(6)

LAWS OF HONG KONG

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

CHAPTER 1

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CHAPTER 1

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CHAPTER 1

INTERPRETATION AND GENERAL CLAUSES

To consolidate and amend the law relating to the construction, application and interpretation of laws, to make general provisions with regard thereto, to define terms and expressions used in laws and public documents, to make general provision with regard to public officers, public contracts and civil and criminal proceedings and for purposes and for matters incidental thereto or connected therewith.

[31 December 1966] *L.N. 88 of 1966*

Originally 31 of 1966 — L.N. 181 of 1967, 29 of 1969, 54 of 1969, L.N. 151 of 1969, 9 of 1970, 16 of 1970, 14 of 1971, 30 of 1971, 20 of 1972, 36 of 1972, 19 of 1973, L.N. 195 of 1973, 69 of 1973, L.N. 57 of 1974, L.N. 145 of 1974, 62 of 1974, 2 of 1975, 67 of 1975, 92 of 1975, L.N. 238 of 1976, 17 of 1977, L.N. 63 of 1978, L.N. 21 of 1979, 27 of 1979, 65 of 1979, 2 of 1981, 23 of 1981, 42 of 1981, L.N. 282 of 1981, L.N. 379 of 1981, L.N. 24 of 1982, L.N. 73 of 1982, 39 of 1982, 80 of 1982, 42 of 1983, 43 of 1983, 49 of 1983, 64 of 1983, L.N. 50 of 1984, L.N. 151 of 1984, L.N. 76 of 1985, 39 of 1985, L.N. 320 of 1985, 12 of 1986, 39 of 1986, R. Ed. 1986, 18 of 1987, 44 of 1988, L.N. 54 of 1989, L.N. 55 of 1989, L.N. 76 of 1989, L.N. 94 of 1989, L.N. 262 of 1989, L.N. 291 of 1989, LN99/90, LN167/90, 32/90, 51/90, LN273/90, LN336/90

PART I

SHORT TITLE AND APPLICATION

1. Short title

This Ordinance may be cited as the Interpretation and General Clauses Ordinance.

2. Application

(1) Save where the contrary intention appears either from this Ordinance or from the context of any other Ordinance or instrument, the provisions of this Ordinance shall apply to this Ordinance and to any other Ordinance in force, whether such other Ordinance came or comes into operation before or after the commencement of this Ordinance, and to any instrument made or issued under or by virtue of any such Ordinance.

(2) This Ordinance shall be binding on the Crown.

PART II

INTERPRETATION OF WORDS AND EXPRESSIONS

3. Interpretation of words and expressions

"act", when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;

"Act" and "Statute" mean an Act or Statute of Parliament;

"adult" means a person who has attained the age of ~~21~~ 18 years; 3.1/90 6

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air;

"alien" means a person who is neither a Commonwealth citizen nor a British protected person nor a citizen of the Republic of Ireland; *(Replaced 80 of 1982 s. 2)*

"amend" means repeal, revoke, cancel, add to or vary and the doing of all or any of such things simultaneously or by the same Ordinance or instrument;

"arrestable offence" means an offence for which the sentence is fixed by law or for which a person may under or by virtue of any law be sentenced to imprisonment for a term exceeding 12 months, and an attempt to commit any such offence; *(Added 30 of 1971 s. 2)*

"Attorney General" means the Attorney General of Hong Kong;

"British citizen" means a person who has the status of a British citizen under the British Nationality Act 1981 (1981 c. 61 U.K.); *(Added 80 of 1982 s. 2)*

"British Dependent Territories citizen" means a person who has the status of a British Dependent Territories citizen under the British Nationality Act 1981 (1981 c. 61 U.K.); *(Added 80 of 1982 s. 2)*

"British Overseas citizen" means a person who has the status of a British Overseas citizen under the British Nationality Act 1981 (1981 c. 61 U.K.); *(Added 80 of 1982 s. 2)*

"British protected person" means a person who has the status of a British protected person under the British Nationality Act 1981 (1981 c. 61 U.K.); *(Added 80 of 1982 s. 2)*

"British subject" means a person who has the status of a British subject under the British Nationality Act 1981 (1981 c. 61 U.K.); *(Replaced 80 of 1982 s. 2)*

"Chief Justice" means the Chief Justice of Hong Kong;

"Chief Secretary" means the Chief Secretary of Hong Kong; *(Replaced 39 of 1982 s. 2)*

"Christian name" means any name prefixed or suffixed to a surname, whether received in Christian baptism or otherwise;

"City of Victoria" and "Victoria" mean the area within the boundaries specified in Schedule 1;

"Clerk of Councils" means the Clerk to the Executive Council and the Legislative Council and any person appointed by the Governor to be Deputy Clerk of Councils;

"coin" means gold, silver, bronze, cupro-nickel or other coin in use as legal currency in Hong Kong;

"Colony" and "Hong Kong" mean the area of land and the area of Deep Bay and Mirs Bay lying within the boundaries specified in Schedule 2 and the territorial waters appertaining thereto;

"commencement", when used in relation to an Ordinance, or any part or provision thereof, means the date on which the Ordinance, part or provision came or comes into operation; *(Replaced 39 of 1982 s. 2)*

"committed for trial", when used in relation to any person, means—

(*a*) committed to prison with a view to his being tried before the High Court; or

(*b*) admitted to bail upon recognizances to appear and stand his trial before the High Court; *(Amended 92 of 1975 s. 59)*

"common law" means the common law of England;

"Commonwealth citizen" means a person who has the status of a Commonwealth citizen under the British Nationality Act 1981 (1981 c. 61 U.K.); *(Added 80 of 1982 s. 2)*

"consul" and "consular officer" mean any person, including the head of a consular post, recognized by the competent authority of the receiving state as entrusted in that capacity with the exercise of consular functions;

"contravene" in relation to any requirement or condition prescribed in any Ordinance or in any grant, permit, licence, lease or authority granted under or by virtue of any Ordinance includes a failure to comply with that requirement or condition;

"counsel" means a person admitted to practise as counsel before the High Court; *(Amended 92 of 1975 s. 59)*

"court" means any court of the Colony of competent jurisdiction;

"Crown Agents" means the persons or body for the time being acting as Crown Agents for Oversea Governments and Administrations;

"Crown lease" means any lease granted by the Crown, any instrument whereby the term of a Crown lease may have been extended or the provisions thereof varied and any agreement for a Crown lease;

"daily penalty" means a penalty for each day on which the offence is continued after conviction therefor;

"definition" means the interpretation given by an Ordinance to any word or expression;

"District Board" means a District Board established under the District Boards Ordinance (Cap. 366); *(Added 42 of 1981 s. 27)*

"District Court" means the District Court of Hong Kong;

"District Judge" means a judge of the District Court;

"document" means any publication and any matter written, expressed or described upon any substance by means of letters, characters, figures or marks, or by more than one of these means;

"enact", in relation to subsidiary legislation, means make; *(Added 18 of 1987 s. 2)*

"Executive Council" means the Executive Council of Hong Kong;

"export" means to take out or cause to be taken out of the Colony by air, land or water;

"Financial Secretary" means the Financial Secretary of Hong Kong and the Secretary for the Treasury; *(Amended L.N. 94 of 1989)*

"financial year" means the period from 1 April in any year to 31 March in the immediately succeeding year, both days inclusive;

"Gazette" means—

(*a*) the Hong Kong Government Gazette and any supplement thereto;

(*b*) the Hong Kong (British Military Administration) Gazette published on or between 12 October 1945 and 1 May 1946; and

(*c*) any Special Gazette or Gazette Extraordinary;

"general revenue" means the general revenue of Hong Kong; *(Added 39 of 1982 s. 2)*

"Government" means the Government of Hong Kong;

"Government Printer" means the Government Printer of Hong Kong and any other printer authorized by or on behalf of the Governor to print any Ordinance or any other document of the Government;

"Governor" means—

(*a*) the Governor of Hong Kong;

(*b*) the Acting Governor; *(Replaced 54 of 1969 s. 2)*

(*c*) to the extent to which a deputy to the Governor is authorized to perform on behalf of the Governor any functions of the Governor, the Deputy to the Governor; and

(*d*) where the Governor of Hong Kong is not intended, the Governor-General, Governor, administrator or other officer for the time being administering the government of any British possession;

"Governor in Council", "Governor in Executive Council" and "Governor with the advice of the Executive Council" mean the Governor acting after consultation with the Executive Council in accordance with Royal Instructions but not necessarily in such Council assembled;

"harbour" means the waters of the Colony within the boundaries specified in Schedule 3;

"health officer" means—

(*a*) the Director, Deputy Director and Assistant Director of Health; *(Replaced L.N. 76 of 1989)*

(*b*) any person appointed as a health officer by the Governor; and
(*c*) any person for the time being performing the duties of a health officer under any Ordinance;

"immovable property" means—
(*a*) land, whether covered by water or not;
(*b*) any estate, right, interest or easement in or over any land; and
(*c*) things attached to land or permanently fastened to anything attached to land;

"imperial enactment" means—
(*a*) any Act;
(*b*) any Order in Council;
(*c*) any Letters Patent or Royal Instructions; and
(*d*) any rule, regulation, proclamation, order, notice, rule of court, by-law or other instrument made under or by virtue of any Act, Order in Council, Letters Patent or Royal Instructions;

"import" means to bring or cause to be brought into the Colony by air, land or water;

3-1905 6. "infant" and "minor" mean a person who has not attained the age of ~~21~~ 18 years;

