



MERCHANT SHIPPING ORDINANCE.

(Chapter 281).

MERCHANT SHIPPING (TYPHOON SHELTERS)  
REGULATIONS 1969.

In exercise of the powers conferred by section 70 of the Merchant Shipping Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Merchant Shipping (Typhoon Shelters) Regulations 1969.

Citation.

2. In these regulations, unless the context otherwise requires—

Interpretation.

“ferry vessel” means any steam or motor vessel which plies regularly for the conveyance of persons or things or both of them between two or more points within the Colony;

“launch” means a mechanically propelled vessel of European type not exceeding three hundred tons net;

“prescribed vessel” means—

(a) a ferry vessel, a launch, a junk, a lighter, a waterboat or any other small boat; and

(b) a vessel to which a permit granted under paragraph (7) of regulation 3 applies,

but does not include any vessel used as a fish-drying vessel or any vessel which, unless used for the purpose for which the permit was granted, remains stationary in the waters of the Colony;

“typhoon shelter” means any typhoon shelter specified in the Schedule.

Schedule.

3. (1) No vessel shall enter or remain in a typhoon shelter except as provided by this regulation.

Use of typhoon shelters.

(2) A prescribed vessel in respect of which a licence, permit or certificate of registration is in force pursuant to regulations under the Ordinance may, subject to this regulation, enter and remain in a typhoon shelter.

(3) The Director may by order prohibit any class of prescribed vessels from entering or remaining in a typhoon shelter specified in the order.

(4) If the Director is of opinion that the presence of a prescribed vessel in a typhoon shelter is or would be a hazard therein owing to its size or design, the Director may, by endorsement on



its licence, permit or certificate of registration, prohibit the prescribed vessel from entering or remaining in any typhoon shelter.

(5) If, when a strong wind signal or local storm signal is hoisted, the Director is of opinion that, owing to the number of vessels in a typhoon shelter, the presence of a prescribed vessel is or would be a hazard therein, the Director may prohibit the prescribed vessel from entering the typhoon shelter or direct the removal of the vessel therefrom, as the case may require.

(6) A prohibition or direction under paragraph (5) may apply—

- (a) to a particular prescribed vessel or to a class of prescribed vessels; or
- (b) in relation to a particular typhoon shelter or to typhoon shelters generally.

(7) The Director may, subject to any conditions he thinks fit, grant a permit in writing permitting any vessel to enter and remain in any typhoon shelter specified in the permit for any purpose approved by him and specified in the permit.

4. The speed limit for any vessel under way in the entrance to or within a typhoon shelter shall be a speed of three knots.

5. (1) The Director may direct a prescribed vessel within a typhoon shelter to take up a particular position and to moor or anchor in accordance with such direction, and no prescribed vessel shall take up any position or moor or anchor, in contravention of any such direction.

(2) No prescribed vessel shall, unless directed so to do under paragraph (1), anchor, moor, secure or take up any position so as to obstruct the free access of other vessels to any unoccupied space in a typhoon shelter.

(3) Any direction under paragraph (1) may apply to a particular prescribed vessel or to a class of prescribed vessels.

6. (1) If any vessel—

- (a) enters or remains in a typhoon shelter in contravention of regulation 3 or is anchored, moored or secured, or takes up any position, in contravention of regulation 5; and
- (b) upon request by the Director, fails to move forthwith from the typhoon shelter or, as the case may be, from the position in which it is lying,

the Director may, upon notice as provided by paragraph (2), take possession of the vessel and remove it from the typhoon shelter or other position.

Speed limit  
in typhoon  
shelters.

Vessels to  
moor, anchor,  
etc. as directed.

Power to  
remove vessels  
unlawfully in  
typhoon  
shelters.

(2) Unless a strong wind signal or local storm signal is hoisted, the Director shall give to the owner, agent or master of the vessel at least two weeks notice in writing of any proposed exercise of his powers under paragraph (1).

(3) If any occupant of a vessel obstructs the Director in the exercise of his powers under paragraph (1), such occupant may be evicted from the vessel by the Director.

7. When entering a typhoon shelter—

- (a) vessels of one thousand five hundred piculs capacity or less shall proceed not more than two abreast;
- (b) vessels of more than one thousand five hundred piculs capacity shall proceed one at a time; and
- (c) not more than four other vessels exceeding five hundred piculs capacity shall be towed at a time by one vessel.

8. (1) This regulation shall apply only in relation to Yau Ma Tei Typhoon Shelter.

(2) No vessel shall enter or remain in the area enclosed by a line drawn from the light on the east side of the southern entrance to the southwestern point of Public Square Street pier, except for the purpose of an inspection pursuant to regulations under the Ordinance.

9. (1) In the event of—

- (a) a contravention of regulation 3, 5, 7 or 8;
- (b) a contravention of any order, endorsement, prohibition or direction under regulation 3; or
- (c) a vessel exceeding the speed limit provided by regulation 4,

the owner, agent and master of the vessel shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars, unless he shows that the offence was committed without his knowledge and that he had taken all practicable steps to prevent the commission of the offence.

(2) Any person to whom a licence, permit or certificate of registration has been issued pursuant to regulations under the Ordinance who fails to produce it on demand by the Director for the purpose of an endorsement under paragraph (4) of regulation 3 shall be guilty of an offence and shall be liable on conviction to a fine of five hundred dollars.

(3) Any person who obstructs the Director in the exercise of his powers under paragraph (1) of regulation 6 shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

Vessels entering  
typhoon  
shelters.

Yau Ma Tei  
Typhoon  
Shelter.

Offences.

Power of  
Director to  
delegate.

10. The Director may—

- (a) delegate the powers conferred on him by paragraph (5) of regulation 3, paragraph (1) of regulation 5 and paragraph (2) of regulation 9 to any officer of the rank of assistant marine officer or above; and
- (b) delegate any other powers conferred on him by these regulations to any officer of the rank of marine officer or above.

Appeal to  
Governor.


11. A person aggrieved by the exercise of the powers conferred by paragraph (4) of regulation 3 may appeal to the Governor.

SCHEDULE.

[reg. 2.]

*Typhoon Shelters.*

Yau Ma Tei Typhoon Shelter  
Causeway Bay Typhoon Shelter  
Sam Ka Tsuen  
Rambler Channel  
Tsing Yi  
Kowloon South Camber  
Kowloon North Camber  
Shuen Wan  
Aberdeen West and Aberdeen South.



Clerk of Councils.

COUNCIL CHAMBER,  
7th January 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

These regulations provide that the use of typhoon shelters will be restricted to—

- (a) ferries, launches, junks and certain other small boats if such boats have a permit or are licensed or registered under the Ordinance; and
- (b) certain vessels having a permit to use the shelters for any purpose approved by the Director of Marine.

The general control of typhoon shelters is vested in the Director, who may exclude certain classes of vessels from particular shelters or particular vessels from all shelters. The Director also has power to remove vessels which are unlawfully in any shelter.

Regulation 9 provides for a general penalty of one thousand dollars for an owner, agent or master of a vessel which contravenes any of the regulations; the person charged will have a defence if he exercised due diligence and did not know of the commission of the offence.

(Secretariat GR 6/5061/61)

MERCHANT SHIPPING ORDINANCE.

(Chapter 281).

MERCHANT SHIPPING (CONTROL OF PORTS)  
(AMENDMENT) REGULATIONS 1969.

In exercise of the powers conferred by section 70 of the Merchant Shipping Ordinance, and all other powers enabling him in that behalf, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Merchant Shipping (Control of Ports) (Amendment) Regulations 1969.

Citation.

2. Regulation 1A of the principal regulations is amended by inserting the following definition before the definition of "prescribed fee"—

Amendment of regulation 1A. (Cap. 281, sub. leg.)

"international collision regulations" means the international rules for the prevention of collisions at sea;".

3. Regulation 5 of the principal regulations is amended by inserting the following new paragraph after paragraph (1)—

Amendment of regulation 5.

"(1A) Paragraph (1) shall not apply within a typhoon shelter to which the Merchant Shipping (Typhoon Shelters) Regulations 1969 apply."

4. Regulation 9 of the principal regulations is amended—

Amendment of regulation 9.

(a) in paragraph (1), by deleting "paragraphs (2) and" and substituting the following—

"paragraph"; and

(b) by deleting paragraph (2).

5. Regulation 10 of the principal regulations is amended in paragraph (3) by deleting "the international rules for the prevention of collisions at sea" and substituting the following—

Amendment of regulation 10.

"the international collision regulations".

6. Regulation 13 of the principal regulations is revoked and replaced by the following—

Revocation and replacement of regulation 13.

"Application of certain regulations.

13. (1) Regulations 6 and 7, paragraph (1) of regulation 10, paragraph (1) of regulation 11 and regulation 12 shall apply only to and in relation to a vessel exceeding three hundred tons net register.

(2) Paragraph (2) of regulation 11 shall apply only in relation to a vessel exceeding three hundred

tons net register and a steam or motor vessel which plies regularly for the conveyance of persons or of persons and things between a point within the Colony and Macau.”.

Amendment of regulation 22A.

7. Regulation 22A of the principal regulations is amended by deleting “No” and substituting the following—

“Except with the prior permission of the Director, no”.

Amendment of regulation 25.

8. Regulation 25 of the principal regulations is amended by deleting “No” in paragraph (2) and substituting the following—

“Except as provided in the international collision regulations, no”.

Amendment of regulation 28.

9. Regulation 28 of the principal regulations is revoked and replaced by the following—

“Guns and firearms.

28. Except as provided in the international collision regulations, no cannon, gun or firearm of any description shall, without the prior permission of the Director, be discharged from any vessel within the waters of the Colony.”.

Revocation of regulations 29, 30 and 31.

10. Regulations 29, 30 and 31 of the principal regulations are revoked.

Amendment of regulation 36.

11. Regulation 36 of the principal regulations is amended in paragraph (1) by deleting “, regulation 29, paragraph (1), (2) or (3) of regulation 30 or regulation 31 or 33” and substituting the following—

“or regulation 33”.

Amendment of Second Schedule.

12. The Second Schedule to the principal regulations is amended—

(a) by deleting “114° 06' 19”” in paragraph (b) and substituting the following—

“114° 06' 39””;

(b) by deleting “358°” in paragraph (b) and substituting the following—

“298°”; and

(c) by deleting “end of the east pier of the Vehicular Ferry in position latitude 22° 17' 13” north, longitude 114° 09' 19” east, a line drawn 070° for 3,280 feet,” in paragraph (c) and substituting the following—

“southernmost point of the eastern boundary of the southern fairway a line drawn 080° for 3,080 feet”.

13. The Fourth Schedule to the principal regulations is amended by inserting after “EXCEPT” in paragraph (b) the following—

Amendment of Fourth Schedule.

“with the prior permission of the Director or”.

14. The Fifth Schedule to the principal regulations is amended in paragraph (a) by deleting the following—

Amendment of Fifth Schedule.

“Rumsey Street Steps  
Pottinger Street Pier  
Luard Road Steps  
O'Brien Road Steps  
Fleming Road Steps  
Marsh Road Steps  
Canal Road Steps  
Percival Street Steps”.

15. The Sixth Schedule to the principal regulations is deleted.

Deletion of Sixth Schedule.

16. The Seventh Schedule to the principal regulations is amended—

Amendment of Seventh Schedule.

(a) by deleting “NP” and substituting the following—

“CP”;

(b) by deleting “ST” and substituting the following—

“SM”;

(c) by deleting “YA” and substituting the following—

“YT”;

(d) by deleting “A41” and substituting the following—

“A42”; and

(e) by deleting “to K3”.

*Clerk of Councils.*

COUNCIL CHAMBER,  
7th January 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

These make miscellaneous amendments to the principal regulations.

Regulation 6 legalizes the present practice of controlling the arrival and departure time of Macau ferries. Under regulations 7 and 13 the

Director of Marine is empowered to permit vessels to moor at dangerous goods anchorages and also at certain anchorages specified in the Fourth Schedule to the principal regulations. Regulation 12 corrects the boundaries of certain fairways described in the Second Schedule. The code signals NP, ST, YT, set out in the Seventh Schedule, conflict with international code signals and are re-lettered.

Regulations 3, 4, 10 and 11 are consequential on the Merchant Shipping (Typhoon Shelters) Regulations 1969.

(Secretariat GR 6/5061/61)



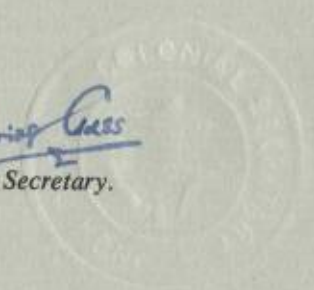
**DRUG ADDICTION TREATMENT CENTRES  
ORDINANCE 1968.**

(No. 42 of 1968).

**DRUG ADDICTION TREATMENT CENTRES  
ORDINANCE 1968 (COMMENCEMENT) NOTICE 1969.**

In exercise of the powers conferred by section 1 of the Drug Addiction Treatment Centres Ordinance 1968, the Governor hereby appoints the 17th day of January 1969 as the day on which the said Ordinance shall come into operation.

By Command,

  
*N. D. Irving Gass*  
Colonial Secretary.

8th January 1969.

(Secretariat GR 22/3231/67)



**DRUG ADDICTION TREATMENT CENTRES  
REGULATIONS 1969.**

**ARRANGEMENT OF REGULATIONS.**

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DRUG ADDICTION TREATMENT CENTRES  
ORDINANCE 1968.

(No. 42 of 1968).

DRUG ADDICTION TREATMENT CENTRES  
REGULATIONS 1969.

In exercise of the powers conferred by section 10 of the Drug Addiction Treatment Centres Ordinance 1968, the Governor in Council has made the following regulations—

Citation and commencement.

1. These regulations may be cited as the Drug Addiction Treatment Centres Regulations 1969 and shall come into operation on the day appointed for the commencement of the Drug Addiction Treatment Centres Ordinance 1968.

Interpretation.

