 2000)
- (g) if a motor vehicle being driven by him is in motion-
 - (i) use a mobile telephone while holding it in his hand or between his head and shoulder;
 - (ii) use any other telecommunications equipment while holding it in his hand; or
 - (iii) use, while holding in his hand, any accessory to-
 - (A) a mobile telephone; or
 - (B) any other telecommunications equipment. (L.N. 192 of 2000)

(2) In subregulation (1)(g)-

"accessory" (附件) means, in relation to a mobile telephone or any other telecommunications equipment, any accessory or fitting-

- (a) which forms part of the mobile telephone or other telecommunications equipment; or
- (b) which is associated with, attached or connected to the mobile telephone or other telecommunications equipment in order to facilitate the use of the mobile telephone or telecommunications equipment;

"telecommunications equipment" (電訊設備) means any equipment, apparatus or device, whether or not installed in a motor vehicle, which is designed to be or capable of being used to communicate with any person orally by means of radio waves or other electromagnetic means. (L.N. 192 of 2000)

Chapter:	374G	Title:	ROAD TRAFFIC (TRAFFIC CONTROL) REGULATIONS	Gazette Number:	
Schedule:	6	Heading:	TRANSITIONAL PROVISIONS	Version Date:	30/06/1997

[regulation 64]

1. Any traffic sign or road marking erected or placed under regulation 3 of the revoked Road Traffic (Roads and Signs) Regulations (Cap 220 sub. leg.) shall be deemed to be a traffic sign or road marking erected or placed in accordance with regulation 3 or 8 of these regulations, as the case may be.

2. Any traffic signals used in accordance with regulation 11 of the revoked Road Traffic (Roads and Signs) Regulations (Cap 220 sub. leg.) shall be deemed to be light signals erected or placed in accordance with

regulation 16 of these regulations.

3. Any signs and lamps erected or placed in accordance with regulation 3 of the revoked Road Traffic (Lighting and Guarding of Road Works) Regulations (Cap 220 sub. leg.) shall be deemed to be traffic signs and lanterns erected or placed in accordance with regulation 20 of these regulations.

4. Any zebra crossings established in accordance with regulation 3 of the revoked Road Traffic (Road Crossing) Regulations (Cap 220 sub. leg.) shall be deemed to be zebra crossings established in accordance with regulation 30 of these regulations.

5. During the period of 12 months after the commencement of Part IV of these regulations a lantern used to indicate to traffic the limits of any road works on a road shall be treated as if prescribed by paragraph 3 of Schedule 5 notwithstanding that it is not in every respect of the size, colour and type prescribed by that paragraph, if that lantern emits, a steady red light achieved by means of an electric lamp or, a paraffin lamp with lenses having diameters not less than 57 mm, or a red intermittent light.

6. Without prejudice to any other provision of this Schedule, in so far as any notice given, permit issued or any other thing done or deemed to be done under the revoked Road Traffic (Lighting and Guarding of Road Works) Regulations (Cap 220 sub. leg.), the Road Traffic (Road Crossing) Regulations (Cap 220 sub. leg.) or the Road Traffic (Roads and Signs)

Regulations (Cap 220 sub. leg.) could have been given, issued or done under a corresponding provision of these regulations if they had been in force it shall not be invalidated by the revocation effected by regulation 63 of these regulations, but shall have effect as if given, issued or done under that corresponding provision.

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	69 of 1999
Section:	2	Heading:	Interpretation	Version Date:	12/11/1999

In this Ordinance, unless the context otherwise requires-

"accessory" (附件) means a device, other than current-using equipment, associated with current-using equipment or with the wiring of an electrical installation;

"current-using equipment" (用電器具) means electrical equipment that, during normal use, converts electrical energy into another form of energy such as light, heat, sound or motive power;

"Director" (署長) means the Director of Electrical and Mechanical Services;

"electric line" (輸電線) means-

(a) a conductor used for the purpose of conveying, transmitting or distributing electricity and any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting such conductor, or any part of it;

(b) any apparatus connected with such conductor or other thing mentioned in paragraph (a) for the purpose of conveying, transmitting or distributing electricity,

and in paragraph (a), reference to a conductor used for the purpose of conveying, transmitting or

distributing electricity includes reference to a wire or to any other means used for that purpose;
(Added 69 of 1999 s. 3)

"electrical accident" (電力意外) means an incident involving electricity that causes a fire or explosion or that causes death or injury to a person;

"electrical equipment" (電力器具) means machines, transformers, apparatus, appliances, measuring instruments, protective devices, wiring material, accessories, fittings and similar things, used for generation, conversion, transmission, distribution, control, measurement or utilization of electrical energy;

"electrical installation" (電力裝置) means an assembly of associated electrical equipment;

"electrical product" (電氣產品) means any current-using equipment, lighting fitting or accessory, that uses low voltage or high voltage electricity;

"electrical work" (電力工程) (電力工作) means work in relation to the installation, commissioning, inspection, testing, maintenance, modification or repair of a low voltage or high voltage fixed electrical installation and includes the supervision and certification of that work and the certification of design of that installation;

"electricity supplier" (供電商) means a person who generates, supplies and sells electricity at low or high voltage for use in an electrical installation;

"electricity supply line" (供電電纜) means an electric line, or any cable used in conjunction with such a line for the purpose of transmitting control signals, which is owned by an electricity supplier;
(Added 69 of 1999 s. 3)

"energized part" (帶電部分) means that part of an electrical installation that is energized at low voltage or high voltage;

"extra low voltage" (特低壓) means voltage normally not exceeding-

- (a) 50V root mean square alternating current; or
- (b) 120V direct current,

between conductors or between a conductor and earth;

"fixed electrical installation" (固定電力裝置) means a low or high voltage electrical installation that is fixed to premises but does not include any electrical equipment that is supplied with electricity after passing through a socket of the installation at which the supply can be disconnected without the use of a tool;

"generating facility" (發電設施) means an electrical installation used to produce electricity at low voltage or high voltage;

"high voltage" (高壓) means voltage normally exceeding low voltage;

"low voltage" (低壓) means voltage normally exceeding extra low voltage but normally not exceeding-

- (a) between conductors, 1000V root mean square alternating current or 1500V direct current; or
- (b) between a conductor and earth, 600V root mean square alternating current or 900V direct current;

"owner" (擁有人) of an electrical installation or generating facility includes-

- (a) a person who is in possession or control of an electrical installation; and
- (b) a person who holds premises in which an electrical installation is located, whether the premises are held under lease, licence or otherwise and includes an agent of that person and a tenant or occupier of premises;

"registered electrical contractor" (註冊電業承辦商) means an electrical contractor registered under section 33;

"registered electrical worker" (註冊電業工程人員) means an electrical worker registered under section 30;

"supply" (供應), in relation to the supply of an electrical product, means-

- (a) to sell or hire out the electrical product;
- (b) to offer, keep or exhibit the electrical product for sale or for hiring out;
- (c) to exchange or dispose of the electrical product for any consideration;
- (d) to transmit, convey or deliver the electrical product in pursuance of-
 - (i) a sale;
 - (ii) a hiring out; or
 - (iii) an exchange or disposal for any consideration; or
- (e) for commercial purposes, to give the electrical product as a prize or to make a gift of such a product; (Replaced 69 of 1999 s. 3)

"wiring installation" (線路裝置) means that part of a fixed electrical installation that is used for the distribution and control of electricity, including fittings, accessories, devices and switches but excluding current-using equipment.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	
Section:	4	Heading:	Removal of item for examination	Version Date:	30/06/1997

(1) The Director may, after notifying the owner of an electrical installation of the reason, remove from premises any item that has been involved in an electrical accident and may retain the removed item for examination.

(2) At the request of its owner, the Director shall return the retained item when he has completed his examination.

(3) Unless the owner requests a return of the item removed under subsection (1) within 6 months after it was removed, the Director may dispose of it without compensation to the owner.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	
Section:	13	Heading:	Connection and continued supply	Version Date:	30/06/1997

(1) Where a fixed electrical installation complies with this Ordinance an electricity supplier shall, within a reasonable time after being requested to do so by the owner of the installation, connect the electricity supply to the installation.

(2) Subsection (1) does not oblige an electricity supplier-

- (a) to supply electricity where it is impracticable or unsafe to do so because of the location of the owner's premises; or
- (b) to supply electricity to an owner who does not agree to the supplier's usual contractual terms or to provide reasonable evidence of credit worthiness; or
- (c) to supply or continue to supply electricity to an owner of an electrical installation who has failed to perform his contractual obligations to the supplier.

(3) If an electricity supplier refuses to connect the electricity supply to an owner's electrical installation, he shall give the owner the reason for the refusal.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	
Section:	14	Heading:	Electricity supplier may inspect or require inspection	Version Date:	30/06/1997

(1) If an electricity supplier has reasonable grounds to believe that a fixed electrical installation may contravene this Ordinance or may affect the safe and stable operation of the supplier's or another person's electrical installation, he may at a reasonable time enter premises to inspect the fixed electrical installation and he shall inform the owner of the electrical installation of the results of the inspection.

(2) Notwithstanding any agreement between an electricity supplier and the owner of the installation, the owner is not obliged to allow the supplier to inspect his installation unless the supplier has given him at least 2 weeks notification of the proposed time of the inspection and includes in the notice the reason for the inspection.

(3) Notwithstanding any agreement between an electricity supplier and the owner, instead of submitting to the inspection under subsection (1), the owner may arrange his own inspection and give the supplier an inspection report by a date not later than that set out in the notification under subsection (2).

(4) The inspection report must be prepared and signed by a registered electrical worker in a form required by the Director and state the worker's opinion on whether the fixed electrical installation contravenes this Ordinance or affects the safe and stable operation of the supplier's or another person's electrical installation.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	
Section:	26	Heading:	Entry and inspection	Version Date:	30/06/1997

For the purpose of section 27 or for ascertaining compliance with this Ordinance in relation to electrical products the Director may without notice enter premises, other than domestic premises, during reasonable hours to inspect electrical products and he may examine any process or procedure (including arrangements for carrying out a test) connected with the production of electrical products.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	
Section:	27	Heading:	Electrical product testing	Version Date:	30/06/1997

(1) Where the Director has reasonable cause to suspect that in relation to an electrical product this Ordinance has been contravened he may remove the electrical product from premises other than domestic premises and retain the electrical product for testing.

(2) After testing the retained electrical product, the Director shall return it to its owner or to the premises from which it was removed along with a notice of whether the product complies with this Ordinance.

(3) Where the electrical product tested under subsection (1) is determined by the Director to be not in compliance with this Ordinance, the owner of the electrical product is, if the Director so notifies him when the product is returned, liable to the Government for the cost of testing the product and the cost is recoverable as a civil debt.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	
Section:	30	Heading:	Electrical worker registration	Version Date:	30/06/1997

PART VII

ELECTRICAL WORKERS AND CONTRACTORS WORKERS

(1) Where the Director considers that an applicant is, in accordance with the regulations respecting registration, qualified to do electrical work in any grade, the Director shall register him as an electrical worker for that grade.

(2) The Director shall issue to a registered electrical worker a certificate of registration on which the Director shall specify the grade of electrical work that the worker is entitled to do and, where the Director considers it appropriate, he shall also specify-

- (a) the type of electrical work the worker is entitled to do within a grade; or
- (b) the type of electrical installation or premises on which the worker is entitled to do electrical work within a grade.

(3) In addition to the electrical work that a registered electrical worker is entitled to do within the grade for which he is registered, the worker is entitled to do any other type of electrical work, or work on any type of electrical installation or premises, that the Director specifies on his certificate of registration.

(4) The Director may specify on a registered electrical worker's certificate of registration that the worker is only entitled to do electrical work on a particular installation, type of installation or type of premises for a specified period of time, notwithstanding the term of his registration.

(5) Any person may, without charge, inspect the register of electrical workers.

(6) A registered electrical worker shall have his registration certificate with him or available at his workplace while doing electrical work.

(7) Where the Director refuses to register or renew the registration of an applicant, he shall notify the applicant and in the notice give his reasons for refusal.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	L.N. 223 of 1998
Section:	47	Heading:	Appeal board powers	Version Date:	29/05/1998

(1) The appeal board may, by notice under the signature of the chairman-

- (a) order a person to attend before the board and give evidence;
- (b) order a person to produce documents;
- (c) authorize a person to inspect an electrical installation; or
- (d) authorize a person to inspect an electrical product and for that purpose authorize entry to premises, other than domestic premises, where an electrical product is exhibited or kept for the purpose of sale or hire.

(2) The appeal board may-

- (a) confirm or revoke the decision or action of the Director or decision of the disciplinary tribunal;
- (b) make any decision that the Director or disciplinary tribunal could have made;
- (c) order the Director to take any action within his powers, including an order to return an electrical product seized under section 25(2); or (Amended 12 of 1997 s. 8)
- (d) in an appeal from a decision of the Director to impose a fine or reprimand under section 36(1), do anything that the disciplinary tribunal may do under section 41 (2).

(3) The appeal board may make any order it thinks fit with regard to the payment of costs of the proceedings under this section and the costs of the Director or of any person in respect of whom the proceedings are brought.

(4) The appeal board shall notify the appellant and the Director of its decision and the reasons for it.

(5) A fine imposed under this section and costs awarded or imposed under this section are recoverable as a civil debt.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:
Section:	49	Heading:	Powers of entry	Version Date: 30/06/1997

(1) The Director may at a reasonable time enter premises to inspect an electrical installation but an owner of an electrical installation is not obliged to allow the Director to inspect his installation unless the Director has given him at least 2 weeks notification of the proposed time of the inspection and includes in the notice the reason for the inspection.

(2) In order to investigate an electrical accident, the Director may enter premises to inspect an electrical installation.

(3) For the purposes of effecting entry in pursuance of the powers under subsection (2) and sections 4(1), 5(2), 16(1) and (4), 41(1)(c) and 47(1)(c) and (d) the Director, an electricity supplier or a person authorized by a disciplinary tribunal or by an appeal board may without notice or further notice enter premises.

(4) For the purposes of effecting entry in pursuance of the powers under sections 6, 17(1) and 18(1) the Director or an electricity supplier may without notice enter premises using such force as is necessary in the circumstances.

(5) If a magistrate is satisfied that it is necessary or desirable for the purposes of carrying out powers and duties under this Ordinance, he may issue a warrant authorizing a person to enter premises to inspect an electrical installation or product or to obtain information or documents.

(6) A warrant under subsection (5) continues in force until the earlier of the purpose for which it was issued is satisfied or 6 months after its date of issue.

(7) The Director, an employee or agent of an electricity supplier or a person authorized by a disciplinary tribunal or an appeal board, in entering premises under this Ordinance, may take with him any other person necessary to assist him in carrying out his powers and duties under this Ordinance.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	
Section:	52	Heading:	Service	Version Date:	30/06/1997

A notice or other document referred to in this Ordinance may be served in person or sent by post to the recipient's premises or deposited in his post box or receptacle.

(Enacted 1990)

Chapter:	406	Title:	ELECTRICITY ORDINANCE	Gazette Number:	L.N. 106 of 2002
Section:	59	Heading:	Regulations	Version Date:	01/07/2002

(1) The Chief Executive in Council may make regulations for the general purposes of this Ordinance including regulations for all or any of the following matters- (Amended 61 of 2000 s. 3)

- (a) the procedures, qualifications and requirements for registration and renewal of registration of electrical workers, electrical contractors and generating facilities;
- (b) the grading of electrical work for registration of electrical workers;
- (c) additional or alternative qualifications for registration of electrical workers for each grade or type of electrical work as may be specified, considered equivalent, set or approved by the Director;
- (d) regulating the voltage and frequency of alternating current supply and their limits of variation as supplied to the main incoming terminals of an owner's electrical installation;
- (e) requiring, in specified circumstances, fixed electrical installations to be tested and certified before being energized;
- (f) requiring specified types of fixed electrical installations in specified types of premises or fixed electrical installations used for specified purposes to be periodically tested and

- certified and authorizing the Director to require particular premises specified by him by notice in the Gazette to have their fixed electrical installations periodically tested and certified;
- (g) requirements for the design, construction, installation, wiring and protection of fixed electrical installations;
 - (h) regulating an electricity supplier's installation and maintenance of its electric overhead lines and supports, cables, transformers, switchgear, control gear and other prescribed electrical equipment;
 - (i) the methods by which an electricity supplier shall maintain a safe and efficient supply of electricity;
 - (ia) measures designed to ensure that activities performed in the vicinity of electricity supply lines are performed in a manner that minimizes causing an electrical accident or interruption to the supply of electricity; (Added 69 of 1999 s. 4)
 - (j) specifying additional circumstances in which or the type of fixed electrical installations in respect of which the Director may make an exemption order under section 9;
 - (k) safety requirements for different classes of electrical products;
 - (l) limiting the application of the regulations to specified classes of electrical products;
 - (m) certification of safety compliance of electrical products;
 - (n) requiring all or specified classes of electrical product sellers or seller's agents to notify purchasers about hazardous defects in the product and requiring those sellers or seller's agents to accept a return of the product and refund the purchase price of the product;
 - (o) adoption by reference into the regulations of codes or standards as they may be amended from time to time relating to electrical installations or electrical products; and
 - (p) the procedures to be followed with respect to proceedings of the disciplinary tribunal and the appeal board.