"instrument" includes any publication in the Gazette having legal effect;

"judge" means the Chief Justice, a Justice of Appeal, a judge of the High Court of Justice and a deputy judge of the High Court of Justice; *(Replaced 92 of 1975 s. 58. Amended 49 of 1983 s. 7)*

"justice" and "justice of the peace" mean a person appointed to be a justice of the peace for the Colony either by the Governor or by or under any Ordinance;

"Kowloon" means the area specified in Schedule 4;

"Lands Tribunal" means the Lands Tribunal established under section 3 of the Lands Tribunal Ordinance (Cap. 17); *(Added 62 of 1974 s. 16)*

"law" means any law for the time being in force in, having legislative effect in, extending to, or applicable in, the Colony;

"Legislative Council" means the Legislative Council of Hong Kong;

"magistrate" means—
(*a*) any person appointed to be a permanent, special or marine magistrate under the Magistrates Ordinance (Cap. 227); and
(*b*) 2 justices of the peace sitting together, to whom section 7(2) of the Magistrates Ordinance (Cap. 227) applies;

"master", when used with reference to a vessel, means the person (except a pilot) having for the time being command or charge of the vessel;

"medical practitioner", "registered medical practitioner" and any words importing that a person is recognized by any Ordinance to be a medical practitioner in Hong Kong or a member of the medical profession in Hong Kong, mean a person duly registered as, or deemed to be registered as, a medical practitioner under the Medical Registration Ordinance (Cap. 161);

"month" means calendar month;

"movable property" means property of every description except immovable property;

"New Kowloon" means the area specified in Schedule 5;

"New Territories" means the territories leased to Great Britain by the Emperor of China under the Convention dated 9 June 1898;

"oath" and "affidavit" include, in the case of persons allowed or required by law to affirm instead of swearing, affirmation; and "swear" in the like case includes affirm;

"occupy" includes use, inhabit, be in possession of or enjoy the land or premises to which the word relates, otherwise than as a mere servant or for the mere purpose of the care, custody or charge thereof;

"offence" includes any crime, treason, felony or misdemeanor and any contravention or other breach of, or failure to comply with, any provision of any Ordinance, for which a penalty is provided;

"official languages" means the English language and the Chinese language, and a reference to an "official language" shall be construced as a reference to the English language or the Chinese language as the case may be; *(Added 18 of 1987 s. 2)*

"or", "other" and "otherwise" shall be construed disjunctively and not as implying similarity, unless the word "similar" or some other word of like meaning is added;

"Order in Council" means an order made by Her Majesty in Her Privy Council;

"Ordinance" and "enactment" mean—

(*a*) any Ordinance enacted by the Governor by and with the advice and consent of the Legislative Council;

(*b*) any proclamation made by the British Military Administration on or between 1 September 1945 and 1 May 1946; and

(*c*) any subsidiary legislation made under any such Ordinance or proclamation;

"Parliament" and "Imperial Parliament" mean the Parliament of England, the Parliament of Great Britain and the Parliament of the United Kingdom;

"per cent", when used in relation to a rate of interest payable in any circumstances, means the rate of interest specified payable in respect of a year, unless it is expressly provided that it is payable in respect of any other period;

"person" includes any public body and any body of persons, corporate or unincorporate, and this definition shall apply notwithstanding that the word "person" occurs in a provision creating or relating to an offence or for the recovery of any fine or compensation;

"personal name" means the names other than a surname which a person most commonly adopts in conjunction with his surname or, in the case of a person having no surname, the names which he commonly adopts;

"pier" includes every quay, wharf or jetty of whatever description connected to and having direct access to the shore and used or intended to be used for the purposes of a pier, quay, wharf or jetty;

"police officer" and terms or expression referring to ranks in the Royal Hong Kong Police Force shall bear the meanings respectively assigned to them by the Police Force Ordinance (Cap. 232); *(Amended 29 of 1969 s. 2)*

"power" includes any privilege, authority and discretion;

"prescribed" and "provided", when used in or with reference to any Ordinance, mean prescribed or provided by that Ordinance or by subsidiary legislation made under that Ordinance;

"prison" means any place or building or portion of a building set apart for the purpose of a prison under any Ordinance relating to prisons;

"Privy Council" means the Lords and others for the time being of Her Majesty's Most Honourable Privy Council;

"property" includes—

(*a*) money, goods, choses in action and land; 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*) of this definition;

"public" includes any class of the public;

"publication" means—

(*a*) all written and printed matter;

(*b*) any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;

(*c*) anything whether of a similar nature to the foregoing or not, containing any visible representation, or by its form, shape, or in any manner, capable of producing, reproducing, representing or conveying words or ideas; and

(*d*) every copy and reproduction of any publication as defined in paragraphs (*a*), (*b*) and (*c*) of this definition;

"public body" includes—

(*a*) the Executive Council;

(*b*) the Legislative Council;

(*c*) the Urban Council;

(*ca*) any District Board; *(Added 42 of 1981 s. 27)*

(*cb*) the Regional Council; *(Added 39 of 1985 s. 60)*

(*d*) any other urban, rural or municipal council;

(*e*) any department of the Government; and

(*f*) any undertaking by or of the Government;

"public holiday" and "general holiday" mean any day which is a general holiday by virtue of any provision of the Holidays Ordinance (Cap. 149);

"public office" means any office or employment the holding or discharging of which by a person would constitute that person a public officer;

"public officer" and "public servant" mean any person holding an office of emolument under the Crown in right of the Government of Hong Kong, whether such office be permanent or temporary;

"public place" means—

(*a*) any public street or pier, or any public garden; and

(*b*) any theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment or to which the public have or are permitted to have access;

"public seal" means the public seal of Hong Kong;

"Regional Council" means the Regional Council established by the Regional Council Ordinance (Cap. 385); *(Added 39 of 1985 s. 60)*

"registered", when used with reference to a document, means registered under the provisions of any law applicable to the registration of such a document;

"Registrar of the Supreme Court" means the Registrar of the Supreme Court and any Deputy or Assistant Registrar of the Supreme Court;

"repeal" includes rescind, revoke, cancel or replace;

"rules of court", when used in relation to any court, means rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of such court;

"Secretary of State" means one of Her Majesty's Principal Secretaries of State for the time being;

"sell" includes exchange and barter;

"ship" includes every description of vessel used in navigation not exclusively propelled by oars;

"sign" includes, in the case of a person unable to write, the affixing or making of a seal, mark, thumbprint or chop;

"solicitor" means a person admitted to practise as a solicitor before the High Court; *(Amended 92 of 1975 s. 59)*

"statutory declaration", if made—

(*a*) in Hong Kong, means a declaration under the repealed Statutory Declarations Ordinance or the Oaths and Declarations Ordinance (Cap. 11); *(Replaced 20 of 1972 s. 24)*

(*b*) in any part of the Commonwealth except the Colony, means a declaration made before a justice of the peace, notary public, or other person having authority therein under any legal provision for the time being in force in such part to take or receive a declaration;

(*c*) in any other place, means a declaration before a British consul or person having authority under any Act for the time being in force to take or receive a declaration;

"street" and "road" mean—

(*a*) any highway, street, road, bridge, thoroughfare, parade, square, court, alley, lane, bridle-way, footway, passage, tunnel; and *(Amended 54 of 1969 s. 2)*

(*b*) any open place, whether situate on land leased from the Crown or not, used or frequented by the public or to which the public have or are permitted to have access;

"subsidiary legislation" and "regulations" mean any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by ~~virte~~ virtue of any Ordinance and having legislative effect;

"summary conviction" means a summary conviction by a magistrate in accordance with the provisions of the Magistrates Ordinance (Cap. 227);

"Supreme Court" means the Supreme Court of Hong Kong;

"surname" includes a clan or family name;

"territorial waters" means such part of the sea adjacent to the coast of the Colony as is deemed by international law to constitute the territorial waters of Hong Kong;

"treaty" means a treaty, convention or agreement made with a foreign state, and any protocol or declaration attached thereto or independent thereof but referring thereto;

"triable summarily" means triable by a magistrate, in accordance with the provisions of the Magistrates Ordinance (Cap. 227);

"trust territory" means a territory administered by the Government of any part of Her Majesty's dominions under the trusteeship system of the United Nations;

"United Kingdom" means—

(*a*) the United Kingdom of Great Britain and Northern Ireland; or

(*b*) when used with reference to citizenship or nationality, Great Britain, Northern Ireland, the Channel Islands and the Isle of Man; *(Replaced 80 of 1982 s. 2)*

"urban areas" means the Colony, excluding the New Territories except New Kowloon;

"Urban Council" means the Urban Council established by the Urban Council Ordinance (Cap. 101);

"vessel" means any ship or boat and any description of vessel used in navigation;

"waters of the Colony", "waters of Hong Kong" and "Colonial waters" mean— *(Amended 39 of 1982 s. 2)*

(*a*) all waters, whether navigable or not, included in the Colony; and

(*b*) territorial waters;

"will" includes any testamentary instrument;
"words" includes figures and symbols;
"writing" and "printing" include writing, printing, lithography, photography, typewriting and any other mode of representing words in a visible form;
"year" means a year according to the Gregorian calendar;
"years of age" and words of a like meaning, when used with reference to the age of any person, mean years of age according to the English reckoning of ages.

