

Provided that, in the opinion of the Commissioner having regard to the character of the offender and to the state of discipline in the prison, the other forms of punishment allowed by these rules will prove ineffective.

(2) Light canes or rattans shall not be used except of such patterns as may be approved by the Governor.

Certificate of the Medical Officer that a prisoner is fit for punishment.

64. No prisoner shall be subjected to dietary or corporal punishment or to separate confinement unless the Medical Officer has certified in writing that such prisoner is in a fit condition of health to undergo such punishment.

Duties of Superintendent and Medical Officer at punishment.

65. (1) All corporal punishments awarded by the Commissioner and inflicted within the prison shall be attended by the Superintendent and Medical Officer.

(2) The Medical Officer shall make such recommendations for preventing injury to the health of a prisoner undergoing such corporal punishment as he may deem necessary and it shall be the duty of the Superintendent to carry them into effect.

(3) At any time during the infliction of such corporal punishment the Medical Officer may if he deems it necessary in order to prevent injury to the health of such prisoner, recommend that further punishment shall not be inflicted whereupon the Superintendent shall remit the remainder of the punishment.

(4) The Superintendent shall enter in his journal the hour at which such punishment was inflicted, the number of lashes or strokes inflicted, and any orders which he may have given as to remission.

(j) *Restraints.*

Prohibition of use of mechanical restraints.

66. (1) Mechanical restraints shall not be used as a punishment or for any purpose except—

- (a) to prevent a prisoner from injuring himself or others, or damaging property, or creating a disturbance;
- (b) to ensure the safe custody of prisoners during removal, when handcuffs may be used;
- (c) under the instructions of the Medical Officer.

(2) When it appears to the Superintendent that it is necessary to place a prisoner under mechanical restraint for any of the reasons specified in sub-paragraph (a) of paragraph (1), the Superintendent may order him to be so placed, and notice thereof shall forthwith be given to one of the visiting justices of the period and to the Medical Officer.

(3) The Medical Officer on receipt of the aforesaid notice shall forthwith inform the Superintendent whether he concurs in the order, and if he does not the Superintendent shall act in accordance with any recommendations which he makes.

(4) No prisoner shall be kept under mechanical restraint longer than is necessary, or for a longer period than twenty-four hours unless upon the written order of one of the visiting justices of the period and the Commissioner. Such order shall specify the cause thereof and the time during which the prisoner is to be so kept, and shall be preserved by the Superintendent as his warrant.

(5) Particulars of every case of mechanical restraint shall be forthwith entered by the Superintendent in his journal.

(6) No mechanical means of restraint shall be used except of such patterns and in such manner and under such conditions as may be approved by the Governor.

67. The Superintendent may order any refractory or violent prisoner to be temporarily confined in a special cell certified for the purpose in the same manner as cells to which rule 3 applies, but no prisoner shall be confined in such a cell as a punishment or after he has ceased to be refractory or violent.

Temporary confinement.

(4) *REMISSION.*

68. Every convicted prisoner sentenced to imprisonment, whether by one sentence or cumulative sentences, for a period exceeding one month, shall be eligible, by special industry and good conduct, to earn remission in the manner following—

Remission of sentence.

- (a) the amount of remission which may be earned shall not exceed one third of a sentence of imprisonment: Provided that the remission so earned shall not reduce the period of imprisonment to less than one month;

- (b) the earning of any such remission shall be deemed to terminate a sentence of imprisonment on the date upon which the prisoner is entitled, in accordance with the provisions of paragraph (d) hereof, to be discharged;
- (c) for the purpose of calculating the period of remission that may be earned, the word "sentence" means any continuous period of imprisonment whether as a result of one or more orders of a court or courts;
- (d) (i) on admission to prison every prisoner entitled to earn remission shall be credited with the full amount of remission he is able to earn which shall be deducted from his total sentence;
- (ii) the date thus arrived at shall be recorded as the earliest date of discharge and the date on which his total sentence expires shall be recorded as the latest date of discharge;
- (iii) the Superintendent or such other officer as may be appointed by him may order the forfeiture of remission as punishment, which shall be effected by adding the number of days forfeited to the earliest date of discharge.

(5) STAFF.

(a) General.

Application of the Pensions Ordinance, Colonial Regulations and General Orders. (Cap. 89).

69. The Pensions Ordinance, the Regulations of Her Majesty's Colonial Service and the General Orders of the Government for the time being in force save in so far as they are inconsistent with these rules shall apply to all officers of the Prisons Department and other persons employed in the prisons subject nevertheless to any special considerations in respect of the appointment of any particular officer or person.

Duty of officer to obey orders of superiors.

70. Every officer of the Prisons Department shall obey the lawful commands and orders of his superior in rank and of any officer placed in authority over him.

Duty of officer to direct attention

71. Every officer of the Prisons Department shall direct the attention of the Superintendent to any prisoner (whether he complains or not) who appears to be out of health or whose state of

mind appears to be deserving of special notice and care, and the Superintendent shall without delay bring such cases to the notice of the Medical Officer. to sick prisoners.

72. An officer of the Prisons Department shall not—

- (a) have any pecuniary or other dealing whatsoever with or on behalf of any prisoner, or employ any prisoner on his private account;
- (b) sell or let, nor allow to be sold or let, nor be interested in the selling or letting of, any article to a prisoner;
- (c) receive, at any time or on any pretext whatsoever, any money, fee, or gratuity of any kind for the admission of any visitors to the prison or to prisoners, or from or on behalf of any prisoner;
- (d) borrow money from any contractor for the supply of food or other articles for the use of the prison;
- (e) directly or indirectly, have any interest in any contract for the supply of food or other articles for the use of the prison, nor shall he, under any pretext whatsoever, receive any fee or gratuity from any such person;
- (f) lend money on interest, or in consideration of the payment or promise of repayment of a larger sum, or on any other valuable consideration whatsoever.

Prohibition of certain dealings.

73. An officer of the Prisons Department shall not bring in or carry out, or knowingly allow to be brought in or carried out, of the prison any article of private, or Government, property except in the execution of his duty or with the authority of the Superintendent.

Prohibition of conveyance of property in and out of prison.

74. An officer of the Prisons Department shall not use or consume in the prison, nor take into the prison, nor have therein, except as required by these rules, any intoxicating liquor, opium or other drug, or tobacco or any other unauthorized article.

Prohibition of use, consumption or possession of intoxicating liquor, etc., in prison by officer.

75. Any officer of the Prisons Department who, without lawful authority—

- (a) makes any communication to any person whatsoever concerning the prison or prisoners;

Prohibition of communication as to prison or prisoners.

(b) communicates to the public press information derived from official sources or connected with his duties or the prison,
commits a breach of confidence and shall be liable to dismissal.

(b) *Senior Officers.*

(i) *Commissioner.*

Powers and
duties of
Commissioner.

76. (1) The Commissioner shall, subject to the orders and directions of the Governor, have the administrative command and direction of all prisons and such other institutions as may be placed under his control, and the officers of the Prisons Department and may transfer for duty anywhere within the Colony any such officer.

(2) The Commissioner may, subject to the provisions of these rules and to the orders and directions of the Governor, from time to time frame orders and regulations for the observance of all officers of the Prisons Department.

(3) The Commissioner shall periodically visit and inspect all institutions under his control.

(4) The Commissioner shall issue such orders as may be necessary for the government of all institutions under his control in conformity with these rules, and for the discipline of the persons, other than subordinate officers, employed therein.

(5) The Commissioner shall submit to the Governor as soon as possible after the thirty-first day of March in each year, an annual report for the previous year referring to all subjects of interest connected with the institutions under his control.

(6) The Commissioner may order any subordinate officer and other persons employed in the prisons to make good or pay for any damage done to Government property.

(7) The Commissioner may punish any subordinate officer and other persons employed in the prisons for misconduct, neglect, and breach of duty, or of discipline, or of these rules by a fine not exceeding fifty dollars in all cases referred to him by the Superintendent.

(8) The Commissioner shall pay into the Prisons Department Welfare Fund all moneys received by him in payment of fines.

(9) The Commissioner may permit persons of respectability to view the institutions under his control at such times as he may approve. Visitors shall, at all times, be accompanied by an officer of the Prisons Department.

(10) The Commissioner shall ensure compliance with the provisions of section 22 of the Ordinance at all times.

(11) The Commissioner may exercise all or any of the powers conferred by these rules on the Superintendent and may perform all or any of the duties prescribed for him.