(2) The Chief Executive in Council may make regulations under subsection (1)(d) to (i) for an area of Hong Kong that the Director of Housing may, by notice in the Gazette, designate as a special area for the purpose of this subsection. (Amended 61 of 2000 s. 3)

(3) Where a code or standard is adopted by reference under subsection (1)(o) the Director shall publish a notice in the Gazette specifying where copies of the code or standard can be obtained.

(4) Subject to subsections (5) and (8), regulations under this section may provide for a penalty not exceeding those set out in section 56(9) for a contravention of a regulation. (Amended 12 of 1997 s. 11; 69 of 1999 s. 4)

(5) Where a penalty is imposed for a contravention of the Electrical Products (Safety) Regulation (Cap 406 sub. leg.), the penalty may not exceed those set out in section 56A. (Added 12 of 1997 s. 11)

(6) Subject to subsection (7), the Secretary for Economic Development and Labour may by order in the Gazette amend any provision contained in Schedules to regulations made under this Ordinance. (Added 12 of 1997 s. 11. Amended L.N. 106 of 2002)

(7) The power to amend provisions contained in Schedules to regulations made under this Ordinance shall not include a power to impose a fee or charge nor a power to increase or decrease or otherwise vary or repeal any fee or charge specified or referred to in any provision contained in those Schedules. (Added 12 of 1997 s. 11)

(8) Regulations made for the purposes of subsection (1)(ia) shall be subject to the approval of the Legislative Council and-

- (a) may provide for the approval by the Director of a person as competent to ascertain the position of electricity supply lines which are not above ground or readily visible;
- (b) may empower the Director to direct a person to remedy a contravention of such a regulation, and may provide for measures designed to enforce such a direction or otherwise to give effect to it or to prevent a continuation or repetition of the contravention;
- (c) may vary, modify or limit Part IX ("APPEALS") in its application to a decision or action of the Director made or performed under those regulations and, in particular, may shorten the

- period within which an appeal against such a decision or action may be brought or may provide that an appeal board appointed for the purpose of hearing such an appeal shall be of a composition different to that otherwise provided for under Part IX;
- (d) may confer on the Director the power to enter and inspect any place or premises for the purpose of giving effect to the object specified in that subsection;
 - (e) may provide for the establishment by the Director of codes of practice for the purpose of providing practical guidance in respect of any of the requirements under such a regulation, and for the use of such codes in criminal proceedings;
 - (f) if a contravention of such a Regulation is declared to constitute an offence, may in respect of such contravention specify a penalty of a fine not exceeding \$200000 or a term of imprisonment not exceeding 12 months or both such fine and imprisonment and, in the case of a continuing offence, a daily penalty not exceeding \$10000. (Added 69 of 1999 s. 4)
(Enacted 1990)
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Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	69 of 1999
Regulation:	1	Heading:	Interpretation	Version Date:	12/11/1999

DEFINITIONS

- (1) In these regulations, unless the context otherwise requires-
- "company" (公司) means any person or any body of persons corporate or unincorporate by whom electricity is generated or supplied; (L.N. 215 of 1990)
- "consumer's wires" (用戶電線) means any electric lines which are connected to the service lines of the company at the company's meter terminals; (L.N. 138 of 1976)
- "electricity" (電力) means electricity, electric current or any like agency; (L.N. 215 of 1990)
- "overhead line" (架空電纜) means any electric line which is placed above ground and in the open air;
- "pressure" (壓力) means the difference of electrical potential between any 2 conductors through which a supply of energy is given, or between any part of either conductor and the earth; and-
- (a) where the conditions of the supply are such that the pressure at any pair of consumer's terminals does not exceed 250 volts, the supply shall be deemed a low pressure supply;
 - (b) where the conditions of the supply are such that the pressure exceeds 250 volts but does not exceed 650 volts, the supply shall be deemed a medium pressure supply;
 - (c) where the conditions of the supply are such that the pressure exceeds 650 volts but does not exceed 3000 volts, the supply shall be deemed a high pressure supply; and
 - (d) where the conditions of the supply are such that the pressure exceeds 3000 volts, the supply shall be deemed an extra high pressure supply;
- "street" (街道) includes any square, court or alley, highway, lane, road, thoroughfare or public passage or place; (L.N. 215 of 1990)
- "sub-station" (電力分站) means any premises in which energy is transformed or converted for the purpose

of supply to consumers, and which are large enough to admit the entrance of a person after the transforming or converting apparatus is in position:

Provided that for the purpose of these regulations any place within any such premises which is used solely for some purpose other than such transformation or conversion shall not be deemed to form part of a sub-station;

"works" (工程) includes electric lines and any buildings, machinery, engines, works, matters or things of whatever description required to supply electricity and to carry into effect the objects of a company. (L.N. 215 of 1990)

(69 of 1999 s. 5)

(2) Where these regulations require any metallic body to be "efficiently connected with earth", it shall be connected with the general mass of earth in such manner as will ensure at all times an immediate and safe discharge of electrical energy.

Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	
Regulation:	3	Heading:	Introduction of three-wire system into consumer's premises	Version Date:	30/06/1997

When the pressure between the outer conductors of a three-wire system exceeds 250 volts and the 3 wires of the system or 2 pairs of wires are brought into a consumer's premises, the supply shall be given to 2 pairs of terminals arranged in such a manner that there shall be no danger of any shock, and the wiring from those terminals shall be kept distinct.

Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	
Regulation:	13	Heading:	Specifications and requirements respecting lines, line conductors, etc.	Version Date:	30/06/1997

PART I

GENERAL

(1) Line conductors shall be copper, aluminium or such other materials as may be approved by the Director of Electrical and Mechanical Services.

(2) All line conductors at the time of erection shall comply, as regards elongation, breaking load and elasticity, with the specification of the British Engineering Standards Association then in force.

(3) The minimum permissible size for copper and other line conductors (other than service lines) shall be such as to have an actual breaking load of not less than 1237 lb., the equivalent minimum cross-sectional area and weight per mile for copper being as follows-

Conductor	Cross-sectional area sq. in.	Weight per mile lb.
No. 8 S.W.G.	0.0201	409

The minimum permissible size of service line shall be such as to have an actual breaking load of not less than 816 lb., the equivalent minimum cross-sectional area and weight per mile for copper being as follows-

Conductor	Cross-sectional area sq. in.	Weight per mile lb.
No. 10 S.W.G.	0.0129	262

(4) Line conductors shall be rendered inaccessible to any person from any building or other place without the use of a ladder or other special appliance. Regard shall be had to the normal use by the occupier of any premises or land and where necessary (a) the height of the line conductors shall be increased to provide sufficient clearance for safety in accordance with such use, and (b) provision as prescribed in paragraph (14) or (17) shall be made to prevent danger.

(5) Where a line conductor crosses over or under or is in proximity to any other overhead wire, precautions shall be taken by the company to prevent contact, due to breakage or otherwise, between the line conductor and the other overhead wire, or between the other wire and the line conductor:

Provided that this paragraph shall not be deemed to require the company to take precautions against contact between a broken line conductor and other auxiliary conductors and earth wires carried on the same support and forming part of the same overhead line.

(6) Line conductors shall be attached to suitable insulators carried on supports of iron, steel, reinforced concrete or wood. Special precaution shall be taken to prevent the corrosion of all metal work at or below the surface of the ground. (L.N. 236 of 1972)

(7) The supports, in conjunction with stays or struts if provided, shall withstand the longitudinal, transverse and vertical loads due to the wind pressure hereinafter specified without damage and without movement in the ground. In no case shall the strength of a support in the direction of the overhead line be less than one-quarter the required strength in a direction transverse to the line.

The following factors of safety shall apply to each support-

Material	Factor of safety
Iron or steel	3
Reinforced concrete	4
Wood	3

These factors of safety shall be calculated on the assumption that all line conductors, cables and wires

carried by the supports are at a temperature of 70 degrees Fahrenheit, and that together with the supports they are subjected to a wind pressure of 40 lb. per square foot. (L.N. 236 of 1972)

(8) Service lines shall be connected to line conductors at a point of support only and shall be fixed to insulators on consumers' premises. Every part of a service line (other than a neutral conductor connected with earth) which is accessible from a building with the use of a ladder or other special appliance shall be efficiently protected either by insulating material or by other means approved by the Director of Electrical and Mechanical Services.

(9) Where line conductors forming parts of systems at different voltages are erected on the same poles or supports adequate provision shall be made to guard against danger to linesmen and from the lower voltage system being charged above its normal voltage by leakage from or contact with the higher voltage system; and the type of construction shall be subject to the prior approval of the Director of Electrical and Mechanical Services.

(10) Every overhead line, including its supports and structural parts, and electrical appliances and devices belonging to or connected therewith, shall be regularly inspected and efficiently maintained.

(11) All materials used shall at the time of erection conform to the specifications for the time being in force of the British Engineering Standards Association and the Post Office (London) for the construction of aerial lines, so far as the same are applicable and are not inconsistent with this regulation.

PART II

SPECIFIC

(Applicable according to the voltage between line conductors where no part of the system is connected with earth, or according to the voltage to earth where part of the system is connected with earth.)

A-For voltages not exceeding 650 volts direct current and 325 volts alternating current

(12) The factor of safety of line conductors shall be 2. The factor of safety shall be based on the breaking load and shall be calculated on the assumption that the line conductors are at a temperature of 70 degrees Fahrenheit and that they are subjected to a wind pressure of 40 lb. per square foot.

(13) The height from the ground of any line conductor (other than a service line), earth wire or auxiliary conductor at any point of the span at a temperature of 160 degrees Fahrenheit shall not, except with the consent of the Director of Electrical and Mechanical Services, be less than 19 feet across a public road or 17 feet in other positions. A height of 15 feet may be adopted in situations inaccessible to vehicular traffic.

Where a service line is carried across or along a carriage-way, the height of the line from the ground at any part of the carriage-way shall not, except with the consent of the Director of Electrical and Mechanical Services, be less than 19 feet and 17 feet respectively.

(14) Where the voltage to earth exceeds 250 volts direct current or 125 volts alternating current, precaution should be taken to prevent danger,

- (I) from a broken line conductor by the provision of-
 - (a) a neutral or earthed conductor carried continuously from pole to pole, and so arranged in relation to the other conductors that in the event of breakage of any one of them the line conductor shall make contact with the earthed wire; or
 - (b) other means approved by the Director of Electrical and Mechanical Services;
- (II) from leakage by the provision-
 - (a) in cases where metal poles are used, of-
 - (i) an earthed wire, running from pole to pole and connected to the poles; or
 - (ii) a suitable metal framework to support the insulators carrying the line conductors, the

- (iii) other means approved by the Director of Electrical and Mechanical Services.
- (b) in cases where wooden poles are used, of-
 - (i) a bonding wire connected to the supporting metal work of all insulators, the bonding wire terminating at the lowest part of the supporting metal work; or
 - (ii) other means approved by the Director of Electrical and Mechanical Services.

All stay wires other than those which are connected with earth by means of a continuous earth wire shall be insulated to prevent danger from leakage. For this purpose an insulator shall be placed in each stay wire at a height of not less than 10 feet from the ground.

B-For voltages exceeding 650 volts direct current
and 325 volts alternating current

(15) The factor of safety of line conductors shall be 2. The factor of safety shall be based on the breaking load and shall be calculated on the assumption that the line conductors are at a temperature of 70 degrees Fahrenheit and that they are subjected to a wind pressure of 40 lb. per square foot.

(16) The height from the ground of any line conductor at any point on the span at a temperature of 160 degrees Fahrenheit shall not, except with the consent of the Director of Electrical and Mechanical Services, be less than the height hereunder stated-

Voltages not exceeding 66000 volts	20 feet
Voltages exceeding 66000 volts and not exceeding 110000 volts	21 feet
Voltages exceeding 110000 volts and not exceeding 165000 volts	22 feet
Voltages exceeding 165000 volts	23 feet

The height from the ground of an earth wire or auxiliary conductor shall not be less than the minimum heights prescribed in paragraph (13) above.

(17) Adequate means shall be provided to render any line conductor dead or harmless to human beings or animals in the event of it falling, due to breakage or otherwise.

All metal work other than conductors shall be permanently and efficiently connected with earth. For this purpose a continuous earth wire shall be provided and connected with earth at 4 points in every mile, the spacing between the points being as nearly equidistant as possible, or alternatively the metal work shall be connected to an effective earthing device at each individual support. The design and construction of the system of earth connections shall be such that when contact is made between a line conductor and metal connected with earth the resulting leakage current shall not be less than twice the leakage current required to operate the devices which make the line dead or harmless to human beings or animals.

(17A) An overhead line carrying a voltage not exceeding 11000 volts may be erected on wooden poles and any line so erected shall comply with the requirements of-

- (a) specification No. 1320 of August 1946, issued by the British Standards Institution, with such modification thereto as may be for the time being in force; and
- (b) these regulations, except in so far as they are in consistent with the requirements of paragraph (a). (L.N. 236 of 1972)

(18) Where an overhead line is erected along or across a public road or canal or across a railway all wires including earth wires and auxiliary conductors shall be placed at the appropriate height from the ground specified in paragraph (16) for line conductors, and the following additional precautions shall be taken to prevent danger-

- (a) in the case of a line erected along a public road or canal (or within 50 feet thereof) there shall be provided-
 - (i) duplicate insulators supporting the conductors; or
 - (ii) a device to ensure that in the event of a line conductor falling it shall be put to earth; or

- (iii) other means approved by the Director of Electrical and Mechanical Services;
- (b) in the case of a line erected across a public road, canal or railway there shall be provided-
 - (i) duplicate insulators for supporting the line conductor and a device to ensure that in the event of a line conductor falling it shall be put to earth; or
 - (ii) duplicate insulators supporting duplicate conductors tied at intervals not exceeding 5 feet; or
 - (iii) other means approved by the Director of Electrical and Mechanical Services.

(19) Supports shall be numbered consecutively and each support shall have a danger notice of a permanent character securely fixed to it. Adequate provision shall also be made to prevent unauthorized climbing.

(20) All overhead lines shall be removed on ceasing to be used for the purposes for which they were erected.

(L.N. 76 of 1982; L.N. 298 of 1982)

Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	
Regulation:	25	Heading:	Responsibility of company for lines, etc., on consumer's premises	Version Date:	30/06/1997

CONSUMER'S PREMISES

The company shall be responsible for all electric lines, fittings and apparatus belonging to it or under its control, which may be upon a consumer's premises, being maintained in a safe condition and in all respect fit for supplying energy.

Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	
Regulation:	26	Heading:	Fire risks	Version Date:	30/06/1997

In delivering the energy to a consumer's terminals the company shall exercise all due precautions so as to avoid risk of causing fire of the premises.

Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	
Regulation:	27	Heading:	Main fuses or circuit-breakers	Version Date:	30/06/1997

(1) A suitable safety fuse or other automatic circuit-breaker shall be inserted in each service line within a consumer's premises as close as possible to the point of entry, and contained within a suitable locked or sealed receptacle of fireproof construction, except in cases where the service line is protected by fuses in a street box; but no fuse or automatic circuit-breaker shall be inserted in the intermediate conductor of a three-wire system.

(2) Wherever a seal is found broken on a consumer's premises and unless the same has been broken by an employee of the company, the consumer shall be liable to a penalty of \$5.

Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	
Regulation:	28	Heading:	Treatment of service lines and apparatus on consumer's premises	Version Date:	30/06/1997

All service lines and apparatus placed on a consumer's premises shall be highly insulated and thoroughly protected against injury to the insulation or access of moisture, and any metal forming part of the electric circuit shall not, unless efficiently connected with earth, be exposed so that it can be touched. All electric lines shall be so fixed and protected as to prevent the possibility of electrical discharge to any adjacent metallic substance.

Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	
Regulation:	29	Heading:	Transformers and high pressure apparatus to be inclosed in metal, etc.	Version Date:	30/06/1997

Where the general supply of energy is a high pressure supply and transforming apparatus is installed on a consumer's premises, the whole of the high pressure service lines, conductors and apparatus, including the transforming apparatus itself, so far as they are on the consumer's premises, shall be completely inclosed in solid walls or in strong metal casing efficiently connected with earth and securely fastened throughout.

Chapter:	406A	Title:	ELECTRICITY SUPPLY REGULATIONS	Gazette Number:	
Regulation:	39	Heading:	Special regulations as to extra high pressure	Version Date:	30/06/1997

EXTRA HIGH PRESSURE

(1) This regulation shall have effect in the case of a supply at extra high pressure, and shall be in addition to and not in substitution for the obligations imposed by the foregoing regulations.

(2) An extra high pressure main shall not be brought into use unless, after it has been placed in position and before it is used for the purposes of supply, the insulation of every part thereof has withstood the continuous application, during half an hour, of pressure exceeding the maximum pressure to which it is intended to be subject in use, that is to say, in the case of every electric line to be used for a pressure not exceeding 10000 volts twice the said maximum pressure, and in the case of a line to be used for a pressure exceeding 10000 volts, a pressure exceeding the said maximum pressure by 10000 volts; and the company shall record the results of the tests of each main or section of a main.

(3) Every extra high pressure main shall be protected by a suitable fuse or automatic circuit-breaker, but in the case of a concentric main that fuse or circuit-breaker shall not be inserted in any external conductor thereof which is connected with earth.

(4) In every case where an extra high pressure supply is transformed or converted to a reduced pressure, some suitable automatic and quick-acting means shall be provided to protect the reduced pressure circuits from any accidental contact with or leakage from the extra high pressure system, either within or without the transforming or converting apparatus.

(5) All metal conduits, pipes or casings containing any extra high pressure electric line shall be efficiently connected with earth and shall be so jointed and connected across all street boxes and other openings as to make good electrical connection throughout their whole length.

(6) Every portion of any extra high pressure electric line placed above the surface of the ground, otherwise than in a sub-station, or in any subway not in the sole occupation of the company, shall be completely inclosed either in a tube of highly insulated material embedded in brickwork, masonry or cement-concrete, or in strong metal casing efficiently connected with earth.

(7) (a) Where extra high pressure mains for three-phase supply consist of insulated conductors laid together, provision shall be made to ensure that neither the ground nor any neighbouring or electric line or conductor can become charged by leakage from any such main.

(b) Where this provision is made by a copper strip under a lead sheath that strip shall be not less than sixteen-thousandths of an inch in thickness, and where it is made by steel wires outside a lead sheath each of those wires shall be not less than one-tenth of an inch in diameter.

(c) Where the mains are inclosed in a lead sheath the sheath shall be not less than one-tenth of an inch in thickness and shall be permanently and efficiently connected with earth.

(8) Extra high pressure mains for single phase supply and all cables connected therewith shall consist either of 2 concentric conductors or of separate conductors. Where concentric conductors are used the insulation shall be maintained efficiently throughout except that the outer conductor shall be connected with earth at 1 point, and where separate conductors are used provision shall be made as in the case of mains for three-phase supply to ensure that neither the ground nor any neighbouring electric line or conductor can become charged by leakage.

(9) An extra high pressure electric line shall not be brought into use for the supply of energy before it has been completely laid, properly jointed, examined and tested or until it is in the sole charge of the company, and every such line shall during its use be in the sole charge of the company.

(10) Extra high pressure mains shall not pass through the same street box with other mains, unless they are inclosed in strong metal casing; and street boxes containing high pressure mains shall not contain pipes for water, gas or other service, or electric mains belonging to another undertaking:

Provided that any such street box may contain telephone wires belonging to the company.

(11) Sub-stations supplied at extra high pressure shall be established in suitable places and shall be in the sole occupation of the company.

(12) Sub-stations constructed below the surface of any street after 2 December 1921, to which an extra high pressure is to be given shall not contain switches or apparatus other than transformers.

(13) The transforming apparatus at any sub-station supplied at extra high pressure shall be so arranged that there shall be no danger of any mains connected therewith being charged to any pressure beyond the limits of pressure for which those mains are intended.

(14) In delivering the energy to a sub-station at extra high pressure the company shall exercise all due precautions so as to avoid risk of causing fire on the premises.

(15) All extra high pressure electric lines and apparatus placed in a sub-station shall be highly insulated and thoroughly protected against injury to the insulation or access of moisture, and any metal forming part of the electric circuit shall not, unless efficiently connected with earth, be exposed so that it can be inadvertently touched. All such lines shall be so fixed and protected as to prevent the possibility of electrical discharge to any adjacent metallic substance.

(16) The Director of Electrical and Mechanical Services shall be entitled to enter at all times any of the generating stations or sub-stations of the company supplying or supplied at an extra high pressure, and to make any such examination and tests of the mains, machines, transformers or other apparatus in use in those stations as may appear to him necessary, and the company shall afford all due facilities for any such examination and tests. (L.N. 76 of 1982; L.N. 298 of 1982)

(17) Where any extra high pressure circuit is connected with earth the connection shall be made at one point only, namely at the generating station, sub-station or transformer, and the insulation of the circuit shall, except at that point, be efficiently maintained throughout.

(18) (a) The neutral point of the star winding of each distinct three-phase circuit, used for extra high pressure, may be connected with earth or may be insulated. If connected with earth through a resistance, that resistance shall be sufficiently low to ensure that the fuse or automatic circuit-breaker in the mains shall act.

- (b) If the neutral point is not connected with earth a separate electro-static voltmeter placed in a conspicuous position in the generating station shall be connected between each circuit and earth; and if the indications of the voltmeters show that the insulation of any of the circuits is faulty, immediate steps shall be taken to restore the insulation.
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Chapter:	406B	Title:	ELECTRICITY SUPPLY (SPECIAL AREAS) REGULATIONS	Gazette Number:
Regulation:	9	Heading:	Main fuses or circuit- breakers	Version Date: 30/06/1997

(1) Subject to paragraph (2), every consumer shall insert a suitable safety fuse, or other automatic circuit-breaker of adequate rupturing capacity, contained within a suitable receptacle of fire resistant construction-

- (a) in the consumer's wires in his premises as near to the point of entry as is practicable; and
- (b) where the company's meters are not attached to the consumer's premises, in his consumer's wires at the company's meter terminals.

(2) Notwithstanding paragraph (1), no fuse shall be inserted in the neutral conductor of any alternating current system supplying electricity to a consumer's premises.

(3) Any person who contravenes this regulation shall be guilty of an offence and shall be liable on summary conviction to imprisonment for 3 months and a fine of \$2000.

Chapter:	406B	Title:	ELECTRICITY SUPPLY (SPECIAL AREAS) REGULATIONS	Gazette Number:
Regulation:	10	Heading:	Initial inspection of consumer's installation before supply commences	Version Date: 30/06/1997

(1) A company shall not commence to supply electricity to a consumer's wires until it has inspected the consumer's installation and is satisfied that these regulations have been complied with and that the connection of supply would not cause an undue leakage or a danger of shock or fire.

(2) If during an inspection under paragraph (1) any part of a consumer's installation is found to be defective or otherwise in breach of these regulations, the company shall serve upon the consumer a notice requiring him to remedy such defect or breach, as the case may be, within such reasonable time as the

company shall specify in the notice.

(3) If a consumer fails to comply with a notice served under paragraph (2) the company shall decline to supply electricity to the premises concerned and shall not connect the supply until the defect or breach has been remedied and any reasonable charge for retesting has been paid to it by the consumer.

(4) A notice under paragraph (2) shall be sufficiently served if sent by post to the consumer's premises or left at such premises.

(5) Any company which contravenes paragraph (1) or (3) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$2000.

Chapter:	406D	Title:	ELECTRICITY (REGISTRATION) REGULATIONS	Gazette Number:	
Regulation:	8	Heading:	Grade R electrical work	Version Date:	30/06/1997

(1) Grade R electrical work may include one or more of the following-

- (a) electrical work on a neon sign installation;
- (b) electrical work on an air-conditioning installation;
- (c) electrical work on a generating facility installation; and
- (d) any other type of electrical work, or work on any type of electrical installation or premises, that the Director, under section 30(3), specifies on a registered electrical worker's certificate of registration.

(2) An individual is qualified to be registered for Grade R electrical work if he satisfies the Director that he has special training and has at least 4 years of experience in the type, or similar type, of electrical work for which he is seeking a Grade R certificate.

(Enacted 1990)

Chapter:	406E	Title:	ELECTRICITY (WIRING) REGULATIONS	Gazette Number:	36 of 2000
Regulation:	2	Heading:	Interpretation	Version Date:	16/06/2000

In these regulations, unless the context otherwise requires-
"approved loading" (允許負載量) means the maximum current demand approved by an electricity supplier in respect of a fixed electrical installation;

"breaking capacity" (斷流容量) means the value of current at which a switch, a switch-disconnector, a circuit breaker or a fuse is capable of breaking a circuit at a voltage and under conditions of use and behaviour specified by its manufacturer;

"category 1 circuit" (第1類電路) means a circuit that operates at low voltage, but does not include a category 3 circuit;

"category 2 circuit" (第2類電路) means a circuit for telecommunications, radio, telephone, sound distribution, intruder alarm, bell and call, or data transmission and that is supplied with electricity from a safety source, but does not include a category 3 circuit; (36 of 2000 s. 28)

"category 3 circuit" (第3類電路) means a circuit for emergency lighting, air pressurisation systems and fire services installations including fire detection and alarm, fire pumps, fireman's lifts and smoke extraction;

"category 4 circuit" (第4類電路) means a high voltage circuit;

"circuit" (電路) means an assembly of electrically connected electrical equipment supplied from the same origin and protected against overcurrent by the same protective device or devices;

"conductor" (導體) means a wire, cable or other form of metal used for conveying electric current from one piece of electrical equipment to another or to earth;

"current-carrying capacity" (載流量) means the maximum current that can be carried by a conductor as determined by using the methods in the "Regulations for Electrical Installations" as published by The Institution of Electrical Engineers, London, England, and as those regulations may be amended from time to time, without the conductor exceeding the permissible limit of steady state temperature for the type of insulation concerned as specified in those regulations;

"distribution board" (配電箱) means an installed group of fuses, switches, circuit breakers or other outlet points arranged for the distribution of electricity;

"earth"(地) means the conductive mass of the earth whose electric potential at any point is conventionally taken as zero;

"earth electrode" (接地極) means a conductor or group of conductors in intimate contact with earth and providing an electrical connection to earth;

"earth fault current" (電路的接地故障電流) of a circuit means an unintended current that flows in a circuit when a live part of the circuit comes into direct contact with earth;

"earth leakage current" (對地漏電電流) means a current that flows to earth, or to extraneous conductive parts, in a circuit that is not intended to be connected to earth during normal operation;

"earthing" (接地) means connecting a conductor with earth;

"exposed conductive part" (外露非帶電金屬部分) means a conductive part of electrical equipment that can be touched and that is not a live part but which may become live under faulty conditions;

"extraneous conductive part" (非電氣裝置金屬部分) means a conductive part liable to introduce a potential, generally earth potential, that does not form part of an electrical installation;

"final circuit" (最終電路) means a circuit connected directly to current-using equipment, a socket outlet or other outlet point;

"isolation" (隔離) means cutting off an electrical installation, a circuit or an item of electrical equipment from every source of electricity;

"linked circuit breaker"(連動斷路器), "linked isolator"(連動隔離器) or "linked switch" (連動開關掣) means a circuit breaker, isolator or switch the contacts of which are so arranged as to make or break all poles simultaneously or in a definite sequence;

"live part" (帶電部分) means a conductor that is intended to be energised in normal use, and includes a neutral conductor;

"main earthing terminal" (總接地終端) means the terminal or bar provided for the connection of protective

conductors, including equipotential bonding conductors, and conductors for functional earthing if any, to the means of earthing;

"neutral conductor" (中性導體) means a conductor connected to the neutral point of a system and contributing to the transmission of electricity;

"overhead line" (架空電纜) means a conductor that is placed above ground and is suspended in the open air;

"phase conductor" (相導體) means a conductor of an alternating current circuit for the transmission of electricity, but does not include a neutral conductor;

"residual current device" (電流式漏電斷路器) means a device or association of devices intended to cause the opening of contacts when the residual current attains a specified amperage under conditions specified by its manufacturer;

"safety source" (安全電源) means-

- (a) a double-insulated safety isolating transformer with its secondary winding being isolated from earth, and having a nominal output voltage not exceeding 55V;
- (b) a source of electricity providing a degree of safety equivalent to that of the safety isolating transformer referred to in paragraph (a) (for example, a motor-generator with windings providing equivalent isolation); or
- (c) a source providing electricity at a voltage not exceeding extra low voltage and independent of a higher voltage circuit;

"substation" (電力分站) means premises or an enclosed part of premises that contains electrical equipment for transforming or converting energy to or from high voltage (other than transforming or converting energy solely for the operation of switching devices or instruments) or for switching, controlling or regulating energy at high voltage and that are large enough to admit the entrance of a person after the electrical equipment is in position;

"switching" (開關) means making or breaking a current under normal circuit conditions;

"switchroom" (開關房) means premises or an enclosed part of premises that contains electrical equipment for switching, controlling or regulating electricity at low voltage and above and that are large enough to admit the entrance of a person after the electrical equipment is in position.

(Enacted 1990)

Chapter:	406E	Title:	ELECTRICITY (WIRING) REGULATIONS	Gazette Number:	
Regulation:	4	Heading:	General safety requirements	Version Date:	30/06/1997

(1) Good workmanship and suitable materials shall be used.

(2) A fixed electrical installation shall be designed, constructed, installed and protected so as to prevent danger.

(3) Electrical equipment shall be installed so that it is capable of being identified, maintained, inspected and tested, where appropriate, so as to prevent danger.

(4) Electrical equipment that requires operation, maintenance or attention shall be installed so as to provide adequate and safe means of access and working space.

(5) The owner and person in control of a substation or switchroom shall ensure that unauthorized entry into his substation or switchroom is prevented.

(6) The owner and person in control of premises in which a switchroom or substation is located shall ensure that their entrances and exits are kept clear of obstructions that could prevent easy access to the switchroom or substation.

(7) A registered electrical worker shall ensure that safety precautions are taken to prevent danger arising from electrical wiring work done by him or under his supervision.

(Enacted 1990)

Chapter:	406E	Title:	ELECTRICITY (WIRING) REGULATIONS	Gazette Number:	
Regulation:	12	Heading:	Earthing arrangement	Version Date:	30/06/1997

(1) A fixed electrical installation shall have an effective earthing arrangement, including a connection to earth electrodes, for its protection against earth fault currents and dangerous earth leakage currents.

(2) In addition to the requirement under subregulation (1), where the supply is taken directly from an electricity supplier's transformer within the premises in which the fixed electrical installation is situated, the main earthing terminal of the installation shall be bonded to the supplier's bonding terminal that connects to the earthed point of the transformer.

(3) In addition to the requirement under subregulation (1), where the supply is taken from the electricity supplier's underground cable that has exposed conductive parts at the cable termination at the point of supply, the main earthing terminal of the fixed electrical installation shall be bonded to those exposed conductive parts.

(4) Where bonding referred to in subregulations (2) and (3) is used to prevent the rise of a dangerous earth potential, the fixed electrical installation shall satisfy all the requirements of regulation 11 even if the bonding is disconnected.

(5) Subregulations (2) to (4) apply only to a fixed electrical installation that is completed or substantially altered on or after the commencement of this regulation.