4. Definition of "Commonwealth"

"Commonwealth" means collectively—

(*a*) the United Kingdom;
(*b*) the Channel Islands;
(*c*) the Isle of Man;
(*d*) the countries mentioned in Schedule 3 to the British Nationality Act 1981 (1981 c. 61 U.K.);
(*e*) the British Dependent Territories mentioned in Schedule 6 to the British Nationality Act 1981 (1981 c. 61 U.K.).

(Replaced 80 of 1982 s. 2)

5. Grammatical variations and cognate expressions

Where any word or expression is defined in any Ordinance, such definition shall extend to the grammatical variations and cognate expressions of such word or expression.

6. References to Government property

Where reference is made in any Ordinance to property and the expressions used in relation thereto imply that such property is owned by, or belongs to, the Government, or convey a similar meaning, such reference shall be deemed to refer to such of the property of the Crown of the description mentioned as has been appropriated to the use of the Government.

7. Provisions for gender and number

(1) Words and expressions importing the masculine gender include the female.

(2) Words and expressions in the singular include the plural and words and expressions in the plural include the singular.

8. Service by post

Where any Ordinance authorizes or requires any documents to be served or any notice to be given by post or by registered post, whether the expression

"serve" or "give" or "send" or any other expression is used, the service or notice shall be deemed to be effected by properly addressing, pre-paying the postage thereon and dispatching it by post or by registered post, as the case may be, to the last known postal address of the person to be served or given notice, and, unless the contrary is proved, such service or notice shall be deemed to have been effected at the time at which the document or notice would be delivered in the ordinary course of post.

(Amended 36 of 1972 s. 2)

9. Chinese words and expressions

Chinese words and expressions in the English text of an Ordinance shall be construed according to Chinese language and custom.

(Replaced 18 of 1987 s. 3)

10. References to pounds sterling

The amount of Hong Kong dollars equivalent to an amount of pounds sterling referred to in any law shall be calculated at the merchant selling rate of The Hong Kong Association of Banks at the close of business on the relevant day.

(Replaced 2 of 1975 s. 2)

PART IIA

GENERAL PROVISIONS AS TO LAWS IN BOTH OFFICIAL LANGUAGES

10A. Application of Part IIA

This Part shall apply to an Ordinance—

(*a*) enacted in both official languages; or

(*b*) in respect of which an authentic text is published under section 4B of the Official Languages Ordinance (Cap. 5).

10B. Construction of Ordinances in both official languages

(1) The English language text and the Chinese language text of an Ordinance shall be equally authentic, and the Ordinance shall be construed accordingly.

(2) The provisions of an Ordinance are presumed to have the same meaning in each authentic text.

(3) Where a comparison of the authentic texts of an Ordinance discloses a difference of meaning which the rules of statutory interpretation ordinarily

applicable do not resolve, the meaning which best reconcils the texts, having regard to the object and purposes of the Ordinance, shall be adopted.

10C. Expressions of English law

(1) Where an expression of the common law is used in the English language ~~test~~ text of an Ordinance and an ~~analogus~~ analogous expression is used in the Chinese language text thereof, the Ordinance shall be ~~construced~~ construed in accordance with the common law meaning of that expression. LN336/90

(2) In this section "common law" means the common law and rules of equity in force in Hong Kong.

10D. Name of statutory body corporate

Where an Ordinance establishes a body corporate and in the English language text and Chinese language text of that Ordinance the name of the body corporate is in the form only of the language of that text, the name of the body corporate shall consist of the form of its name in each of the texts of the Ordinance.

10E. Words etc. in the official languages may be declared as equivalents

(1) The Governor in Council may, by notice in the Gazette, declare that any word, expression, office, title (including the short title of any Ordinance), citation or thing therein specified in one official language shall, in relation to the interpretation of an Ordinance, be the equivalent of any word, expression, office, title, citation or thing therein specified in the other official language.

(2) No declaration shall be made under this section unless a draft of the notice has been laid before and approved by resolution of the Legislative Council, and section 34 of this Ordinance shall not apply in relation to any such declaration.

(Part IIA added 18 of 1987 s. 4)

PART III

GENERAL PROVISIONS AS TO ORDINANCES

11. Ordinance to be public Ordinance

Every Ordinance shall be a public Ordinance and shall be judicially noticed as such.

12. Sections and schedules

(1) Every section of an Ordinance shall have effect as a substantive enactment without introductory words.

(2) Every schedule to or table in any Ordinance and any notes to such schedule or table shall be construed and have effect as part of such Ordinance.

13. Citation of Ordinance

(1) Where any Ordinance is referred to, it shall be sufficient for all purposes to cite such Ordinance by—

(*a*) the title, short title or citation thereof;

(*b*) its number among the Ordinances of the year in which it was enacted; or

(*c*) any chapter number lawfully given to it under the authority of any Ordinance providing for the issue of a revised or other edition of the laws of Hong Kong. *(Amended L. N. 54 of 1989)*

(2) Any reference made to any Ordinance, in accordance with the provisions of subsection (1), may be made according to the title, short title, citation, number or chapter number used in copies of Ordinances printed by the Government Printer.

(Amended L.N. 57 of 1974)

14. Collective citation

(1) Where it is provided that any Ordinance may, as to the whole or any part thereof, be cited with any other Ordinance or with any group of Ordinances, all such Ordinances shall be read and construed together, and any such group shall be construed as including such first mentioned Ordinance.

(2) Where it is provided that 2 or more Ordinances may together be cited by a collective short title or citation containing therein the years of the first and last of such Ordinances, such short title or citation shall be construed to include all the Ordinances covered by the same, or any of them.

15. Reference to Ordinance as amended

(1) Where in any Ordinance a reference is made to another Ordinance, such reference shall be deemed to include a reference to such last mentioned Ordinance as the same may from time to time be amended.

(2) Where any Ordinance repeals and re-enacts, with or without modification, any provision of a former Ordinance, references in any other Ordinance to the provision so repealed shall be construed as references to the provision so re-enacted.

16. Citation of part of Ordinance

In any Ordinance a description or citation of a portion of an Ordinance shall be construed as including the word, section or other part mentioned or

referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

17. Construction of reference to Ordinance, section, etc.

(1) Any reference in any Ordinance to "any Ordinance" or to "any enactment" shall be construed as a reference to any Ordinance for the time being in force.

(2) Where in any Ordinance there is a reference to a section, Part, Chapter or Schedule by number or letter only, and not in conjunction with the title or short title of any other Ordinance, such reference shall be construed as a reference to the section, Part, Chapter or Schedule of that number or letter contained in the Ordinance in which such reference occurs.

(3) Where in any section of any Ordinance there is a reference to a subsection, paragraph, subparagraph or other division by number or letter only, and not in conjunction with the number of any section of that or of any other Ordinance, such reference shall be construed as a reference to the subsection, paragraph, subparagraph or other division of that number or letter contained in the section in which such reference occurs.

(4) The provisions of subsections (2) and (3) shall apply mutatis mutandis to subsidiary legislation.

(5) Any reference to an Ordinance in any Ordinance shall include a reference to any subsidiary legislation made under the Ordinance to which reference is made.

18. Marginal notes

(1) Where any section, subsection or paragraph of any Ordinance is taken verbatim from, or is substantially similar to, a section, subsection or paragraph of any imperial enactment, there may be added as a note to the section, subsection or paragraph of the Ordinance a reference, in abbreviated form, to such section, subsection or paragraph of the imperial enactment.

(2) A reference added under subsection (1) shall not have any legislative effect and shall not in any way vary, limit or extend the interpretation of any Ordinance.

(3) A marginal note or section heading to any provision of any Ordinance shall not have any legislative effect and shall not in any way vary, limit or extend the interpretation of any Ordinance.

(Amended 44 of 1988 s. 2)

19. General principles of interpretation

An Ordinance shall be deemed to be remedial and shall receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Ordinance according to its true intent, meaning and spirit.

PART IV

COMMENCEMENT, DISALLOWANCE, AMENDMENT AND REPEAL

20. Commencement of Ordinance

Every Ordinance shall—

(*a*) be published in the Gazette; and

(*b*) come into operation on the expiration of the day next preceding the day of such publication or, if it is provided in the Ordinance or in some other law that such Ordinance shall come into operation on some other day, then it shall come into operation on the expiration of the day next preceding such other day.

21. Disallowance

(1) Where any Ordinance is disallowed by Her Majesty, such disallowance shall be notified by the Governor by notice in the Gazette; and from and after the date of publication of such notice the Ordinance shall cease to have effect.

(2) Where notice of disallowance of any Ordinance is notified in accordance with the provisions of subsection (1), the provisions of section 23 shall apply in respect of such disallowance as if the words "disallowance" and "disallowed" were substituted therein for the words "repeal" and "repealed" respectively.

(3) Any Ordinance repealed or amended by any Ordinance disallowed shall revive and continue in force in its original form with effect from the date of publication of the notice referred to in subsction (1).

22. Ordinance and amending Ordinance to be read as one

Any Ordinance which amends any other Ordinance shall be read and construed as one with the amended Ordinance, and the amended Ordinance may, in the amending Ordinance, be referred to as the "principal Ordinance", "principal regulations" or as the case may be.

23. Effect of repeal generally

Where an Ordinance repeals in whole or in part any other Ordinance, the repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect;

(*b*) affect the previous operation of any Ordinance so repealed or anything duly done or suffered under any Ordinance so repealed;

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any Ordinance so repealed;

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any Ordinance so repealed; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Ordinance had not been passed.