2. In these regulations, unless the context otherwise requires—

“Board” means the Board of Review for an addiction treatment centre established under regulation 6;

“Deputy Commissioner” means the Deputy Commissioner of Prisons;

“inmate” means a person detained or ordered to be detained under the Ordinance;

“Superintendent” means the superintendent of an addiction treatment centre appointed in accordance with the provisions of sub-paragraph (a) of paragraph (2) of regulation 3.

Administration of addiction treatment centres.

3. (1) The Commissioner shall have the general charge and supervision of all addiction treatment centres.

(2) The Commissioner shall appoint—

(a) an officer of the Prisons Department as Superintendent of an addiction treatment centre; and

(b) such other officers of, and persons employed in, the Prisons Department for service in addiction treatment centres as he may think necessary.

Reception of inmates.

4. The Superintendent of the addiction treatment centre to which an inmate is directed by the Commissioner shall make or cause to be made all necessary arrangements for the reception in the addiction treatment centre of the inmate named in the order.

Personal record of inmates.

5. Every inmate shall, as soon as possible after his admission to an addiction treatment centre, be interviewed by the Superintendent, who shall cause such personal particulars of the inmate as the Superintendent considers desirable to be recorded.

6. (1) There shall be established in respect of each addiction treatment centre a Board of Review consisting of the following persons—

(a) the Deputy Commissioner who shall be the Chairman;

(b) the Superintendent;

(c) not less than three other officers of the Prisons Department or public officers, as the Commissioner may from time to time appoint.

(2) Meetings of a Board shall be held at such times and places as the Chairman may appoint but at least once in every month.

(3) At any meeting of a Board three members shall form a quorum.

(4) Subject to the provisions of these regulations, a Board may regulate its procedure in such manner as it thinks fit.

7. (1) The functions of a Board shall be—

(a) to review the progress of each inmate since his admission and to make recommendations to the Commissioner relating to his release;

(b) to make recommendations to the Commissioner concerning the desirability of transfer to prison of any inmate who is alleged to exercise a bad influence on inmates in the addiction treatment centre.

(2) A Board, for the purpose of carrying out its functions, shall interview an inmate not more than five months after the date of the making of the detention order and thereafter shall carry out the functions specified in paragraph (a) of subsection (1) at least once in each month.

8. (1) If, in the opinion of the Superintendent, an inmate is exercising a bad influence on other inmates in the addiction treatment centre, the Superintendent shall cause the inmate to be brought before the Board.

(2) The Board shall examine the record of the inmate and, after giving him an opportunity of being heard and of calling evidence, may recommend to the Commissioner that an application be made to a magistrate under subsection (1) of section 8 of the Ordinance for the transfer of the inmate to prison.

9. A supervision order shall be read and explained to an inmate by, or in the presence of, the Superintendent prior to the release of the inmate from an addiction treatment centre.

Establishment of boards to make recommendations to the Commissioner.

Functions of a Board.

Inmates exercising bad influence.

Supervision order.

Diet.

10. Every inmate shall be supplied with food in accordance with such scales of diet as the Governor shall from time to time approve.

Religious services and instruction.

11. The Superintendent may, if satisfied that an inmate belongs to a religious denomination, if the inmate so desires and it is reasonably practicable so to do, make arrangements for the inmate to attend appropriate religious services or instruction.

Educational classes.

12. The Superintendent may require an inmate to attend any course, class or lecture which the Superintendent considers would be beneficial to the inmate.

Leave of absence.

13. (1) The Commissioner may grant to an inmate leave of absence for a period not exceeding seventy-two hours at any one time.

(2) An inmate granted leave of absence shall be given a pass in writing under the hand of the Commissioner setting out the period during which the inmate is permitted to be absent from the addiction treatment centre and the address at which the inmate is required to reside during his leave.

(3) An inmate who, without lawful excuse—

(a) fails to return to the addiction treatment centre at or before the expiration of the period for which he has been granted leave; or

(b) fails to reside at the address specified in the pass issued under paragraph (2),

shall be guilty of a disciplinary offence.

Disciplinary offences. (Cap. 234, sub. leg.)

14. An inmate who commits any of the offences enumerated in rule 61 of the Prison Rules as applied by section 9 of the Ordinance shall be guilty of a disciplinary offence.

Punishment which may be imposed by the Superintendent.

15. (1) An inmate who commits a disciplinary offence under regulation 13 or 14 shall be liable, by order of the Superintendent, to any one or more of the following punishments—

(a) separate confinement on such restricted diet as may be approved by the Governor for a period not exceeding seven days;

(b) separate confinement for a period not exceeding twenty-eight days;

(c) forfeiture of privileges for a period not exceeding three months;

(d) deprivation of earnings or part thereof;

(e) deduction from earnings of the cost of any Government property lost, or wilfully damaged or destroyed by the inmate.

(2) An inmate may appeal to the Commissioner against any order made by the Superintendent under paragraph (1), within forty-eight hours after the making of the order, by giving notice in writing to the Superintendent, and the Superintendent shall forthwith notify the Commissioner accordingly and shall stay execution of the order pending the determination of the appeal.

(3) The Commissioner may confirm, vary or reverse the order against which the appeal is made or may substitute therefor any other order which the Superintendent was competent to make under paragraph (1).

16. The forms set out in the Schedule shall be used for the purposes specified therein.

Forms. Schedule.

SCHEDULE.

FORM 1. [s. 4(3).]

DRUG ADDICTION TREATMENT CENTRES ORDINANCE 1968. (No. 42 of 1968).

WARRANT OF REMAND IN CUSTODY PENDING RECEIPT OF REPORT AS TO SUITABILITY FOR DETENTION IN AN ADDICTION TREATMENT CENTRE.

In the \* { Supreme District Magistrate's } Court holden at .....

TO each and all of the police officers of the Colony and to the Commissioner of Prisons (hereinafter called the Commissioner).

..... (hereinafter called the defendant) was on the ..... day of ..... 19..... found guilty of an offence punishable with imprisonment otherwise than for non-payment of a fine.

The further hearing of the case being adjourned pending receipt from the Commissioner of a report as to the suitability of the defendant for cure and rehabilitation in an addiction treatment centre and on the availability of places therein.

YOU, the said police officers are therefore commanded to convey the defendant and deliver him to the Commissioner together with this warrant; and you the said Commissioner to receive the said defendant into your custody and keep him until the ..... day of ..... 19....., and on that day you, the said police officers are required to convey him

before the \* { Supreme District Magistrate's } Court sitting at ..... at the hour of ..... in the ..... noon to be further dealt with according to law, unless otherwise ordered in the meantime.

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

\*Judge|District Judge|Magistrate.

\* Delete whichever is inapplicable.

FORM 2. [s. 4.]

DRUG ADDICTION TREATMENT CENTRES ORDINANCE 1968. (No. 42 of 1968).

DETENTION ORDER.

In the \* { Supreme District Magistrate's } Court holden at .....

TO each and all of the police officers of the Colony and to the Commissioner of Prisons (hereinafter called the Commissioner).

(hereinafter called the defendant) was on the ..... day of ..... 19..... duly found guilty of an offence punishable with imprisonment, for that he on the ..... day of ..... 19....., in the Colony did (1) ..... contrary to (2) ..... and it has been ordered that he be detained in an addiction treatment centre.

These are therefore to command you the said police officers to take the defendant and deliver him to the Commissioner together with this order; and you the said Commissioner to receive the defendant and keep him in your custody in accordance with the provisions of the said Ordinance, and for your so doing this shall be your sufficient warrant.

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

\*Judge|District Judge|Magistrate.

Note: (1) State the substance of the offence. (2) Specify the Ordinance and the relevant section.

\* Delete whichever is inapplicable.

FORM 3. [s. 5.]

DRUG ADDICTION TREATMENT CENTRES ORDINANCE 1968. (No. 42 of 1968).

SUPERVISION ORDER.

TO (1) ..... I HEREBY ORDER that upon your release from ..... Addiction Treatment Centre, you shall be subject to supervision by (2) ..... until (3) the ..... day of ..... 19..... and during such period of supervision you shall comply with the following requirements:

If you do not comply with the above requirements you are liable to be further detained in an addiction treatment centre.

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

Commissioner of Prisons.

Note: (1) Name of person detained in addiction treatment centre. (2) Name of supervising organization or person. (3) One year from date of release from addiction treatment centre.

FORM 4. [s. 6.]

DRUG ADDICTION TREATMENT CENTRES ORDINANCE 1968. (No. 42 of 1968).

ORDER OF FURTHER DETENTION.

Hong Kong. In The Magistrate's Court At .....

Before ....., Esquire, a magistrate of the said Colony, sitting at the said Court.

The ..... day of ..... 19.....

Being satisfied on application by the Commissioner of Prisons that ..... (hereinafter called the defendant), a person in respect of whom a supervision order is in force, is addicted to a dangerous drug or has failed to comply with the requirements of his supervision order:

It is this day ordered that the defendant be further detained in the ..... Addiction Treatment Centre.

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

.....  
Magistrate.

FORM 5.

[s. 8.]

DRUG ADDICTION TREATMENT CENTRES ORDINANCE 1968.  
(No. 42 of 1968).

ORDER OF TRANSFER TO PRISON.

Hong Kong. In The Magistrate's Court At .....

Before ....., Esquire, a magistrate of the said Colony, sitting at the said Court.

The ..... day of ..... 19.....

Being satisfied on application by the Commissioner of Prisons that ..... (hereinafter called the defendant), a person detained in an addiction treatment centre, is exercising a bad influence on other persons detained therein:

It is this day ordered that the defendant be transferred to a prison in the said Colony for the space of .....

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

.....  
Magistrate.

.....  
Clerk of Councils.

COUNCIL CHAMBER,  
7th January 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

These regulations make provision for—

- (a) the administration of addiction treatment centres; and
- (b) the control, welfare and discipline of persons detained in such centres.

They also prescribe the forms to be used under the Drug Addiction Treatment Centres Ordinance 1968.

(Secretariat GR 22/3231/67)

DRUG ADDICTION TREATMENT CENTRES  
ORDINANCE 1968.  
(No. 42 of 1968).

TAI LAM ADDICTION TREATMENT CENTRE  
ORDER 1969.

In exercise of the powers conferred by section 3 of the Drug Addiction Treatment Centres Ordinance 1968, the Governor has made the following order—

1. This order may be cited as the Tai Lam Addiction Treatment Centre Order 1969 and shall come into operation on the day appointed for the commencement of the Drug Addiction Treatment Centres Ordinance 1968.

Citation and commencement.

2. The site and buildings situated at Tai Lam in the New Territories, and hitherto known as Tai Lam Prison, is appointed to be an addiction treatment centre and shall be known as Tai Lam Addiction Treatment Centre.

Appointment of Tai Lam Addiction Treatment Centre.

By Command,

*N. D. King*  
Colonial Secretary.

8th January 1969.

(Secretariat GR 22/3231/67)

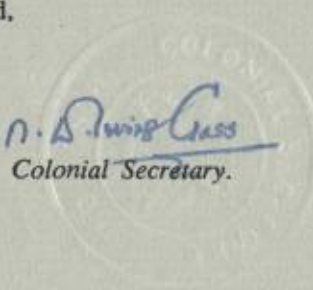
DANGEROUS DRUGS ORDINANCE 1968.

(No. 41 of 1968).

**DANGEROUS DRUGS ORDINANCE 1968  
(COMMENCEMENT) NOTICE 1969.**

In exercise of the powers conferred by section 1 of the Dangerous Drugs Ordinance 1968, the Governor hereby appoints the 17th day of January 1969 as the day on which the said Ordinance shall come into operation.

By Command,



*N. D. King Cross*  
Colonial Secretary.

8th January 1969.

(Secretariat GR 23/3231/67)

**AUXILIARY FORCES PAY AND ALLOWANCES  
ORDINANCE.**

(Chapter 254).

**AUXILIARY FORCES PAY AND ALLOWANCES  
(AMENDMENT) REGULATIONS 1969.**

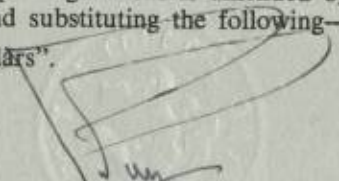
In exercise of the powers conferred by section 16 of the Auxiliary Forces Pay and Allowances Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Auxiliary Forces Pay and Allowances (Amendment) Regulations 1969 and shall come into operation on the 1st day of April 1969.

Citation and commencement.

2. Regulation 2 of the principal regulations is amended by deleting "six dollars, fifty cents" and substituting the following—  
"eight dollars".

Amendment of regulation 2.  
(Cap. 254, sub. leg.)



*Clerk of Councils.*

COUNCIL CHAMBER,  
14th January 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

The purpose of these regulations is to increase, with effect from the 1st April 1969, the ration allowance payable under section 10 of the principal Ordinance from six dollars, fifty cents to eight dollars.

(Secretariat GR 15/1486/62)

VISITING FORCES ACT 1952.

**VISITING FORCES ACT 1952 (ARREST OF MEMBERS OF  
UNITED STATES FORCES) ORDER 1969.**

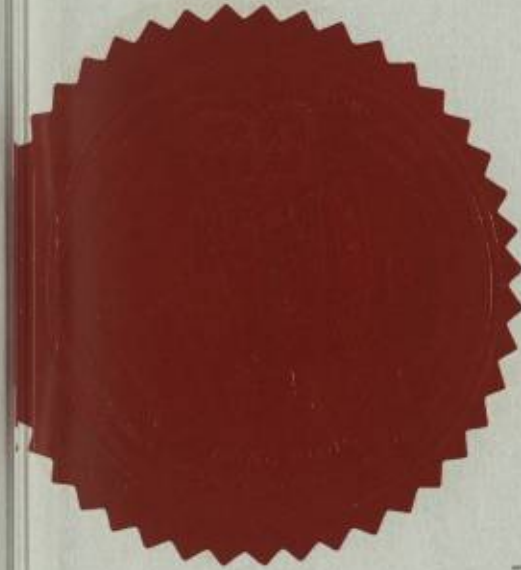
In exercise of the powers conferred by subsection (6) of section 2 of the Visiting Forces Act 1952 (as adapted and modified by the Visiting Forces Act (Application to Colonies) Order 1954) I hereby make the following order—

1. This order may be cited as the Visiting Forces Act 1952 (Arrest of Members of United States Forces) Order 1969.

Citation.