(ii) *Superintendent.*

77. The Superintendent (or other officer in charge of a prison, whatever his or her rank may be) shall supervise and control all matters in connexion with the prison of which he or she may be in charge and shall be responsible to the Commissioner for the conduct and treatment of the officers of the Prisons Department and prisoners under his control and for the due observance by such officers and prisoners of the provisions of these rules and of all orders issued thereunder.

Duty to
supervise
matters
connected
with prison.

78. (1) The Superintendent shall strictly conform to these rules, and he shall be responsible for their due observance by others.

Duty to
conform to
rules and
to enforce
their ob-
servance.

(2) The Superintendent shall keep a journal in which he shall enter such matters as he may be directed.

79. The Superintendent shall observe the conduct of the subordinate officers and other persons employed in the prisons and shall be responsible for the maintenance of strict discipline throughout the prison.

Duty to
maintain
discipline.

80. The Superintendent shall ensure that every officer is fully instructed in his duties.

Duty to
instruct
every
officer in
his duties.

81. The Superintendent shall transmit to the Commissioner without delay any report or complaint which any subordinate officer or other person employed in the prisons may make to him. He shall on no account suppress it, but he may make such explanation as may appear to him to be necessary.

Duty to
transmit
complaints.

Duty as
to gates
and keys.

82. The Superintendent shall ensure that all gates are locked at the proper times and that all keys of the prison are kept in the authorized place or in the possession of the authorized officers, and he shall not allow any key of the prison to be taken outside the prison.

Duty to
take pre-
caution
and make
inspection.

83. The Superintendent shall—

- (a) take every precaution against fire or the escape of prisoners; and
- (b) cause to be thoroughly examined daily all the wards, cells, bolts and locks of the prison; and
- (c) cause to be inspected fortnightly all the rooms, workshops, halls and dormitories thereof, and a record to be kept of such inspections.

Power to
search
officers
and other
persons.

84. (1) The Superintendent may, at any time, order the person or property of any subordinate officer or other person employed in the prisons to be searched if he has reason to suspect that such officer or person is trafficking in articles prohibited by law.

(2) All such searches shall be recorded in a book which shall be shown to the Commissioner on his inspections.

Duty to
ensure that
prohibited
articles are
not brought
into prison
by visitors.

85. The Superintendent shall take proper means to ensure that articles prohibited by law and articles which, in his opinion, are objectionable are not brought into the prison by visitors.

Power to
demand
particulars
from
visitors
and to
search
them.

86. (1) The Superintendent may demand the name and address of any visitor to a prisoner and may, on reasonable grounds of suspicion, require every such male visitor to be searched in his presence, and may direct a female officer of the Prisons Department to search every such female visitor provided that such a search shall, under no circumstances, take place in the presence of another visitor or any prisoner.

(2) Every such visitor who objects to such a search may be refused permission to see a prisoner in which event the Superintendent shall record the fact in his journal.

(3) The Superintendent may remove from the prison any such visitor whose conduct is improper in which event he shall record the fact in his journal.

87. (1) The Superintendent shall frequently test the quality and quantity of the rations supplied to the prisoners.

Duty to
inspect
prisoners'
rations.

(2) He shall, from time to time, visit the prisoners at their meals, and shall inquire into any complaint which may be made to him regarding their rations.

88. The Superintendent shall—

Duty to
ensure
cleanliness.

- (a) enforce the highest possible degree of cleanliness—
 - (i) in every part of the prison;
 - (ii) in the persons of the prisoners and their clothes and bedding;
- (b) ensure that the clothing and bedding of prisoners are in proper repair.

89. (1) The Superintendent shall deliver daily to the Medical Officer separate lists containing the names and numbers—

Duty
towards
Medical
Officer.

- (a) of prisoners under punishment;
- (b) of prisoners who have complained of sickness or any other ailment, whether he considers such complaints groundless or not;
- (c) of prisoners who have appeared before him and who require examination as to fitness for punishment.

(2) The Superintendent shall—

- (a) take care that no prisoner is subject to any punishment which the Medical Officer is satisfied the prisoner is incapable of undergoing;
- (b) consider the Medical Officer's recommendations for the supply of any additional bedding, or the alteration of the diet of any prisoner, or to any alteration of discipline or treatment in the case of any prisoner whose mind or body requires it. If he is unable to approve any such recommendation of the Medical Officer, he shall so inform him in writing of the reasons for refusal, and shall report the facts to the Commissioner.

(3) The Superintendent shall report to the Medical Officer any case of insanity or apparent insanity among prisoners.

Duty to
visit
hospital.

90. The Superintendent shall make daily visits to the hospital and see all prisoners therein. He shall satisfy himself that proper arrangements are made for the safe custody of the sick prisoners, and that discipline is maintained, so far as is consistent with the medical treatment prescribed for them.

Duty as to
sanitary
condition
of prison.

91. (1) The Superintendent shall—

- (a) pay attention to the ventilation, drainage, and sanitary condition of the prison, and take such measures as may be necessary to maintain them in perfect order;
- (b) in the company of the Medical Officer frequently examine the washing-places, baths and closets.

(2) Every officer shall report as soon as they are brought to his notice, any defects discovered in such washing-places, baths and closets.

Duty to
inspect
prison and
prisoners.

92. The Superintendent shall—

- (a) exercise a close and constant personal supervision of the whole prison;
- (b) visit and inspect daily every part of the prison where prisoners are employed or confined;
- (c) visit the prison by night at least twice a fortnight;
- (d) give special attention to every prisoner who for any reason is confined to his cell.

Duty as to
reports and
complaints.

93. (1) The Superintendent shall hear daily all reports at such hours as may be most convenient.

(2) The Superintendent shall ensure that every prisoner having a complaint to make or a request to prefer to him shall have ample facilities for so doing, and he shall take all the necessary steps to redress all grievances so far as is possible.

Duty to
assist
police.

94. The Superintendent shall assist the police in the identification of prisoners, and shall, for this purpose, give all such information within his knowledge.

95. The Superintendent shall—

- (a) exercise a general supervision over stores;
- (b) at frequent intervals check items in stores against the numbers or quantities in the store ledger in order to ascertain whether they agree;
- (c) from time to time check moneys and property belonging to prisoners and ensure that they are properly kept.

Duty to
check
stores and
prisoners'
property.

96. The Superintendent shall, on the occasion of a prisoner who is committed for trial, being served with a copy of the indictment, with the notice of trial endorsed thereon or annexed thereto, ask him if he wishes to see a legal adviser or if he wishes to call witnesses for his defence, and shall at once inform the police authorities in order that any such witnesses may, if required, be summoned to appear at his trial.

Duty
towards
prisoners
committed
for trial.

97. The Superintendent shall be responsible for the production of all prisoners committed for trial at the sessions of the Supreme Court acting in the exercise of its criminal jurisdiction, and he shall take measures as he may deem necessary for their safe custody.

Duty to
produce
prisoners
at sessions.

98. The Superintendent shall be responsible for the discharge of all prisoners as soon as they are entitled to be released for any reason whatsoever.

Respon-
sibility for
discharge of
prisoners.

99. The Superintendent shall whenever a violent prisoner cannot be restrained by normal means and whose violence is, in his opinion, due to the prisoner's mental condition, or disease report the fact to the Medical Officer, and shall act on his instructions.

Duty to
report in-
ability to
restrain a
violent
prisoner.

100. The Superintendent shall attend on every occasion when corporal punishment is inflicted within the prison. He shall enter in his journal the hour at which the punishment was inflicted, the number of strokes and any order which he or the Medical Officer may have given on the occasion.

Duty to
attend on
occasion
when
corporal
punishment
is inflicted.

101. The Superintendent shall attend at every execution, and shall enter in his journal the hour when it occurred.

Duty to
attend
executions.

Duty to give notice of death of prisoner.

102. (1) Upon the death of a prisoner the Superintendent shall give immediate notice thereof to the magistrate having jurisdiction, to the Commissioner, and, where practicable, to the nearest relative of the deceased.

(2) After any death inquiry on a prisoner the Superintendent shall report to the Commissioner the finding and such other facts of importance as may arise at such inquiry.

Devolution and delegation of duties and powers.

103. (1) In the absence of the Superintendent his duties and powers shall devolve upon the officer detailed by the Commissioner to act in his place.

(2) The Superintendent may delegate to the Chief Officer such duties and powers as the Commissioner may, from time to time, approve.

(iii) *Chief Officer.*

Prohibition against absence without permission.

104. The Chief Officer shall not absent himself from his duties without the permission of the Superintendent.

Duty to assist in the supervision of officers and prisoners.