24. Repealed Ordinance not revived

Where any Ordinance repealing in whole or in part any former Ordinance is itself repealed, such last repeal shall not revive the Ordinance or provision previously repealed, unless provision is made to that effect.

25. Repeal and substitution

Where any Ordinance repeals in whole or in part any other Ordinance and substitutes other provisions therefor, the repealed Ordinance shall remain in force until the substituted provisions come into operation.

26. Repeal of amended Ordinance to include amendments

Where any Ordinance which has been amended by any other Ordinance is repealed, such repeal shall include the repeal of all those provisions of such other Ordinance by which such first mentioned Ordinance was amended.

27. Effect of expiry of Ordinance

Upon the expiry or lapse of any Ordinance, the provisions of section 23 shall apply as if such Ordinance had been repealed.

PART V

SUBSIDIARY LEGISLATION

28. General provision with regard to power to make subsidiary legislation

Where an Ordinance confers power on any authority to make subsidiary legislation, the following provisions shall have effect with reference to the making thereof—

(*a*) when any subsidiary legislation purports to be made in exercise of a particular power or powers, it shall be deemed also to be made in exercise of all other powers thereunto enabling;

(*b*) no subsidiary legislation shall be inconsistent with the provisions of any Ordinance;

(*c*) subsidiary legislation may at any time be amended by the same authority and in the same manner by and in which it was made:

Provided that where such authority has been replaced wholly or in part by another authority, the power conferred hereby upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority;

(*d*) where any Ordinance confers power on any authority to make subsidiary legislation for any general purpose, and also for any special purpose incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;

(*e*) subsidiary legislation may provide that a contravention or breach thereof shall be punishable on summary conviction by such fine not exceeding $5,000 or by such term of imprisonment not exceeding 6 months as may be specified in the subsidiary legislation or by both such fine and imprisonment; *(Amended 23 of 1981 s. 2)*

(*f*) subsidiary legislation may amend any forms contained in the Ordinance under which such subsidiary legislation is made and may prescribe new forms for the purpose thereof and for the purposes of such subsidiary legislation; and

(*g*) subsidiary legislation may provide for the imposition of fees and charges in respect of any matter with regard to which provision is made in such subsidiary legislation or in the Ordinance under which such subsidiary legislation is made.

29. Fees and charges

(1) Where provision is made by any subsidiary legislation in respect of fees or other charges, such subsidiary legislation may provide for all or any of the following matters—

(*a*) specific fees or charges;

(*b*) maximum or minimum fees or charges;

(*c*) maximum and minimum fees or charges;

(*d*) the payment of fees or charges either generally or under specified conditions or in specified circumstances;

(*e*) the exemption of any person or class of persons from the payment of fees or charges; and

(*f*) the reduction, waiver or refund, in whole or in part, of any such fees or charges, either upon the happening of a certain event or in the discretion of a specified person.

(2) Where any reduction, waiver or refund, in whole or in part, of any fee or charge is provided for by any subsidiary legislation, such reduction, waiver or refund may be expressed to apply or be applicable either generally or specially—

(*a*) in respect of certain matters or transactions or classes of matters or transactions;

(*b*) in respect of certain documents or classes of documents;

(*c*) in respect of the occurrence or the termination of any event;

(*d*) in respect of certain persons or classes of persons; or

(*e*) in respect of any combination of such matters, transactions, documents, events or persons,

and may be expressed to apply or be applicable subject to such conditions as may be specified in the subsidiary legislation or in the discretion of any person specified therein.

30. Subsidiary legislation to be judicially noticed

Subsidiary legislation shall be judicially noticed.

(Replaced 67 of 1975 s. 2)

31. Construction of subsidiary legislation

Where any Ordinance confers power to make any subsidiary legislation, expressions used in the subsidiary legislation shall have the same meaning as in the Ordinance conferring the power, and any reference in such subsidiary legislation to "the Ordinance" shall be construed as a reference to the Ordinance conferring the power to make such subsidiary legislation.

32. Exercise of statutory powers between enactment and commencement of Ordinance

Where an Ordinance is not to come into operation on or before the expiration of the day next preceding the day of the publication thereof and confers power to make any appointment, to make any subsidiary legislation, to issue notices, to prescribe forms or to do any other thing for the purposes of the Ordinance, such power may be exercised at any time after the publication of the Ordinance in the Gazette:

Provided that any appointment, subsidiary legislation, instrument, notice, form or thing made, granted, issued, prescribed, given or done under such power shall not, unless the appointment, subsidiary legislation, instrument,

notice, form or thing is necessary for bringing the Ordinance into operation, come into operation or have any effect until the Ordinance comes into operation.

33. Acts done under subsidiary legislation deemed done under Ordinance

An act shall be deemed to be done under an Ordinance or by virtue of the powers conferred by an Ordinance or in pursuance or execution of the provisions of or under the authority of an Ordinance, if it is done under or by virtue of or in pursuance or execution of or under the authority of subsidiary legislation made under any power contained in that Ordinance.

34. Placing of subsidiary legislation before Legislative Council

(1) All subsidiary legislation shall be laid on the table of the Legislative Council at the next sitting thereof after the publication in the Gazette of that subsidiary legislation.

(2) Where subsidiary legislation has been laid on the table of the Legislative Council under subsection (1), the Legislative Council may, by resolution passed at a sitting of the Legislative Council held not later than 28 days after the sitting at which it was so laid, provide that such subsidiary legislation shall be amended in any manner whatsoever consistent with the power to make such subsidiary legislation, and if any such resolution is so passed the subsidiary legislation shall, without prejudice to anything done thereunder, be deemed to be amended as from the date of publication in the Gazette of such resolution.

(3) If the period referred to in subsection (2) would but for this subsection expire—

(*a*) after the end of a session of the Legislative Council or a dissolution thereof; but

(*b*) on or before the day of the second sitting of the Legislative Council in the next following session thereof,

that period shall be deemed to extend to and expire on the day after that second sitting.

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(4) Before the expiry of the ~~prio~~period referred to in subsection (2) or that period as extended by virtue of subsection (3), the Legislative Council may by resolution in relation to any subsidiary legislation specified therein extend that period or that period as so extended by a further period not exceeding 21 days.

(5) Any resolution passed by the Legislative Council in accordance with this section shall be published in the Gazette not later than 14 days after the passing thereof or within such further period as the Governor may allow in any particular case.

(6) In this section "subsidiary legislation" does not include a resolution of the Legislative Council.

(Replaced 39 of 1986 s. 2)

35. Approval of Legislative Council to subsidiary legislation

Where any Ordinance provides that subsidiary legislation shall be subject to the approval of the Legislative Council or of any other authority, or contains words to the like effect, then—

(*a*) the subsidiary legislation shall be submitted for the approval of the Legislative Council or other authority; and

(*b*) the Legislative Council may by resolution or the other authority may by order amend the whole or any part of the subsidiary legislation.

36. Effect of repeal on subsidiary legislation

(1) Where any Ordinance—

(*a*) repeals any former Ordinance and substitutes other provisions therefor; or

(*b*) repeals any former Ordinance and re-enacts such former Ordinance with or without modification,

any subsidiary legislation made under the former Ordinance and in force at the commencement of the repealing Ordinance shall, so far as it is not inconsistent with the repealing Ordinance, continue in force and have the like effect for all purposes as if made under the repealing Ordinance.

(2) Where any subsidiary legislation is continued in force by virtue of subsection (1), such subsidiary legislation may be from time to time amended as if it had been made under the repealing Ordinance.

37. Forms

(1) Where any form is prescribed by or under any Ordinance, deviations therefrom, not affecting the substance of such form, shall not invalidate it.

(2) Where a form is prescribed in any Ordinance in both official languages and the text in one official language is combined in a particular manner with, or is set out separately from, the text in the other official language, the form may be printed and used—

(*a*) with the texts combined in any manner; or

(*b*) in either official language. *(Added 18 of 1987 s. 5)*

PART VI

POWERS

38. Presumption of lawful exercise of power

Where any Ordinance confers power upon any person to—

(*a*) make any subsidiary legislation;

(*b*) make any instrument; or

(*c*) exercise any power,

and the Ordinance conferring the power prescribes conditions, subject to the observance, performance or existence of which any such power may be exercised, such conditions shall be presumed to have been duly fulfilled if in the subsidiary legislation or instrument exercising the power there is a statement that the subsidiary legislation or instrument is made, or the power exercised, in exercise of, or in pursuance of, the power conferred by such Ordinance, or a statement to the like effect.

39. Exercise of powers

(1) Where any Ordinance confers any power or imposes any duty, then the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where any Ordinance confers any power or imposes any duty on the holder of any public office as such, then the power may be exercised and the duty shall be performed by the holder for the time being of that public office.

40. Construction of enabling words

(1) Where any Ordinance confers upon any person power to do or enforce the doing of any act or thing, all such powers shall be deemed to be also conferred as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

(2) Without prejudice to the generality of subsection (1), where any Ordinance confers power—

(*a*) to provide for, prohibit, control or regulate any matter, such power shall include power to provide for the same by the licensing thereof and power to prohibit acts whereby the prohibition, control or regulation of such matter might be evaded;

(*b*) to grant a licence, Crown lease, permit, authority, approval or exemption, such power shall include power to impose reasonable conditions subject to which such licence, Crown lease, permit, authority, approval or exemption may be granted;

(*c*) to approve any person or thing, such power shall include power to withdraw approval thereof;

(*d*) to give directions, such power shall include power to couch the same in the form of prohibitions.