2. Any member of the military forces of the United Kingdom serving in the Colony may arrest any person being a member of a visiting force of the United States of America who is alleged to be guilty of an offence punishable under the law of that country and shall hand over any person so arrested to any officer or person of superior rank of the forces of the United States of America.

Power of U.K.  
military forces  
to arrest  
members of  
U.S. forces.



*French.*

*Governor.*

*3rd January 1969.*

(Secretariat CR 8/3281/53)

EMERGENCY (PRINCIPAL) REGULATIONS.  
(Chapter 241).

EMERGENCY (PRINCIPAL) REGULATIONS  
(DISCONTINUANCE) ORDER 1969.

In exercise of the powers conferred by regulation 137 of the Emergency (Principal) Regulations, the Governor has made the following order—

1. This order may be cited as the Emergency (Principal) Regulations (Discontinuance) Order 1969.

Citation.

2. The operation of the regulations of the Emergency (Principal) Regulations listed in the Schedule shall be discontinued.

Discontinuance of certain regulations. (Cap. 241, sub. leg.) Schedule.

3. The Schedule to the Emergency (Principal) Regulations (Commencement) Order 1967 is amended by deleting therefrom the following—

Amendment to L.N. 108/67.

- "27. Dissemination of false reports.
- 41. Power to seize weapons.
- 129. Sabotage."

SCHEDULE.

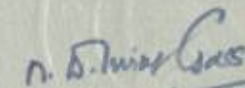
[para. 2.]

*Regulation.*

*Subject Matter.*

- |      |                                 |
|------|---------------------------------|
| 27.  | Dissemination of false reports. |
| 41.  | Power to seize weapons.         |
| 129. | Sabotage.                       |

By Command,



Colonial Secretary.

11th January 1969.

*Explanatory Note.*

*(This Note is not part of the order, but is intended to indicate its general purport).*

Paragraph 2 of this order discontinues the operation of the three Emergency (Principal) Regulations listed in the Schedule.

Paragraph 3 makes the necessary consequential amendments to the order which brought these regulations into force.

(Secretariat CR 6/3232/59IV)



1968 No. 1864.

CIVIL AVIATION.

**THE TOKYO CONVENTION ACT 1967 (OVERSEAS TERRITORIES) ORDER 1968.**

*Made - - - - 22nd November 1968.*

*Coming into Operation 1st March 1969.*

At the Court at Buckingham Palace, the 22nd day of November 1968.

Present,

The Queen's Most Excellent Majesty in Council.

Her Majesty, in exercise of the powers conferred on Her by section 8 of the Tokyo Convention Act 1967(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

1. This Order may be cited as the Tokyo Convention Act 1967 (Overseas Territories) Order 1968 and shall come into operation on 1st March 1969.

Citation and commencement.

2. The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

Interpretation.

3. Sections 1, 3, 4, 5, 6 and 7 of, and the Schedule to, the Tokyo Convention Act 1967, modified and adapted as in Schedule 1 hereto, shall extend to the Territories specified in Schedule 2 hereto.

Extension of Act of 1967.

W. G. AGNEW.

SCHEDULE 1 TO THE ORDER. [Article 3.]

PROVISIONS OF TOKYO CONVENTION ACT 1967 AS EXTENDED TO THE TERRITORIES SPECIFIED IN SCHEDULE 2.

1. (1) Any act or omission taking place on board a British-controlled aircraft while in flight elsewhere than in or over the Territory which, if taking place in the Territory, would constitute an offence under the law in force in the Territory shall constitute that offence:

Application of criminal law to aircraft.

(a) 1967 c. 52.

(b) 1889 c. 63.

Provided that this subsection shall not apply to any act or omission which is expressly or impliedly authorized by or under that law when taking place outside the Territory.

(2) No proceedings for any offence under the law in force in the Territory committed on board an aircraft while in flight elsewhere than in or over the Territory (other than an offence under, or under any instrument made under, the Civil Aviation Act 1949(a)) shall be instituted except by or with the consent of the competent authority of the Territory, but the foregoing provisions of this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, or any person in respect of any offence, or the remanding in custody or on bail of any person charged with any offence.

(3) For the purpose of conferring jurisdiction, any offence under the law in force in the Territory committed on board an aircraft in flight shall be deemed to have been committed in any place in the Territory where the offender may for the time being be; and section 62(1) of the Civil Aviation Act 1949 as set out with modifications and adaptations in the First Schedule to the Colonial Civil Aviation (Application of Act) Order 1952(b) is hereby revoked in its application to the Territory.

3. (1) The provisions of subsections (2) to (5) of this section shall have effect for the purposes of any proceedings before any court in the Territory.

(2) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe in respect of any person on board the aircraft—

- (a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardizes or may jeopardize—
  - (i) the safety of the aircraft or of persons or property on board the aircraft; or
  - (ii) good order and discipline on board the aircraft; or
- (b) that the person in question has done on the aircraft while in flight any act which in the opinion of the commander is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

then, subject to subsection (4) of this section, the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary—

- (i) to protect the safety of the aircraft or of persons or property on board the aircraft; or
- (ii) to maintain good order and discipline on board the aircraft; or
- (iii) to enable the commander to disembark or deliver that person in accordance with subsection (5) of this section;

and for the purposes of paragraph (b) of this subsection any British-controlled aircraft shall be deemed to be registered in the Territory whether or not it is in fact so registered and whether or not it is in fact registered in some other country.

(a) 1949 c. 67.  
(b) S.I. 1952/868 (1952 I, p. 565).

(3) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and any such member shall if so required by that commander, render assistance in restraining any person whom the commander is entitled under subsection (2) of this section to restrain; and at any time when the aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in the said subsection (2) which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(4) Any restraint imposed on any person on board an aircraft under the powers conferred by the foregoing provisions of this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is reasonably practicable after that time the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time—

- (a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (5) of this section; or
- (b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(5) The commander of an aircraft—

- (a) if in the case of any person on board the aircraft he has reasonable grounds—
  - (i) to believe as mentioned in subsection (2)(a) of this section; and
  - (ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft,

may disembark that person in any country in which that aircraft may be; and

- (b) if in the case of any person on board the aircraft he has reasonable grounds to believe as mentioned in subsection (2)(b) of this section, may deliver that person—
  - (i) in the United Kingdom, to a constable or immigration officer; or
  - (ii) in any Territory or in any other country which is a Convention country, to an officer having functions corresponding to the functions in the United Kingdom either of a constable or of an immigration officer.

(6) The commander of an aircraft—

- (a) if he disembarks any person in pursuance of subsection (5)(a) of this section, in the case of a British-controlled aircraft, in any country or, in the case of any other aircraft, in the Territory,

shall report the fact of, and the reasons for, that disembarkation to—

- (i) an appropriate authority in the country of disembarkation; and
  - (ii) the appropriate diplomatic or consular office of the country of nationality of that person;
- (b) if he intends to deliver any person in accordance with subsection (5)(b) of this section in the United Kingdom or in any Territory or, in the case of a British-controlled aircraft, in any other country which is a Convention country, shall before or as soon as reasonably practicable after landing give notification of his intention and of the reasons therefor—
- (i) where the country in question is the United Kingdom, to a constable or immigration officer or, in the case of any Territory or any other country, to an officer having functions corresponding to the functions in the United Kingdom either of a constable or of an immigration officer;
  - (ii) in either case to the appropriate diplomatic or consular office of the country of nationality of that person;
- and any commander of an aircraft who without reasonable cause fails to comply with the requirements of this subsection shall be liable on summary conviction in the Territory to a fine not exceeding one hundred pounds.

Piracy.

4. For the avoidance of doubt, it is hereby declared that for the purposes of any proceedings before a court in the Territory in respect of piracy, the provisions set out in the Schedule to this Act of the Convention on the High Seas signed at Geneva on 29th April 1958 shall be treated as constituting part of the law of nations; and any such court having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against an aircraft wherever that piracy is committed.

Provisions as to evidence in connection with aircraft.

5. (1) Where in any proceedings before a court in the Territory for an offence committed on board an aircraft the testimony of any person is required and the court is satisfied that the person in question cannot be found in the Territory, there shall be admissible in evidence before that court any deposition relating to the subject matter of those proceedings previously made on oath by that person outside the Territory which was so made—

- (a) in the presence of the person charged with the offence; and
  - (b) before a judge or magistrate of a country such as is mentioned in section 1(3) of the British Nationality Act 1948(a) as for the time being in force, or which is part of Her Majesty's dominions, or in which Her Majesty for the time being has jurisdiction, or before a consular officer of Her Majesty's Government in the United Kingdom.
- (2) Any such deposition shall be authenticated by the signature of the judge, magistrate or consular officer before whom it was made who shall certify that the person charged with the offence was present at the taking of the deposition.

(a) 1948 c. 56.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such a certificate and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.

(4) If a complaint is made to such a consular officer as aforesaid that any offence has been committed on a British-controlled aircraft while in flight elsewhere than in or over the Territory, that officer may inquire into the case on oath.

(5) In this section—

- (a) the expression "deposition" includes any affidavit, affirmation or statement made upon oath; and
- (b) the expression "oath" includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing;

and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

6. (1) In any legal proceedings—

- (a) a document purporting to be certified by such authority or person as may be designated for the purpose by any regulations made by the Board of Trade under this Act as in force in the United Kingdom or by the Governor of any Territory as being, or being a true copy of, or of part of, a document issued or record kept in pursuance of—
  - (i) an Order in Council made under section 8 of the Civil Aviation Act 1949, or
  - (ii) the Civil Aviation (Licensing) Act 1960(a) or this Act,
 by, or by the Minister in charge of, a Government Department, by an official of a Government Department who is specified for the purpose in any such Order in Council, or by the Air Registration Board of the United Kingdom or the Air Transport Licensing Board of the United Kingdom or by the competent authority in any Territory for the registration or licensing of aircraft; or
- (b) a document printed by Her Majesty's Stationery Office and purporting to be the publication known as the "United Kingdom Air Pilot" or a publication of the series known as "Notam-United Kingdom" or a publication in the Official Gazette for any Territory of a notice similar to a "Notam-United Kingdom" but notifying matters related to any Territory,

Provisions as to documentary evidence.

shall be evidence of the matters appearing from that document.

(2) Any records that are admissible in evidence in any legal proceedings in the United Kingdom by virtue of section 5 of the Civil Aviation (Euro-control) Act 1962(b) as modified by section 6(2) of this Act as in force in the United Kingdom, and of any regulations or Orders in Council made under or continued in force by either of those provisions, shall be admissible in evidence in any legal proceedings in the Territory.

(a) 1960 c. 38.

(b) 1962 c. 8.

Interpretation, etc.

7. (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“aircraft” means any aircraft, whether or not a British-controlled aircraft, other than—

- (a) a military aircraft; or
- (b) an aircraft which, not being a military aircraft, belongs to or is exclusively employed in the service of Her Majesty in right of the United Kingdom or in right of any Territory;

but the Governor of any Territory with the approval of the Secretary of State may by order, which may be varied or revoked by a subsequent order, provide that any of the provisions of this Act shall apply with or without modifications to aircraft such as are mentioned in paragraph (b) of this definition;

“British-controlled aircraft” means an aircraft—

- (a) which is for the time being registered in the United Kingdom or in any Territory; or
- (b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely—
  - (i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom or in any Territory; and
  - (ii) that he resides or has his principal place of business in the United Kingdom or in any Territory; or
- (c) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements aforesaid;

“commander” in relation to an aircraft means the member of the crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“competent authority” means the Attorney-General of the Territory, or, where some other authority has general responsibility for and control of public prosecutions, that authority;

“Convention country” means a country in which the Tokyo convention is for the time being in force; and any Order of Her Majesty in Council made under this Act and for the time being in force certifying that any country specified in the Order is for the time being a Convention country shall be conclusive evidence that the country in question is for the time being a Convention country;

“Governor”, in relation to any Territory, means the officer for the time being administering the Government of that Territory;

“military aircraft” means—

- (a) an aircraft of the naval, military or air forces of any country; or

- (b) any other aircraft in respect of which there is in force a certificate issued in accordance with any Order in Council in force under the Civil Aviation Act 1949 that the aircraft is to be treated for the purposes of that Order in Council as a military aircraft;

and a certificate of the Secretary of State or of the Governor of any Territory that any aircraft is or is not a military aircraft for the purposes of this Act shall be conclusive evidence of the fact certified;

“operator” in relation to any aircraft at any time means the person who at that time has the management of that aircraft;

“pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“Tokyo Convention” means the Convention on Offences and certain other Acts Committed on board Aircraft signed at Tokyo on 14th September 1963.

(2) For the purposes of this Act, the period during which an aircraft is in flight shall be deemed to include—

- (a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends; and
- (b) for the purposes of section 3 of this Act—
  - (i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and
  - (ii) if the aircraft makes a forced landing, any period thereafter until the time when competent authorities of the country in which the forced landing takes place take over the responsibility for the aircraft and for the persons and property on board the aircraft (being, if the forced landing takes place in the Territory, the time when an officer having functions corresponding to the functions in the United Kingdom of a constable arrives at the place of landing);

and any reference in this Act to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(3) In this Act, except where the context otherwise requires, any reference to any Territory or to any other country or the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that Territory or country, and any reference to any Act (including this Act) or to any provision thereof shall be construed as including a reference to that Act or to that provision as extended to any Territory.

(4) For the purpose of construing this Act as part of the law of any Territory to which it extends, “the Territory” means that Territory and “any Territory” means any of the Territories to which this Act extends.