(Enacted 1990)

Chapter:	406E	Title:	ELECTRICITY (WIRING) REGULATIONS	Gazette Number:	L.N. 352 of 2000
Regulation:	20	Heading:	Periodic inspection, testing and certification	Version Date:	01/02/2001

(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 Services Ordinance (Cap 243); and (32 of 2000 s. 36)
- (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 owner shall submit an endorsement fee of \$695 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; L.N. 352 of 2000)

(Enacted 1990)

Chapter:	413C	Title:	MERCHANT SHIPPING (REPORTING OF POLLUTION INCIDENTS) REGULATIONS	Gazette Number:	64 of 1999
Regulation:	2	Heading:	Interpretation	Version Date:	05/11/1999

Remarks:

Adaptation amendments retroactively made - see 64 of 1999 s. 3

In these regulations, unless the context otherwise requires-

"discharge" (排放) means any release, howsoever caused, from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying; but does not include-

- (a) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter signed in London on 13 November 1972^(a); or
- (b) any release directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or
- (c) any release for the purposes of legitimate scientific research into pollution abatement or control;

"the IMDG Code" (《國際海運危險貨物守則》) means the 1977 edition of the International Maritime Dangerous Goods Code published by the International Maritime Organization, as amended from time to time by any document which is considered by the Director to be relevant from time to time and is specified in a Merchant Shipping Notice; (64 of 1999 s. 3)

"in packaged form" (有包裝的) means in an individual package or receptacle including a freight container or a portable tank or tank container or tank vehicle or shipborne barge or other cargo unit containing harmful substances for shipment;

"marine pollutant" (海洋污染物) means a substance which is identified as a marine pollutant in the IMDG Code;

"Merchant Shipping Notice" (商船公告) means a notice described as such and issued by the Director; any reference to a particular Merchant Shipping Notice includes a reference to that Notice as amended or replaced from time to time by a subsequent Notice; (64 of 1999 s. 3)

"noxious liquid substance" (有毒液體物質) has the same meaning as in regulation 1(2) of the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap 413 sub. leg.);

"oil" (油類) means petroleum in any form including crude oil, fuel oil, sludge and oil refuse and any refined petroleum products, other than petro chemicals which are noxious liquid substances;

"sea" (海) includes any estuary or arm of the sea;

"ship" (船、船舶) means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, hovercraft, submersibles, floating craft and also fixed or floating platforms except when they are actually engaged in exploration or exploitation of the sea-bed or associated off-shore processing of sea-bed mineral resources.

(37 of 1990 s. 12)

(a) Cmnd. 5169.

Chapter:	413J	Title:	MERCHANT SHIPPING (PREVENTION OF POLLUTION BY GARBAGE) REGULATION	Gazette Number:	
Section:	1	Heading:	Interpretation	Version Date:	30/06/1997

(1) In this Regulation, except where the context otherwise requires-

"garbage" (廢物) means all kinds of victual, domestic or operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except sewage originating from ships;

"harmful substances in packaged form" (有包裝的有害物質) means those substances which are identified as marine pollutants in the IMDG Code and which are in the form of containment specified in the schedules to that Code;

"IMDG Code" (《國際海運危險貨物守則》) means the 1992 consolidated edition of the International Maritime Dangerous Goods Code published by the International Maritime Organization, as amended from time to time by any relevant document as specified by the Director under subsection (2);

"mile" (浬) means an international nautical mile, that is to say a distance of 1 852 metres;

"nearest land" (最近陸地), when used in "from the nearest land", means, in relation to all land other than the part of Australia specified below, the low-water line along the coast as marked on large-scale charts officially recognized by the coastal state; and in relation to the part of the North-eastern coast of Australia which lies between the points 11 degrees 00'S, 142 degrees 08'E and 24 degrees 42'S, 153 degrees 15'E, means the nearest of the straight lines joining consecutively the following points-

11 degrees 00'S, 142 degrees 08'E; 10 degrees 35'S, 141 degrees 55'E; 10 degrees 00'S, 142 degrees 00'E; 9 degrees 10'S, 143 degrees 52'E; 9 degrees 00'S, 144 degrees 30'E; 13 degrees 00'S, 144 degrees 00'E; 15 degrees 00'S, 146 degrees 00'E; 18 degrees 00'S, 147 degrees 00'E; 21 degrees 00'S, 153 degrees 00'E and 24 degrees 42'S, 153 degrees 15'E;

"noxious liquid substance" (有毒液體物質) and "non-polluting substance" (非污染物質) have the meanings respectively given to them in the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap 413 sub. leg.);

"oil" (油類) means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than petrochemicals which are subject to the Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations (Cap 413 sub. leg.);

"oily mixture" (油性混合物) means a mixture containing oil;

"operational wastes" (運作方面的廢棄物) means all maintenance wastes, cargo associated wastes and cargo residues except wastes or residues from oil or oily mixtures, noxious liquid substances, non-polluting liquid substances or harmful substances in packaged form;

"plastics" (塑料) includes, but is not limited to, synthetic ropes, synthetic fishing nets and plastic garbage bags;

"required standard" (所需標準), when used in "to the required standard", means, in relation to comminuted or ground garbage, comminuted or ground sufficiently finely to be capable of passing through a screen with openings no greater than 25 millimetres;

"sea" (海) includes any estuary or arm of the sea;

"sewage" (污水) means-

(a) drainage and other wastes discharged from any form of toilet, urinal, or watercloset scupper;

- (b) drainage discharged from wash basins, wash tubs or scuppers located in medical premises;
- (c) drainage discharged from spaces containing living animals; and
- (d) other waste waters when mixed with any such drainage;

"Special Area" (特殊區域) means any area listed in regulation 5 of Annex V to the Convention.

(2) For the purpose of the definition of "IMDG Code", the Director may by notice published in the Gazette specify any document considered by him to be relevant.

(Enacted 1995)

Chapter:	424	Title:	TOYS AND CHILDREN'S PRODUCTS SAFETY ORDINANCE	Gazette Number:	65 of 2000
Section:	2	Heading:	Interpretation	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 65 of 2000 s. 3

In this Ordinance, unless the context otherwise requires-

"advertise" (宣傳) includes issuing a catalogue, circular or price list that is intended for the general public;

"authorized officer" (獲授權人員) means an officer specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap 342) or an officer appointed by the Commissioner under section 19 to be an authorized officer;

"children's product" (兒童產品) means a product listed in the Schedule and, for the purposes of Parts IV to IX, includes a product designated by regulation to be a children's product;

"Commissioner" (關長) means the Commissioner of Customs and Excise, any Deputy or Assistant Commissioner of Customs and Excise and any public officer designated in writing by the Commissioner of Customs and Excise to exercise his powers under this Ordinance; (Amended 65 of 2000 s. 3)

"goods" (貨物) means toys or children's products;

"goods in transit" (過境貨物) means goods that are brought into Hong Kong solely for the purpose of taking them out of Hong Kong and that remain at all times on the vessel or aircraft that brought them into Hong Kong; (Amended 44 of 1996 s. 2)

"notice to warn" (警告通知) means a notice served under section 10(1);

"premises" (房產) includes any place and any stall, whether permanent or temporary in nature;

"prohibition notice" (禁制通知書) means a notice served under section 11(1);

"recall notice" (收回通知書) means a notice served under section 12(1);

"record" (紀錄) or "document" (文件) includes-

- (a) a book, voucher, receipt or data material, or information which is recorded in a non-legible form but is capable of being reproduced in a legible form; and
- (b) any document, disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of other

equipment) of being reproduced and any film (including a microfilm), tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced;

"standards institution" (標準協會) includes-

- (a) the British Standards Institution (英國標準協會); or
- (b) any other standards body defined in a guide entitled the ISO/IEC Guide 2:1991 jointly published by the International Organization for Standardization and the International Electrotechnical Commission; (Added 16 of 1997 s. 2)

"supply" (供應) means-

- (a) to sell or hire out;
- (b) to offer, have in possession, or expose for sale or for hiring out;
- (c) to exchange or dispose of for any consideration;
- (d) to transmit, convey or deliver in pursuance of-
 - (i) a sale;
 - (ii) a hiring out; or
 - (iii) an exchange or disposal for any consideration; or
- (e) for commercial purposes, to give goods as a prize or to make a gift of the goods;

"toy" (玩具) means a product or material that is designed or clearly intended for use in play by a child;

"transshipment" (轉運) means the importation of an article that is consigned on a through bill of lading or a through air waybill from a place outside Hong Kong to another place outside Hong Kong and is or is to be removed from the vessel, vehicle or aircraft in which it was imported and either returned to the same vessel, vehicle or aircraft or transferred to another vessel, vehicle or aircraft before being exported, whether it is or is to be transferred directly between such vessels, vehicles or aircraft or whether it is to be landed in Hong Kong after its importation and stored, pending exportation.

(Enacted 1992)

Chapter:	448B	Title:	HONG KONG CIVIL AVIATION (INVESTIGATION OF ACCIDENTS) REGULATIONS	Gazette Number:	25 of 1998; 36 of 1999
Regulation:	14	Heading:	Proceedings of board of review	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2; 36 of 1999 s. 3

(1) The person requesting the review shall be heard by the board and shall have the right to give evidence, produce witnesses and examine any other witnesses giving evidence at the review. The Inspector who made the report shall be entitled to be heard by the board.

(2) Any person who in the opinion of the board may be directly affected by the review may be granted leave to appear and to give evidence, produce witnesses and examine any other witnesses giving

evidence at the review. Any application for such leave may be made to the board at the preliminary meeting.

(3) In any proceedings of the board the person requesting the review and any other person appearing pursuant to leave granted under paragraph (2) may appear in person or be represented by any other person whom he may have authorized to represent him.

(4) The board shall have all the powers of an Inspector under these regulations and, in addition, may administer an oath to any witness or permit the witness to make an affirmation in place thereof in accordance with the Oaths and Declarations Ordinance (Cap 11).

(5) (a) Where new and important evidence is given at the review, which was not given at the Inspector's investigation, the board may, on an application by the Chief Inspector, discontinue the review, and the Chief Inspector shall thereupon cause the investigation to be reopened.

(b) Where at any time during the review the board are satisfied that any of the findings and conclusions in the Inspector's report do not adversely affect the reputation of the person in respect of whom the notice of review was served, the board may discontinue the review in respect of those findings and conclusions.

(c) Where a review is totally discontinued under this paragraph no report shall be made to the Chief Executive under paragraph (8). (36 of 1999 s. 3)

(6) Every person summoned by the board as a witness shall be allowed such expenses as the Director, with the concurrence of the Financial Secretary, determines.

(7) The board may, if it thinks fit, order a person who appears or is represented at the review to pay in respect of the board's costs such reasonable sum as may be specified in the order.

(8) Any sum payable by virtue of an order under paragraph (7) may be recovered in like manner as payment of a debt ordered to be paid by a judgment of the High Court. (25 of 1998 s. 2)

(9) Upon completion of the review, the board shall make a report to the Chief Executive containing a summary of the proceedings at the hearing and either confirming or rejecting in whole or in part those findings and conclusions of the Inspector which were the subject of the review, together with its reasons therefor. The board shall also serve a copy of the report on all persons who appeared or were represented before the board. (36 of 1999 s. 3)

[cf. S.I. 1983/551 r. 14 U.K.]

Chapter:	489	Title:	LEGAL AID SERVICES COUNCIL ORDINANCE	Gazette Number:	26 of 1999
Section:	5	Heading:	Membership of the Council	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 26 of 1999 s. 3

(1) The Council consists of the following members-

(a) a Chairman who is not a public officer and who is not a barrister or solicitor or, in the opinion of the Chief Executive, who is not connected in any other way directly with the practice of law;

(b) 2 barristers and 2 solicitors, each holding a practising certificate issued under the Legal

Practitioners Ordinance (Cap 159);

- (c) 4 persons who, in the opinion of the Chief Executive, are not connected in any way with the practice of law; and
- (d) the Director of Legal Aid.

(2) The Chief Executive shall appoint the Chairman and the other members of the Council, who are not members by virtue of their holding an office specified in subsection (1)(d), for a term not exceeding 2 years but an appointed member may be reappointed.

(3) Before appointing a member under subsection (1)(b), the Chief Executive shall consult-

- (a) the Bar Council of the Hong Kong Bar Association on the appointment of a barrister; and
- (b) the Council of The Law Society of Hong Kong on the appointment of a solicitor.

(4) When consulted under subsection (3)-

- (a) the Bar Council of the Hong Kong Bar Association may recommend any barrister; and
- (b) the Council of The Law Society of Hong Kong may recommend any solicitor,

to the Chief Executive for appointment, but the Chief Executive may appoint a person other than the person so recommended.

(5) An appointed member may resign by notice in writing to the Chief Executive.

(6) If an appointed member is absent from Hong Kong or is unable to act, the Chief Executive may appoint another person to act as a temporary member.

(Enacted 1996. Amended 26 of 1999 s. 3)

Chapter:	525B	Title:	MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS (AUSTRALIA) ORDER	Gazette Number:	L.N. 272 of 1999
Schedule:	2	Heading:	MODIFICATIONS TO THE ORDINANCE	Version Date:	06/11/1999

[section 2]

1. Section 5(1)(e) of the Ordinance shall be modified to read as follows-

"(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 Hong Kong*, or has undergone the punishment provided by the law of that place or Hong Kong*, in respect of that offence or of another external offence constituted by the same act or omission as that offence;"

2. Section 17(3)(b) of the Ordinance shall be modified to read as follows-

"(b) the person has had an opportunity of leaving Hong Kong, 15 days have expired since that opportunity* and the person* has remained in Hong Kong otherwise than for-

- (i) the purpose to which the request relates; or
- (ii) the purpose of giving assistance in relation to a criminal matter in Hong Kong certified in writing by the ~~Attorney General**~~ Secretary for Justice* to be a criminal matter in relation to which it is desirable that the person give assistance."

* The words underlined are added. (The underlining is for ease of identifying the modification).

** The words crossed out are deleted. (The crossing out is for ease of identifying the modification).

Chapter:	525C	Title:	MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS (FRANCE) ORDER	Gazette Number:	L.N. 223 of 1999
Schedule:	2	Heading:	MODIFICATIONS TO THE ORDINANCE	Version Date:	29/09/1999

[section 2]

1. Section 5(1)(e) of the Ordinance shall be modified to read as follows-

- "(e) the request relates to the prosecution of a person-
- (i)* for an external offence in a case where the person-
 - (A) has been convicted, acquitted or pardoned by a competent court or other authority in the place or Hong Kong*; or
 - (B) has undergone the punishment provided by the law of that place or Hong Kong*, in respect of that offence or of another external offence constituted by the same act or omission as that offence;
 - (ii) in respect of an act or omission that, if it had occurred in Hong Kong, could no longer be prosecuted in Hong Kong by reason of lapse of time.*".

2. Section 17(3)(b) of the Ordinance shall be modified to read as follows-

- "(b) the person has had an opportunity of leaving Hong Kong, 30 days have expired since that opportunity* and the person* has remained in Hong Kong otherwise than for-
- (i) the purpose to which the request relates; or
 - (ii) the purpose of giving assistance in relation to a criminal matter in Hong Kong certified in writing by the ~~Attorney General**~~ Secretary for Justice* to be a criminal matter in relation to which it is desirable that the person give assistance."

* The words underlined are added. (The underlining is for ease of identifying the modification).

** The words crossed out are deleted. (The crossing out is for ease of identifying the modification).

Chapter:	525D	Title:	MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS (NEW ZEALAND) ORDER	Gazette Number:	L.N. 57 of 1999
Schedule:	2	Heading:	MODIFICATIONS TO THE ORDINANCE	Version Date:	02/03/1999

[section 2]

1. Section 5(1)(e) of the Ordinance shall be modified to read as follows-

"(e) the request relates to the prosecution of a person-

- (i)* 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, another place outside Hong Kong or Hong Kong, or has undergone the punishment provided by the law of ~~that~~** the* place, another place outside Hong Kong or Hong Kong*, in respect of that offence or of another external offence constituted by the same act or omission as that offence;
- (ii) in respect of an act or omission that, if it had occurred in Hong Kong, could no longer be prosecuted in Hong Kong by reason of lapse of time:**.