(3) Without prejudice to the generality of subsection (1), whenever in any Ordinance the expression "as the Governor may appoint" or "as the Governor may direct" or "as the Governor may specify" or "as the Governor may prescribe" or "as may be designated by the Governor", or any similar expression referring to the Governor, appears and no power is expressly conferred upon the Governor to make the appointment, give the direction or specification, prescribe or make the designation, as the case may be, such power shall nevertheless be deemed to be conferred.

(4) Subsection (3) shall have effect in relation to the Governor in Council, a public officer, a public body or other person as it has effect in relation to the Governor.

41. Power to issue licences, etc. discretionary

(1) Where any Ordinance confers power upon any person to issue, grant, give or renew any licence, Crown lease, authority, approval or permit, the person so empowered shall have a discretion either to issue, grant, give or renew or to refuse to issue, grant, give or renew such licence, Crown lease, authority, approval or permit.

(2) Nothing in this section shall affect any right which may be conferred by any Ordinance upon any person to appeal against a refusal to issue, grant, give or renew any licence, Crown lease, authority, approval or permit.

42. Power to appoint includes power to suspend, dismiss, re-appoint, etc.

Where any Ordinance confers a power or imposes a duty upon any person to make any appointment or to constitute or establish any board, tribunal, commission, committee or similar body, then the person having such power or duty shall also have the power—

(*a*) to remove, suspend, dismiss or revoke the appointment of, and to re-appoint or reinstate, any person appointed in exercise of such power or duty;

(*b*) to revoke the appointment, constitution or establishment of, or to dissolve, any board, tribunal, commission, committee or similar body appointed, constituted or established, in exercise of such power or duty, and to re-appoint, re-constitute or re-establish the same; and

(*c*) to specify the period for which any person appointed in exercise of such power or duty shall hold such appointment:

Provided that where the power or duty of such person so to act is only exercisable upon the recommendation, or is subject to the approval or consent, of some other person, then such power shall only be exercisable upon such recommendation or subject to such approval or consent.

43. Delegation by specified public officers

(1) Where any Ordinance confers powers or imposes duties upon a specified public officer, such public officer may delegate any other public officer or the person for the time being holding any office designated by him to exercise such powers or perform such duties on his behalf, and thereupon, or from the date specified by such specified public officer, the person delegated shall have and may exercise such powers and perform such duties.

(2) Nothing in subsection (1) shall authorize a specified public officer to delegate any person to make subsidiary legislation or to hear any appeal.

(3) Where any Ordinance confers any power or imposes any duty upon a specified public officer and such power is exercised or such duty is performed by any other public officer, the specified public officer shall, unless the contrary is proved, be deemed to have delegated the latter public officer under subsection (1) to exercise the power or perform the duty.

(4) In this section "specified public officer" means the person for the time being holding any public office which has been specified, either generally or for the purposes of any particular Ordinance, under this section by the Governor by notice in the Gazette.

44. Effect of delegation of powers and duties

(1) Where any Ordinance confers power upon any person to delegate the exercise on his behalf of any of the powers or the performance of any of the duties conferred or imposed upon him under any Ordinance—

(*a*) such delegation shall not preclude the person so delegating from exercising or performing at any time any of the powers or duties so delegated;

(*b*) such delegation may be conditional, qualified or limited in such manner as the person so delegating may think fit;

(*c*) where the delegation may be made only with the approval of some person, such delegation may be conditional, qualified or limited in such manner as the person whose approval is required may think fit;

(*d*) the delegation may be to a named person or to the person for the time being holding any office designated by the person so delegating; and

(*e*) any delegation may be amended by the person so delegating. *(Added 14 of 1971 s. 2)*

(2) The delegation of any power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of any duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

45. Exercise of powers in special cases

Where any Ordinance confers any power or imposes any duty upon the holder of any public office and either—

(*a*) that office has been abolished; or

(*b*) no person has been appointed to discharge the functions of that office,

those powers and duties may be exercised or performed—

(i) in the case of making subsidiary legislation, by the Governor; and

(ii) in any other case, by the holder of such other public office as the Governor may by order direct.

46. Power to make public instruments and perform acts

Where any Ordinance confers power upon any person to make, issue or approve any proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list, such power shall include power—

(*a*) to amend or suspend such proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list;

(*b*) to substitute another proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list for one already made, issued or approved;

(*c*) to withdraw approval of any proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list so approved; and

(*d*) to declare the date of the coming into operation, and the period of operation, of any such proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list.

47. Power to relate back appointment

Any appointment made under the provisions of any Ordinance may be declared to have effect as from the date upon which the person appointed in fact began to exercise the powers and perform the duties of his appointment, not being a date earlier than the commencement of the Ordinance under which the appointment is made.

PART VII

BOARDS AND COMMITTEES

47A. Power of Governor to appoint advisory bodies

(1) The Governor may from time to time by order published in the Gazette establish by law such advisory and other committees and bodies as he considers appropriate in the public interest and may appoint the members thereof.

(2) An order under subsection (1) may contain such provisions relating to the committee or body established by the order as the Governor thinks fit, including the terms of reference of the body, the terms of office of members appointed to that body, the removal or resignation of members, the re-appointment of members, quorums for meetings and similar procedural matters.

(Added 39 of 1982 s. 3)

48. Power to appoint chairman

Where any Ordinance confers power upon any person to appoint any persons to be members of any board, tribunal, commission, committee or similar body, the person so appointing may appoint a chairman, a deputy chairman, a vice-chairman and a secretary of such board, tribunal, commission, committee or similar body.

49. Power to appoint public officer to board, etc.

Where any Ordinance confers power upon any person to appoint any persons to be members of any board, tribunal, commission, committee or similar body, the person so empowered may appoint any public officer, by his official designation, to be a member of such board, tribunal, commission, committee or similar body, and, on such appointment and until such appointment shall be revoked or otherwise determined, the person for the time being holding the public office in question shall be a member of such board, tribunal, commission, committee or similar body.

50. Appointment of alternates

Where any board, tribunal, commission, committee or similar body is established by or under any Ordinance, any person who is empowered by such Ordinance to appoint any or all of the members thereof may—

(*a*) appoint 1 or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any

meeting of the same when a substantive member is temporarily unable to attend for any reason; and

(*b*) appoint a duly qualified person to be a temporary member of the same in the place of any substantive member who is precluded by illness, absence from the Colony or any other cause from exercising his functions as such,

and when attending any meeting of such board, tribunal, commission, committee or similar body, such alternate or temporary member shall be deemed for all purposes to be a member of the same.

51. Powers of board, etc. not affected by vacancy

Where any board, tribunal, commission, committee or similar body is established by or under any Ordinance, the powers of such board, tribunal, commission, committee or similar body shall not be affected by—

(*a*) any vacancy in the membership thereof;

(*b*) any defect in the appointment or qualification of a person purporting to be a member thereof; or

(*c*) any minor irregularity in the convening of any meeting thereof.

52. Power of majority and exercise of powers

(1) Where any Ordinance confers a power or imposes a duty upon a body or number of persons consisting of or being not less than 3, such power may be exercised or duty performed in the name of that body or number of persons by a majority of those persons.

(2) Whenever such body or number of persons is assembled, the chairman or other member presiding shall have a casting as well as a deliberative vote, in all matters in which a decision is taken by vote by whatever name such vote may be called.

(3) The exercise of any power vested in such body or number of persons may be signified either by the chairman or other person presiding at the meeting or other deliberation at which such power was exercised or at which, as the case may be, authority to exercise it was conferred, or by any person from time to time authorized by such body or persons to signify the exercise of such power.

53. Seal

Where any Ordinance constitutes any board, tribunal, commission, committee or similar body to be a body corporate having perpetual succession and a common seal, and any document requires to be sealed with such common seal, then such common seal shall be affixed by the chairman of such board, tribunal, commission, committee or similar body, or by any member thereof appointed by the chairman for that purpose, and shall be authenticated by the signature of the chairman or such member.

PART VIII

PUBLIC OFFICERS AND PUBLIC CONTRACTS

54. References to public officer

In any Ordinance, instrument, warrant or process of any kind, any reference to a public officer, or to a person holding a publice office by a term designating his office, shall include a reference to any person for the time being lawfully discharging the functions of that office, or any part of such functions, and any person appointed to act in or perform the duties of such office, or any part of such duties, for the time being.

(Amended L.N. 54 of 1989)

54A. Power to transfer functions of public officers

(1) The Legislative Council may by resolution provide for the transfer to any public officer of any functions exercisable by virtue of any Ordinance by another public officer.

(2) A resolution under this section may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the resolution.

(3) A certificate issued by the Chief Secretary that any property vested in a public officer immediately before a resolution under this section takes effect has been transferred by virtue of the resolution to another public officer shall be conclusive evidence of the transfer.

(4) In this section—

"functions" includes powers and duties;

"public officer" includes any corporation created for the purpose of incorporating a person for the time being holding a public office.

(Added 67 of 1975 s. 3)
[cf. 1946 c. 31 s. 1 U.K.]

55. Change of title of office

The Chief Secretary may, by notice (which may be given retrospective effect) in the Gazette, declare a change in title of any public officer or public body, or of any person referred to in any Ordinance, and the notice may contain provisions substituting the new title in any Ordinance relating to the public officer, public body or person and in any instrument, contract or legal proceedings made or commenced before the date on which the notice takes effect.

(Replaced 67 of 1975 s. 4)
[cf. 1946 c. 31 s. 2 U.K.]