105. The Chief Officer shall assist in the general superintendence of the officers of the Prisons Department and prisoners and in the details of duties, and shall report to the Superintendent any misconduct or disobedience or orders on the part of the subordinate officers or prisoners.

Responsibility as to execution of duties.

106. The Chief Officer shall be responsible to the Superintendent that the details of duties connected with the prison are carried out with promptness and regularity, and in strict accordance with these rules and the Superintendent's orders. He shall also enforce the greatest economy.

Duty to ensure fitness for duty.

107. The Chief Officer shall ensure that the officers of the Prisons Department are in all respects fit for, and properly acquainted with, their duties. He shall also ensure that new orders are communicated to them.

Duty to restrain tendency to oppression.

108. The Chief Officer shall restrain by his authority every tendency to oppression or undue harshness on the part of the officers of the Prisons Department.

109. The Chief Officer shall at once communicate to the Superintendent every circumstance, which may come to his knowledge, likely to affect the security, health or discipline of the prisoners, or the efficiency of the officers of the Prisons Department or anything which may in any way require his attention.

Duty to communicate circumstances affecting discipline, etc.

110. The Chief Officer shall take care that every prisoner on admission is strictly searched and that all knives, weapons, instruments, money, opium, tobacco or anything prohibited by law, or by the Superintendent's orders, or which is likely to facilitate escape, or which is, in the opinion of the Superintendent, objectionable, are taken away from him.

Duty to search prisoners.

111. The Chief Officer shall ensure that the officer in charge of the reception of prisoners records in the register provided for that purpose the name, age, height, weight, features, particular marks and general appearance of every prisoner on admission, with such other measurements and particulars as may be required.

Duty to ensure recording of particulars on admission of prisoners.

112. (1) The Chief Officer shall cause to be recorded in a book provided for that purpose the particulars of all articles, including clothing, and other effects, taken from prisoners and all such other things as may be sent in from time to time on their account, together with the dates of their receipt and restoration.

Duty to record particulars of prisoners property.

(2) The Chief Officer shall keep all such articles and things in a suitable place to be provided for that purpose, and shall restore them to the prisoners on their discharge, except articles which he has found necessary to destroy, or such money, or such property as the Superintendent may deem fit to confiscate, or to allow prisoners to have to assist them in their defence on their trial.

113. The Chief Officer shall cause all the prisoners to be counted three times a day, and shall satisfy himself that the number is correct.

Duty to count prisoners.

114. The Chief Officer shall—

Miscellaneous duties.

- (a) make daily inspection of every part of the prison and ensure its cleanliness and good order;
- (b) ensure the effectiveness of the measures of security employed in the yards and other places;

- (c) pay special attention to prisoners under punishment;
- (d) ensure that every prisoner who wishes to see the Superintendent is given an opportunity to do so;
- (e) ensure that ladders, planks, ropes, chains and anything likely to facilitate escape are not left exposed in the yards;
- (f) frequently visit the workshops, yards and corridors to ensure that prisoners are kept at their work;
- (g) occasionally visit the wards at night without previous notice to ensure that the prison officers on duty are on the alert;
- (h) diligently observe the behaviour of all officers of the prisons to ensure that they adhere strictly to these rules and the orders of the Commissioner;
- (i) report immediately to the Superintendent any neglect of duty or misconduct which may come to his knowledge.

Duty to accompany visiting justices.

115. The Chief Officer shall accompany the visiting justices in their visits of inspection and bring before them any prisoner who wishes to see them.

Duty as to food.

116. The Chief Officer shall—

- (a) superintend the issuing of the prisoners' meals;
- (b) ensure that every article of food supplied for the use of the prisoners is sound and of good quality;
- (c) ensure that the scales, weights and measures in use in the prison for the issue and distribution of provisions and stores are accurate and in good order.

Duty as to personal cleanliness of prisoners.

117. The Chief Officer shall ensure that the prisoners' clothing is kept in good state of repair, their hair kept trimmed, and their washing, hair clipping and personal ablutions attended to.

Duty as to keys.

118. The Chief Officer shall carry out the orders of the Commissioner as to the safe custody of keys during the night.

Duty to make weekly inspections of officers' quarters.

119. The Chief Officer shall make weekly inspections of the quarters occupied by officers of the Prisons Department, and shall report the result of his inspection to the Superintendent.

120. The Chief Officer shall supervise the exercise of the fire party at least once in every month.

Duty to supervise fire party.

121. In the absence of the Chief Officer his duties shall be performed by the officer detailed by the Superintendent to perform them.

Performance of duties in absence of Chief Officer.

(c) *Other Officers.*

(i) *Assistant Chief Officer.*

122. The Assistant Chief Officer shall, in his general conduct and in the discharge of his duties, conform to these rules, the Commissioner's orders, and the instructions laid down for the Chief Officer, and in addition, he shall perform such duties as may be ordered by the Commissioner.

Duty to conform to rules and orders.

123. In the absence of the Assistant Chief Officer his duties shall be performed by the officer detailed by the Superintendent to perform them.

Performance of duties in absence of Assistant Chief Officer.

(ii) *Principal Officers.*

124. The Superintendent shall place in the immediate charge of the Principal Officers certain prisoners and parts of the prison and they shall be responsible for the maintenance of proper order and discipline among such prisoners and in such portions of the prison.

Principal Officers to have particular charge of certain prisoners and parts of the prison.

125. The Principal Officers shall ensure that the officers under them leave for and return from their meals punctually, and it shall be their duty to report any unpunctuality to the Superintendent.

Duty to ensure punctuality at meals.

126. The Principal Officers shall—

- (a) ensure that all prisoners are kept strictly to their labour;
- (b) shall diligently observe the behaviour of all subordinate officers and prisoners;
- (c) ensure strict adherence to these rules and to the orders of the Commissioner;

Miscellaneous duties of Principal Officers.

- (d) report immediately to the Chief Officer any neglect or misconduct on the part of any officer of the Prisons Department or prisoner which may come to their knowledge.

Duty to attend to orders regarding punishment.

127. The Principal Officers shall personally attend to the execution of orders as to punishment inflicted on prisoners, and shall ensure that all prisoners under punishment are provided with necessaries.

Duty to inspect parts of the prison, water cocks and fire appliances.

128. The Principal Officers shall—

- (a) frequently inspect every part of the prison placed under their immediate charge;
- (b) inspect all locks, bars, bolts and other measures of security to ensure that they are in good order;
- (c) ensure that the prisoners are not in possession of any article without authority, for which purpose they may frequently search the prisoners;
- (d) ensure that fire appliances are in good working order;
- (e) ensure that the fire buckets are at all times kept properly filled;
- (f) ensure that the water pipes and cocks are in good working order, and that no leakages exist.

Duty to check prisoners and to supervise their locking up.

129. The Principal Officers shall check the number of prisoners in their immediate charge and shall supervise the unlocking and locking up of such prisoners.

Duty to receive keys.

130. The Principal Officers shall, after the locking up of all prisoners in their immediate charge, receive all keys and hand them over to the officer in charge of night duties.

Performance of duties in the absence of a Principal Officer.

131. In the absence of a Principal Officer his duties shall be performed by the officer detailed by the Superintendent to perform them.

(iii) *Subordinate Officers.*

132. Subordinate officers shall obey the lawful commands and orders of the Commissioner, their superiors in rank and of any officer placed in authority over them and shall perform such duties as may be ordered by them.

Duty of subordinate officers to obey superior officers.

133. Subordinate officers shall frequently examine the locks, bars, bolts and other measures of security, the state of the cells and the bedding of the prisoners, and shall seize and deliver forthwith to a superior officer all articles for the possession of which no authority has been given.

Duty to examine measures of security and to seize articles for the possession of which no authority has been given.

134. Officers of the Prisons Department shall keep their keys attached on their key chains, and shall on leaving their posts deliver them to the officer appointed to receive them. They shall on no account take their keys out of the prison.

Prison keys.

135. Subordinate officers shall, when on duty, appear correctly and neatly dressed in the uniform approved for their rank.

Duty to be correctly and neatly dressed.

136. Subordinate officers shall—

- (a) treat the prisoners with kindness and humanity;
- (b) listen patiently to any prisoner who has a complaint to make;
- (c) inform the Chief Officer when any prisoner desires to see him or the Superintendent;
- (d) be firm in maintaining order and discipline and in enforcing observance of these rules and the Commissioner's orders.

Miscellaneous duties.

137. Subordinate officers may be granted leave on alternative Saturdays and Sundays, and on Good Friday and Christmas Day or on other days in lieu, on Government holidays, if convenient, and in accordance with the General Orders of the Hong Kong Government at such other times as they can be spared.