(5) Any order of the Board of Trade for the time being in force in the United Kingdom by virtue of section 7(4) of this Act as in force in

the United Kingdom (which subsection provides for specifying the Convention country in which aircraft operated by joint air transport organizations or international operating agencies established by two or more Convention countries shall be treated as registered) shall have effect in the Territory.

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SCHEDULE TO THE ACT. [Section 4.]

PROVISIONS OF GENEVA CONVENTION ON THE HIGH SEAS TO BE TREATED AS PART OF THE LAW OF NATIONS.

*Article 15.*

Piracy consists of any of the following acts:

(1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

- (a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
- (b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(3) Any act of inciting or of intentionally facilitating an act described in sub-paragraph (1) or sub-paragraph (2) of this article.

*Article 16.*

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

*Article 17.*

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the person in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

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SCHEDULE 2 TO THE ORDER. [Article 3.]

Bahamas.  
Bermuda.  
British Antarctic Territory.  
British Honduras.

British Indian Ocean Territory.  
British Solomon Islands Protectorate.  
Cayman Islands.  
Central and Southern Line Islands.  
Falkland Islands (Colony and Dependencies).  
Fiji.  
Gibraltar.  
Gilbert and Ellice Islands Colony.  
Hong Kong.  
Montserrat.  
Pitcairn, Henderson, Ducie and Oeno.  
St. Helena and its Dependencies.  
St. Vincent.  
Seychelles.  
Sovereign Base Areas of Akrotiri and Dhekelia.  
Turks and Caicos Islands.  
Virgin Islands.

*Explanatory Note.*

*(This Note is not part of the order).*

This Order extends the provisions of the Tokyo Convention Act 1967, subject to exceptions, adaptations and modifications, to the territories specified in Schedule 2 thereto.

The purposes of the Act were to make provision with a view to the ratification on behalf of the United Kingdom of the Convention on Offences and certain other Acts Committed on board Aircraft signed in Tokyo on 14th September 1963 and to give effect to certain provisions relating to piracy of the Convention on the High Seas signed in Geneva on 29th April 1958.

COLONIAL AIR NAVIGATION ORDERS 1961 TO 1968.

**HONG KONG AIR NAVIGATION (GENERAL)  
(AMENDMENT) REGULATIONS 1969.**

In exercise of the powers conferred by Article 77 of the Colonial Air Navigation Orders 1961 to 1968, the Governor has made the following regulations—

1. These regulations may be cited as the Hong Kong Air Navigation (General) (Amendment) Regulations 1969.

Citation.

2. Regulation 4 of the principal regulations is amended—

Amendment of regulation 4.

(a) in paragraph (1) by—

(i) inserting after the definition of "approach to landing", the following new definition—

"cloud ceiling" in relation to an aerodrome, means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one half of the sky so visible;"

(ii) deleting the definition of "minimum weather conditions" and substituting therefor the following—

"minimum weather conditions" in relation to an aerodrome, means the cloud ceiling and runway visual range for take-off and the critical height and runway visual range for landing below which the aircraft cannot safely take-off or land, as the case may be, at that aerodrome, and the expression "relevant minimum" shall be construed accordingly;

"runway visual range" in relation to a runway or landing strip, means the maximum distance in the direction of take-off or landing, as the case may be, at which the runway or landing strip or the markers or lights delineating it can be seen from a point fifteen feet above its centre line;"

(b) in paragraph (5) by deleting sub-paragraph (a) and substituting therefor the following—

"(a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the minimum respectively specified for take-off; or";  
and

(c) in paragraph (6) by deleting sub-paragraph (a) and substituting therefor the following—

“(a) commence or continue an approach to landing at any aerodrome if the runway visual range at that aerodrome, established or determined as aforesaid, is at the time less than the relevant minimum for landing; or”.

Addition of new regulation.

3. The principal regulations are amended by adding, after regulation 10, the following new regulation—

“Aeroplanes flying for the purpose of public transport of passengers—  
Aerodrome facilities for approach to landing and landing.

11. (1) This regulation shall apply to every aeroplane registered in Hong Kong engaging on a flight for the purpose of the public transport of passengers on a scheduled journey and to every aeroplane so registered whose maximum total weight authorized exceeds 12,500 lb. engaging on such a flight otherwise than on a scheduled journey.

(2) For the purposes of sub-paragraph (c) of paragraph (1) of Article 22 of the Order, the following manning and equipment are prescribed in relation to aerodromes intended to be used for landing or as an alternate aerodrome by aircraft to which this regulation applies—

- (a) air traffic control service, including the reporting to aircraft of the current meteorological conditions at the aerodrome;
- (b) very high frequency radiotelephony;
- (c) at least one of the following radio navigation aids, either at the aerodrome or elsewhere, and in either case for the purpose of assisting the pilot in locating the aerodrome and in making an approach to landing there—
  - (i) radio-direction finding apparatus utilizing emissions in the very high frequency band;
  - (ii) a non-directional radio beacon transmitting signals in the low or medium frequency bands;
  - (iii) very high frequency omni-directional radio range;
  - (iv) radio navigation land stations forming part of the Decca radio navigation system;
  - (v) radar equipment.

It shall be sufficient if the equipment specified in sub-paragraph (c) is provided, even if for the time being it is not in operation.

(3) An aircraft to which this regulation applies shall not land or make an approach to landing at any aerodrome unless services and equipment according with paragraph (2) of this regulation are provided and are in operation at that aerodrome, and can be made use of by that aircraft; and, in the case of the navigation aids specified in sub-sub-paragraphs (i) to (iv) of sub-paragraph (c) of paragraph (2), instructions and procedures for the use of the aid are included in the operations manual. A person shall be deemed not to have contravened the provisions of this paragraph if he proves that—

- (a) for the time being use could not be made of the radio navigation aids provided under sub-paragraph (c) of paragraph (2) whether by reason of those aids not being in operation or of the unserviceability of apparatus in the aircraft itself; and
- (b) the approach to landing was made in accordance with instructions and procedures appropriate to that circumstance and included in the operations manual.

(4) An aircraft to which this regulation applies shall, without prejudice to the requirements of Article 10 of the Order, be equipped with the apparatus necessary to enable use to be made of at least one of the navigation aids specified in sub-paragraph (c) of paragraph (2) and in use for landing at the aerodrome, and in particular the equipment for use with the radio navigation land stations referred to in sub-sub-paragraph (iv) of sub-paragraph (c) of paragraph (2) shall include a flight log designed to operate with that equipment and to display on a chart to the pilot at the controls of the aeroplane a continuous and instantaneous pictorial plot of the path of the aircraft. Nothing in this paragraph shall require the duplication of any equipment carried in pursuance of any other provision of the Order or of any regulation made thereunder.”.

Amendment of  
First Schedule.

4. The First Schedule to the principal regulations is amended—

(a) by deleting "Conditions 3 to 9" and substituting therefor the following—

"Conditions 3 to 9A";

(b) in condition 5 by—

(i) renumbering the condition as paragraph (1) thereof;

(ii) deleting "1 in 200" and substituting therefor the following—

"zero"; and

(iii) inserting the following new paragraph—

"(2) For the purposes of paragraph (1) the gradient of climb of the aeroplane shall be taken to be one *per cent* less than that specified."; and

(c) by deleting condition 9 and substituting therefor the following—

"9. (1) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land, exceed 60 *per cent* of the landing distance available on—

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions:

Provided that if an alternate aerodrome is designated in the flight plan the landing distance required at the aerodrome at which it is intended to land shall not exceed 70 *per cent* of that available on the runway that may be required for landing because of the forecast wind conditions.

(2) The distance required to land from a height of 50 feet shall be taken to be that appropriate to—

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) (i) a level surface in the case of runways usable in both directions;

(ii) the average slope of the runway in the case of runways usable in only one direction; and

(e) (i) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(ii) not more than 50 *per cent* of the forecast wind component opposite to the direction of landing or not less than 150 *per cent* of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

9A. (1) The distance required by the aeroplane to land from a height of 50 feet does not, at any alternate aerodrome, exceed 70 *per cent* of the landing distance available on—

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions.

(2) For the purpose of this condition the distance required to land from a height of 50 feet shall be determined in the manner provided in condition 9."

By Command,

**M. D. IRVING GASS**

*Colonial Secretary.*

20th January 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

These regulations amend the principal regulations in order to bring them into line with the relevant corresponding regulations of the United Kingdom.

Regulation 2 amends the principal regulations with regard to minimum weather conditions for take-off, approach to landing and landing by public transport aircraft registered in Hong Kong.

Regulation 3 adds a new regulation to the principal regulations regarding technical facilities at aerodromes and regulation 4 amends the First Schedule which specifies conditions as to the weight and performance of certain public transport aeroplanes.

(Secretariat GR 16/951/50)

**COLONIAL AIR NAVIGATION ORDERS 1961 TO 1968.  
(Article 81).**

Pursuant to Article 81 of the Colonial Air Navigation Orders 1961 to 1968, the person for the time being holding the office of Director of Civil Aviation is hereby authorized for the purposes of any of the provisions of the Order specified in the following Schedule—

**SCHEDULE.**

Article 2(2).  
Article 61A(2)(a).  
Article 61A(5).  
Paragraph 1 of the Thirteenth Schedule.  
Paragraph 3 of the Thirteenth Schedule.  
Paragraph 4 of the Thirteenth Schedule.  
Paragraph 12 of the Thirteenth Schedule.



*Foruch.*

Governor.

21st January 1969.

(Secretariat ECON 15/951/49IV)

CREMATION ORDINANCE.

(Chapter 133).

CREMATION AND GARDENS OF REMEMBRANCE  
(AMENDMENT) REGULATIONS 1969.

In exercise of the powers conferred by section 7 of the Cremation Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Cremation and Gardens of Remembrance (Amendment) Regulations 1969.

Citation.

2. Regulation 12 of the principal regulations is amended by deleting paragraph (2) and substituting the following paragraphs—

Amendment of regulation 12.  
(Cap. 133, sub. leg.)

Third Schedule.

“(2) Without prejudice to the provisions of paragraph (1), any person shall, upon payment of the fee prescribed in the Third Schedule, be entitled to have the ashes of the human remains of any person—

- (a) who was a resident of Hong Kong at the time of his death and whose remains were cremated in a Government crematorium within three months after his death; or
- (b) who was a resident of Hong Kong for a period of at least ten years during the period of twenty years immediately preceding his death and whose remains were cremated outside Hong Kong.

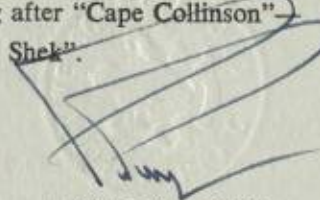
deposited at a Government crematorium either permanently or for such period as may be agreed with the Director.

Third Schedule.

(3) Without prejudice to the provisions of paragraphs (1) and (2), upon application to the Director and payment of the fee prescribed in the Third Schedule, the ashes of the human remains of any person who was a resident of Hong Kong for a period of less than ten years during the period of twenty years immediately preceding his death and whose remains were cremated outside Hong Kong may, at the discretion of the Urban Council, be deposited at a Government crematorium either permanently or for such period as may be agreed with the Director.”.

Amendment of  
First Schedule.

3. The First Schedule to the principal regulations is amended in Part I by inserting the following after "Cape Collinson"  
"Wo Hop Shek".



Clerk of Councils.

COUNCIL CHAMBER,  
28th January 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

Regulation 2 amends regulation 12 of the principal regulations so as to provide that the ashes of deceased persons who were residents of Hong Kong at the time of death and were cremated in a Government crematorium within three months of death and also the ashes of deceased persons who were cremated outside Hong Kong but were resident in Hong Kong for at least ten of the twenty years preceding death may be deposited in a Government crematorium. The Urban Council is given a discretion to allow the deposit of ashes of deceased persons who were cremated outside Hong Kong but were resident in Hong Kong for less than ten of the twenty years preceding death.

Regulation 3 amends Part I of the First Schedule of the principal regulations so as to provide that the cremation facilities at the Wo Hop Shek cemetery shall be a Government crematorium for the purposes of the principal regulations.

(Secretariat GR 1/4041/47)

FUGITIVE OFFENDERS ACT 1967.

**FUGITIVE OFFENDERS ACT 1967 (COMMENCEMENT)  
ORDER 1969.**

In exercise of the powers conferred by section 22 of the Fugitive Offenders Act 1967 (as modified and adapted by the Fugitive Offenders (Hong Kong) Order 1967), the Governor, with the approval of the Secretary of State, has made the following order—

(L.N. 12/68.)

1. This order may be cited as the Fugitive Offenders Act 1967 (Commencement) Order 1969.

Citation.

2. In relation to any country to which the Governor, with the approval of the Secretary of State, is empowered by paragraph (c) of section 2(2) of the Fugitive Offenders Act 1967 (definition of "United Kingdom dependency") to apply the said section 2(2), the said Act shall come into force on 1st February 1969 for the purposes of all the provisions of the Act other than—

Commence-  
ment.

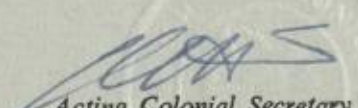
(a) the purposes of section 2 thereof; and

(b) the purposes of any other provision thereof.

for which purposes, subject to paragraph 3 of the Fugitive Offenders Act 1967 (Commencement) Order 1968, the said Act came into force on 9th February 1968 and 23rd February 1968, respectively.

(L.N. 5/68.)

By Command,



Acting Colonial Secretary.

23rd January 1969.

*Explanatory Note.*

*(This Note is not part of the order, but is intended to indicate its general purport).*

This order provides that the Fugitive Offenders Act 1967 shall come into force on 1st February 1969 for the purposes of all the provisions thereof which have not sooner come into force, so far as they relate to countries and territories outside Her Majesty's dominions in which She has jurisdiction, or over which She extends protection, in right of Her Government in the United Kingdom.

(Secretariat CR 10/2716/47)

FUGITIVE OFFENDERS ACT 1967.