56. Appointment of officers by name or office

Where any Ordinance confers power upon any person to appoint or name a person to have and exercise any powers or perform any duties, the person so empowered may either appoint a person by name or direct the person for the time being holding any office designated by him to have and exercise such powers or perform such duties; and thereupon, or from the date specified by the person so empowered, the person appointed by name or the person holding the office aforesaid shall have and may exercise such powers or perform such duties accordingly until such appointment be revoked or otherwise determined.

57. Filling vacancy

(1) When any Ordinance confers a power or imposes a duty upon a public officer and such public officer is unable to exercise the powers or perform the duties of his office, owing to absence or inability to act from illness or any other cause, the Governor may, by notice in the Gazette, direct that such power shall be had and may be exercised and such duty shall be performed by a public officer named by, or by a public officer holding the office designated by, the Governor, subject to such conditions, exceptions and qualifications as the Governor may direct.

(2) Any direction by the Governor under subsection (1) may be given—

(*a*) in anticipation of any absence or inability occurring; or

(*b*) subsequently thereto and may relate back to the commencement of such absence or inability.

(3) Where any Ordinance confers powers or imposes duties upon a public officer and a new post is subsequently created in the same or another Government department, the Governor may, by notice in the Gazette, direct that the said powers and duties or any of them shall be exercised by any holder of the new post so created; either to the exclusion of or in addition to the first named public officer or otherwise.

58. Power to appoint while holder on retirement leave

(1) Where the holder of any public office is on leave of absence pending the relinquishment by him of such office, another person may be appointed to the same public office.

(2) Where 2 or more persons art holding the same public office by reason of an appointment made in accordance with subsection (1), then, for the purposes of any Ordinance and in respect of any power conferred or duty imposed upon the holder of such office, the person last appointed to the office shall be deemed to be the holder thereof.

59. Contracts by public officer

In any contract or other document, signed, executed or made by the Governor or by any public officer on behalf of the Governor or the Government or of any Government department, it shall not be necessary to name the Governor or such public officer, but it shall be sufficient to name the office held by the Governor or such public officer, and the Governor or public officer shall be deemed to be a party thereto as if the Governor or such public officer were a corporation sole with perpetual succession for this purpose.

60. Effect of past contracts by public officer

Any contract or other document signed, executed or made before the commencement of this Ordinance by the Governor or by any public officer on behalf of the Governor or the Government or of any Government department shall be enforceable as if the office of Governor or such public officer had, at the time of such execution or making, been a corporation sole with perpetual succession for this purpose.

61. Omission of title after signature of public officer immaterial

The omission to add the title of the public office held by the Governor or any public officer signing or executing any contract or other document after the signature of such officer shall not exclude such contract or other document from the operation of sections 59 and 60.

PART IX

CROWN, GOVERNOR AND GOVERNOR IN COUNCIL

62. Signification of orders of Governor and Governor in Council

(1) Where any Ordinance confers a power or imposes a duty upon the Governor or the Governor in Council to make any subsidiary legislation or appointment, give any directions, issue any order, authorize any thing or matter to be done, grant any exemption, remit any fee or penalty, or exercise any other power or perform any other duty, the exercise of such power or the performance of such duty may be signified—

(*a*) in the case of the Governor, under the hand of any public officer specified in Schedule 6; *(Amended 36 of 1972 s. 3)*

(*b*) in the case of the Governor in Council, under the hand of the Clerk of Councils.

(2) Notwithstanding the provisions of subsection (1), proclamations shall be made or issued only under the hand of the Governor himself.

(3) The Governor may, by order published in the Gazette, amend Schedule 6. *(Added 36 of 1972 s. 3)*

63. Delegation by Governor

(1) Where any Ordinance confers powers or imposes duties upon the Governor, he may delegate any person by name or the person holding any office designated by him to exercise such powers or perform such duties on his behalf and thereupon, or from the date specified by the Governor, the person so delegated shall have and may exercise such powers and perform such duties.

(2) Without prejudice to the provisions of any Letters Patent or Royal Instructions relating to the appointment of a deputy to the Governor, nothing in subsection (1) shall authorize the Governor to delegate any person to make subsidiary legislation, issue proclamations or to determine any appeal.

(3) Where any Ordinance confers powers or imposes duties upon the Governor and such power is exercised or such duty is performed by any public officer, the Governor shall, unless the contrary is proved, be deemed to have delegated such public officer under subsection (1) to exercise the power or perform the duty.

64. Appeals and objections to Governor in Council

(1) Where any Ordinance confers upon any person a right of appeal or objection to the Governor in Council, such appeal or objection shall be governed by rules made in accordance with subsection (2). *(Replaced 54 of 1969 s. 5)*

(2) The Governor in Council may make rules governing the procedure to be followed in appeals or objections to the Governor in Council. *(Replaced 54 of 1969 s. 5)*

(3) The conferring by any Ordinance of a right of appeal or objection to the Governor in Council shall not prevent any person from applying to the Supreme Court for an order of mandamus, certiorari, prohibition, injunction or any other order, instead of appealing or making an objection to the Governor in Council, where an application for such an order would lie, but no proceedings by way of mandamus, certiorari, prohibition, injunction or other order shall be taken against the Governor in Council in respect of any such appeal or objection to the Governor in Council or any proceedings connected therewith. *(Amended 54 of 1969 s. 5)*

(4) The Governor in Council, when considering any appeal or objection to him (whether by way of petition or otherwise, and whether such appeal or objection is made by virtue of any Ordinance or otherwise) shall act in an

administrative or executive capacity and not in a judicial or quasi-judicial capacity and shall be entitled to consider and take into account any evidence, material, information or advice in his absolute discretion. *(Amended 54 of 1969 s. 5)*

(5) The Governor in Council, when considering any appeal or objection to him (whether by way of petition or otherwise and whether such appeal or objection is made by virtue of any Ordinance or otherwise) against any decision of any person, public officer or public body, may confirm, vary or reverse such decision or substitute therefor such other decision or make such other order as the Governor in Council may think fit. *(Amended 54 of 1969 s. 5)*

65. References to the Sovereign

Any reference to the Sovereign or to the Crown shall be construed as a reference to the Sovereign for the time being.

66. Saving of rights of Crown

No Ordinance shall in any manner whatsoever affect the right of or be binding on the Crown unless it is therein expressly provided or unless it appears by necessary implication that the Crown is bound thereby.

PART X

TIME AND DISTANCE

67. Hong Kong Time

(1) Whenever any expression of time occurs in any Ordinance the time referred to is Hong Kong Time.

(2) For the purposes of subsection (1), "Hong Kong Time" means the time used for general purposes throughout Hong Kong namely, 8 hours, or such other period as may be determined by the Legislative Council by resolution under this subsection or under section 16 of the Oil (Conservation and Control) Ordinance (Cap. 264), in advance of Greenwich Mean Time. *(Amended 27 of 1979 s. 17)*

(3) A resolution of the Legislative Council under subsection (2) may determine Hong Kong Time for the whole or part of a year.

(4) Nothing in this section shall affect the use of Greenwich Mean Time for the purposes of astronomy, meteorology, navigation or aviation, or affect the construction of any document mentioning or referring to a point of time in connection with any of these purposes.

(Replaced 17 of 1977 s. 3)

68. *(Repealed 17 of 1977 s. 3)*

69. References to "a.m." and "p.m."

The expression "a.m." indicates the period between midnight and the following noon, and the expression "p.m." indicates the time between noon and the following midnight. Where 2 such expressions occur conjunctively in relation to any specified hour or in conjunction with the word "sunset" or "sunrise", they shall be construed as relating to a consecutive period of time.

70. Provision where no time prescribed

Where no time is prescribed or allowed within which any thing shall be done, such thing shall be done without unreasonable delay, and as often as due occasion arises.

71. Computation of time

(1) In computing time for the purposes of any Ordinance—

(*a*) a period of days from the happening of any event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;

(*b*) if the last day of the period is a public holiday or a gale warning day the period shall include the next following day, not being a public holiday or a gale warning day;

(*c*) where any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day is a public holiday or a gale warning day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next following day, not being a public holiday or a gale warning day;

(*d*) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding 6 days, no public holiday or a gale warning day shall be reckoned in the computation of that time. *(Amended, 43 of 1983, s. 2)*

(2) In this section "gale warning day" means any day throughout or for part of which a gale warning is in force, and "gale warning" has the meaning assigned to it by section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62). *(Added 43 of 1983 s. 2)*

72. Power to extend time

Where in any Ordinance a time is prescribed for doing any act or taking any proceeding and power is given to a court, public body, public officer or

other authority to extend such time, then the power may be exercised by the court, public body, public officer or other authority although the application for the same is not made until after the expiration of the time prescribed.

73. Distance

In the measurement of any distance for the purposes of any Ordinance, that distance shall be measured in a straight line on a horizontal plane.

74. Warrants, etc. valid on public holiday

Any summons, notice, warrant or other process may be issued, served or executed and any arrest, search or seizure may be carried out or made on any day, whether a public holiday or not, and at any hour of the day or night.

PART XI

IMPERIAL ENACTMENTS

75. Modifications

An imperial enactment shall be judicially noticed as such and shall be read with such modifications as to names, localities, courts, officers, persons, moneys, penalties or otherwise as may be necessary to make the same applicable to the circumstances of the Colony.

76. Citation of imperial enactments

An imperial enactment may be cited by a short title or citation, if any, or by reference to the regnal or calendar year in which it was passed or by the number assigned to any statutory instrument or statutory rule and order.