2. Section 17(3)(b) of the Ordinance shall be modified to read as follows-

"(b) the person has had an opportunity of leaving Hong Kong, 21 days have expired since that opportunity* and the person* has remained in Hong Kong otherwise than for-

- (i) the purpose to which the request relates; or
- (ii) the purpose of giving assistance in relation to a criminal matter in Hong Kong certified in writing by the ~~Attorney General~~** Secretary for Justice* to be a criminal matter in relation to which it is desirable that the person give assistance."

* The words underlined are added. (The underlining is for ease of identifying the modification).

** The words crossed out are deleted. (The crossing out is for ease of identifying the modification).

Chapter:	525E	Title:	MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS (UNITED KINGDOM) ORDER	Gazette Number:	L.N. 10 of 2002
Schedule:	2	Heading:	MODIFICATIONS TO THE ORDINANCE	Version Date:	09/02/2002

[section 2]

1. Section 5(1)(e) of the Ordinance shall be modified to read as follows-

"(e) the request relates to the prosecution of a person-

- (i)* for an external offence in a case where the person-
 - (A) has been convicted, acquitted or pardoned by a competent court or other authority in the place or Hong Kong*; or
 - (B) has undergone the punishment provided by the law of that place or Hong Kong*, in respect of that offence or of another external offence constituted by the same act or omission as that offence;
- (ii) in respect of an act or omission that, if it had occurred in Hong Kong, could no longer be prosecuted in Hong Kong by reason of lapse of time:**.

2. Section 5(1)(f) of the Ordinance shall be modified by deleting "or" at the end.
3. Section 5(1)(g) of the Ordinance shall be modified by deleting the full stop and substituting "; or".
4. Section 5(1) of the Ordinance shall be modified by adding-
"(h) the request relates to the enforcement of an external confiscation order, or to restraining dealing in any property against which the order may be enforced or which may be available to satisfy the order, but the act or omission constituting the external serious offence to which the order relates, if it had occurred in Hong Kong, would not have constituted a Hong Kong serious offence in respect of which a Hong Kong confiscation order could be made.*"
5. Section 17(1) of the Ordinance shall be modified by deleting paragraph (ii).
6. Section 17(3)(b) of the Ordinance shall be modified to read as follows-
 "(b) the person has had an opportunity of leaving Hong Kong, 15 days have expired since that opportunity* and the person* has remained in Hong Kong otherwise than for-
 (i) the purpose to which the request relates; or
 (ii) the purpose of giving assistance in relation to a criminal matter in Hong Kong certified in writing by the ~~Attorney General~~** Secretary for Justice* to be a criminal matter in relation to which it is desirable that the person give assistance."
7. Section 23(2)(a) of the Ordinance shall be modified-
 (a) by adding "or" at the end of subparagraph (i);
 (b) by deleting subparagraph (ii).

* The words underlined are added. (The underlining is for ease of identifying the modification).

** The words crossed out are deleted. (The crossing out is for ease of identifying the modification).

Chapter:	525I	Title:	MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS (SWITZERLAND) ORDER	Gazette Number:	L.N. 140 of 2002
Schedule:	2	Heading:	MODIFICATIONS TO THE ORDINANCE	Version Date:	16/10/2002

[section 2]

1. Section 5(1)(e) of the Ordinance shall be modified to read as follows-
 "(e) the request relates to the prosecution of a person for an external offence in a case where the person—*
 (i)* has been convicted, acquitted or pardoned by a competent court or other authority in the

place~~→~~** or Hong Kong;* or
(ii)* has undergone the punishment provided by the law of that place or Hong Kong*,
in respect of that offence or of another external offence constituted by the same act or omission
as that offence;"

2. Section 17(3)(b) of the Ordinance shall be modified to read as follows-

"(b) the person has had an opportunity of leaving Hong Kong, 30 days have expired since that opportunity* and the person* has remained in Hong Kong otherwise than for-

(i) the purpose to which the request relates; or

(ii) the purpose of giving assistance in relation to a criminal matter in Hong Kong certified in writing by the ~~Attorney General~~** Secretary for Justice* to be a criminal matter in relation to which it is desirable that the person give assistance."

* The words underlined are added. (The underlining is for ease of identifying the modification).

** The words crossed out are deleted. (The crossing out is for ease of identifying the modification).

Chapter:	541J	Title:	ELECTORAL PROCEDURE (CHIEF EXECUTIVE ELECTION) REGULATION	Gazette Number:	L.N. 233 of 2001
Section:	70	Heading:	Secrecy	Version Date:	21/12/2001

- (1) No person shall-
- (a) subject to subsection (2), divulge to any person whether an elector has or has not applied for a ballot paper or voted;
 - (b) communicate to another person any information obtained at the counting of the votes as to the candidate for whom a vote has been given on any particular ballot paper;
 - (c) interfere with an elector when he is marking the ballot paper;
 - (d) interfere with or attempt to interfere with a ballot box, a ballot paper (including a ballot paper that has not been counted pursuant to section 50), a copy of the final register, a statement prepared under section 51(6) or a verification statement;
 - (e) without the permission of the Commission or the Returning Officer, obtain or attempt to obtain in any manner within the polling station, a no canvassing zone or a no staying zone information as to the candidate for whom an elector is about to vote or has voted;
 - (f) communicate to another person any information obtained in the polling station as to the candidate for whom an elector is about to vote or has voted; or
 - (g) directly or indirectly induce an elector to display a ballot paper marked by the elector so as to make known to any person any information as to the candidate for whom the elector has voted.
- (2) Subsection (1)(a) does not apply to-
- (a) any act authorized by law; or
 - (b) anything done at the direction of a police officer or an officer of the Independent Commission Against Corruption investigating an offence under-
 - (i) the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (ii) sections 3, 4 and 8 of the Prevention of Bribery Ordinance (Cap 201);
 - (iii) section 13B of the Independent Commission Against Corruption Ordinance (Cap 204);
 - or
 - (iv) this Ordinance.

Chapter:	549	Title:	CHINESE MEDICINE ORDINANCE	Gazette Number:	
Section:	132	Heading:	Licensing of manufacturers	Version Date:	

Remarks:
not yet in operation

(1) An application for a licence to manufacture proprietary Chinese medicines shall be made to the Medicines Board and shall-

- (a) be in such form and accompanied by such documents, particulars and other materials as the Medicines Board may determine;
- (b) include the following nominations-
 - (i) a person who will be responsible for the supervision of the manufacture of proprietary Chinese medicines; and
 - (ii) not more than 2 deputies, one of whom shall act in the absence of that person; and
- (c) specify the location of the premises to which the application relates.

(2) If the Medicines Board is satisfied that an application made under subsection (1) complies with the prescribed licensing requirements, it may, upon payment of a prescribed fee, issue a manufacturer licence in a prescribed form subject to such conditions or restrictions as may be prescribed.

(3) Without prejudice to the generality of subsection (2), the Medicines Board may impose a condition prohibiting the manufacturing of certain proprietary Chinese medicines if the Medicines Board considers it necessary in the public interest to do so.

(4) If, having regard to the provisions of the Ordinance, the Medicines Board considers it necessary in the public interest to do so, it may refuse an application made under subsection (1) and thereupon notify the applicant in writing of the reasons for refusal.

Chapter:	558	Title:	INTERNATIONAL ORGANIZATIONS (PRIVILEGES AND IMMUNITIES) ORDINANCE	Gazette Number:
Section:	14	Heading:	Consequential Amendments	Version Date:

Remarks:
not yet in operation

Consular Relations Ordinance

14. Application of Vienna Convention

Section 2(3) of the Consular Relations Ordinance (Cap 259) is amended-

- (a) by repealing "International Organizations and";
 - (b) by adding "or the International Organizations (Privileges and Immunities) Ordinance (Cap 558)" after "(Cap 190)".
-

Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:
Schedule:	1	Heading:	INTERPRETATION AND GENERAL PROVISIONS	Version Date:

Remarks:
not yet in operation

[sections 2, 19, 66, 164, 171,
174, 175, 202 &
406 & Schedule 9]

PART 1

INTERPRETATION

1. Interpretation of this Ordinance

In this Ordinance, unless otherwise defined or excluded or the context otherwise requires-
"accredited" (隸屬) means accredited to a licensed corporation with the Commission's approval under section 122 of this Ordinance;

"Advisory Committee" (諮詢委員會) means the Advisory Committee referred to in section 7 of this Ordinance;

"articles" (章程細則), in relation to a company, means its articles as defined in section 2(1) of the Companies Ordinance (Cap 32);

"associate" (有聯繫者), in relation to a person, means-

- (a) the spouse, or any minor child (natural or adopted) or minor step-child, of the person;
- (b) any corporation of which the person is a director;
- (c) any employee or partner of the person;
- (d) the trustee of a trust of which the person, his spouse, minor child (natural or adopted) or minor step-child, is a beneficiary or a discretionary object;
- (e) another person in accordance with whose directions or instructions the person is accustomed or obliged to act;
- (f) another person accustomed or obliged to act in accordance with the directions or instructions of the person;
- (g) a corporation in accordance with the directions or instructions of which, or the directions or instructions of the directors of which, the person is accustomed or obliged to act;
- (h) a corporation which is, or the directors of which are, accustomed or obliged to act in accordance with the directions or instructions of the person;
- (i) a corporation at general meetings of which the person, either alone or together with another, is directly or indirectly entitled to exercise or control the exercise of 33% or more of the voting power;
- (j) a corporation of which the person controls the composition of the board of directors;
- (k) where the person is a corporation-
 - (i) each of its directors and its related corporations and each director or employee of any of its related corporations; and
 - (ii) a pension fund, provident fund or employee share scheme of the corporation or of a related corporation of the corporation;
- (l) without limiting the circumstances in which paragraphs (a) to (k) apply, in circumstances concerning the securities of or other interest in a corporation, or rights arising out of the holding of such securities or such interest, any other person with whom the person has an agreement or arrangement-
 - (i) with respect to the acquisition, holding or disposal of such securities or such interest;
or
 - (ii) under which they undertake to act together in exercising their voting power at general meetings of the corporation;

"associated entity" (有聯繫實體), in relation to an intermediary, means a company, or an overseas company complying with the provisions of Part XI of the Companies Ordinance (Cap 32) relating to the registration of documents, which-

- (a) is in a controlling entity relationship with the intermediary; and
- (b) receives or holds in Hong Kong client assets of the intermediary;

"auditor" (核數師) means a professional accountant registered and holding a practising certificate under the Professional Accountants Ordinance (Cap 50), or such other person as is prescribed by rules made under section 397 of this Ordinance for the purposes of this definition;

"authorized automated trading services" (認可自動化交易服務) means automated trading services which a person is authorized to provide under section 95(2) of this Ordinance;

"authorized financial institution" (認可財務機構) means an authorized institution as defined in section 2(1) of the Banking Ordinance (Cap 155);

"automated trading services" (自動化交易服務) has the meaning assigned to it by Part 2 of Schedule 5 to this Ordinance;

"bank" (銀行) means any institution carrying on business similar to-

- (a) the banking business within the meaning of the Banking Ordinance (Cap 155) as carried on by an authorized financial institution; or
- (b) the business of taking deposits within the meaning of that Ordinance as carried on by an authorized financial institution,

whether it is an authorized financial institution or not, and "banker" (銀行) shall be construed accordingly;

"bank incorporated outside Hong Kong" (在香港以外地方成立為法團的銀行) means a bank incorporated outside Hong Kong that is not an authorized financial institution;

"banker's books" (銀行簿冊) includes-

- (a) books of a banker;
- (b) cheques, orders for the payment of money, bills of exchange and promissory notes in the possession of a banker;
- (c) securities in the possession of a banker, whether as a pledge or otherwise; and
- (d) any material in which information is recorded (however compiled or stored, and whether recorded in a legible form or recorded otherwise than in a legible form but is capable of being reproduced in a legible form) and which is used in the ordinary course of business of a bank;

"books" (簿冊) includes-

- (a) accounts and any accounting information; and
- (b) in the case of a banker, any banker's books,

however compiled or stored, and whether recorded in a legible form or recorded otherwise than in a legible form but is capable of being reproduced in a legible form;

"broadcast" (廣播), in relation to any material (however described), includes having the information contained in the material broadcast;

"broadcaster" (廣播業者) means a person who lawfully-

- (a) establishes and maintains a broadcasting service within the meaning of Part IIIA of the Telecommunications Ordinance (Cap 106); or
- (b) provides a broadcasting service as defined in section 2(1) of the Broadcasting Ordinance (Cap 562);

"business day" (營業日) means a day other than-

- (a) a public holiday; and
- (b) a gale warning day or a black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap 1);

"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 which recognizes an obligation to pay a stated amount to bearer or to order, with or without interest, and being a document by the delivery of which, with or without endorsement, the right to receive that stated amount, with or without interest, is transferable (and, in the case of any such document which is a prescribed instrument by virtue of paragraph (a) of the definition of "prescribed instrument" in section 137B(1) of the Banking Ordinance (Cap 155), such document includes any right or interest referred to in paragraph (b) of that definition in respect of such document);

"charge" (押記) includes any form of security, including a mortgage;

"clearing house" (結算所) means a person-

- (a) whose activities or objects include the provision of services for the clearing and settlement of transactions in securities effected on a recognized stock market or subject to the rules of a recognized exchange company;
- (b) whose activities or objects include the provision of services for-
 - (i) the clearing and settlement of transactions in futures contracts; or
 - (ii) the day-to-day adjustment of the financial position of futures contracts, effected on a recognized futures market or subject to the rules of a recognized exchange company; or
- (c) who guarantees the settlement of any such transactions as are referred to in paragraph (a) or (b),

but does not include a corporation operated by or on behalf of the Government;

"clearing participant" (結算所參與者) means a person-

- (a) who, in accordance with the rules of a recognized clearing house, may participate in one or more of the services provided by the clearing house in its capacity as a clearing house; and
- (b) whose name is entered in a list, roll or register kept by that recognized clearing house as a person who may participate in one or more of the services provided by that clearing house;

"client" (客戶), in relation to an intermediary, means a person for whom the intermediary provides a service the provision of which constitutes a regulated activity, and-

- (a) includes another intermediary that-
 - (i) deposits securities;
 - (ii) deposits money; or
 - (iii) deposits any property as collateral, with the first-mentioned intermediary;
- (b) in connection with a leveraged foreign exchange contract, does not include a recognized counterparty;

"client assets" (客戶資產) means-

- (a) client securities and collateral; and
- (b) client money;

"client collateral" (客戶抵押品) means-

- (a) securities collateral; and
- (b) other collateral;

"client money" (客戶款項)-

- (a) in relation to a licensed corporation, means any money-
 - (i) received or held by or on behalf of the licensed corporation; or
 - (ii) received or held by or on behalf of any corporation which is in a controlling entity relationship with the licensed corporation, which is so received or held on behalf of a client of the licensed corporation or in which a client of the licensed corporation has a legal or equitable interest, and includes any accretions thereto whether as capital or income; or
- (b) in relation to a registered institution, means any money-
 - (i) received or held by or on behalf of the registered institution, in the course of the conduct of any regulated activity for which the registered institution is registered; or
 - (ii) received or held by or on behalf of any corporation which is in a controlling entity relationship with the registered institution, in relation to such conduct of the regulated activity,

which is so received or held on behalf of a client of the registered institution or in which a client of the registered institution has a legal or equitable interest, and includes any

accretions thereto whether as capital or income;

"client securities" (客戶證券)-

- (a) in relation to a licensed corporation, means any securities (other than securities collateral)-
 - (i) received or held by or on behalf of the licensed corporation; or
 - (ii) received or held by or on behalf of any corporation which is in a controlling entity relationship with the licensed corporation,
- (b) in relation to a registered institution, means any securities (other than securities collateral)-
 - (i) received or held by or on behalf of the registered institution, in the course of the conduct of any regulated activity for which the registered institution is registered; or
 - (ii) received or held by or on behalf of any corporation which is in a controlling entity relationship with the registered institution, in relation to such conduct of the regulated activity,

which are so received or held on behalf of a client of the licensed corporation or in which a client of the licensed corporation has a legal or equitable interest; or

which are so received or held on behalf of a client of the registered institution or in which a client of the registered institution has a legal or equitable interest;

"client securities and collateral" (客戶證券及抵押品) means-

- (a) client securities; and
- (b) client collateral;