**FUGITIVE OFFENDERS (UNITED KINGDOM  
DEPENDENCIES) ORDER 1969.**

In exercise of the powers conferred by section 2(2)(c) and (3) of the Fugitive Offenders Act 1967 (as modified and adapted by the Fugitive Offenders (Hong Kong) Order 1967), the Governor, with the approval of the Secretary of State, has made the following order—

(L.N. 12/68.)

1. This order may be cited as the Fugitive Offenders (United Kingdom Dependencies) Order 1969 and shall come into operation on 1st February 1969.

Citation and commencement.

2. Section 2(2) of the Fugitive Offenders Act 1967 (which defines the expression "United Kingdom dependency") shall apply to the countries specified in column 1 of the Schedule hereto (being countries outside Her Majesty's dominions in which Her Majesty has jurisdiction, or over which She extends protection, in right of Her Government in the United Kingdom).

Application to United Kingdom dependencies. Schedule.

3. In relation to the return of persons to, and in relation to persons returned from, a country specified in column 1 of the Schedule hereto, other than the British Solomon Islands Protectorate, the Fugitive Offenders Act 1967 shall have effect as if for any reference therein to the Governor there were substituted a reference to the person or government specified opposite to the country in question in column 2 of the said Schedule.

Construction of references to the Governor. Schedule.

4. In relation to the return of persons to the New Hebrides, the Fugitive Offenders Act 1967 shall have effect as if at the end of section 3(1) thereof (which defines a relevant offence for the purposes of the Act) there were added the following proviso—

Return of persons to New Hebrides.

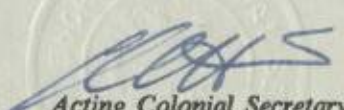
"Provided that an offence of which a person is accused or has been convicted in the New Hebrides shall not be a relevant offence unless he is liable to be tried therefor or, as the case may be, has been convicted thereof, by the High Court of the Western Pacific or by the Joint Court established for the New Hebrides."

## SCHEDULE.

[paras. 2 &amp; 3.]

Country.	Government or person.
British Solomon Islands Protectorate	—
Brunei	The Government of Brunei.
The New Hebrides	Her Majesty's High Commissioner for the Western Pacific or the Resident Commissioner for the New Hebrides acting with his authority.
Tonga	The Premier of Tonga.

By Command,


  
Acting Colonial Secretary.

23rd January 1969.

*Explanatory Note.*

*(This Note is not part of the order, but is intended to indicate its general purport).*

Section 2(2)(c) of the Fugitive Offenders Act 1967 relates to countries outside Her Majesty's dominions in which She has jurisdiction, or over which She extends protection, in right of Her Government in the United Kingdom. It provides (as modified by the Fugitive Offenders (Hong Kong) Order 1967) that such countries to which section 2(2) is applied by order of the Governor, made with the approval of the Secretary of State, shall fall within the definition of "United Kingdom dependency" for the purposes of that Act. Paragraph 2 of this order applies section 2(2) to the countries specified in the Schedule.

As authorized by section 2(3), paragraph 3 provides for the modification of references in the 1967 Act to the Governor in relation to the return of persons to, and in relation to persons returned from, these countries, and paragraph 4 provides that a person shall be returned to the New Hebrides only if he is liable to be tried or, as the case may be, has been convicted, by the High Court of the Western Pacific or by the Joint Court established for the New Hebrides.

(Secretariat CR 10/2716/47)

## EMERGENCY REGULATIONS ORDINANCE.

(Chapter 241).

EMERGENCY (PRINCIPAL) (AMENDMENT)  
REGULATIONS 1969.

In exercise of the powers conferred by section 2 of the Emergency Regulations Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Emergency (Principal) (Amendment) Regulations 1969.

Citation.

2. The principal regulations are amended by adding the following new regulations after regulation 126—

Addition of new regulations 127, 127A, 127B and 127C. (Cap. 241, sub. leg.)

"Inflammatory speeches.

127. (1) Any person who utters an inflammatory speech shall be guilty of an offence and shall be liable—

- (a) on conviction on indictment, to a fine of fifty thousand dollars and to imprisonment for ten years; and
- (b) on summary conviction, to a fine of ten thousand dollars and to imprisonment for three years.

(2) The owner, occupier and person in charge of any building, or any part of any building, which is used for the uttering of any inflammatory speech shall be guilty of an offence and shall be liable—

- (a) on conviction on indictment, to a fine of fifty thousand dollars and to imprisonment for ten years; and
- (b) on summary conviction, to a fine of ten thousand dollars and to imprisonment for three years.

(3) It shall be a defence in any proceedings for an offence under paragraph (2) if the accused shows to the satisfaction of the court that he had taken all reasonable care to prevent the commission of the offence.

Inflammatory posters.

127A. (1) Any person who—

- (a) posts up any inflammatory poster in, on or against any building, vehicle, tramcar, train, vessel, sign, post or other thing whatsoever or in or on any place whatsoever;

- (b) sticks or fixes any inflammatory poster in, on, to or against any building, vehicle, tramcar, train, vessel, sign, post or other thing whatsoever or in or on any place whatsoever;
- (c) places any inflammatory poster in, on or against any building, vehicle, tramcar, train, vessel, post or other thing whatsoever or in or on any place whatsoever;
- (d) displays or exhibits an inflammatory poster, shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for two years.

(2) Any person who paints, daubs, draws, writes or otherwise inscribes in, on or against any building, vehicle, tramcar, train, vessel, sign, post or other thing whatsoever or in or on any place whatsoever any inflammatory matter shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for two years.

(3) Any person who has in his possession, custody or control any inflammatory poster shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for two years.

(4) The owner, occupier and person in charge of any building or place or any part of any building or place, and the owner of any vehicle, tramcar or vessel, in, on, to or against which any inflammatory poster is to his knowledge posted up, stuck, fixed, placed, exhibited or displayed or in or on which any inflammatory matter is to his knowledge painted, daubed, drawn, written or otherwise inscribed shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for two years unless he shows to the satisfaction of the magistrate that he removed or obliterated the inflammatory poster or inflammatory matter as soon as practicable or that he took all practicable steps to prevent the same from being posted up, stuck, fixed, placed, exhibited, displayed, painted, daubed, drawn, written or otherwise inscribed in, on, to or against the building or place or the part of a building or place or the vehicle, tramcar or vessel, as the case may be.

Definitions  
for purposes  
of regula-  
tions 127,  
127A and  
127C.

**127B.** For the purposes of regulations 127, 127A and 127C—

“building” includes the whole or any part of any domestic or public building, arch, bridge, chimney, dock, factory, garage, hangar, hoarding, office, pier, shelter, shop, wall, warehouse, wharf, workshop or other structure whatsoever;

“inflammatory matter” means any matter which—

- (a) is or contains an incitement to violence or counsels or encourages disobedience to the law or is likely to lead to a breach of the peace whether or not a breach of the peace actually occurs;
- (b) is calculated to promote feelings of ill-will and hostility between different races or sections of the population of Hong Kong;
- (c) is calculated to cause disaffection amongst the members of the police force or public service; or
- (d) is calculated to cause disaffection against the administration of justice in Hong Kong or disputes the lawful authority of the courts in Hong Kong;

“inflammatory poster” means any poster or any photograph or reproduction of any photograph, whether or not accompanied by any written or printed matter, or any banner or similar device, which is or contains inflammatory matter in any form, shape or manner whatsoever;

“inflammatory speech” means any speech, address, slogan or words being or containing inflammatory matter;

“place” means any place whatsoever, whether or not the public has access thereto as of right;

“poster” means any broadsheet, handbill, leaflet, pamphlet, poster or similar thing or the whole or any part of any written or printed matter being used as a broadsheet, handbill, leaflet, pamphlet or poster;

“utter” means make, deliver or broadcast, whether directly or by means of any mechanical, electronic or electrical machinery, equipment or device, including any megaphone, loudspeaker or

loud hailer, and also means publish by means of any record, tape, wire or perforated roll, so as in either case to be capable of being heard by the public;

(Cap. 229.)

Powers in relation to inflammatory speeches and posters.

“vehicle” has the meaning that it has for the purposes of the Road Traffic Ordinance and also means a bicycle, cart, truck or barrow.

**127C.** (1) For the purpose of preventing the dissemination of any inflammatory matter, any police officer of or above the rank of inspector, with the assistance of such other police officers as may be necessary, may—

- (a) enter and search any building or place if he knows or has reason to suspect that the building or place or any part thereof is being or has been used for the uttering of any inflammatory speech;
- (b) stop, board and search any vessel or stop and search any vehicle if he knows or has reason to suspect that the same is being or has been used for the uttering of any inflammatory speech;
- (c) seize, remove and detain any thing whatsoever if he knows or has reason to suspect that the same is being or has been used for or in connexion with the uttering of any inflammatory speech; and
- (d) seize, remove and detain any thing which appears to him to be or to contain or to be likely to be, or to contain, evidence of an offence under regulation 127.

(2) Any police officer of or above the rank of assistant superintendent may, with the assistance of such other police officers or other persons as may be necessary, take such steps or do such things or cause such steps to be taken or such things to be done as he considers necessary to ensure that any thing which is being or has been or may be used for or in connexion with the uttering of any inflammatory speech is not capable of being used for the time being.

(3) Any person who interferes with any step taken or thing done under paragraph (2) or restores any thing so that it is capable of being used shall be guilty of an offence and shall be liable on conviction

to a fine of five thousand dollars and to imprisonment for two years.

(4) For the purpose of preventing the dissemination of any inflammatory poster, any police officer of or above the rank of inspector, with the assistance of such other police officers as may be necessary, may—

- (a) enter and search any building or place if he knows or has reason to suspect that there is or may be in the building or place or any part thereof any inflammatory poster;
- (b) stop, board and search any vessel or stop and search any vehicle if he knows or has reason to suspect that there is therein any inflammatory poster;
- (c) seize, remove and detain or destroy anything which is or appears to him to be an inflammatory poster; and
- (d) seize, remove and detain any thing which appears to him to be or to contain, or to be likely to be or to contain, evidence of an offence under regulation 127 or 127A.

(5) Any police officer of or above the rank of inspector, with the assistance of such other police officers or persons as may be necessary, may remove or obliterate from any building, vehicle, tramcar, train, vessel, sign, post or other thing whatsoever or from any place—

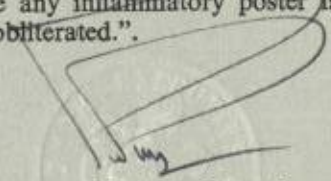
- (a) any inflammatory poster posted up, stuck, fixed, placed, exhibited or displayed in, on, to or against the same; or
- (b) any inflammatory matter printed, daubed, drawn, written or otherwise inscribed in, on or against the same,

and for that purpose may enter and search any building or place or stop and board any vehicle, tramcar or vessel.

(6) Any police officer may—

- (a) break open any outer or inner door of any building or place which he is empowered by this regulation to enter and search;
- (b) remove by force any person or thing obstructing any detention, search, seizure, or obliteration or removal which he is empowered by this regulation to make;

- (c) detain any person found in any building, or place which he is empowered by this regulation to search until the same has been searched;
- (d) detain any vessel or vehicle which he is empowered by this regulation to search until the same has been searched;
- (e) detain any vessel or vehicle until an inflammatory poster has been removed or obliterated therefrom; and
- (f) remove any person from any vehicle or vessel while any inflammatory poster is removed or obliterated."



Clerk of Councils.

COUNCIL CHAMBER,  
4th February 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

These regulations insert into the Emergency (Principal) Regulations the provisions of two sets of Emergency Regulations which were passed in 1967 to deal with inflammatory posters and speeches. It is not intended to bring them into force at present.

(Secretariat CR L/M 11/69)

EMERGENCY REGULATIONS ORDINANCE.

(Chapter 241).

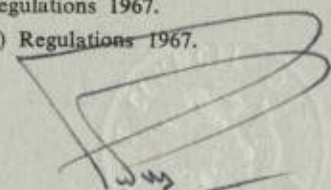
EMERGENCY REGULATIONS (REPEAL) ORDER 1969.

In exercise of the powers conferred by section 2 of the Emergency Regulations Ordinance, the Governor in Council has made the following order—

- |  |                                |
|--|--------------------------------|
| 1. This order may be cited as the Emergency Regulations (Repeal) Order 1969. | Citation.                      |
| 2. The regulations listed in the Schedule are repealed.                      | Repeal of certain regulations. |

SCHEDULE.

- |  |                     |
|--|---------------------|
| 1. Emergency (Prevention of Inflammatory Speeches) Regulations 1967. | (L.N. 80 of 1967.)  |
| 2. Emergency (Prevention of Inflammatory Posters) Regulations 1967.  | (L.N. 83 of 1967.)  |
| 3. Emergency (Closed Areas) Regulations 1967.                        | (L.N. 99 of 1967.)  |
| 4. Emergency (General Holiday) Regulations 1967.                     | (L.N. 180 of 1967.) |



Clerk of Councils.

COUNCIL CHAMBER,  
4th February 1969.

*Explanatory Note.*

*(This Note is not part of the order, but is intended to indicate its general purport).*

This order repeals four sets of emergency regulations, listed in the Schedule.

Items 1 and 2 have been inserted in the Emergency (Principal) Regulations by L.N. 16 of 1969, though it is not intended to bring them into force at present.

Item 3 is not required, since similar provisions are now to be found in the Public Order Ordinance.

Item 4 was concerned with devaluation and has had its effect.

(Secretariat CR L/M 11/69)

LION ROCK TUNNEL ORDINANCE.

(Chapter 140).

LION ROCK TUNNEL (AMENDMENT) REGULATIONS 1969.

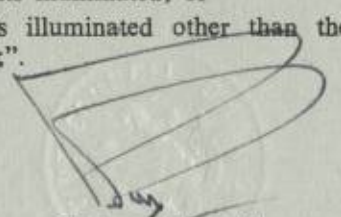
In exercise of the powers conferred by section 10 of the Lion Rock Tunnel Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Lion Rock Tunnel (Amendment) Regulations 1969. Citation.