77. Construction of reference to imperial enactment

A reference in any law to an imperial enactment or to any provision, part or division thereof shall be construed as a reference to the same as the same may be from time to time amended and as a reference to any imperial enactment or to any provision, part or division of an imperial enactment, substituted therefor.

(Amended 54 of 1969 s. 6)

78. References to subsidiary legislation under imperial Acts

A reference in any law to any imperial Act shall include a reference to any Order in Council, rule, regulation, proclamation, order, notice, rule of court,

by-law or other instrument made under or by virtue thereof and having legislative effect.

79. Construction of imperial enactments

Any imperial enactment shall be construed in accordance with the terms thereof and of any interpretation statute applicable thereto and, to the extent to which no provision is made in the imperial enactment or in such statute for the interpretation thereof, in accordance with the provisions of this Ordinance as if such imperial enactment were itself an Ordinance; and any reference in this Ordinance to an Ordinance shall, in the interpretation of an imperial enactment, include a reference to imperial enactments.

80. Copies of imperial enactments

A copy of an imperial enactment shall, if it—

(*a*) is published in the Gazette or purports to be printed by the Government Printer; or

(*b*) is contained in any printed collection purporting to be published or printed by authority,

be deemed, until the contrary is proved, to be an authentic copy of the imperial enactment as at the date of such publication or printing.

(Replaced 2 of 1975 s. 4)

PART XII

FEES, PENALTIES, OFFENCES AND PROCEEDINGS

81. Attempts to commit offences

(1) A provision in any Ordinance which creates or results in the creation of an offence shall be deemed to include a provision that an attempt to commit such an offence shall itself constitute an offence which may be dealt with and punished in like manner as if the offence had been committed.

(2) Where a person is charged with an offence, he may be convicted of having attempted to commit that offence although he was not charged with the attempt.

(3) Nothing in this section shall affect any law relating to attempts to commit offences at common law.

82. Reference to an offence to include attempts, etc.

(1) Where—

(*a*) any Ordinance confers a power or imposes a duty which is to be exercised or performed consequent upon a conviction of an

offence or in relation to a person who is detained in custody for an offence; or

(*b*) a reference is otherwise made in any Ordinance to an offence,

then that power or duty or that reference shall be deemed to be also exercisable or performable consequent upon a conviction of, or include a reference to, as the case may be—

(i) an attempt to commit that offence;

(ii) aiding, abetting, counselling or procuring that offence;

(iii) a conspiracy to commit that offence; and

(iv) an incitement to commit that offence. *(Added 64 of 1983 s. 2)*

(2) Subsection (1) shall apply to powers of imposing pecuniary penalties and of forfeiture, seizure and search, and to powers and discretions to cancel, suspend or refuse to issue any licence, permit or other authorization, but nothing in this section shall apply to any offence for which a sentence of death may be imposed, or be deemed to authorize the imposition of any sentence of imprisonment otherwise than in default of payment of any pecuniary penalty which may be imposed by virtue of this section.

83. Acts constituting 2 or more offences

Where any act constitutes 2 or more offences, whether under the same Ordinance or otherwise, the offender shall be liable to be prosecuted and punished for any or all such offences but shall not be liable to be punished twice for the same offence.

84. Liability of directors, etc.

Where a person by whom an offence under any Ordinance has been committed is a company and it is proved that the offence was committed with the consent or connivance of a director or other officer concerned in the management of the company, or any person purporting to act as such director or officer, the director or other officer shall be guilty of the like offence.

(Amended 67 of 1975 s. 5)

85. Imposition of penalty not to bar civil action

The imposition of a penalty or fine by or under any Ordinance shall not relieve any person from liability to answer in damages to a person injured.

86. Penalties prescribed to be deemed maximum penalties

Where in any Ordinance a penalty is prescribed for an offence under that Ordinance, such provision shall imply—

(*a*) that such offence shall be punishable upon conviction by a penalty not exceeding the penalty prescribed; and
(*b*) if the amount of the fine is unspecified, that such offence shall, without prejudice to any law against excessive or unreasonable fines or assessments, be punishable by a fine of any amount.

87. Statement of penalty at end of section

Where in any Ordinance a penalty is set out at the foot of any section or part thereof the same shall mean that any contravention of that section or part shall be an offence under such Ordinance punishable upon conviction by a penalty not exceeding the penalty so set out.

88. Certain penalties may be cumulative

Where in any Ordinance more than one penalty is prescribed for an offence, the use of the word "and" shall mean that the penalties may be inflicted alternatively or cumulatively.

88A. Power to increase fines

(1) The Legislative Council may, by resolution, amend any Ordinance so as to increase the amount of any fine specified in that Ordinance.

(2) A resolution under this section may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the resolution.

(Added 23 of 1981 s. 3)

89. Trial of offences

(1) Where any provision in any Ordinance creates, or results in the creation of, an offence, the offence shall be triable summarily only, unless—

(*a*) the offence is declared to be treason, felony or misdemeanor;
(*b*) the words "upon indictment" appear; *(Amended L.N. 54 of 1989)*
(*c*) the offence is declared to be a "misdemeanor triable summarily"; or
(*d*) the offence is transferred to the District Court in accordance with Part IV of the Magistrates Ordinance (Cap. 227). *(Added 16 of 1970 Schedule)*

(2) Where any provision in any Ordinance creates, or results in the creation of, an offence and—

(*a*) the offence is declared to be treason, felony or misdemeanor; or

(*b*) subject to subsection (4), the words "upon indictment" appear, the offence shall be triable only upon indictment.

(3) Where any provision in any Ordinance creates, or results in the creation of, an offence and the offence is declared to be a "misdemeanor triable summarily", the offence shall be triable either on indictment or summarily.

(4) Where any provision in any Ordinance creates, or results in the creation of, an offence and the offence is declared to be triable either summarily or upon indictment or to be punishable on summary conviction or on indictment, the offence shall be triable either on indictment or summarily.

(5) Nothing in this section shall affect—

(*a*) the powers conferred upon a magistrate by the Magistrates Ordinance (Cap. 227) or by any other law to try an indictable offence summarily; or

(*b*) the powers conferred upon the District Court by any law to try indictable offences.

90. Punishment of misdemeanors, including conspiracies and incitements

(1) Subject to subsections (2), (3) and (4), where a person is convicted of an offence which is a misdemeanor and for which no penalty is otherwise provided by any Ordinance, he shall be liable to imprisonment for 7 years and a fine of $50,000. *(Amended 12 of 1986 s. 2)*

(2) Where a person is convicted of—

(*a*) *(Repealed 12 of 1986 s. 2)*

(*b*) conspiring; or

(*c*) incitement,

to commit an offence for which a maximum penalty is provided by any Ordinance, and no penalty is otherwise provided by any Ordinance for such conspiracy or incitement, he shall be liable to be sentenced to that maximum penalty. *(Amended 12 of 1986 s. 2)*

(3) Where a person is convicted of—

(*a*) attempting; or

(*b*) conspiring; or

(*c*) incitement,

to commit an offence for which the penalty is death, and no penalty is otherwise provided by any Ordinance for such attempt, conspiracy or incitement, he shall be liable to be sentenced to imprisonment for life.

(4) Where a person is convicted of the offence at common law of conspiracy to defraud, he shall be liable to imprisonment for 14 years. *(Added 12 of 1986 s. 2)*

(Replaced 64 of 1983 s. 3)

91. Evidence of signature or fiat, etc.

Where the fiat, authorization, sanction, consent or authority of the Governor or any other public officer is necessary before any prosecution or action is commenced, or for any purpose whatsoever in connection with any proceeding, any document purporting to bear the fiat, authorization, sanction, consent or authority of the Governor, or such public officer, as the case may be, shall, until the contrary is proved, be received as evidence in any proceeding without proof being given that the signature to such fiat, authorization, sanction, consent or authority is that of the Governor or such public officer.

91A. Prosecution of offences

Where any Ordinance provides that no prosecution for an offence shall be commenced without the consent of some person other than the Attorney General, such a provision shall not derogate from the powers of the Attorney General in respect of the prosecution of that offence.

(Added 54 of 1969 s. 7)

92. Amendment of penalty

Where an act or omission constitutes an offence and the penalty for such offence is varied between the time of the commission of such offence and the conviction therefor, the offender shall be liable to the penalty prescribed at the time of the commission of the offence.

93. Disposal of fines and penalties

Any fine or penalty imposed by or under the authority of any Ordinance shall be paid into the general revenue of the Colony:

Provided that the Governor may direct the payment to any aggrieved person, or to any person whose information or evidence has led to the conviction of the offender or to the recovery of the fine or penalty, of such proportion of the fine or penalty as he may think fit.

94. Disposal of forfeits

(1) Where under any Ordinance any movable property is adjudged by any court or other authority to be forfeited, it shall be forfeited to the Crown, and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the general revenue of the Colony.

(2) Nothing in this section shall affect any provision in any Ordinance whereby any portion of any forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

95. Award of compensation

(1) The Legislative Council may by resolution award compensation, by way of either a single payment or periodical payments, from the general revenue of the Colony to any person injured in the execution of a moral or legal duty to assist in the prevention of or resistance to crime or any offence, or to the dependants of a person so injured who dies as a result of such injury. *(Amended L.N. 54 of 1989)*

(2) Any award made under this section may be made subject to such conditions as may be specified in such resolution and may at any time be varied or revoked by the Legislative Council by resolution.