Leave of absence.

Rules
regarding
medical
treatment.

138. (1) Medical treatment and sick leave may be granted to or withheld from subordinate officers under the provisions of General Orders of the Government.

(2) Every officer of the Prisons Department received into hospital for observation and who is subsequently certified to be malingering shall receive no pay, for the period during which he was under observation, and all hospital expenses and charges incidental thereto shall be paid by such officer.

(3) Subordinate officers shall go into hospital when ordered to do so by the Medical Officer and shall remain in hospital so long as the Medical Officer in charge of the hospital directs. They shall, while in hospital, obey all hospital regulations.

Prohibition
of
sleeping
out.

139. (1) Subordinate officers shall not sleep out of such quarters as the Government may assign to them without the permission of a Superintendent.

(2) If a subordinate officer is discharged, dismissed or resigns he shall immediately give up the quarters he has occupied.

(3) A subordinate officer occupying Government quarters shall not let lodgings therein.

Application
of rules 132
to 138 to
persons
employed
in prisons.

140. Rules 132 to 138 inclusive shall apply to all other persons employed in the prisons.

(d) *Medical.*

(i) *Medical Officer.*

General
duties.

141. The Medical Officer shall—

- (a) have the medical charge and shall be responsible for the treatment when sick of all the prisoners in a prison;
- (b) give medical advice and assistance, including medicines, to the officers of the Prisons Department and their families;
- (c) keep such statistical records and furnish such returns and reports as may be ordered by the Commissioner relative to the health and medical treatment of such officers and prisoners, the sanitary conditions of a prison and of the quarters occupied by such officers.

142. The Medical Officer shall—

Duty to
prisoners.

- (a) visit every prison under his charge at times to be arranged by the Commissioner, or at such other times as may be necessary;
- (b) every day see such of the prisoners who complain of illness and report in writing to the Superintendent their fitness or otherwise for labour;
- (c) for the information of the Superintendent, enter in a book kept for that purpose all directions which he may deem necessary to give relative to the treatment of any prisoner not admitted to the hospital;
- (d) make daily visits to the sick in the prison hospital;
- (e) attend at once any officer of the Prisons Department or prisoner on the receipt of information that he is seriously ill;
- (f) make daily visits to all prisoners undergoing punishment, in separate confinement, or under special discipline;
- (g) make daily examinations of the newly admitted prisoners and pass them fit for labour or otherwise;
- (h) frequently examine the washing-places, baths and other provision for purposes of cleanliness and sanitation to ensure the efficient working thereof, and report forthwith all defects in connexion therewith to the Superintendent;
- (i) immediately before punishment is inflicted examine the prisoner and satisfy himself that he is both mentally and physically fit to undergo punishment, and shall make such recommendations for preventing injury to the prisoner's health as he may deem necessary, and the Superintendent shall carry such recommendations into effect;
- (j) attend on every occasion when corporal punishment is inflicted in the prison, and ensure obedience of his instructions for the prevention of injury to the health of a prisoner;
- (k) attend every execution.

Duty to
examine
prisoners'
food,
bedding,
etc.

143. The Medical Officer shall—

- (a) examine frequently the cooked and uncooked food of the prisoners;
- (b) report to the Superintendent as to the quality of such food;
- (c) report as to the sufficiency of clothing and bedding;
- (d) report any deficiency in the quality or quantity of water;
- (e) report any cause whatsoever which may affect the health of the prisoners.

Duty to
prevent
epidemic.

144. The Medical Officer shall take such action and employ such treatment as he may consider necessary or expedient for the prevention, as far as possible, or mitigation of any epidemic or endemic contagious or infectious disease in a prison.

Duty to
give
written
directions
for the
segregation
of
prisoners.

145. The Medical Officer shall give written directions for the segregation of prisoners having infectious complaints, or suspected of having them, and for cleansing, disinfecting or destroying any infected apparel or bedding.

Duty to
make
special
reports
regarding a
prisoner's
health.

146. (1) The Medical Officer shall—

- (a) report in writing to the Superintendent any prisoner who, in his opinion, it is necessary so to report for medical reasons;
- (b) make recommendations which appear to him to be necessary for the alteration of the discipline or treatment of such prisoner, or for the supply of additional articles to him.

(2) The Medical Officer shall make his recommendations in writing to the Commissioner for transmission to the Governor whenever he is of opinion that the life of any prisoner will be endangered by his continuance in prison, or that any sick prisoner will not survive his sentence, or is totally or permanently unfit for prison sentence.

147. The Medical Officer shall enter in a journal to be kept in the prison—

Duty to
keep a
journal.

- (a) any observation or suggestion he may deem necessary to make regarding the food served to prisoners or with regard to any other matter connected with their health;
- (b) a short daily record of all sick prisoners under treatment containing particulars as to whether they are in hospital or not, their names, the nature of their complaints, and the treatment prescribed.

148. The Medical Officer shall on the death of any prisoner forthwith enter in his journal the following particulars—

Duty rela-
ting to the
death of a
prisoner.

- (a) the time the deceased was taken ill;
- (b) the time the illness was first reported to him;
- (c) the nature of the disease;
- (d) the time of death, with an account of the appearances after death (in cases when a *post mortem* examination has been made) and such further remarks which, in his opinion, are necessary.

149. The Medical Officer shall examine every prisoner on the day prior to his discharge from prison and certify as to his fitness to leave the prison, and to such other particulars regarding him as may be necessary.

Duty to
examine
prisoner on
discharge.

150. The Superintendent may place at the disposal of the Medical Officer well-behaved prisoners for the purpose of attending on the sick and for the performance of such other work in connexion with a hospital as may be necessary.

Power to
appoint
hospital
orderlies.

151. The Medical Officer shall report to the Superintendent any irregularity in a prison hospital which may come to his knowledge or any difficulty or obstruction which he may meet with in the performance of his duty.

Duty to
report
irregula-
rity.

152. (1) The Medical Officer shall ensure that all medicines and stimulants are securely locked up and not accessible to any prisoner.

Duty to
lock up
medicines.

(2) Medicine shall not be administered to any prisoner without the Medical Officer's instructions except in case of urgent necessity.

Duty to examine candidates for employment.

153. The Medical Officer shall examine all candidates for employment as subordinate officers or servants of the prison and shall report their suitability as to their physical fitness.

Duty to submit journal to Commissioner.

154. The Medical Officer shall submit his journal for the Commissioner's inspection at least once every three months and shall report at the same time on the condition of the prison and the state of health of the prisoners and officers, recording any want of cleanliness, proper drainage, warmth, ventilation, or any insufficiency or bad quality of the bedding, clothing, provisions or water.

Duty to submit annual report.

155. The Medical Officer shall, as soon as possible after the 31st day of March in each year, deliver to the Commissioner for transmission to the Director of Medical and Health Services a report containing—

- (a) the number of sick among the prisoners for the year just ended;
- (b) the rate of mortality among the prisoners;
- (c) particulars as to the state of the sanitary conditions of the prisons;
- (d) the type of diseases most prevalent in the prisons, and the defects in the construction or management of the prisons to which such diseases may be attributable;
- (e) the precautions to be taken to prevent the recurrence of such diseases.

Duty to record and report use of restraint.

156. The Medical Officer whenever he gives instructions for the use of a strait jacket for the restraint of violent prisoners shall record the use of such restraint in his journal and report its use to the Commissioner.

Duty to conform to rules and Commissioner's order, etc.

157. The Medical Officer shall conform to these rules and the Commissioner's orders, and shall support the Superintendent in the maintenance of discipline and order and assist him in the safe custody of the prisoners.

158. The Medical Officer or, if the prisoner shall have been sent to a mental hospital for observation, the medical officer in charge of such hospital shall keep under constant and special observation every prisoner confined under sentence of death in prison, and shall not later than seven days after the date of the sentence, submit to the Superintendent a report on such prisoner's mental condition for immediate transmission to the Governor.

Duty to furnish report as to the mental condition of a prisoner under sentence of death.

159. The Medical Officer shall draw the attention of the Superintendent to any prisoner who he may have reason to think has suicidal intentions in order that special observation may be kept on such prisoner, and the Superintendent shall, without delay, direct that such prisoner be observed at frequent intervals.

Duty to draw attention of Superintendent to prisoners with suicidal intentions.

(ii) *Hospital Supervisor.*

160. The Hospital Supervisor shall be on duty at such hours as the Commissioner may direct.

Hours of duty.