2. Regulation 11 of the principal regulations is amended by deleting sub-paragraph (d) of paragraph (1) and substituting the following— Amendment of regulation 11. (Cap. 140, sub. leg.)

“(d) drive the vehicle—

- (i) without any lights illuminated; or
- (ii) with any lights illuminated other than the parking or side lights;”



Clerk of Councils.

COUNCIL CHAMBER,  
4th February 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

Regulation 11 of the principal regulations is amended to make it clear that a vehicle must have its parking or side lights illuminated when being driven through the Lion Rock Tunnel.

(Secretariat ECON 6/3231/64)

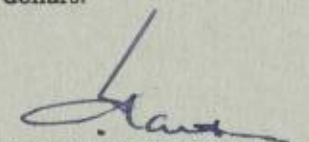
HONG KONG EXPORT CREDIT INSURANCE  
CORPORATION ORDINANCE.

(Chapter 1115).

**RESOLUTION OF THE LEGISLATIVE COUNCIL.**

Resolution made and passed by the Legislative Council on  
the 5th day of February 1969.

Resolved, in exercise of the powers conferred by section 23  
of the Hong Kong Export Credit Insurance Corporation  
Ordinance, that the contingent liability of the Hong Kong  
Export Credit Insurance Corporation under contracts of  
insurance shall not at any time exceed the sum of seven  
hundred and fifty million dollars.



*Deputy Clerk of Councils.*

COUNCIL CHAMBER,

*5th February 1969.*

(Secretariat ECON 6/5361/65)



MERCHANT SHIPPING ACT 1964 AS APPLIED TO  
HONG KONG BY THE MERCHANT SHIPPING  
(SAFETY CONVENTION) (HONG KONG)  
ORDER 1965

AND

MERCHANT SHIPPING (SAFETY CONVENTION) ACT 1949  
AS APPLIED TO HONG KONG BY THE  
MERCHANT SHIPPING SAFETY CONVENTION  
(HONG KONG) NO. 1 ORDER 1953.

**EXEMPTION OF M.V. "EAST BREEZE" OFFICIAL  
NO. 332483 PORT OF REGISTRY—HONG KONG.**

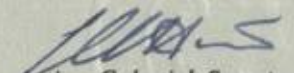
**FIXED FIRE SMOTHERING ARRANGEMENTS IN  
CARGO SPACES.**

The Governor in exercise of the powers conferred on him by section 28 of the Merchant Shipping (Safety Convention) Act 1949 as applied to Hong Kong by the Merchant Shipping (Safety Convention) (Hong Kong) No. 1 Order 1953 hereby exempts the M.V. "EAST BREEZE". Official No. 332483 Port of Registry—Hong Kong from the requirement of rule 32(1) of the Merchant Shipping (Fire Appliances) Rules 1965 to provide a fixed fire smothering gas or steam installation in the cargo holds of the ship.

This exemption is hereby granted on condition that the cargo holds of the said ship are provided with steel hatch covers, all ventilators and other openings leading to the holds are fitted with effective means of closing and that the ship does not carry any of the dangerous goods listed under Classes 1 to 5 inclusive of rule 2(2) of the Merchant Shipping (Dangerous Goods) Rules 1965.

This exemption shall have effect from 1st March 1969 and shall continue to remain in operation until revoked.

By Command,



Acting Colonial Secretary.

20th February 1969.

(Secretariat GR 7627/45III)

HONG KONG.

THE HONG KONG ADDITIONAL INSTRUCTIONS 1969.

ELIZABETH R.

*Dated 17th February 1969.*

ADDITIONAL INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Hong Kong and its Dependencies or other Officer for the time being Administering the Government of Our said Colony and its Dependencies.

We do hereby direct and enjoin and declare Our will and pleasure as follows—

1. (1) These Instructions may be cited as the Hong Kong Additional Instructions 1969 and shall be construed as one with the Hong Kong Royal Instructions 1917 as amended (hereinafter called "the principal Instructions").

Citation, construction and commencement.

(2) The Hong Kong Royal Instructions 1917 to 1967 and these Instructions may be cited together as the Hong Kong Royal Instructions 1917 to 1969.

2. Clause II of the principal Instructions is amended by substituting for the words "Secretary for Chinese Affairs" the words "Secretary for Home Affairs".

Amendment of clause II of principal Instructions.

3. Clause X of the principal Instructions is amended by inserting after the words "excepting only" the words "in cases relating to the appointment, disciplinary control or removal from office of a public officer or".

Amendment of clause X of principal Instructions.

4. Clause XIII of the principal Instructions is amended by substituting for the words "Secretary for Chinese Affairs" the words "Secretary for Home Affairs".

Amendment of clause XIII of principal Instructions.

5. Clause XIX of the principal Instructions is amended by substituting for the words "five Members" the words "ten Members".

Amendment of clause XIX of principal Instructions.

6. Clause XXIV of the principal Instructions is amended by deleting the words ", if seconded by any other Member,".

Amendment of clause XXIV of principal Instructions.

Given at Our Court at St. James's this Seventeenth day of February 1969 in the Eighteenth year of Our Reign.

INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE.

(Chapter 1).


**CHANGE OF TITLE OF OFFICE.**

In exercise of the powers conferred on him by section 55 of the Interpretation and General Clauses Ordinance, the Governor hereby declares a change in the title of the public office specified in the first column of the Schedule to the title specified in the second column of the Schedule with effect from the 28th day of February 1969.

SCHEDULE.

<i>Former title of Office.</i>	<i>New title of Office.</i>
Secretary for Chinese Affairs.	Secretary for Home Affairs.

By Command,

  
Acting Colonial Secretary.

25th February 1969.

(Secretariat GR 2/3/4356/46II)

**INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE.**

(Chapter 1).

**DELEGATION OF POWERS.**

It is hereby notified that, in exercise of the powers conferred by section 43 of the Interpretation and General Clauses Ordinance (Chapter 1), the Acting Colonial Secretary did on the 25th day of February 1969 delegate to the Assistant Director of Urban Services (Cultural Services) his powers under section 6 of the City Hall Ordinance (Chapter 328).



23

LAUNDRIES (NEW TERRITORIES) REGULATIONS 1969.

ARRANGEMENT OF REGULATIONS.

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PUBLIC HEALTH AND URBAN SERVICES ORDINANCE.  
(Chapter 132).

LAUNDRIES (NEW TERRITORIES) REGULATIONS 1969.

In exercise of the powers conferred by section 40 of the Public Health and Urban Services Ordinance, the Governor in Council has made the following regulations—

Citation and commencement.

1. These regulations may be cited as the Laundries (New Territories) Regulations 1969, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Application.

2. These regulations apply to the New Territories only.

Interpretation.

3. In these regulations, unless the context otherwise requires—

“Director” means the Director of Urban Services;

“hospital” means any premises used for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home and any institution for the reception and treatment of persons during convalescence or of persons requiring mental rehabilitation;

“laundering” means the washing, dry-cleaning, ironing, pressing or otherwise the getting up of clothing;

“laundry” means any premises at which there is carried on any business involving the washing, dry-cleaning, ironing, pressing or otherwise the getting up of clothing; and includes a laundry depot but does not include any laundry operated by a school or a hospital or a home for the reception of aged or disabled persons for the purposes of such school, hospital or home or for the convenience of the inmates or the staff thereof;

“laundry depot” means any premises, not being part of a laundry, at which there is carried on any business involving the storage, or reception of articles for laundering or the storage or distribution of articles after laundering, whether or not such business constitutes part of or is carried on in connexion with the business of a laundry;

“premises” includes place.

Prohibition of unlicensed laundries.

4. (1) Except under and in accordance with a licence granted by the Director, no person shall open or maintain a laundry.

(2) Nothing in this regulation shall be construed to apply to a person engaged in open air wayside laundering, whether for remuneration or otherwise.

5. (1) Every application for any such licence shall be made in writing, addressed to the Director, and accompanied by three copies of a plan, drawn to scale, of the whole of the premises comprising the laundry.

Application for licence.

(2) Every plan, or any modification thereof, which is approved by the Director shall be endorsed to that effect by the Director, and one copy shall be returned to the applicant and the remaining two copies shall be retained by the Director.

6. (1) No such licence shall be granted unless the Director is satisfied in relation to the premises in respect of which the application for such licence was made that—

Conditions for grant of licence.

(a) the plan referred to in regulation 5 has been approved by the Director and the premises conform thereto;

(b) the means of ventilation which is provided for the laundry, whether natural or mechanical or partly natural and partly mechanical, is sufficient to safeguard the health in that respect of all persons resorting to or working in the laundry;

(c) the means of lighting which is provided within the laundry is adequate;

(d) the floor surfaces of every part of the laundry are impervious to liquid and constructed of smooth surfaced non-absorbent material;

(e) the supply of water to the laundry is adequate and derived from a public mains water supply or from a source approved by a health officer;

(f) the drainage provided for the laundry is adequate; and

(g) satisfactory means are provided to prevent the contamination of laundered articles by contact with un-laundered articles.

(2) The grant of a licence referred to in regulation 4 shall not be deemed to act as a waiver of any term in any lease or licence under which the premises are held.

7. After the grant or renewal of any such licence, no licensee shall, save with the permission in writing of the Director, cause or permit to be made in respect of the laundry to which the licence relates—

Restriction on alteration of laundry after grant of licence.

(a) any alteration or addition which would result in a material deviation from the plan thereof approved under regulation 5; or

(b) any alteration in respect of any matter specified in regulation 6.

Laundries and laundry equipment to be kept in good repair, etc.

8. Every licensee of a laundry shall, at all times, cause every part of the premises at which he maintains the laundry and all fittings and equipment used therein, to be maintained in a proper state of repair and in a clean and wholesome condition.

Laundries not to be used for dwelling purposes.

9. (1) Save as provided in paragraph (2) or paragraph (3), no person shall use, or permit to be used, for dwelling purposes any part of a laundry.

(2) Not more than two caretakers may dwell in a laundry in a part thereof set aside solely for the purpose.

(3) The Director, on the advice of a health officer, may grant to the licensee of a laundry permission in writing to use any part of the laundry for dwelling purposes subject to such conditions and requirements as the Director may in his discretion consider appropriate.

Restriction on cooking in laundries.

10. (1) No person shall prepare or cook any food for human consumption in any part of a laundry in which any operation of laundering is carried on.

(2) No person shall prepare or cook any food for human consumption in any other part of a laundry, except in a properly constructed kitchen or other suitable place therein that may be approved by the Director.

Prohibition of the keeping of animals or poultry.

11. No person shall keep or permit to be kept in any laundry any animal or any poultry.

Restriction on employment of persons likely to spread disease.

12. (1) No person suffering from a septic wound, laceration or abrasion of the skin, any infectious skin disease or any other infectious disease shall take any part in the laundering or handling of any articles in any laundry:

Provided that a health officer may issue a certificate in writing to any such person exempting him from the provisions of this paragraph in any case in which such officer is satisfied that no danger to the public health is involved.

(2) Any person employed or working in a laundry shall, if so required in writing by a health officer, submit himself to medical examination at such time and place as such officer may direct and, if after medical examination, a health officer is satisfied that such person is suffering from any infectious disease or is likely to infect any other person, such last mentioned health officer may notify such person in writing to that effect, and such person shall forthwith cease to work in the same or any other laundry.

(3) A notice given under the provisions of paragraph (2) shall continue in force until cancelled by a further notice in writing by a health officer declaring such first mentioned notice to be cancelled.

(4) No person shall cause, suffer or permit any person, other than a person who has been duly exempted from the provisions of paragraph (1), whom he knows or has reason to believe to be suffering from any of the complaints specified in that paragraph to take any part in the laundering or handling of any articles in any laundry.

(5) No person shall cause, or suffer or permit, any person in respect of whom he knows or has reason to believe that a notice given under the provisions of paragraph (2) is in force to work in any laundry.

13. No person shall cause, or suffer or permit, any article received into a laundry for laundering, which has not been laundered, to come into contact with any other such article which has been laundered.

Separation of clean from dirty articles.

14. (1) No person shall spit in any laundry, except into a spittoon or other receptacle provided for the purpose.

Restriction on spitting.

(2) Where spittoons or other receptacles are provided in any laundry, the licensee of the laundry shall cause each such spittoon or receptacle to contain disinfectant fluid and to be cleansed, and the fluid renewed, not less than once in every twenty-four hours.

(3) Save as otherwise permitted in writing by the Director, every licensee of a laundry shall cause one or more notices bearing the wording of paragraph (1) and written in Chinese, to be continuously displayed in a conspicuous place in every part of the laundry in which any process of laundering is carried on or in which laundered articles are handled or stored.

15. No person shall spray, or permit to be sprayed, any water from the mouth or from any mouth-sprayer upon any articles which are being ironed or pressed in any laundry.

Prohibition against spraying water by mouth or mouth-sprayer during ironing.

16. (1) Save where exempted in writing by the Director, every licensee of a laundry shall cause every hollow space, crevice or other place in any laundry maintained by him, which is likely to harbour vermin or to constitute a means of access for vermin to the laundry, to be eliminated or sealed off.

Prevention of vermin.

(2) No person shall place, or suffer or permit to be placed or to remain placed, any furniture or equipment, other than such

as may be moved without difficulty by one man, so near to any wall of any laundry as to obstruct access to any part of such wall, or such furniture or equipment, for the purpose of the cleaning of the same.

(3) No person shall knowingly suffer the existence of any vermin in any part of any laundry.

Laundry staff to be vaccinated.

17. (1) No person shall work in, and no licensee shall knowingly permit any person to work in, any laundry unless such person—

- (a) has within the preceding period of three years, been vaccinated against smallpox; and
- (b) is immunized against such other disease as may be specified by the Director under the provisions of paragraph (4).

(2) Failure by any person working in any laundry on demand to produce for inspection by any health inspector or health officer a valid certificate of vaccination against smallpox or of immunization against such other disease as may be so specified shall be *prima facie* evidence in any court of a contravention by such person of paragraph (1).