"collective investment scheme" (集體投資計劃) means-

- (a) arrangements in respect of any property-
 - (i) under which the participating persons do not have day-to-day control over the management of the property, whether or not they have the right to be consulted or to give directions in respect of such management;
 - (ii) under which-
 - (A) the property is managed as a whole by or on behalf of the person operating the arrangements;
 - (B) the contributions of the participating persons and the profits or income from which payments are made to them are pooled; or
 - (C) the property is managed as a whole by or on behalf of the person operating the arrangements, and the contributions of the participating persons and the profits or income from which payments are made to them are pooled; and
 - (iii) the purpose or effect, or pretended purpose or effect, of which is to enable the participating persons, whether by acquiring any right, interest, title or benefit in the property or any part of the property or otherwise, to participate in or receive-
 - (A) profits, income or other returns represented to arise or to be likely to arise from the acquisition, holding, management or disposal of the property or any part of the property, or sums represented to be paid or to be likely to be paid out of any such profits, income or other returns; or
 - (B) a payment or other returns arising from the acquisition, holding or disposal of, the exercise of any right in, the redemption of, or the expiry of, any right, interest, title or benefit in the property or any part of the property; or
- (b) arrangements which are arrangements, or are of a class or description of arrangements, prescribed by notice under section 393 of this Ordinance as being regarded as collective investment schemes in accordance with the terms of the notice,

but does not include-

- (i) arrangements operated by a person otherwise than by way of business;
- (ii) arrangements under which each of the participating persons is a corporation in the same group of companies as the person operating the arrangements;
- (iii) arrangements under which each of the participating persons is a bona fide employee or

- former employee of a corporation in the same group of companies as the person operating the arrangements, or a spouse, widow, widower, minor child (natural or adopted) or minor step-child of such employee or former employee;
- (iv) franchise arrangements under which the franchisor or franchisee earns profits or income by exploiting a right conferred by the arrangements to use a trade name or design or other intellectual property or the goodwill attached to it;
 - (v) arrangements under which money is taken by a solicitor from his client, or as a stakeholder, acting in his professional capacity in the ordinary course of his practice;
 - (vi) arrangements made for the purposes of any fund or scheme maintained by the Commission, or by a recognized exchange company, recognized clearing house, recognized exchange controller or recognized investor compensation company, under any provision of this Ordinance for the purpose of providing compensation in the event of default by an exchange participant or a clearing participant;
 - (vii) arrangements made by any credit union in accordance with the objects thereof;
 - (viii) arrangements made for the purposes of any chit-fund permitted to operate under the Chit-Fund Businesses (Prohibition) Ordinance (Cap 262);
 - (ix) arrangements made for the purposes of the Exchange Fund established by the Exchange Fund Ordinance (Cap 66);
 - (x) arrangements which are arrangements, or are of a class or description of arrangements, prescribed by notice under section 393 of this Ordinance as not being regarded as collective investment schemes in accordance with the terms of the notice;

"Commission" (證監會) means the Securities and Futures Commission referred to in section 3(1) of this Ordinance;

"Commissioner of the Independent Commission Against Corruption" (廉政專員) means the Commissioner of the Independent Commission Against Corruption appointed under section 5 of the Independent Commission Against Corruption Ordinance (Cap 204);

"company" (公司) means a company as defined in section 2(1) of the Companies Ordinance (Cap 32);

"compensation fund" (賠償基金) means the Investor Compensation Fund established under section 236 of this Ordinance;

"conduct" (行為) includes any act or omission, and any series of acts or omissions;

"constitution" (章程), in relation to a corporation, including a recognized exchange company, recognized clearing house, recognized exchange controller or recognized investor compensation company, means-

- (a) where the corporation is a company, the memorandum and articles of the corporation; or
- (b) in any other case, any other instrument providing for the constitution of the corporation;

"controlling entity" (控權實體), in relation to a corporation, means a person who, either alone or with any of his associates-

- (a) is entitled to exercise or control the exercise of not less than-
 - (i) subject to subparagraph (ii), 20%; or
 - (ii) where any other percentage is prescribed by rules made under section 397 of this Ordinance for the purposes of this definition, such other percentage, of the voting power at general meetings of the corporation;
- (b) has the right to nominate any of the directors of the corporation; or
- (c) has an interest in shares carrying the right to-
 - (i) veto any resolution; or
 - (ii) amend, modify, limit or add conditions to any resolution, at general meetings of the corporation;

"controlling entity relationship" (控權實體關係), in relation to a corporation, means its relationship with an intermediary by virtue of-

- (a) the intermediary being a controlling entity of the corporation;

- (b) the corporation being a controlling entity of the intermediary; or
- (c) another person, who is a controlling entity of the corporation, being also a controlling entity of the intermediary;

"corporation" (法團) means a company or other body corporate incorporated either in Hong Kong or elsewhere, but does not include a company or other body corporate which is prescribed by rules made under section 397 of this Ordinance for the purposes of this definition as being exempted from the provisions of this Ordinance, or to the extent that it is prescribed by rules so made as being exempted from any provision of this Ordinance;

"court" (法庭、法院) includes a magistrate and a tribunal;

"credit union" (儲蓄互助社) means a credit union registered under the Credit Unions Ordinance (Cap 119);

"data material" (數據材料) means a document or other material used with or produced by any information system;

"dealing" (交易)-

- (a) in relation to securities, means, whether as principal or agent, making or offering to make an agreement with another person, or inducing or attempting to induce another person, to enter into or to offer to enter into an agreement-
 - (i) for or with a view to acquiring, disposing of, subscribing for or underwriting securities; or
 - (ii) the purpose or pretended purpose of which is to secure a profit to any of the parties from the yield of securities or by reference to fluctuations in the value of securities; or
- (b) in relation to futures contracts, means, whether as principal or agent-
 - (i) making or offering to make an agreement with another person to enter into, or to acquire or dispose of, a futures contract;
 - (ii) inducing or attempting to induce another person to enter into, or to offer to enter into, a futures contract; or
 - (iii) inducing or attempting to induce another person to acquire or dispose of a futures contract;

"debenture" (債權證) includes debenture stocks, bonds, and other securities of a corporation, whether constituting a charge on the assets of the corporation or not;

"defalcation" (虧空) means misapplication, including misappropriation, of any property;

"director" (董事) includes a shadow director and any person occupying the position of director by whatever name called;

"document" (文件) includes any register and books, any tape recording and any form of input or output into or from an information system, and any other document or similar material (whether produced mechanically, electronically, magnetically, optically, manually or by any other means);

"exchange participant" (交易所參與者) means a person-

- (a) who, in accordance with the rules of a recognized exchange company, may trade through that exchange company or on a recognized stock market or a recognized futures market operated by that exchange company; and
- (b) whose name is entered in a list, roll or register kept by that recognized exchange company as a person who may trade through that exchange company or on a recognized stock market or a recognized futures market operated by that exchange company;

"executive director" (執行董事), in relation to the Commission, means the chairman of the Commission, or any other person who is appointed as an executive director of the Commission under section 1 of Part 1 of Schedule 2 to this Ordinance;

"executive officer" (主管人員)-

- (a) in relation to a licensed corporation, means a responsible officer of the licensed corporation;

- (b) in relation to a registered institution, means a person who is an executive officer of the registered institution under the Banking Ordinance (Cap 155); or
- (c) in relation to an associated entity of an intermediary, means any director of the associated entity who is responsible for directly supervising the receiving or holding by the associated entity of client assets of the intermediary;

"fee" (費用) includes a charge;

"financial accommodation" (財務通融) means a loan or other arrangement under which a person is or is to be provided with credit, whether directly or through a third party, and in particular includes an overdraft, a discounted negotiable instrument, a guarantee, a forbearance from enforcing any debt that in substance is a loan, and also includes an agreement to secure the payment or repayment of any such accommodation;

"financial product" (金融產品) means-

- (a) any securities;
- (b) any futures contract;
- (c) any collective investment scheme;
- (d) any leveraged foreign exchange contract;

"financial resources rules" (財政資源規則) means rules made under section 145 of this Ordinance;

"financial year" (財政年度)-

- (a) in relation to the Commission, means the financial year referred to in section 13(1) of this Ordinance; or
- (b) in relation to an intermediary, or an associated entity of an intermediary, means-
 - (i) the financial year in respect of which notification is given to the Commission under section 155(1) of this Ordinance or, where an approval is granted under section 155(3)(a) of this Ordinance, the financial year in respect of which the approval is granted;
 - (ii) the financial year in respect of which notification is given to the Monetary Authority under section 59B(1) of the Banking Ordinance (Cap 155) or, where an approval is granted under section 59B(3)(a) of that Ordinance, the financial year in respect of which the approval is granted; or
 - (iii) in any other case, a period of 12 consecutive months ending on 31 March in a calendar year;

"function" (職能) includes power and duty;

"futures contract" (期貨合約) means-

- (a) a contract or an option on a contract made under the rules or conventions of a futures market;
- (b) interests, rights or property which is interests, rights or property, or is of a class or description of interests, rights or property, prescribed by notice under section 392 of this Ordinance as being regarded as futures contracts in accordance with the terms of the notice, but does not include interests, rights or property which is interests, rights or property, or is of a class or description of interests, rights or property, prescribed by notice under section 392 of this Ordinance as not being regarded as futures contracts in accordance with the terms of the notice;

"Futures Exchange Company" (期交所) means the company incorporated under the Companies Ordinance (Cap 32) and registered under that Ordinance by the name Hong Kong Futures Exchange Limited;

"futures market" (期貨市場) means a place at which facilities are provided for persons to negotiate or conclude sales and purchases of, or for bringing together on a regular basis sellers and purchasers of-

- (a) contracts the effect of which is-
 - (i) that one party agrees to deliver to the other party at an agreed future time an agreed property, or an agreed quantity of a property, at an agreed price; or
 - (ii) that the parties will make an adjustment between them at an agreed future time according to whether at that time an agreed property is worth more or less or an index

or other factor stands at a higher or lower level than a value or level agreed at the time of making of the contract; or

(b) options on contracts of the kind described in paragraph (a),

where-

(i) the contracts or options of the kind described in paragraph (a) or (b) are novated or guaranteed by a central counterparty under the rules or conventions of the market on which they are traded; or

(ii) the contractual obligations under the contracts or options of the kind described in paragraph (a) or (b) are normally discharged before the contractual expiry date under the rules or conventions of the market on which they are traded,

but does not include the office of a recognized clearing house;

"group of companies" (公司集團) means any 2 or more corporations one of which is the holding company of the other or others (as the case may be);

"hold" (持有), in relation to any property, includes-

(a) possession of the property;

(b) being registered or otherwise recorded, as having title to or being entitled to receive the property, in any register or other record (however compiled or stored) which is established or created for the purpose of identifying persons having title to or being entitled to receive any property; and

(c) in the case of a person carrying on business, the person being in a position to transfer the property to himself or otherwise receive the benefit of the property-

(i) where another person has a legal or equitable interest in the property;

(ii) where there is a connection between the property and the business which is carried on by the person; and

(iii) regardless of whether it would be lawful or unlawful for the person to transfer the property to himself or otherwise receive the benefit of the property,

but does not include, in the case of a cheque or other order made payable to any person, the possession of the cheque or other order during the course of dispatching or delivering it to that person or any other person on behalf of that person;

"holding company" (控股公司), in relation to a corporation, means any other corporation of which it is a subsidiary;

"incorporated" (成立、成立為法團) includes formed or established, by whatever means;

"information" (資訊、資料、消息) includes data, text, images, sound codes, computer programmes, software and databases, and any combination thereof;

"information system" (資訊系統) means an information system as defined in section 2(1) of the Electronic Transactions Ordinance (Cap 553);

"Insurance Authority" (保險業監督) means the Insurance Authority appointed under section 4 of the Insurance Companies Ordinance (Cap 41);

"insurer" (保險人) means an insurer as defined in section 2(1) of the Insurance Companies Ordinance (Cap 41);

"intermediary" (中介人) means a licensed corporation or a registered institution;

"judicial or other proceedings" (司法或其他法律程序) means any legal proceedings, whether in the nature of judicial proceedings or otherwise;

"legal officer" (律政人員) means a legal officer as defined in section 2 of the Legal Officers Ordinance (Cap 87);

"leveraged foreign exchange contract" (槓桿式外匯交易合約) has the meaning assigned to it by Part 2 of Schedule 5 to this Ordinance;

"leveraged foreign exchange trading" (槓桿式外匯交易) has the meaning assigned to it by Part 2 of

Schedule 5 to this Ordinance;

"licence" (牌、牌照) means a licence granted under section 116, 117, 120 or 121 of this Ordinance, and

"licensed" (獲發牌、持牌) shall be construed accordingly;

"licensed corporation" (持牌法團) means a corporation which is granted a licence under section 116 or 117 of this Ordinance;

"licensed person" (持牌人) means a licensed corporation or a licensed representative;

"licensed representative" (持牌代表) means an individual who is granted a licence under section 120 or 121 of this Ordinance;

"liquidator" (清盤人) includes a provisional liquidator;

"listed" (上市) means listed on a recognized stock market, and for the purposes of this definition-

(a) a corporation shall be regarded as listed if any of its securities are listed;

(b) securities shall be regarded as listed when a recognized exchange company has, on the application of the corporation which issued them, or on the application of a holder of them, agreed to allow, subject to the requirements of this Ordinance, dealings in those securities to take place on a recognized stock market, and shall continue to be so regarded during a period of suspension of dealings in those securities on the recognized stock market;

"listing" (上市), in relation to securities, means the process by which the securities are listed;

"live broadcast" (直播), in relation to any material (however described), means having the material broadcast without its being recorded in advance;

"Mandatory Provident Fund Schemes Authority" (積金局) means the Mandatory Provident Fund Schemes Authority established under section 6 of the Mandatory Provident Fund Schemes Ordinance (Cap 485);

"market contract" (市場合約) means a contract subject to the rules of a recognized clearing house entered into by the clearing house with a clearing participant pursuant to a novation which is both in accordance with those rules and for the purposes of the clearing and settlement of transactions in securities or futures contracts effected on a recognized stock market or a recognized futures market or subject to the rules of a recognized exchange company;

"market misconduct" (市場失當行為) has the meaning assigned to it by section 245(1) of this Ordinance;

"Market Misconduct Tribunal" (市場失當行為審裁處) means the Market Misconduct Tribunal established by section 251 of this Ordinance;

"member" (成員), in relation to the Commission, means any executive director (whether or not acting as the chairman or deputy chairman) or non-executive director of the Commission;

"memorandum" (章程大綱), in relation to a company, means its memorandum as defined in section 2(1) of the Companies Ordinance (Cap 32);

"minor" (未成年), in relation to a person, means not having attained the age of 18 years;

"misfeasance" (不當行為) means the performance of an otherwise lawful act in a wrongful manner;

"Monetary Authority" (金融管理專員) means the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap 66);

"money laundering activities" (洗錢活動) means activities intended to have the effect of making any property-

(a) which is the proceeds obtained from the commission of an offence under the laws of Hong Kong, or of any conduct which if occurred in Hong Kong would constitute an offence under the laws of Hong Kong; or

(b) which in whole or in part, directly or indirectly, represents such proceeds, not to appear to be or so represent such proceeds;

"multilateral agency" (多邊機構) means a body specified in Part 4;

"non-executive director" (非執行董事), in relation to the Commission, means a person who is appointed as a non-executive director of the Commission under section 1 of Part 1 of Schedule 2 to this Ordinance;

"number" (數目), in relation to shares which in the context can be construed to include stock, includes amount;

"officer" (高級人員)-

(a) in relation to a corporation, means a director, manager or secretary of, or any other person involved in the management of, the corporation; or

(b) in relation to an unincorporated body, means any member of the governing body of the unincorporated body;

"Official Receiver" (破產管理署署長) means the Official Receiver appointed under section 75 of the Bankruptcy Ordinance (Cap 6);

"Ombudsman" (申訴專員) means The Ombudsman referred to in section 3(1) of The Ombudsman Ordinance (Cap 397);

"other collateral" (其他抵押品)-

(a) in relation to a licensed corporation, means any property (other than securities or money)-

(i) deposited with, or otherwise provided by or on behalf of a client of the licensed corporation to, the licensed corporation; or