161. (1) The Hospital Supervisor shall have the charge and custody of all the drugs, surgery stock, surgical instruments and appliances, and shall be responsible to ensure that they are kept in good and proper order in accordance with the instructions of the Medical Officer.

Duty as to drugs, prescriptions, etc.

(2) He may, if qualified, compound the prescriptions issued by the Medical Officer and shall issue the surgical stock and medicines in accordance with his instructions.

(3) He shall not, except in cases of urgent necessity, issue any medicines or surgical appliances without the sanction of the Medical Officer.

(4) He shall keep a record of the receipt and issue of drugs and shall perform such other clerical work in connexion with his hospital duties as he may be directed.

(5) He shall attend on the Medical Officer as directed and shall give such assistance in the examination of prisoners or in the performance of operations as may be required.

(6) He shall, irrespective of the time, sleep in the prison hospital if required so to do in cases of emergency or serious illness.

(7) He shall wear uniform if so ordered.

Per-
formance
of duties
in the
absence of
Hospital
Super-
visor.

162. In the absence of the Hospital Supervisor his duties shall be performed by the Assistant Hospital Supervisor.

(iii) *Assistant Hospital Supervisor.*

Rules
relating to
Hospital
Supervisor
to apply to
Assistant
Hospital
Supervisor.

163. The rules relating to the Hospital Supervisor shall be equally applicable to the Assistant Hospital Supervisor, whose further duty shall also be to assist the Hospital Supervisor, and to perform such other duties as the Commissioner and the Medical Officer shall order.

(iv) *Other Hospital Staff.*

Duty of
Hospital
Warders
and Staff
to carry
out medical
instructions
of Medical
Officer.

164. Hospital Warders and other Hospital Staff shall carry out the medical instructions of the Medical Officer. In all other respects they shall be subject to these rules and to the Commissioner's orders.

(e) *Chaplains.*

Power of
chaplains
to visit
prisoners.

165. (1) The chaplains of the various denominations appointed by the Governor shall have access to the prisoners at all reasonable times.

(2) The chaplains shall conduct divine service on Sundays in the prisons in their charge.

Duty of
chaplains
to report
abuses,
etc.

166. The chaplains shall, as soon as is conveniently possible, inform the Superintendent—

- (a) of any abuse or impropriety in the prison which may come to their knowledge;
- (b) whenever they are of opinion that the mind of a prisoner may be injuriously affected by any punishment awarded.

Celebration
of Holy
Communion.

167. (1) The chaplains shall administer the Holy Sacrament of the Lord's Supper on suitable occasions to all prisoners who wish to communicate.

(2) The time of the celebration of Holy Communion shall be notified in advance, and it shall be the duty of the communicants to inform the chaplains of their intention before the appointed times.

168. The chaplains shall, as soon as possible after the 31st day of March in each year, send to the Commissioner for transmission to the Governor a report containing all matters connected with their office which they consider necessary to bring to the notice of the Governor.

Duty to
furnish
report.

(f) *First Clerk.*

169. The First Clerk shall have charge of the clerical staff and shall be responsible for the proper keeping of stores and accounts.

Responsi-
bility of
First
Clerk.

(g) *Storekeeper.*

170. The Storekeeper shall—

Responsi-
bilities and
duties.

- (a) be responsible for the due receipt, custody and issue of all stores in such manner as the Commissioner may, from time to time, direct;
- (b) ensure that all stores are kept in an orderly and systematic manner in the appointed place;
- (c) be responsible for the proper marking, before issue, of all articles which require marking;
- (d) ensure the safe custody of all stores and shall keep them properly locked up except when receiving or issuing goods;
- (e) be responsible every day before leaving the prison for the proper locking up of all stores;
- (f) leave with the Gate Keeper the store-room keys securely locked up in a box of which only the Superintendent and himself shall have a key;
- (g) not concern himself with any business not connected with his office.

(h) *Clerical Staff.*

Inter-change-ability of duties.

171. The members of the clerical staff shall be treated as a whole and their duties may be interchanged, at any time, at the discretion of the Commissioner.

Duty to attend to their duties.

172. (1) The clerks shall attend to their duties at such hours as the Commissioner may direct.

(2) The clerks shall be allowed leave on Saturday afternoons and general holidays or time off in lieu thereof when ordered to report for duty on such days.

(i) *Female Staff.*

(i) *Matron.*

Duty to reside in quarters and the responsibility for prison for females.

173. (1) The Matron, who shall reside in such quarters adjacent to the prison for females as she may be ordered, shall have the immediate care and charge of such prison.

(2) She shall be responsible to such officer as the Commissioner may name for the care and good order of such prison.

Duty to conform to rules, etc., applicable to female prisoners.

174. The Matron shall conform to all the rules, Commissioner's orders and instructions laid down for the treatment and care of prisoners in so far as they may be applicable to female prisoners.

Duty regards meals and visits.

175. The Matron shall—

- (a) superintend the issue of meals to the female prisoners;
- (b) during the day frequently inspect the prison for females;
- (c) at least once a week visit every part of such prison during the night without previous notice.

Duty to remain on duty and not to be absent from quarters.

176. The Matron shall not, without the permission of the Commissioner first had and obtained, be absent from the prison during her hours of duty nor from her quarters during the night. When leave is granted she shall record the fact in her journal.

Duty as to male officers and visitors.

177. The Matron shall ensure that no male officer or visitor enters the prison for females, unless accompanied by herself or some other female officer of the Prisons Department.

178. The Matron shall—

Duty as to search and clothing.

- (a) cause female prisoners to be searched on admission and on such other occasions as she may deem necessary;
- (b) ensure that they are bathed and properly clothed in the prison dress;
- (c) pay special attention to female prisoners in solitary confinement.

179. (1) The Matron shall record in a book provided for that purpose the particulars of all articles, including clothing and other effects, taken from female prisoners and all such other things as may be sent in from time to time on their account, together with the dates of their receipt and restoration.

Duty to record particulars of prisoners' property.

(2) The Matron shall keep all such articles and things in a suitable place to be provided for that purpose, and shall restore them to the prisoners on their discharge, except articles which she has found necessary to destroy, or such money, or such property as the Superintendent may deem fit to confiscate, or to allow prisoners to have to assist them in their defence on their trial.

180. The Matron shall ensure that the wards, cells and yards of the prison for females are kept scrupulously clean.

Duty to ensure cleanliness.

181. The Matron shall keep recorded in a journal, which she shall submit to the Commissioner or other senior officer when he is on his visit, all occurrences of importance within her department.

Duty to keep journal.

182. In the absence of the Matron her duties shall be performed by the Assistant Matron, or by such other female officer as the Commissioner may appoint.

Performance of duties in the absence of Matron.

(ii) *Assistant Matron.*

183. The Assistant Matron shall assist the Matron in the performance of her duties, and shall also carry out such further duties as the Commissioner may order.

Duty to assist Matron.

(iii) *Principal Wardress.*

Duty to obey orders of Matron. **184.** The Principal Wardress shall obey the orders of the Matron, and shall be subject to the rules laid down for Principal Officers.

(iv) *Wardresses.*

Duty to obey orders of Matron, etc. **185.** The Wardresses shall obey the orders of the Matron, Assistant Matron and Principal Wardress, and shall be subject to the rules laid down for subordinate officers.

PART II.

SPECIAL RULES FOR PARTICULAR CLASS OF PRISONERS.

(1) PRISONERS AWAITING TRIAL.

(a) *General.*

Prisoners awaiting trial. **186.** (1) The following rules shall apply to persons (hereinafter referred to as "prisoners awaiting trial") committed to prison for safe custody in any of the following circumstances—

- (a) on their committal for trial for any indictable offence;
- (b) on their detention pending the preliminary hearing before a magistrate of a charge against them on an indictable offence;
- (c) on their detention pending the hearing of an information or complaint against them;
- (d) on their detention in any proceedings under the Extradition (Hong Kong) Ordinance, and the Extradition Acts, 1870 and 1873, whether pending the extradition proceedings or awaiting their surrender;
- (e) on their detention in any proceedings under the Chinese Extradition Ordinance, whether pending the extradition proceedings or awaiting their surrender;
- (f) whose cases have been referred back to a magistrate under the provisions of sections 11 and 12 of the Criminal Procedure Ordinance, while the cases are being so dealt with;
- (g) debtors;

(h) on their commitment under section 27 or 29 of the Bankruptcy Ordinance; (Cap. 6).

(i) who have been declared by any enactment in force in the Colony to be or are to be treated as prisoners awaiting trial.

(2) Where any of the circumstances stated in paragraph (1) becomes applicable to a person who is already a convicted prisoner, rules 202 and 204 shall apply to him as if he were a prisoner awaiting trial.