(3) Failure by the licensee of any laundry on demand to obtain the production of, or to produce, for inspection by any health inspector or health officer a valid certificate of vaccination against smallpox or of immunization against such other disease as may be so specified, or a certified copy thereof, showing that any person working in the laundry has been so vaccinated or immunized shall be *prima facie* evidence in any court of a contravention by him of paragraph (1).

(4) The Director may by notice published in the *Gazette* require persons working in any laundry to be immunized against such diseases as may be specified in such notice.

Cleanliness of depots.

18. Every licensee of a laundry shall, at all times, cause every part of any premises or place used for the storage, reception or delivery of articles received in connexion with the business of such laundry to be kept in a clean and wholesome condition and in a proper state of repair so as to prevent the risk of contamination of any articles stored or received therein or delivered therefrom.

Fees.

19. (1) Every licence issued under these regulations shall be renewable annually on the 1st day of April.

Schedule.

(2) Every such licence shall be granted or renewed upon payment of the appropriate fee prescribed in the Schedule at the District Office for the District in which the laundry is situate:

Provided that, where any licence is issued after the 30th day of September in any year, the fee payable in respect of the grant of that licence shall be one-half of the fee so prescribed.

(3) Where the Director is satisfied that any licence granted under these regulations has been lost or destroyed, the Director may, upon payment of a fee of five dollars, issue a duplicate thereof.

20. The provision of paragraph (2) of regulation 16 shall not apply to any laundry depot.

Exemption of laundry depots from certain provision.

21. (1) Any person who—

Offences and penalties.

(a) contravenes any of the provisions of regulation 4, 10, 11, 13 or 15 or of paragraph (1) or (2) of regulation 9, paragraph (1), (4) or (5) of regulation 12, paragraph (1) of regulation 14, paragraph (2) or (3) of regulation 16 or paragraph (1) of regulation 17; or

(b) being a person employed or working in a laundry—

(i) fails to submit himself to medical examination when required to do so under the provisions of paragraph (2) of regulation 12; or

(ii) fails to cease to work in any laundry when required to do so by the provisions of that paragraph,

shall be guilty of an offence.

(2) In the event of any contravention of any of the provisions of regulation 7, 8 or 18 or of paragraph (2) or (3) of regulation 14, or paragraph (1) of regulation 16, the licensee of the laundry shall be guilty of an offence.

(3) Any person who is guilty of an offence under these regulations shall be liable on summary conviction to a fine of five hundred dollars and, where the offence is a continuing offence, shall be liable in addition to a fine of ten dollars for each day during which it is proved to the satisfaction of the court that the offence has continued.

22. Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the powers of the Attorney General in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of these regulations may be brought in the name of the Director.

Name in which proceedings for offences may be brought.

SCHEDULE. [reg. 19(2).]  
FEES.

Size of premises by reference to floor area.	Fee.
Laundry not exceeding 1,000 sq. ft. ...	\$40
Laundry exceeding 1,000 sq. ft. ...	\$80
Laundry depot not exceeding 1,000 sq. ft. ...	\$15
Laundry depot exceeding 1,000 sq. ft. ...	\$30

*Clerk of Councils.*

COUNCIL CHAMBER,  
25th February 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

These regulations follow closely the provisions of the Laundries By-laws, which were also made under the Public Health and Urban Services Ordinance and which are applicable in the urban areas.

2. These regulations provide that every premises at which laundry business is carried on must be licensed by the Director of Urban Services. Control of laundry premises is ensured by a requirement that a licence will not be granted unless plans of the premises are submitted to and approved by the Director, and unless the Director is satisfied as to certain matters relating to the lighting, ventilation and construction of the premises.

3. The regulations also make provision for the following—

- (a) a restriction on using a laundry for dwelling purposes or for cooking food;
- (b) a prohibition of keeping animals or poultry in a laundry;
- (c) a restriction on the employment of persons likely to spread disease;
- (d) the prevention of the spraying of water by means of mouth-spraying devices on to clothes which are being ironed;
- (e) the prevention of the access of vermin to laundries;
- (f) a requirement that persons working in laundries must be vaccinated against smallpox and immunized against such other diseases as the Director may specify.

4. The regulations provide for the payment of a reduced licence fee in respect of laundries or laundry depots occupying an area not exceeding 1,000 square feet.

(Secretariat GR L/M B 1748/65)

PUBLIC SERVICES COMMISSION ORDINANCE.  
(Chapter 93).

PUBLIC SERVICES COMMISSION (AMENDMENT)  
REGULATIONS 1969.

In exercise of the powers conferred by section 14 of the Public Services Commission Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Public Services Commission (Amendment) Regulations 1969.

Citation.

2. Regulation 2 of the principal regulations is amended by deleting the definition of "Establishment Officer" and substituting the following—

Amendment of regulation 2. (Cap. 93, sub. leg.)

"Establishment Officer" means the person holding the office of Establishment Officer or Assistant Establishment Officer and also means any person holding a public office not below that of Chief Executive Officer who is authorized in writing by the Establishment Officer to perform specified duties on his behalf;"

3. Regulation 3 of the principal regulations is amended in paragraph (2)—

Amendment of regulation 3.

(a) by deleting "one thousand and seventy" from sub-paragraph (a) and substituting the following—

"one thousand one hundred and fifty-six"; and

(b) by deleting "eight hundred" from sub-paragraph (b) and substituting the following—

"eight hundred and sixty-three".

4. Regulation 4 of the principal regulations is amended in paragraph (2)—

Amendment of regulation 4.

(a) by deleting "one thousand and seventy" from sub-paragraph (a) and substituting the following—

"one thousand one hundred and fifty-six"; and

(b) by deleting "eight hundred" from sub-paragraph (b) and substituting the following—

"eight hundred and sixty-three".

*Clerk of Councils.*

COUNCIL CHAMBER,  
25th February 1969.

*Explanatory Note.*

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

Regulation 2 deletes and substitutes the definition of "Establishment Officer" in regulation 2 of the principal regulations. The effect of this amendment is to permit the Establishment Officer to delegate certain duties to officers who hold Chief Executive Officer posts.

The amendment effected by regulations 3 and 4 are consequential upon recent general salary increases within the Hong Kong Public Service.

(Secretariat CR 4169/46IV)

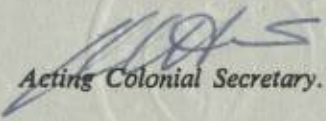
## MINING (AMENDMENT) ORDINANCE 1969.

(No. 3 of 1969).

MINING (AMENDMENT) ORDINANCE 1969  
(COMMENCEMENT) NOTICE 1969.

In exercise of the powers conferred by section 1 of the Mining (Amendment) Ordinance 1969, the Governor hereby appoints the 28th day of February 1969 as the day on which the said Ordinance shall come into operation.

By Command,



*Acting Colonial Secretary.*

13th February 1969.

(Secretariat ECON 12/3231/53II)

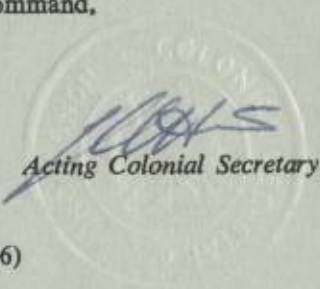
**FACTORIES AND INDUSTRIAL UNDERTAKINGS  
(AMENDMENT) ORDINANCE 1969.**

(No. 4 of 1969).

**FACTORIES AND INDUSTRIAL UNDERTAKINGS  
(AMENDMENT) ORDINANCE 1969 (COMMENCEMENT)  
NOTICE 1969.**

In exercise of the powers conferred by section 1 of the Factories and Industrial Undertakings (Amendment) Ordinance 1969, the Governor hereby appoints the 28th day of February 1969 as the day on which the said Ordinance shall come into operation.

By Command,



*[Signature]*  
Acting Colonial Secretary.

13th February 1969.

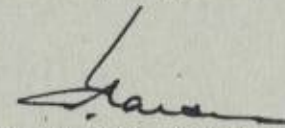
(Secretariat GR 16/2961/46)

**FACTORIES AND INDUSTRIAL UNDERTAKINGS  
ORDINANCE.**

**(Chapter 59).**

Resolution made and passed by the Legislative Council under section 7 of the Factories and Industrial Undertakings Ordinance on the 26th day of February 1969.

Resolved, pursuant to section 7 of the Factories and Industrial Undertakings Ordinance, that the Factories and Industrial Undertakings (Amendment) Regulations 1969, made by the Commissioner of Labour on the 10th day of February under section 7 of that Ordinance, be approved.



*Deputy Clerk of Councils.*

COUNCIL CHAMBER,  
26th February 1969.

(Secretariat GR 16/2961/46IV)

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**FACTORIES AND INDUSTRIAL UNDERTAKINGS  
ORDINANCE.**

(Chapter 59).

**FACTORIES AND INDUSTRIAL UNDERTAKINGS  
(AMENDMENT) REGULATIONS 1969.**

In exercise of the powers conferred by section 7 of the Factories and Industrial Undertakings Ordinance, the Commissioner of Labour has made the following regulations—

1. These regulations may be cited as the Factories and Industrial Undertakings (Amendment) Regulations 1969. Citation.
  
2. Regulation 2 of the principal regulations is amended— Amendment of regulation 2.  
(Cap. 59, sub. leg.)
  - (a) in the definition of "building or engineering construction site", by inserting after "maintenance" the following—  
    "(including redecoration and external cleaning)";
  - (b) by adding after the definition of "mill-gearing" the following—  
    "“overburden”, in respect of a quarry, means any other substance which overlies the granite, porphyry or limestone which is extracted in the quarry;”.
  
3. Regulation 5 of the principal regulations is amended by inserting after "mine" the following— Amendment of regulation 5.  
    "or quarry".
  
4. Regulation 17 of the principal regulations is amended by deleting paragraphs (1), (2) and (3) and substituting the following— Amendment of regulation 17.
  - (1) Every accident which occurs in an industrial undertaking and results in the death of any person shall be reported within twenty-four hours of such death—
    - (a) in the case of an industrial undertaking other than a quarry, to an inspector and to the police station nearest to such industrial undertaking; and
    - (b) in the case of a quarry, to the Superintendent of Mines and to the police station nearest to such quarry.
  - (2) Every accident which occurs in an industrial undertaking and results in the disablement of any person employed

in such industrial undertaking so as to cause him to be incapable of performing his ordinary work for one day or more shall be reported within forty-eight hours of its occurrence—

- (a) in the case of an industrial undertaking other than a quarry, to an inspector; and
- (b) in the case of a quarry, to the Superintendent of Mines.

(3) If any accident causing disablement is reported under paragraph (2) and the person disabled subsequently dies as a result of the accident, notice in writing of the death shall be given within twenty-four hours of the death—

- (a) in the case of an industrial undertaking other than a quarry, to an inspector and to the police station nearest to the industrial undertaking in which the accident occurred; and
- (b) in the case of a quarry, to the Superintendent of Mines and to the police station nearest to the quarry in which the accident occurred.”

Amendment of regulation 18.

5. Regulation 18 of the principal regulations is amended—

(a) by deleting paragraph (1) and substituting the following—

“(1) Every dangerous occurrence which occurs in an industrial undertaking, whether any personal injury has been caused or not, shall be reported within twenty-four hours of its occurrence—

- (a) in the case of an industrial undertaking other than a quarry, to an inspector; and
- (b) in the case of a quarry, to the Superintendent of Mines.”;

(b) in paragraph (2), by deleting “the building in which the accident occurred or to the machinery or plant therein” and substituting the following—

“any building, machinery or plant in the industrial undertaking in which the accident occurred”.

Amendment of Schedule.

6. The Schedule to the principal regulations is amended by adding after paragraph 6 the following—

“7. Total or partial collapse of any overburden, face, tip or embankment in a quarry.

8. Overturning of, or collision with any object by, any bulldozer, dumper, excavator, grader, lorry or shovel loader,

or any mobile machine used for the handling of any substance in a quarry.”.

Made by the Commissioner of Labour on the 10th day of February 1969.

*R. M. Hutchinson*

Commissioner of Labour.

#### Explanatory Note.

*(This Note is not part of the regulations, but is intended to indicate their general purport).*

The main purpose of these regulations is to make certain consequential amendments to the principal regulations following the introduction of the Quarries (Safety) Regulations 1969. Formerly, the word “mine” in the principal regulations included a stone quarry. However, because “quarry” is now defined separately in the Factories and Industrial Undertakings Ordinance, it is necessary to add separate reference to a quarry in every place in the principal regulations where there is a reference to a mine.

Regulation 3 of these regulations amends regulation 5 of the principal regulations for this purpose while regulations 4 and 5 amend regulations 17 and 18 of the principal regulations to make separate provision for the reporting of accidents in quarries.

Regulation 6 adds to the Schedule to the principal regulations, two new categories of dangerous occurrence which relate only to quarries.

The definition of “building or engineering construction site” in regulation 2 of the principal regulations is also amended in consequence of an identical amendment to paragraph (c) of the definition of “industrial undertaking” in section 2 of the Factories and Industrial Undertakings Ordinance, made to enable the introduction of regulations dealing with blasting by abrasives.

(Secretariat GR 16/2961/46IV)

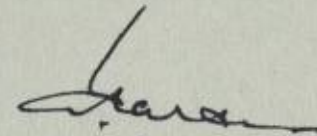
**2**

**FACTORIES AND INDUSTRIAL UNDERTAKINGS  
ORDINANCE.**

**(Chapter 59).**

Resolution made and passed by the Legislative Council under section 7 of the Factories and Industrial Undertakings Ordinance on the 26th day of February 1969.

Resolved, pursuant to section 7 of the Factories and Industrial Undertakings Ordinance, that the Quarries (Safety) Regulations 1969, made by the Commissioner of Labour on the 10th day of February under section 7 of that Ordinance, be approved.



*Deputy Clerk of Councils.*

COUNCIL CHAMBER,  
26th February 1969.