(ii) deposited with, or otherwise provided by or on behalf of a client of the licensed corporation to, any other intermediary or person,

which is so deposited or provided-

(A) as security for the provision by the licensed corporation of financial accommodation; or

(B) to facilitate the provision by the licensed corporation of financial accommodation under an arrangement that confers on the licensed corporation a collateral interest in the property; or

(b) in relation to a registered institution, means any property (other than securities or money)-

(i) deposited with, or otherwise provided by or on behalf of a client of the registered institution to, the registered institution, in the course of the conduct of any regulated activity for which the registered institution is registered; or

(ii) deposited with, or otherwise provided by or on behalf of a client of the registered institution to, any other intermediary or person, in relation to such conduct of the regulated activity,

which is so deposited or provided-

(A) as security for the provision by the registered institution of financial accommodation; or

(B) to facilitate the provision by the registered institution of financial accommodation under an arrangement that confers on the registered institution a collateral interest in the property;

"overseas company" (海外公司) means an overseas company within the meaning of section 332 of the Companies Ordinance (Cap 32);

"performance" (執行), in relation to a function, includes discharge and exercise;

"possession" (管有), in relation to any matter, includes custody, control and power of or over the matter;

"Privacy Commissioner for Personal Data" (私隱專員) means the Privacy Commissioner for Personal Data established under section 5(1) of the Personal Data (Privacy) Ordinance (Cap 486);

"professional accountant" (專業會計師) means a professional accountant as defined in section 2 of the Professional Accountants Ordinance (Cap 50);

"professional investor" (專業投資者) means-

(a) any recognized exchange company, recognized clearing house, recognized exchange

- controller or recognized investor compensation company, or any person authorized to provide automated trading services under section 95(2) of this Ordinance;
- (b) any intermediary, or any other person carrying on the business of the provision of investment services and regulated under the law of any place outside Hong Kong;
 - (c) any authorized financial institution, or any bank which is not an authorized financial institution but is regulated under the law of any place outside Hong Kong;
 - (d) any insurer authorized under the Insurance Companies Ordinance (Cap 41), or any other person carrying on insurance business and regulated under the law of any place outside Hong Kong;
 - (e) any scheme which-
 - (i) is a collective investment scheme authorized under section 104 of this Ordinance; or
 - (ii) is similarly constituted under the law of any place outside Hong Kong and, if it is regulated under the law of such place, is permitted to be operated under the law of such place,
 or any person by whom any such scheme is operated;
 - (f) any registered scheme as defined in section 2(1) of the Mandatory Provident Fund Schemes Ordinance (Cap 485), or its constituent fund as defined in section 2 of the Mandatory Provident Fund Schemes (General) Regulation (Cap 485 sub. leg.), or any person who, in relation to any such registered scheme, is an approved trustee or service provider as defined in section 2(1) of that Ordinance or who is an investment manager of any such registered scheme or constituent fund;
 - (g) any scheme which-
 - (i) is a registered scheme as defined in section 2(1) of the Occupational Retirement Schemes Ordinance (Cap 426); or
 - (ii) is an offshore scheme as defined in section 2(1) of that Ordinance and, if it is regulated under the law of the place in which it is domiciled, is permitted to be operated under the law of such place,
 or any person who, in relation to any such scheme, is an administrator as defined in section 2(1) of that Ordinance;
 - (h) any government (other than a municipal government authority), any institution which performs the functions of a central bank, or any multilateral agency;
 - (i) except for the purposes of Schedule 5 to this Ordinance, any corporation which is-
 - (i) a wholly owned subsidiary of-
 - (A) an intermediary, or any other person carrying on the business of the provision of investment services and regulated under the law of any place outside Hong Kong; or
 - (B) an authorized financial institution, or any bank which is not an authorized financial institution but is regulated under the law of any place outside Hong Kong;
 - (ii) a holding company which holds all the issued share capital of-
 - (A) an intermediary, or any other person carrying on the business of the provision of investment services and regulated under the law of any place outside Hong Kong; or
 - (B) an authorized financial institution, or any bank which is not an authorized financial institution but is regulated under the law of any place outside Hong Kong; or
 - (iii) any other wholly owned subsidiary of a holding company referred to in subparagraph (ii); or
 - (j) any person of a class which is prescribed by rules made under section 397 of this Ordinance for the purposes of this paragraph as within the meaning of this definition for the purposes of the provisions of this Ordinance, or to the extent that it is prescribed by rules so made as

within the meaning of this definition for the purposes of any provision of this Ordinance;

"property" (財產) includes-

- (a) money, goods, choses in action and land, whether in Hong Kong or elsewhere; and
- (b) obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as defined in paragraph (a);

"prospectus" (招股章程) means any prospectus, notice, circular, brochure, advertisement, or other document-

- (a) offering any shares or debentures of a corporation to the public for subscription or purchase for cash or other consideration; or
- (b) calculated to invite offers by the public to subscribe for or purchase for cash or other consideration any shares or debentures of a corporation;

"public" (公眾、大眾) means the public of Hong Kong, and includes any class of that public;

"purchase" (買、購買), in relation to securities, includes subscribing for or acquiring the securities, in whatever form the consideration may be;

"qualifying credit rating" (合資格信貸評級) means-

- (a) a credit rating specified in Part 5; or
- (b) any credit rating which, in the opinion of the Commission, is equivalent to a credit rating specified in Part 5;

"recognized clearing house" (認可結算所) means a company recognized as a clearing house under section 37(1) of this Ordinance;

"recognized counterparty" (認可對手方) means-

- (a) an authorized financial institution;
- (b) in relation to a particular transaction conducted by a corporation licensed for Type 3 regulated activity, another corporation which is also so licensed; or
- (c) an institution prescribed by rules made under section 397 of this Ordinance for the purposes of this definition as a recognized counterparty;

"recognized exchange company" (認可交易所) means a company recognized as an exchange company under section 19(2) of this Ordinance;

"recognized exchange controller" (認可控制人) means a company recognized as an exchange controller under section 59(2) of this Ordinance;

"recognized futures market" (認可期貨市場) means a futures market operated by a recognized exchange company;

"recognized investor compensation company" (認可投資者賠償公司) means a company recognized as an investor compensation company under section 79(1) of this Ordinance;

"recognized stock market" (認可證券市場) means a stock market operated by a recognized exchange company;

"record" (紀錄) means any record of information (however compiled or stored) and includes-

- (a) any books, deeds, contract or agreement, voucher, receipt or data material, or information which is recorded otherwise than in a legible form but is capable of being reproduced in a legible form; and
- (b) any document, disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of other equipment) of being reproduced, and any film (including a microfilm), tape or other device in which visual images are embodied so as to be capable (with or without the aid of other equipment) of being reproduced;

"registered" (註冊) means registered under section 119 of this Ordinance, and "registration" (註冊) shall be construed accordingly;

"registered institution" (註冊機構) means an authorized financial institution which is registered under section 119 of this Ordinance;

"Registrar of Companies" (公司註冊處處長) means the Registrar of Companies appointed under section 303 of the Companies Ordinance (Cap 32);

"regulated activity" (受規管活動) means any of the regulated activities specified in Part 1 of Schedule 5 to this Ordinance, and a reference to a type of regulated activity by number shall be construed as a reference to the type of regulated activity of that number as specified in that Part;

"regulated investment agreement" (受規管投資協議) means an agreement the purpose or effect, or pretended purpose or effect, of which is to provide, whether conditionally or unconditionally, to any party to the agreement a profit, income or other returns calculated by reference to changes in the value of any property, but does not include an interest in a collective investment scheme;

"relevant provisions" (有關條文) means the provisions of-

(a) this Ordinance;

(b) Parts II and XII of the Companies Ordinance (Cap 32), so far as those Parts relate, directly or indirectly, to the performance of functions relating to-

(i) prospectuses;

(ii) the purchase by a corporation of its own shares;

(iii) a corporation giving financial assistance for the acquisition of its own shares,

whether or not such functions have been made the subject of a transfer order under section 25 or 68 of this Ordinance;

"relevant share capital" (有關股本) means the issued share capital of a corporation which is of a class carrying rights to vote in all circumstances at general meetings of the corporation;

"remuneration" (報酬) includes money, any consideration, financial accommodation or benefit, whether paid, provided or supplied directly or indirectly;

"repealed Commodities Trading Ordinance" (已廢除的《商品交易條例》) means the Commodities Trading Ordinance (Cap 250) repealed under section 406 of this Ordinance;

"repealed Exchanges and Clearing Houses (Merger) Ordinance" (已廢除的《交易所及結算所(合併)條例》) means the Exchanges and Clearing Houses (Merger) Ordinance (Cap 555) repealed under section 406 of this Ordinance;

"repealed Leveraged Foreign Exchange Trading Ordinance" (已廢除的《槓桿式外匯買賣條例》) means the Leveraged Foreign Exchange Trading Ordinance (Cap 451) repealed under section 406 of this Ordinance;

"repealed Protection of Investors Ordinance" (已廢除的《保障投資者條例》) means the Protection of Investors Ordinance (Cap 335) repealed under section 406 of this Ordinance;

"repealed Securities and Futures (Clearing Houses) Ordinance" (已廢除的《證券及期貨(結算所)條例》) means the Securities and Futures (Clearing Houses) Ordinance (Cap 420) repealed under section 406 of this Ordinance;

"repealed Securities and Futures Commission Ordinance" (已廢除的《證券及期貨事務監察委員會條例》) means the Securities and Futures Commission Ordinance (Cap 24) repealed under section 406 of this Ordinance;

"repealed Securities (Disclosure of Interests) Ordinance" (已廢除的《證券(披露權益)條例》) means the Securities (Disclosure of Interests) Ordinance (Cap 396) repealed under section 406 of this Ordinance;

"repealed Securities (Insider Dealing) Ordinance" (已廢除的《證券(內幕交易)條例》) means the Securities (Insider Dealing) Ordinance (Cap 395) repealed under section 406 of this Ordinance;

"repealed Securities Ordinance" (已廢除的《證券條例》) means the Securities Ordinance (Cap 333) repealed under section 406 of this Ordinance;

"repealed Stock Exchanges Unification Ordinance" (已廢除的《證券交易所合併條例》) means the Stock Exchanges Unification Ordinance (Cap 361) repealed under section 406 of this Ordinance;

"responsible officer" (負責人員) means an individual who is approved by the Commission under section 126(1) of this Ordinance as a responsible officer of a licensed corporation;

"Risk Management Committee" (風險管理委員會), in relation to a recognized exchange controller, means the committee of that name established under section 65(1) of this Ordinance by the controller;

"rules" (規章)-

- (a) in relation to a recognized exchange company, means the rules, regulations and directions, by whatever name they may be called and wherever contained, governing-
 - (i) its exchange participants;
 - (ii) the persons who may participate in any of the services it provides;
 - (iii) the setting and levying of fees;
 - (iv) the listing of securities;
 - (v) the trading of securities or futures contracts;
 - (vi) the provision of other services; or
 - (vii) generally, its management, operations or procedures, and includes, in respect of sections 24 and 92 of this Ordinance, its constitution;
- (b) in relation to a recognized clearing house, means the rules, regulations and directions, by whatever name they may be called and wherever contained, governing-
 - (i) its clearing participants;
 - (ii) the persons who may participate in any of the services it provides;
 - (iii) the setting and levying of fees;
 - (iv) the provision of clearing and settlement services, and the suspension or withdrawal of such services;
 - (v) the provision of other services; or
 - (vi) generally, its management, operations or procedures, and includes, in respect of sections 41 and 92 of this Ordinance, its constitution;
- (c) in relation to a recognized exchange controller, means-
 - (i) its constitution; or
 - (ii) the rules, regulations and directions, by whatever name they may be called and wherever contained, governing the conduct or procedures of-
 - (A) the recognized exchange controller;
 - (B) the Risk Management Committee; or
 - (C) any person or body of persons declared in a notice under section 66(2) of this Ordinance to be a person or body of persons (as the case may be) to which this sub-subparagraph shall apply; or
- (d) in relation to a recognized investor compensation company, means-
 - (i) its constitution; or
 - (ii) the rules, regulations and directions, by whatever name they may be called and wherever contained, governing its management, operations or procedures, or its provision of services;

"securities" (證券) means-

- (a) shares, stocks, debentures, loan stocks, funds, bonds or notes of, or issued by, a body, whether incorporated or unincorporated, or a government or municipal government authority;
- (b) rights, options or interests (whether described as units or otherwise) in, or in respect of, such shares, stocks, debentures, loan stocks, funds, bonds or notes;
- (c) certificates of interest or participation in, temporary or interim certificates for, receipts for, or warrants to subscribe for or purchase, such shares, stocks, debentures, loan stocks, funds, bonds or notes;

- (d) interests in any collective investment scheme;
- (e) interests, rights or property, whether in the form of an instrument or otherwise, commonly known as securities;
- (f) interests, rights or property which is interests, rights or property, or is of a class or description of interests, rights or property, prescribed by notice under section 392 of this Ordinance as being regarded as securities in accordance with the terms of the notice,

but does not include-

- (i) shares or debentures of a company that is a private company within the meaning of section 29 of the Companies Ordinance (Cap 32);
- (ii) any interest in any collective investment scheme that is-
 - (A) a registered scheme as defined in section 2(1) of the Mandatory Provident Fund Schemes Ordinance (Cap 485), or its constituent fund as defined in section 2 of the Mandatory Provident Fund Schemes (General) Regulation (Cap 485 sub. leg.);
 - (B) an occupational retirement scheme as defined in section 2(1) of the Occupational Retirement Schemes Ordinance (Cap 426); or
 - (C) a contract of insurance in relation to any class of insurance business specified in the First Schedule to the Insurance Companies Ordinance (Cap 41);
- (iii) any interest arising under a general partnership agreement or proposed general partnership agreement unless the agreement or proposed agreement relates to an undertaking, scheme, enterprise or investment contract promoted by or on behalf of a person whose ordinary business is or includes the promotion of similar undertakings, schemes, enterprises or investment contracts (whether or not that person is, or is to become, a party to the agreement or proposed agreement);
- (iv) any negotiable receipt or other negotiable certificate or document evidencing the deposit of a sum of money, or any rights or interest arising under the receipt, certificate or document;
- (v) any bill of exchange within the meaning of section 3 of the Bills of Exchange Ordinance (Cap 19) and any promissory note within the meaning of section 89 of that Ordinance;
- (vi) any debenture that specifically provides that it is not negotiable or transferable;
- (vii) interests, rights or property which is interests, rights or property, or is of a class or description of interests, rights or property, prescribed by notice under section 392 of this Ordinance as not being regarded as securities in accordance with the terms of the notice;

"Securities and Futures Appeals Tribunal" (上訴審裁處) means the Securities and Futures Appeals Tribunal established by section 216 of this Ordinance;

"securities and futures industry" (證券期貨業) means the securities and futures market and participants (other than investors) therein (including recognized exchange companies, recognized clearing houses, recognized exchange controllers, recognized investor compensation companies and persons carrying on any regulated activity), and any activities related to financial products that are carried on in such securities and futures market or by such participants;

"securities and futures market" (證券期貨市場) means any market, exchange, place or service which facilitates the bringing together on a regular basis persons who are parties to transactions related to financial products;

"securities borrowing and lending agreement" (證券借貸協議) means an agreement whereby a person borrows or lends securities pursuant to an arrangement where the borrower undertakes to return securities of the same description, or pay the equivalent value of the securities, to the lender, and includes a stock borrowing within the meaning of section 19(16) of the Stamp Duty Ordinance (Cap 117);

"securities collateral" (證券抵押品)-

- (a) in relation to a licensed corporation, means any securities-
 - (i) deposited with, or otherwise provided by or on behalf of a client of the licensed corporation to, the licensed corporation; or

- (ii) deposited with, or otherwise provided by or on behalf of a client of the licensed corporation to, any other intermediary or person, which are so deposited or provided-
 - (A) as security for the provision by the licensed corporation of financial accommodation; or
 - (B) to facilitate the provision by the licensed corporation of financial accommodation under an arrangement that confers on the licensed corporation a collateral interest in the securities; or
- (b) in relation to a registered institution, means any securities-
 - (i) deposited with, or otherwise provided by or on behalf of a client of the registered institution to, the registered institution, in the course of the conduct of any regulated activity for which the registered institution is registered; or
 - (ii) deposited with, or otherwise provided by or on behalf of a client of the registered institution to, any other intermediary or person, in relation to such conduct of the regulated activity, which are so deposited or provided-
 - (A) as security for the provision by the registered institution of financial accommodation; or
 - (B) to facilitate the provision by the registered institution of financial accommodation under an arrangement that confers on the registered institution a collateral interest in the securities;