(b) *Admission and Treatment.*

187. A prisoner awaiting trial shall not be required to take a Bath. bath on reception, if, on the application of the prisoner, the Superintendent decides that it is unnecessary, or the Medical Officer states that it is for medical reasons inadvisable.

188. Prisoners awaiting trial shall be kept apart from convicted prisoners and shall not be allowed to associate with them at any time. Segregation.

189. The Superintendent may modify the routine of the prison in regard to any class of prisoners awaiting trial, so far as to dispense with any practice which, in the Superintendent's opinion, is clearly unnecessary in the case of that particular class of prisoners. Power of Superintendent to modify routine.

(c) *Food and Clothing.*

190. Every prisoner awaiting trial may procure for himself, or receive at proper hours, food and malt liquor. If he does not provide himself with food, he shall receive the prison diet. Power to procure food.

191. Every prisoner awaiting trial who prefers to provide his own food for any meal shall give notice thereof in advance of the time the meal is required, but the Superintendent shall not permit any such prisoner to receive any prison diet for the meal for which he procures or receives food at his own expense. Notice as to provision of food.

192. Articles of food, which shall be received only at hours to be fixed from time to time for the purpose, shall be inspected by the receiving officer and shall be subject to such restrictions as may be necessary to prevent luxury or waste. Restriction on provision of food.

Restriction
as to
articles of
drink.

193. Every prisoner awaiting trial shall not, during any period of twenty-four hours, receive or purchase more than one pint of malt liquor or cider, or more than half a pint of wine.

Permission
to wear
private
clothes.

194. (1) Every prisoner awaiting trial may wear his own clothes if sufficient and fit for use, and provided they are not required to be preserved for the purpose of justice.

(2) Such prisoner may also procure for himself or receive, such articles of clothing, at such hours, as may be approved by the Superintendent.

Power of
Medical
Officer to
order dis-
infection
of private
clothes.

195. (1) The Medical Officer may, for the purpose of preventing the introduction or spread of infectious disease, order that the clothes of a prisoner awaiting trial, who is allowed to wear his own clothes in prison, be disinfected as speedily as possible.

(2) During the process of such disinfection such prisoner may wear prison clothing.

Prohibition
of sale.

196. Every prisoner awaiting trial shall not sell or transfer to any other person any article whatsoever allowed to be introduced into the prison for his own use.

(d) *Cleanliness.*

Direction
as to hair
cutting.

197. The hair of every prisoner awaiting trial shall not be cut closer than may be necessary for the purpose of health and cleanliness.

Duty as to
cleanliness
of room,
etc.

198. Every prisoner awaiting trial shall—

- (a) make his bed and clean the room and yard in his occupation every morning;
- (b) keep clean and in good order the furniture and utensils appropriated for his use.

(e) *Employment.*

Option of
employ-
ment.

199. Every prisoner awaiting trial shall have the option of employment in the service or industries of the prison at his election. In the event of a prisoner electing to be so employed he shall receive payment in accordance with rates to be fixed by the Commissioner.

(f) *Papers, etc.*

200. (1) The Superintendent shall, on the application of any prisoner awaiting trial, permit him to have any books, papers or documents in his possession at the time of his arrest, which may not be required to be produced in evidence, and are not reasonably suspected of forming part of any property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice.

Temporary
retention
and supply
of papers,
etc.

(2) Any such prisoner shall have supplied to him, at his own expense, such newspapers, or other means of occupation as are not, in the opinion of the Superintendent, of an objectionable nature.

(g) *Visits and Communications.*

201. (1) Every prisoner awaiting trial shall, subject to the order of the Superintendent, be permitted to be visited by one visitor, or if circumstances permit, by two at the same time, for a quarter of an hour on any week day, during such hour as may from time to time be appointed.

Rule as to
visitors.

(2) The Superintendent may, in special cases, permit the visit to be prolonged, and allow more than two visitors to visit such prisoner at one time.

202. Every prisoner awaiting trial may for the purposes of his defence receive a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply to a visit by his legal adviser.

Private
medical
adviser.

203. Every prisoner awaiting trial who is in prison in default of bail shall be permitted to see any of his relatives or friends, on any week day, at any reasonable hour, for the *bona fide* purpose of providing bail.

Right to
see visitors
for the
purpose of
finding
bail.

204. (1) Every prisoner awaiting trial may send and receive letters at all reasonable times and shall be furnished by the Superintendent with a reasonable amount of paper and other writing materials for the purpose of communicating with his friends or for preparing his defence.

Written
communica-
tions.

(2) Any confidential written communication, prepared as instructions to counsel or solicitor of such prisoner, may be delivered personally to such counsel, or solicitor, or his authorized clerk without previous censoring by an officer of the prisons.

(3) All other written communications shall be treated as letters and censored in accordance with the provisions of rule 46(b) and shall not be sent out of the prison without the prior authority of the Superintendent.

Duty to attend religious services.

205. It shall not be compulsory for any prisoner awaiting trial to attend any religious services except those of his own church or persuasion, but, subject to the foregoing provisions, he shall attend divine service on Sundays and on other days when such service is held, unless prevented by illness, or excused by the Superintendent.

(h) *Miscellaneous.*

Power of visiting justices and Superintendent to grant and withdraw facilities.

206. (1) The visiting justices or the Superintendent before granting any permission which by these rules they are authorized or required to grant, shall satisfy themselves that it can be granted without interfering with the security, good order and government of the prison.

(2) If there is any abuse of the facilities so granted, the visiting justices shall have power to suspend or withdraw such permission, and the Superintendent may withdraw it if granted by himself, or suspend it if granted by the visiting justices, if the case is urgent, provided he reports the case as soon as possible to the visiting justices.

Duty to keep prisoner charged with capital offence under special and constant observation.

207. (1) Every prisoner charged with a capital offence shall be kept under special observation at all times, and the Medical Officer shall keep a written record, in which entries shall be made from time to time, of the prisoner's physical and mental condition.

(2) The Medical Officer may, if he considers that it will be of assistance to him in forming an opinion as to the mental condition of such prisoner, apply to the Registrar of the Supreme Court for a copy of the depositions taken before the magistrate.

208. (1) The Medical Officer or, if the prisoner shall have been sent to a mental hospital for observation, the medical officer in charge of such hospital shall, not later than 7 days before the trial of a prisoner charged with a capital offence, submit a report to the Registrar of the Supreme Court and to the Attorney General on the mental condition of such prisoner, stating whether or not the prisoner has exhibited any indication of insanity and whether or not he is fit to plead.

Duty of Medical Officer to submit report on mental condition of prisoner charged with capital offence.

(2) Such report shall not express any opinion as to the prisoner's degree of responsibility at the time the offence was committed, but if, from symptoms exhibited while under observation in the prison or in a mental hospital the Medical Officer or the medical officer in charge of a mental hospital, as the case may be, is of opinion that insanity exists and has done so for some time previous to the offence, or that there is any history of insanity, his report should embody this opinion.

(2) *APPELLANTS.*

209. The following rules apply to persons (hereinafter referred to as "appellants") committed to prison for safe custody—

Appellants.

- (a) who have lodged an appeal to which section 103 or 111 of the Magistrates Ordinance applies and have obtained a stay of execution or sentence under the provisions of section 116 thereof; or (Cap. 227).
- (b) who have been committed under subsection (1) of section 81 of the Criminal Procedure Ordinance; or (Cap. 221).
- (c) who, as appellants, have not been admitted to bail under subsection (9) of section 82 of the Criminal Procedure Ordinance;

but their application to prisoners who are under sentence of death shall be subject to the rules applying to those prisoners.

210. Every appellant shall have the option of employment in the service or industries of the prison at his election. In the event of an appellant electing to be so employed he shall receive payment in accordance with rates to be fixed by the Commissioner.

Option of employment.

211. If an appellant is ordered by a judge to be released otherwise than on bail pending the hearing of his appeal, payment of all sums of money earned by him under the provisions of rule 210 shall be paid to him.

Earnings for work done.

Private
medical
adviser.

212. Every appellant may for the purposes of his appeal receive a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply to a visit by his legal adviser.

Written
communica-
tions.

213. (1) Every appellant may send and receive letters at all reasonable times and shall be furnished by the Superintendent with a reasonable amount of paper and other writing materials for the purpose of communicating with his friends or for preparing his appeal.

(2) Any confidential written communication, prepared as instructions to counsel or solicitor of such appellant, may be delivered personally to such counsel, or solicitor, or his authorized clerk without previous censoring by an officer of the prisons.