(Secretariat GR 16/2961/46IV)

**QUARRIES (SAFETY) REGULATIONS 1969.**

**ARRANGEMENT OF REGULATIONS.**

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FACTORIES AND INDUSTRIAL UNDERTAKINGS  
ORDINANCE.

(Chapter 59).

QUARRIES (SAFETY) REGULATIONS 1969.

In exercise of the powers conferred by section 7 of the Factories and Industrial Undertakings Ordinance, the Commissioner of Labour has made the following regulations—

PART I.

PRELIMINARY.

Citation and commencement.

1. (1) These regulations may be cited as the Quarries (Safety) Regulations 1969.

(2) Parts III, IV, V and VI shall come into operation on the 1st day of October 1969.

Interpretation.

2. In these regulations, unless the context otherwise requires—

“approved deputy supervisor” means a person approved as a deputy supervisor of a quarry under paragraph (1) of regulation 6;

“approved supervisor” means a person approved as a supervisor of a quarry under paragraph (1) of regulation 4;

“banksman” means a person who, for the purpose of preventing any mechanical equipment in a quarry from going over the edge of any face, side, tip or embankment in the quarry, directs and guides the operator or driver of that equipment from the ground;

(Cap. 59, sub. leg.)

“dangerous occurrence” means an occurrence specified in the Schedule to the Factories and Industrial Undertakings Regulations;

“Equipment Register” means the register required to be kept and maintained in a quarry under sub-paragraph (a) of paragraph (1) of regulation 14;

“mechanical equipment” means a bulldozer, dumper, excavator, grader, lorry or shovel loader, or any mobile machine which is used for the handling of any substance in a quarry;

“overburden” means any other substance which overlies the granite, porphyry or limestone which is extracted in a quarry;

“person trained in first aid” means a person who—

(a) holds a current certificate of competency in first aid issued by the St. John Ambulance Association; or

(b) is a registered nurse within the meaning of the Nurses Registration Ordinance,

(Cap. 164.)

and, until the 1st day of July 1970, also means a person who holds a certificate of competency in first aid issued by the St. John Ambulance Association at any time after the 1st day of October 1959;

“Quarry Inspection Register” means the register required to be kept and maintained in a quarry under sub-paragraph (b) of paragraph (1) of regulation 14;

“supervisor on duty” means the approved supervisor or the approved deputy supervisor under whose supervision any work is for the time being carried on in a quarry in accordance with paragraph (1) or (2) of regulation 25;

“Time Register” means the register required to be kept and maintained in a quarry under sub-paragraph (c) of paragraph (1) of regulation 14;

“vehicle” includes any mechanical equipment; and

“work” includes the operation or driving of any mechanical equipment.

PART II.

APPROVAL OF SUPERVISORS AND DEPUTY SUPERVISORS.

3. (1) An application for the approval of any person as a supervisor of a quarry shall be made by that person in the prescribed form.

Application for approval as supervisor. First Schedule, Form 1.

(2) Every application made under paragraph (1) shall have a full-face photograph of the applicant affixed thereto.

(3) Any application made under paragraph (1) may specify a date, being not more than three months later than the date of the application, before which the applicant does not desire the approval to come into effect.

4. (1) Where, on an application for the approval of any person as a supervisor of a quarry, the Commissioner of Labour is satisfied that the applicant—

Grounds for approval of supervisor.

(a) is not less than thirty years of age;

- (b) has had not less than five years practical experience in work in quarries; and
- (c) is competent to be an approved supervisor of the quarry for the purposes of these regulations,

and that the proprietor consents to the approval of the applicant, the Commissioner of Labour may approve the applicant as a supervisor of the quarry.

(2) Where the Commissioner of Labour approves under paragraph (1) any applicant who has specified under paragraph (3) of regulation 3 a date before which the applicant does not desire such approval to come into effect, such approval shall come into effect on the date so specified.

(3) Subject to paragraph (2), every approval by the Commissioner of Labour under paragraph (1) shall come into effect immediately.

(4) Where, at the time that any approval by the Commissioner of Labour under paragraph (1) comes into effect, the applicant so approved is an approved supervisor or an approved deputy supervisor of any other quarry, the approval of the applicant in respect of such other quarry shall be deemed thereupon to be withdrawn.

(5) Where the approval of any supervisor or deputy supervisor of a quarry is deemed to be withdrawn under paragraph (4), the Commissioner shall forthwith notify the proprietor of such quarry in writing, in English and in Chinese, that such approval has been so withdrawn.

5. (1) An application for the approval of any person as a deputy supervisor of a quarry shall be made by that person in the prescribed form.

(2) Every application made under paragraph (1) shall have a full-face photograph of the applicant affixed thereto.

(3) Any application made under paragraph (1) may specify a date, being not more than three months later than the date of the application, before which the applicant does not desire the approval to come into effect.

6. (1) Where, on an application for the approval of any person as a deputy supervisor of a quarry, the Commissioner of Labour is satisfied that the applicant—

- (a) is not less than twenty-five years of age;
- (b) has had not less than three years practical experience in work in quarries; and

Application for approval as deputy supervisor.  
First Schedule, Form 1.

Grounds for approval of deputy supervisor.

- (c) is competent to be an approved deputy supervisor of the quarry for the purposes of these regulations,

and that the proprietor consents to the approval of the applicant, the Commissioner of Labour may approve the applicant as a deputy supervisor of the quarry.

(2) Where the Commissioner of Labour approves under paragraph (1) any applicant who has specified under paragraph (3) of regulation 5 a date before which the applicant does not desire such approval to come into effect, such approval shall come into effect on the date so specified.

(3) Subject to paragraph (2), every approval by the Commissioner of Labour under paragraph (1) shall come into effect immediately.

(4) Where, at the time that any approval by the Commissioner of Labour under paragraph (1) comes into effect, the applicant so approved is an approved supervisor or an approved deputy supervisor of any other quarry, the approval of the applicant in respect of such other quarry shall be deemed thereupon to be withdrawn.

(5) Where the approval of any supervisor or deputy supervisor of a quarry is deemed to be withdrawn under paragraph (4), the Commissioner shall forthwith notify the proprietor of such quarry in writing, in English and in Chinese, that such approval has been so withdrawn.

7. (1) Where the Commissioner of Labour approves or refuses to approve any person as a supervisor or deputy supervisor under paragraph (1) of regulation 4 or paragraph (1) of regulation 6, the Commissioner shall forthwith notify that person in writing, in English and in Chinese, of his decision.

(2) Where the Commissioner of Labour refuses to approve any person as a supervisor or deputy supervisor, the notice referred to in paragraph (1) shall include—

- (a) a statement of the reasons of the Commissioner of Labour for his refusal; and
- (b) an endorsement which shall set out the provisions of this regulation and of regulations 11, 12 and 13.

(3) Any person whom the Commissioner of Labour refuses to approve as a supervisor or deputy supervisor under paragraph (1) of regulation 4 or paragraph (1) of regulation 6 may appeal by way of petition to the Governor.

Commissioner to serve notice of decision on applicant.

Approval to be withdrawn on request.

8. (1) At the request of an approved supervisor or an approved deputy supervisor in a quarry, the Commissioner of Labour shall withdraw his approval of that supervisor or deputy supervisor.

(2) Where the Commissioner of Labour withdraws his approval of any supervisor or deputy supervisor under paragraph (1), the Commissioner shall forthwith notify the proprietor of the quarry in writing, in English and in Chinese, that his approval has been so withdrawn.

Proprietor to give notice of termination of employment of supervisor or deputy supervisor.

9. (1) Where the proprietor of a quarry ceases to employ an approved supervisor or an approved deputy supervisor, the proprietor shall within fourteen days thereafter notify the Commissioner of Labour in writing, in English or in Chinese, of—

- (a) the full name of that supervisor or deputy supervisor; and
- (b) the date on which he ceased to employ that supervisor or deputy supervisor.

(2) Any proprietor who contravenes paragraph (1) shall be guilty of an offence.

Grounds on which approval of supervisor or deputy supervisor may be withdrawn.

10. (1) Where the Commissioner of Labour is satisfied that an approved supervisor or an approved deputy supervisor of a quarry—

- (a) has been convicted of an offence against these regulations; or
- (b) is no longer acting as an approved supervisor or an approved deputy supervisor of the quarry for the purposes of these regulations,

he may withdraw his approval of that supervisor or deputy supervisor.

(2) Where the Commissioner of Labour withdraws his approval of a supervisor or a deputy supervisor under paragraph (1), the Commissioner shall forthwith serve notice in writing, in English and in Chinese, of his decision on—

- (a) that supervisor or deputy supervisor; and
  - (b) the proprietor of the quarry.
- (3) Every notice referred to in paragraph (2) shall include—
- (a) a statement of the reasons of the Commissioner of Labour for withdrawing his approval; and
  - (b) an endorsement which shall set out the provisions of this regulation and of regulations 11, 12 and 13.

(4) Any supervisor or deputy supervisor in respect of whom the Commissioner of Labour withdraws his approval under paragraph (1) may appeal by way of petition to the Governor.

11. Every appeal under paragraph (3) of regulation 7 or paragraph (4) of regulation 10 shall be brought within twenty-one days of the date of service on the appellant of the notice in writing of the decision of the Commissioner of Labour against which the appeal is brought.

12. Upon any such appeal the Governor may confirm, reverse or vary the decision of the Commissioner of Labour.

13. (1) Where the Commissioner of Labour withdraws his approval of a supervisor or deputy supervisor of a quarry under paragraph (1) of regulation 10, the Commissioner of Labour may permit the supervisor or deputy supervisor to continue to be an approved supervisor or an approved deputy supervisor of the quarry on such conditions, if any, as the Commissioner of Labour thinks fit—

- (a) until the time specified in regulation 11 for bringing an appeal has expired; or
- (b) where the supervisor or deputy supervisor within the time specified in regulation 11 appeals against the decision of the Commissioner of Labour, until the appeal is disposed of,

whichever event occurs first.

(2) Notwithstanding paragraph (1), where the supervisor or deputy supervisor within the time specified in regulation 11 appeals against the decision of the Commissioner of Labour and the appeal is not disposed of within that specified time, the Commissioner of Labour may permit the supervisor or deputy supervisor to continue to be an approved supervisor or an approved deputy supervisor of the quarry on such conditions, if any, as the Commissioner of Labour thinks fit, until the appeal is disposed of.

### PART III.

#### REGISTERS.

14. (1) In every quarry there shall at all times be kept and maintained the following registers—

- (a) an Equipment Register;
- (b) a Quarry Inspection Register; and
- (c) a Time Register.

Time limit for appeal.

Powers of Governor on appeal.

Permission for supervisor or deputy supervisor to continue to act pending appeal.

Registers to be kept in quarry.

First Schedule,  
Forms 2, 3 and 4.

(2) Every register shall be in the prescribed form and may be maintained either in English or in Chinese.

(3) The proprietor of any quarry in respect of which paragraph (1) or (2) is contravened shall be guilty of an offence.

#### PART IV.

##### SAFETY EQUIPMENT.

Quarry to be  
fenced.

15. (1) Every quarry shall be bounded by a five-strand wire fence or by such other type of fence as the Commissioner or any officer authorized in writing by the Commissioner of Labour may approve in writing in any particular case.

(2) Every fence shall be not less than four feet in height above the ground.

(3) The proprietor of any quarry in respect of which paragraph (1) or (2) is contravened shall be guilty of an offence.

Warning  
notices.

16. (1) Every quarry shall have along its boundary fences, at intervals of not more than fifty feet, warning notices in accordance with this regulation.

(2) Every warning notice shall—

(a) face outwards from the quarry; and

(b) bear in letters and characters of not less than one and a half inches in height, the following—

**"DANGER—QUARRY**

危險——石礦場”.

(3) The proprietor of any quarry in respect of which paragraph (1) or (2) is contravened shall be guilty of an offence.

Proprietor to  
provide safety  
helmets.

17. (1) The proprietor of every quarry shall provide for every person who works on any top, face or floor in the quarry a safety helmet of a type approved by the Commissioner or any officer authorized in writing by the Commissioner of Labour.

(2) Any proprietor who contravenes paragraph (1) shall be guilty of an offence.

Proprietor to  
provide safety  
ropes or  
harnesses.

18. (1) The proprietor of every quarry shall provide for every person who works on any top or face in the quarry a set of safety ropes or a safety harness of a type approved by the Commissioner or any officer authorized in writing by the Commissioner of Labour.

(2) Any proprietor who contravenes paragraph (1) shall be guilty of an offence.

#### PART V.

##### FIRST AID IN QUARRIES.

19. (1) No work shall be carried on in any quarry unless the following number of the persons working in the quarry are persons trained in first aid—

Certain number  
of workers to  
be trained in  
first aid.

(a) where less than fifty persons are so working, three persons or such lesser number of persons as the Commissioner or any officer authorized in writing by the Commissioner of Labour may specify in writing in any particular case;

(b) where fifty or more persons but less than three hundred persons are so working, three persons; and

(c) where three hundred or more persons are so working, five persons.

(2) Where any work is carried on in a quarry in contravention of paragraph (1)—

(a) the proprietor; and

(b) the supervisor on duty,

shall each be guilty of an offence.

20. (1) The proprietor of every quarry in which any person trained in first aid is working at the date of commencement of this Part shall within fourteen days thereafter deliver in writing, in English or in Chinese, to the Commissioner of Labour the information required under paragraph (3) in relation to such person.

Proprietor to  
deliver to  
Commissioner  
of Labour  
particulars of  
persons trained  
in first aid.

(2) The proprietor of every quarry in which any person trained in first aid commences to work after the date of commencement of this Part shall within fourteen days of the date on which that person commences to work in the quarry deliver in writing, in English or in Chinese, to the Commissioner of Labour the information required under paragraph (3) in relation to such person.

(3) The information required to be delivered in writing to the Commissioner of Labour in respect of the person trained in first aid shall be—

(a) the full name of such person;

(b) the date on which he commenced to work in the quarry; and

(c) the qualifications by virtue of which he is deemed to be trained in first aid.