"securities margin financing" (證券保證金融資) has the meaning assigned to it by Part 2 of Schedule 5 to this Ordinance;

"served" (送達) includes given;

"shadow director" (幕後董事) means a person in accordance with whose directions or instructions the directors of a corporation are accustomed or obliged to act, but a person shall not be regarded as a shadow director by reason only of the fact that the directors act on advice given by him in a professional capacity;

"share" (股份) means any share in the share capital of a corporation, and, except where a distinction between stock and shares is express or implied, includes stock;

"short selling order" (賣空指示)-

- (a) subject to paragraph (b), means an order to sell securities in respect of which the seller, or the person for whose benefit or on whose behalf the order is made, has a presently exercisable and unconditional right to vest the securities in the purchaser of them by virtue of having-
 - (i) under a securities borrowing and lending agreement-
 - (A) borrowed the securities; or
 - (B) obtained a confirmation from the counterparty to the agreement that the counterparty has the securities available to lend to him;
 - (ii) a title to other securities which are convertible into or exchangeable for the securities to which the order relates;
 - (iii) an option to acquire the securities to which the order relates;
 - (iv) rights or warrants to subscribe for and to receive the securities to which the order relates; or
 - (v) entered into with any other person an agreement or arrangement of a description prescribed by rules made under section 397 of this Ordinance for the purposes of this subparagraph;
- (b) in relation to paragraph (a)(ii), (iii), (iv) or (v), does not include an order where the seller, or the person for whose benefit or on whose behalf the order is made, has, at the time of placing the order, issued unconditional instructions to obtain the securities to which the order relates;

"specified debt securities" (指明債務證券) means debenture stocks, loan stocks, debentures, bonds, notes, indexed bonds, convertible debt securities, bonds with warrants, non-interest bearing debt securities and other securities or instruments acknowledging, evidencing or creating indebtedness-

- (a) which are issued or guaranteed by the Government;
- (b) which are issued by an issuer that has a qualifying credit rating for any of its debt instruments; or
- (c) which are issued by any other issuer as may be approved by the Commission in writing in a particular case;

"specified futures exchange" (指明期貨交易所) means a futures exchange specified in Part 2;

"specified stock exchange" (指明證券交易所) means a stock exchange specified in Part 3;

"Stock Exchange Company" (聯交所) means the company incorporated under the Companies Ordinance (Cap 32) and registered under that Ordinance by the name The Stock Exchange of Hong Kong Limited;

"stock market" (證券市場) means a place where persons regularly meet together to negotiate sales and purchases of securities (including prices), or a place at which facilities are provided for bringing together sellers and purchasers of securities; but does not include the office of-

- (a) an exchange participant of a recognized exchange company which may operate a stock market; or
- (b) a recognized clearing house;

"take-over offer" (收購要約), in relation to a corporation, means an offer made to all the holders (or all the holders other than the person making the offer and his nominees) of the shares in the corporation to acquire the shares or a specified proportion of them, or to all the holders (or all the holders other than the person making the offer and his nominees) of a particular class of the shares to acquire the shares of the class or a specified proportion of them;

"title" (稱銜) includes name or description;

"trading right" (交易權), in relation to a recognized exchange company, means a right to be eligible to trade through that exchange company or on a recognized stock market or a recognized futures market operated by that exchange company and entered as such a right in a list, roll or register kept by that exchange company.

2. References to subsidiary

(1) For the purposes of this Ordinance, a corporation shall be regarded as a subsidiary of another corporation if-

- (a) the other corporation-
 - (i) controls the composition of its board of directors;
 - (ii) controls more than half of its voting power at general meetings; or
 - (iii) holds more than half of its issued share capital (which issued share capital, for the purposes of this subparagraph, excludes any part thereof which carries no right to participate beyond a specified amount on a distribution of either profits or capital); or
- (b) it is a subsidiary of a corporation which is the other corporation's subsidiary.

(2) For the purposes of subsection (1), in determining whether a corporation is a subsidiary of another corporation-

- (a) any shares held or power exercisable by the other corporation in a fiduciary capacity shall be regarded as not held or exercisable by it;
- (b) subject to paragraphs (c) and (d), any shares held or power exercisable-
 - (i) by a nominee for the other corporation (except where the other corporation is concerned only in a fiduciary capacity); or
 - (ii) by, or by a nominee for, a subsidiary of the other corporation, not being a subsidiary

- which is concerned only in a fiduciary capacity,
shall be regarded as held or exercisable by the other corporation;
- (c) any shares held or power exercisable by a person under a debenture of the corporation or under a trust deed for securing the issue of the debenture shall be disregarded; and
 - (d) any shares held or power exercisable by, or by a nominee for, the other corporation or its subsidiary, not being held or exercisable as mentioned in paragraph (c), shall be regarded as not held or exercisable by the other corporation if the ordinary business of the other corporation or its subsidiary (as the case may be) includes the lending of money and the shares are held or power is exercisable by way of security only for a transaction entered into in the ordinary course of that business.

3. References to related corporation

For the purposes of this Ordinance-

- (a) 2 or more corporations shall be regarded as related corporations of each other if one of them is-
 - (i) the holding company of the other;
 - (ii) a subsidiary of the other; or
 - (iii) a subsidiary of the holding company of the other;
- (b) when an individual-
 - (i) controls the composition of the board of directors of one or more corporations;
 - (ii) controls more than half of the voting power at general meetings of one or more corporations; or
 - (iii) holds more than half of the issued share capital (which issued share capital, for the purposes of this subparagraph, excludes any part thereof which carries no right to participate beyond a specified amount on a distribution of either profits or capital) of one or more corporations,each of the corporations referred to in subparagraph (i), (ii) or (iii), and each of their subsidiaries, shall be regarded as related corporations of each other.

4. References to controlling the composition of a corporation's board of directors

(1) For the purposes of this Ordinance, the composition of a corporation's board of directors shall be regarded as controlled by another corporation if the other corporation, by the exercise of some power exercisable by it, can, without the consent or concurrence of any other person, appoint or remove all or a majority of the directors of the corporation.

(2) For the purposes of subsection (1), a corporation shall be regarded as being able to appoint or remove a director of another corporation if-

- (a) the appointment or removal cannot occur without the corporation exercising a power; or
- (b) the appointment of a person as a director of the other corporation follows necessarily from his being a director or other officer of the corporation.

(3) For the purposes of this Ordinance, the composition of a corporation's board of directors shall be regarded as controlled by an individual if the individual, by the exercise of some power exercisable by him, can, without the consent or concurrence of any other person, appoint or remove all or a majority of the directors of the corporation.

(4) For the purposes of subsection (3), an individual shall be regarded as being able to appoint or remove a director of a corporation if-

- (a) the appointment or removal cannot occur without the individual exercising a power; or
- (b) the appointment of a person as a director of the corporation follows necessarily from his being a director or other officer of another corporation and his appointment as a director or

other officer of the other corporation cannot occur without the individual exercising a power.

5. References to wholly owned subsidiary

For the purposes of this Ordinance, a body corporate shall be regarded as the wholly owned subsidiary of another body corporate if it has no members except that other, that other's nominee, that other's wholly owned subsidiary (as construed in accordance with this section), such wholly owned subsidiary's nominee, or any combination thereof.

6. References to substantial shareholder

(1) For the purposes of this Ordinance, a person shall, in relation to a corporation, be regarded as a substantial shareholder of the corporation if he, either alone or with any of his associates-

- (a) has an interest in shares in the corporation-
 - (i) the nominal value of which shares is equal to more than the nominal value of 10% of the issued share capital of the corporation; or
 - (ii) which entitles the person, either alone or with any of his associates and either directly or indirectly, to exercise or control the exercise of more than 10% of the voting power at general meetings of the corporation; or
- (b) holds shares in any other corporation which entitles him, either alone or with any of his associates and either directly or indirectly, to exercise or control the exercise of 35% or more of the voting power at general meetings of the other corporation, or of a further corporation, which is itself entitled, either alone or with any of its associates and either directly or indirectly, to exercise or control the exercise of more than 10% of the voting power at general meetings of the corporation.

(2) For the purposes of subsection (1), a person shall be regarded as being entitled to exercise or control the exercise of 35% or more of the voting power at general meetings of a corporation indirectly if he, either alone or with any of his associates, has an interest in shares in a further corporation which entitles him, either alone or with any of his associates, to exercise or control the exercise of 35% or more of the voting power at general meetings of the further corporation which is itself entitled, either alone or with any of its associates, to exercise or control the exercise of 35% or more of the voting power at general meetings of the first-mentioned corporation.

7. References to securities of a corporation

In this Ordinance, a reference to securities (however described) as those of a corporation shall, unless the context otherwise requires, be construed as a reference to securities (having the applicable meaning, whether under section 1 or otherwise) which are-

- (a) issued, made available or granted by the corporation;
- (b) proposed to be issued, made available or granted by the corporation; or
- (c) proposed to be issued, made available or granted by the corporation when it is incorporated.

8. References to interest of investing public

In this Ordinance, a reference to the interest of the investing public does not include any interest the taking into consideration of which is or is likely to be contrary to the public interest.

9. References to conditions

In this Ordinance, unless the context otherwise requires, a reference to any condition imposed under or pursuant to any provision of this Ordinance shall, in any case where the condition has been amended

(however described) under or pursuant to any provision of this Ordinance, be construed as a reference to the condition as so amended.

10. References relating to regulated activity

In this Ordinance-

- (a) unless otherwise defined or excluded or the context otherwise requires, a person shall be regarded as carrying on a regulated activity if-
 - (i) he carries on a business in a regulated activity; or
 - (ii) he performs for or on behalf of or by arrangement with a person carrying on a business in a regulated activity, any regulated function (as defined in section 113(1) of this Ordinance) in relation to the regulated activity;
- (b) a person shall be regarded as carrying on a regulated activity for an intermediary if he performs for or on behalf of or by arrangement with the intermediary any regulated function (as defined in section 113(1) of this Ordinance) in relation to the regulated activity;
- (c)
 - (i) a corporation licensed under section 116 or 117 of this Ordinance to carry on a regulated activity shall be regarded as being licensed for that regulated activity;
 - (ii) an individual licensed under section 120 or 121 of this Ordinance to carry on a regulated activity for a licensed corporation shall be regarded as being licensed for that regulated activity.

11. References to contravention, etc.

In this Ordinance, unless the context otherwise requires-

- (a) a reference to contravention shall-
 - (i) be construed as including a reference to failure to comply; and
 - (ii) in relation to any provision of any Ordinance, be construed as including a reference to the commission of an offence under the provision;
- (b) a reference to failure to comply shall-
 - (i) be construed as including a reference to contravention; and
 - (ii) in relation to any provision of any Ordinance, be construed as including a reference to the commission of an offence under the provision.

12. References to Ordinance

For the avoidance of doubt, in this Ordinance, a reference to this or any other Ordinance, whether generally or specifically and whether by reference to the short title of the Ordinance or otherwise, shall, unless the context otherwise requires, be construed as including any subsidiary legislation made under this or that other Ordinance (as the case may be).

PART 2

SPECIFIED FUTURES EXCHANGES

1. Australian Stock Exchange
2. Bourse de Montreal Inc.
3. Chicago Board of Trade
4. Chicago Board Options Exchange
5. Chicago Mercantile Exchange Inc.
6. Commodity Exchange, Inc. (New York)
7. Eurex

8. Euronext Amsterdam
9. Hong Kong Futures Exchange Limited
10. Korea Stock Exchange
11. London International Financial Futures and Options Exchange
12. London Metal Exchange
13. Marche a Terme International de France
14. Marche des Options Negociables de Paris
15. New York Cotton Exchange, Inc.
16. New York Futures Exchange
17. New York Mercantile Exchange
18. New Zealand Futures and Options Exchange
19. Osaka Securities Exchange
20. Pacific Exchange
21. Philadelphia Stock Exchange
22. Singapore Exchange Derivatives Trading Limited
23. Stockholmsborsen
24. Sydney Futures Exchange, Ltd.
25. Tokyo Grain Exchange
26. Tokyo International Financial Futures Exchange
27. Tokyo Stock Exchange
28. Winnipeg Commodities Exchange Inc.

PART 3

SPECIFIED STOCK EXCHANGES

1. American Stock Exchange
2. Australian Stock Exchange
3. Bolsa de Madrid
4. Borsa Italiana S.p.A.
5. Bourse de Montreal Inc.
6. Copenhagen Stock Exchange
7. Deutsche Borse AG
8. Euronext Amsterdam
9. Euronext Brussels
10. Euronext Paris
11. Helsinki Exchanges
12. Japanese Association of Securities Dealers Automated Quotations
13. Korea Stock Exchange
14. Kuala Lumpur Stock Exchange
15. London Stock Exchange
16. Luxembourg Stock Exchange
17. Nagoya Stock Exchange
18. National Association of Securities Dealers Automated Quotations
19. New York Stock Exchange
20. New Zealand Stock Exchange
21. Osaka Securities Exchange
22. Oslo Bors
23. Philippine Stock Exchange Inc.
24. Singapore Exchange Securities Trading Limited
25. The Stock Exchange of Hong Kong Limited

26. Stock Exchange of Thailand
27. Stockholmsborsen
28. SWX Swiss Exchange
29. Tokyo Stock Exchange
30. Toronto Stock Exchange
31. Wiener Borse AG

PART 4

MULTILATERAL AGENCIES

1. The African Development Bank
2. The Asian Development Bank
3. The European Bank for Reconstruction and Development
4. The European Investment Bank
5. The Inter-American Development Bank
6. The International Bank for Reconstruction and Development (commonly known as the World Bank)
7. The International Finance Corporation (an affiliate of the World Bank)

PART 5

QUALIFYING CREDIT RATING

1. A Moody's Investors Service rating of-
 - (a) A3 or above for long term debt; or
 - (b) Prime-3 or above for short term debt.
2. A Standard & Poor's Corporation rating of-
 - (a) A or above for long term debt; or
 - (b) A-3 or above for short term debt.

Chapter:	574	Title:	PUBLIC OFFICERS PAY ADJUSTMENT ORDINANCE	Gazette Number:	25 of 2002
Section:	2	Heading:	Interpretation	Version Date:	19/07/2002

In this Ordinance, unless the context otherwise requires-

"allowance" (津貼) means any remuneration, other than pay, payable to a public officer;

"civil servant" (公務員) means a public officer employed by the Government on civil service terms of appointment at a civil service rank;

"civil service pay scales" (公務員薪級表) means any pay scale specified in Part 1 of Schedule 1;

"ICAC officer" (廉署人員) means a public officer who is an officer within the meaning of section 2 of the Independent Commission Against Corruption Ordinance (Cap 204);

"ICAC pay scale" (廉署人員薪級表) means the pay scale specified in Part 2 of Schedule 1;

"pay" (薪酬) includes salary, wages, a consultancy fee, a training allowance and an honorarium;

"relevant percentage" (有關百分率)-

- (a) in relation to a point on the civil service pay scales, means the percentage specified in Part 1 of Schedule 2 in respect of that point;
- (b) in relation to a point on the ICAC pay scale, means the percentage specified in Part 2 of Schedule 2 in respect of that point.

FINANCIAL IMPLICATIONS

1. The proposed amendments to the Costs in Criminal Costs Ordinance empower a magistrate to award costs to the defendant under application by the prosecution. Only a small number of prosecution's applications for review have been rejected each year. For instance, only 46 such applications were rejected in 2000 and 2001. Given that the magistrate's power to award costs is subject to a limit of \$30,000, the estimated amount of additional expenditure that may be incurred is insignificant and will be met by the existing resources of the Department of Justice.

2. As regards the establishment of the Standing Committee on Legal Education and Training, additional resources may be required for administrative and secretarial support. However, the amount should not be significant and the Department of Justice is prepared to absorb it within its existing resources.

3. The other proposed amendments would not have any financial impact on the Administration.