(3) All other written communications shall be treated as letters and censored in accordance with the provisions of rule 46(b) and shall not be sent out of the prison without the prior authority of the Superintendent.

(3) DEPORTEES.

Deportees.
(Cap. 240).
(Cap. 239).

214. The following rule shall apply to persons detained in prison under the provisions of the Deportation of Aliens Ordinance or the Deportation (British Subjects) Ordinance (hereinafter referred to as "deportees").

Inapplicability of
general
require-
ment of
work.

215. Deportees shall not be required to engage in useful work as prescribed by rule 37.

(4) PRISONERS UNDER SENTENCE OF DEATH.

Duty to
search
prisoners
under
sentence
of death.

216. Every prisoner under sentence of death shall immediately on reception be carefully searched and every article which the Superintendent deems dangerous or inexpedient to leave in his possession shall be taken from him.

Separate
con-
finement
etc., of
prisoners
under
sentence
of death.

217. Every prisoner under sentence of death—

- (a) shall be confined in a separate cell apart from all other prisoners;
- (b) shall be kept under constant supervision by day and by night;

(c) shall not be subject to rules regarding labour.

218. (1) Every prisoner under sentence of death may be visited by such of his relations, ministers of his religious persuasion, friends and legal advisers as he may desire to see.

Rules as to
visits to
prisoners
under
sentence
of death.

(2) No other person other than an officer of the Prisons Department shall have access to such prisoner except by permission of the Commissioner.

(3) Every visit to such prisoner whether by his legal advisers or others shall take place in the sight and hearing of a prison officer notwithstanding that such visit may be in relation to an appeal.

(4) Every such prisoner shall be allowed special facilities to correspond with his relatives, friends and legal advisers.

(5) Every such prisoner shall be allowed such diet and exercise as the Commissioner may direct.

219. (1) All executions shall take place within the prison at the time appointed by the Governor. The Superintendent shall be present and superintend every execution.

Execu-
tions.

(2) During the preparation for an execution and at the time of an execution no person shall enter the prison who is not legally entitled to do so.

220. The burial of executed prisoners will be carried out by the authorities of the prison where the burial takes place. A register will be kept, showing the position of each grave and the name and date of interment.

Burials.

221. The property of an executed prisoner will be handed over to his executors, administrators or nearest relative, with the following exceptions—

Property
of executed
prisoner.

- (a) All letters which have been received by the prisoner, and any papers with his property (other than legal documents, e.g. a will) will be burned immediately after the execution.
- (b) If an application is received for the clothes in which a person has been executed, the applicant will be informed that clothing worn at the time of execution cannot be given up.

PART III.

VISITING JUSTICES AND PRISON VISITORS.

(1) VISITING JUSTICES.

Duty to visit prisons.

222. (1) Two visiting justices (one official and one un-official) shall, in company if possible, visit the prison at least once a fortnight and on such other days as they may be required.

(2) The names of the visiting justices shall be furnished by the Colonial Secretary to the Commissioner and the prisons shall be open to them at all reasonable times during their tour of duty.

Duty to record recommendations.

223. Visiting justices shall at the termination of every visit and before they leave a prison record their recommendations in a book provided for the purpose.

Interest in contracts.

224. Visiting justices shall not have any interest in any contract made in respect of any prisons.

Co-operation with Commissioner.

225. Visiting justices shall co-operate with the Commissioner in promoting the efficiency of the service and shall make inquiry into any matter especially referred to them by the Governor.

Duty to report abuses.

226. (1) Visiting justices shall ensure that all abuses in connexion with the prison which come to their knowledge are brought to the notice of the Commissioner immediately.

(2) They shall enter in a book provided for the purpose any statement in respect of abuses brought to their notice with any suggestions or remarks which they may wish to bring to the notice of the Governor as to the state and discipline of the prison.

Duty to supply information.

227. Visiting justices shall furnish such information with respect to the offences reported to them as may be required by the Governor from time to time.

Duty to hear complaints.

228. (1) Visiting justices shall hear and investigate any complaint which any prisoner may desire to make to them.

(2) They shall pay special attention to prisoners in hospital and solitary confinement.

229. Visiting justices shall attend to all reports received by them as to the mind or body of any prisoner being likely to be injured by discipline or treatment to which he is subjected, and shall communicate their opinion to the Governor.

Duty to report injuries caused by discipline or treatment.

230. Visiting justices shall inspect the diets of the prisoners, and if they consider that the food supplied does not conform with the approved diet scale under which it is supplied, they shall report the circumstances to the Commissioner, and make a note of such circumstances in a book provided for the purpose, and the Superintendent shall thereupon take such steps as may be immediately necessary to provide the prisoners with suitable food.

Duty as to prisoners' diets.

231. Visiting justices may inspect any of the books of the prison.

Power to inspect books.

232. Visiting justices shall assist the Commissioner with advice and suggestions as to the industrial employment and occupation of prisoners with particular relation to their employment on discharge.

Duty to advise on employment and occupation.

233. Visiting justices may, subject to the approval of the Commissioner, organize lectures and addresses in the prison, provided they do not interfere with the necessities of prison discipline, and are directed to the moral improvement of the prisoners.

Power to organize lectures and addresses.

234. Visiting justices shall inquire into the state of the prison buildings, and report to the Governor with respect to any repairs or additions which may appear to them to be necessary.

Duty to inquire and report on state of prison buildings.

235. Visiting justices shall also discharge such other duties as may be assigned to them by the Governor.

Duty to discharge other duties assigned by the Governor.

(2) PRISON VISITORS.

236. (1) The Commissioner may, from time to time, appoint persons interested in the welfare, reform and after-care of prisoners to be prison visitors.

Power to appoint prison visitors.

(2) Such visitors shall, while in the prison, conform to these rules and be subject to the orders of the Superintendent.

PART IV.

USE OF FORCE OR ARMS.

Use of
force.

237. (1) No officer of the Prisons Department in dealing with prisoners shall use force unnecessarily and, when the application of force to a prisoner is necessary, no more force than is necessary shall be used.

(2) No officer of the Prisons Department shall deliberately act in a manner calculated to provoke a prisoner.

Occasions
when
arms may
be used.

238. (1) The Superintendent and every officer of the Prisons Department shall be provided with whistles and they may or may not be issued with arms as the Commissioner may direct.

(2) The Commissioner, Superintendents and every officer of the Prisons Department may use arms against any prisoner escaping or attempting to escape: Provided that resort shall not be had to the use of any such arms unless such officer has reasonable cause to believe that he cannot otherwise prevent the escape.

(3) The Commissioner, Superintendents and every officer of the Prisons Department may use arms on any prisoner engaged in any combined outbreak, or in any attempt to force or break open the outside door or gate or enclosure wall of a prison, and may continue to use such arms so long as such combined outbreak or attempt is being actually prosecuted.

(4) The Commissioner, Superintendents and every officer of the Prisons Department may use arms against any prisoner using violence to any brother officer or other person: Provided that such officer has reasonable grounds to believe that the officer of the Prisons Department or other person is in danger of life, or limb, or that other grievous hurt is likely to be caused to him.

(5) Before using arms against a prisoner under the authority contained in paragraph (2), the officer shall warn such prisoner that he is about to fire on him.

(6) An officer of the Prisons Department shall not, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the express orders of such superior officer.

(7) The use of arms under this rule shall be, as far as possible, to disable and not to kill.

(8) The Commissioner, Superintendents and every officer of the Prisons Department while acting as such, shall have all the powers, authorities and protection of a police officer as defined in the Police Force Ordinance except as to pay and pension or (Cap. 232). other reward.

PART V.

DISCIPLINARY PROVISIONS APPLICABLE TO ALL OFFICERS AND OTHER PERSONS EMPLOYED IN PRISONS.

(1) OFFENCES AGAINST DISCIPLINE.