(3) No award made under this section shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Government.

96. Reduction, etc. of fees and charges

Any fee or charge made payable by or under any Ordinance to the Crown or the Government or to any public body other than the Urban Council or the Regional Council or public officer, not being a fee or charge which is regulated by rules of court— *(Amended 19 of 1973 s. 54; 39 of 1985 s. 60)*

(*a*) may be reduced or varied by order of the Governor:

Provided that no variation thereof shall cause such fee or charge to exceed the original figure;

(*b*) may be remitted or refunded, in whole or in part, in any particular case and on any special ground by the Governor;

(*c*) subject as aforesaid shall be paid into or from the general revenue of the Colony.

97. Collection of fees

(1) Where, for the purposes of any Ordinance, any foreign or Commonwealth law or any treaty, the signature of the Governor or of any public officer is affixed to any certificate, authorization, consent, licence, permit or exemption, or any alteration, transfer or renewal thereof, addition thereto or endorsement thereon, or any copy of the same, and no fee for such signature is prescribed by law, there shall be payable for such signature such fee as the Financial Secretary may prescribe by notice in the Gazette. *(Amended 42 of 1983 s. 2)*

(2) Where any Ordinance requires or authorizes the issue of any document by a public officer, such public officer may, subject to any directions of the Governor, issue a duplicate of such document, upon payment of such fee as may be prescribed by law or as the Financial Secretary may prescribe by notice in the Gazette if no fee is prescribed by law.

(3) Where any Ordinance requires or authorizes any alteration, transfer, or endorsement of or addition to any certificate, authorization, consent, licence, permit or exemption by a public officer, such fee shall be payable therefor as may be prescribed by law or as the Financial Secretary may prescribe by notice in the Gazette if no fee is prescribed by law.

(4) Where an extract of any document, book, record or instrument may be properly certified by a public officer as a true extract of such document, book, record or instrument, such fee shall be payable for the certifying of the extract by such officer as may be prescribed by law or as the Financial Secretary may prescribe by notice in the Gazette if no fee is prescribed by law.

(5) No fee shall be payable under this section for anything done by a public officer on behalf of the Urban Council or the Regional Council. *(Added 65 of 1979 s. 10. Amended 39 of 1985 s. 60)*

(Amended 69 of 1973 s. 4)

PART XIII

MISCELLANEOUS

98. Copies of Ordinances, etc. in Gazette

(1) A copy of an Ordinance shall, if published in the Gazette ~~or purporting to be printed by the Government Printer~~, be deemed to be an authentic copy of that Ordinance as at the date of such publication ~~or printing~~.

(2) A copy of any other instrument shall, if published in the Gazette or purporting to be printed by the Government Printer, on its production be admitted as prima facie evidence thereof in all courts and for all purposes whatsoever without any further proof.

(Replaced 2 of 1975 s. 5)

98A. Rectification of errors

(1) The Attorney General may, by order published in the Gazette, rectify any clerical or printing error appearing in any Ordinance, ~~not being an Ordinance contained in a booklet prepared under the authority of the Revised Edition of the Laws Ordinance 19~~65 (53 of 1965).

(2) Every order made under this section shall be laid on the table of the Legislative Council without unreasonable delay, and, if a resolution is passed at the first sitting of the Legislative Council held not less than 27 days after the sitting at which the order is so laid that the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new order. *(Amended 2 of 1981 s. 3)*

(Added 14 of 1971 s. 3)

99. Reprint of Ordinances

The Government Printer may, with the authority of the Governor, print copies of any Ordinance with all additions, omissions, substitutions and amendments effected by any amending Ordinances, and such copies shall be deemed to be authentic copies of the Ordinance so amended as at the date of such printing.

100. Performance of acts for which payment required

(1) Where any person, public officer, Government department or public body is required to do anything for which a fee is to be paid or a charge made under any Ordinance, such person, public officer, Government department or public body may decline to do that thing until the fee or charge is paid or, where the precise amount of the payment to be made cannot be ascertained until the thing is done, until there be paid such amount as may be estimated to be the correct amount by the person, public officer or the responsible officer of the Government department or public body required to do the thing.

(2) Where a thing has been done for which an estimated amount shall have been paid, such amount shall be adjusted to the correct amount either by means of a further payment or by a refund of the amount overpaid.

101. Amendment of Schedules

The Governor may from time to time, by notice in the Gazette, amend all or any of the Schedules.

SCHEDULE 1 [s. 3]

BOUNDARIES OF THE CITY OF VICTORIA

On the north—The Harbour;

On the west—A line running due north and south drawn through the north-west angle of Inland Lot No. 1299 and extending southwards a distance of 850 feet from the aforesaid angle;

On the south—A line running due east from the southern extremity of the western boundary until it meets a contour in the vicinity of the Hill above Belchers 700 feet above principal datum, that is to say, a level 17.833 feet below the bench-mark known as "Rifleman's Bolt", the highest point of a copper bolt set horizontally in the east wall of the Royal Navy Office and Mess Block Naval Dockyard, and thence following the said contour until it meets the eastern boundary;

On the east—A line following the west side of the Government Pier, Bay View and thence along the west side of Hing Fat Street, then along the north side of Causeway Road to Moreton Terrace. Thence along the west side of Moreton Terrace to the south-east corner of Inland Lot No. 1580 and produced in a straight line for 80 feet, and thence along the north side of Cotton Path and produced until it meets the west side of Wong Nei Chong Road on the east side of Wong Nei Chong Valley and thence to the south-east angle of Inland Lot No. 1364, produced until it meets the southern boundary.

SCHEDULE 2

[s. 3]

BOUNDARIES OF THE COLONY

On the south—The parallel of latitude 22°09′ north between the points where it is intersected by the meridian of longitude 114°30′ east of Greenwich and the line of the western boundary;

On the north—A line drawn from the point where the meridian of longitude 113°52′ east of Greenwich intersects the parallel of latitude touching the extreme south-west point of the shore of Deep Bay to the said south-west point of the shore of Deep Bay; thence along the high water mark upon the shore of Deep Bay to the estuary of the Sham Chun River; thence by a line drawn as described in the agreement delineating the northern frontier of the New Territories signed by James Haldane Steward LOCKHART and WONG Tsun-shin at Hong Kong on 19 March 1899, and following the high water mark in Mirs Bay to the point where the meridian of longitude 114°30′ east of Greenwich intersects the mainland high water mark;

On the east—The meridian of longitude 114°30′ east of Greenwich between the points where it intersects the mainland high water mark and the parallel of latitude 22°09′ north;

On the west—The meridian of longitude 113°52′east of Greenwich between the point where it intersects the parallel of latitude touching the extreme south-west point of the shore of Deep Bay and the north coast of Lantau Island. The boundary then follows the western coast line of Lantau Island including the waters appertaining thereto to the extreme south-west point thereof and thence runs in a south-easterly direction to the extreme south-west point of Tai A Chau Island in the Soko Island Group and continues in the same straight line to the point at which it intersects the parallel of latitude 22°09′ north.

SCHEDULE 3

[s. 3]

BOUNDARIES OF THE HARBOUR

On the east—A straight line drawn from the westernmost extremity of Siu Chau Wan Point to the westernmost extremity of Ah Kung Ngam Point (sometimes known as Kung Am);

On the west—A straight line drawn from the westernmost point of Island of Hong Kong to the westernmost point of Green Island, thence a straight line drawn from the westernmost point of Green Island to the south-easternmost point of Tsing Yi, thence along the eastern and northern coast lines of Tsing Yi to the westernmost extremity of Tsing Yi and thence a straight line drawn true north therefrom to the mainland. *(Amended 54 of 1969 s. 8)*

SCHEDULE 4

[s. 3]

AREA OF KOWLOON

"Kowloon " means that portion of the peninsula of Kaulung which was ceded to Great Britain by the Emperor of China on 24 October 1860.

SCHEDULE 5

[s. 3]

AREA OF NEW KOWLOON

"New Kowloon" means that portion of the New Territories which is delineated in red and shown upon a plan marked "New Kowloon" dated 8 December 1937, signed by the Director of Public Works, countersigned by the Governor and deposited in the Land Office.

SCHEDULE 6 [s. 62]

PUBLIC OFFICERS

Chief Secretary
Financial Secretary
Secretary for the Civil Service
Secretary for Constitutional Affairs
Secretary for Economic Services
Secretary for Education and Manpower
Secretary for Health and Welfare
Secretary for Home Affairs
Secretary for Monetary Affairs
~~Secretary for Municipal Services~~
Secretary for Planning, Environment and Lands
Secretary for Recreation and Culture
Secretary for Security
Secretary for Trade and Industry
Secretary for Transport
Secretary for the Treasury
Secretary for Works
Regional Secretary (Hong Kong and Kowloon)
Regional Secretary (New Territories)
Deputy Secretary
Principal Assistant Financial Secretary
Principal Assistant Secretary
Assistant Financial Secretary.

(Added 36 of 1972 s. 4. Replaced L.N. 195 of 1973; L.N. 145 of 1974. Amended L.N. 238 of 1976; L.N. 63 of 1978; L.N. 21 of 1979; L.N. 282 of 1981; L.N. 379 of 1981; L.N. 24 of 1982; L.N. 73 of 1982; L.N. 50 of 1984; L.N. 151 of 1984; L.N. 76 of 1985; L.N. 320 of 1985; L.N. 55 of 1989; L.N. 94 of 1989; L.N. 262 of 1989; L.N. 291 of 1989)