239. Any officer of the Prisons Department or other person employed in the prisons commits an offence who—

(a) without good and sufficient cause fails to carry out any lawful order, whether written or verbal;

(b) is insubordinate towards any officer in the service of the Prisons Department whose orders it is for the time being his duty to obey;

(c) (i) neglects, or without good and sufficient cause fails to do, promptly and diligently, anything which it is his duty to do; or

(ii) by carelessness or neglect in the performance of his duty contributes to the occurrence of any loss, damage or injury to any person or property;

(d) knowingly makes any false, misleading, or inaccurate statement in connexion with his duty either verbally, or in any official document or book, or signs any such statement, or with intent to deceive, destroys or mutilates any such document or book, or erases any entry therein;

(e) without proper authority—

(i) divulges any matter which it is his duty to keep secret;

(ii) directly or indirectly communicates to the Press or to any other person any matter which may have come to his knowledge in the course of his official duties;

- (iii) publishes any matter or makes any public pronouncement relating to the prisons, or the prisoners therein, or the Prisons Department;
- (f) (i) solicits or receives any unauthorized fee, gratuity or other consideration in connexion with his duties as an officer of the Prisons Department or other person employed in the prisons;
- (ii) fails to account for, or to make a prompt and true return of, any money or property for which he is responsible whether in connexion with his duties as an officer of the Prisons Department or other person employed in the prisons or with any club or fund connected with the prison or the prison staff;
- (iii) improperly uses his position as an officer of the Prisons Department or other person employed in the prisons to his personal advantage;
- (g) without proper authority—
 - (i) carries out any pecuniary or business transaction with or on behalf of any prisoner or ex-prisoner, or with a relative or friend of any prisoner or ex-prisoner;
 - (ii) brings in or carries out, or attempts to bring in or carry out, or knowingly allows to be brought in or carried out, to or for any prisoner any article whatsoever;
 - (iii) accepts any present or consideration from any prisoner or ex-prisoner, or from a friend or relative of any prisoner or ex-prisoner;
- (h) (i) without proper authority communicates with any ex-prisoner or with a relative, or friend of any prisoner, or ex-prisoner;
- (ii) communicates with a prisoner for an improper purpose;
- (iii) allows any undue familiarity between a prisoner and himself, or any other person employed in the prisons;
- (iv) discusses his duties, or any matters of discipline or prison arrangement, within the hearing of a prisoner;
- (i) deliberately acts in a manner calculated to provoke a prisoner;

- (j) without necessity uses force in dealing with the prisoners, or where the use of force is necessary, uses undue force;
- (k) without proper authority or reasonable excuse—
 - (i) absents himself from the prison, or from any parade, or place of duty;
 - (ii) arrives late for any duty or parade;
- (l) (i) wilfully or negligently damages or loses any article of clothing, or personal equipment with which he has been provided, or entrusted, or fails to take proper care thereof;
- (ii) neglects to report any damage to, or loss of, any article of clothing, or personal equipment, however caused;
- (m) when on duty, or called upon for duty, is unfit for duty through drinking intoxicating liquors;
- (n) (i) while on or off duty acts in a disorderly manner, or in any manner prejudicial to discipline, or likely to bring discredit on the prison service;
- (ii) smokes, or drinks intoxicating liquor either within the prison walls (except under such restrictions as to time and place as may be prescribed), or while on duty in a court of law, or when in charge of prisoners outside the prison;
- (o) borrows money from an officer subordinate or junior in rank, or lends money to his superior officer, or stands surety for a brother officer in raising a loan.

(2) DISMISSAL AND INTERDICTION.

240. (1) The Governor may subject to the procedure laid down in rules 243 to 252 summarily dismiss any subordinate officer or other person employed in the prisons—

Power of Governor to order instant dismissal.

- (a) for any breach of duty or of any of these rules;
- (b) if it appears to the Governor, that such officer or such other person is in pecuniary embarrassment and that such embarrassment impairs his efficiency.

(2) Upon consideration of the case of any such officer or any such person the Governor may, if he considers that some lesser punishment instead of instant dismissal is deserved, inflict one or more of the following punishments—

- (a) reduction in rank;
- (b) forfeiture of seniority;
- (c) forfeiture of pay;
- (d) stoppage or deferment of increments;
- (e) reprimand.

Commissioner's
power of
interdiction.

241. (1) The Commissioner may interdict from duty any subordinate officer or other person employed in the prisons whom he intends to report to the Governor for any breach of duty or of any of these rules.

(2) The officer or person interdicted shall, unless and until he is suspended, receive half pay and may if the Governor thinks fit, receive additional pay not exceeding in all the emoluments of his office; if the proceedings against him do not result in dismissal or other punishment, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

Duty to
return
keys and
accoutre-
ments on
interdiction.

242. Any subordinate officer interdicted for any breach of duty or of any of these rules shall immediately give up his keys and accoutrements.

(3) RULES OF PROCEDURE AND DISCIPLINARY AWARDS.

Procedure
as to
charges.

243. (1) A charge against any officer or other person employed in the prisons in respect of any offence enumerated in rule 239 shall be entered on a charge sheet forthwith.

(2) The offence alleged shall be specifically stated in the charge sheet which shall also contain such particulars as shall leave such officer or person under no misapprehension as to the charge against him.

- (3) (a) The charge sheet together with a list of witnesses whom it is proposed to call and any written statements which it is proposed to adduce in support of the charge shall be handed to such officer or person at the earliest possible moment.
- (b) The written statements (if any) shall be signed by the officer or person making them, and the officer or person charged shall, after perusal, also sign them to indicate that he has seen them, and return them as soon as is practicable.
- (c) The officer or person charged shall be allowed a reasonable opportunity to make copies of all documents for the purposes of his defence, and shall, if he so requests, be given copies of them.

244. The officer or person charged shall, as soon as possible, and in any case not later than 24 hours after the receipt by him of the charge sheet, state in writing upon the charge sheet his reply to the charge and shall give the names of any witness he desires to call. Duty to
make reply.

245. (1) Where the charge is admitted or found proved and the Superintendent considers that his powers of punishment are sufficient, then subject to the provisions of paragraph (2)— Power of
Super-
intendent
to hear
charges.

- (a) if the officer or person charged admits the charge, the Superintendent shall, after hearing him and any witness he may wish to call in extenuation or explanation and any other witnesses whom the Superintendent may consider desirable to call, either caution such officer or person or make a disciplinary award within his powers;
- (b) if the officer or person charged denies the charge, the Superintendent shall, at the earliest possible moment, arrange for the attendance of all necessary witnesses and shall, after hearing all the evidence and the explanation of such officer or person, either dismiss the charge or, if he finds the charge proved, administer a caution or make a disciplinary award within his powers.

(2) Where the Superintendent, after hearing all the evidence on a charge under paragraph (1), comes to the conclusion that the case should be referred to the Commissioner he shall so refer the case and shall forthwith inform the officer or person charged.

(3) Where on consideration of the charge and written statements the Superintendent considers that the charge is not within his competence or that, although it is within his competence, his powers of punishment would be insufficient if the charge were admitted or found proved, he shall have the officer or person charged and the reporting officer before him and, if he is satisfied that there is *prima facie* evidence that the offence charged has been committed, shall refer the case to the Commissioner and shall so inform such officer or such person.

Right and
duty of
officer or
person
charged.

246. Where the Superintendent hears a charge against any officer or other person employed in the prisons—

- (a) such officer or such person shall be allowed to hear all the evidence against him to cross-examine the witnesses giving that evidence and to examine the witnesses called in his defence;
- (b) the Superintendent shall take or cause to be taken notes of the statements made in evidence or under examination or cross-examination and of any statement made before him by the officer or person charged, and shall ensure that the notes are signed at the foot thereof by the person by whom the statement was made.

Power of
Superinten-
dent to
make dis-
ciplinary
awards.

247. The Superintendent may make any of the following disciplinary awards—

- (a) (i) administer a fine not exceeding \$20, which may or may not be accompanied by a reprimand, or a severe reprimand; or
- (ii) without administering a fine, award a reprimand, or a severe reprimand; or
- (b) award extra duty for a period not exceeding 12 hours provided that such extra duty shall not exceed six hours in one working week.

Entry of
disciplinary
award.

248. (1) The Superintendent shall enter a disciplinary award made by him on the charge sheet which shall be shown to and initialled by the officer or person concerned, and the award shall be recorded in the record of service of such officer or such person.

(2) If the Superintendent dismisses a charge or administers a caution without making a disciplinary award, no entry shall be made in the record of service of such officer or such person.

249. (1) Any officer or other person employed in the prisons may appeal in writing to the Commissioner against any award made by the Superintendent. **Appeal.**

(2) The Superintendent shall forward to the Commissioner the written appeal, the documents mentioned in rule 243 and the notes (if any) taken by him at the hearing, together with a written statement by the officer or person concerned giving the grounds of his appeal and the Superintendent's observations thereon, which observations shall be shewn to and initialled by such officer or person, and the Commissioner shall determine the appeal.

250. The Commissioner may, on consideration of a case referred to him by the Superintendent dismiss the charge or, if he finds the charge proved, make one or more of the following disciplinary awards—

**Power of
Commis-
sioner to
make dis-
ciplinary
awards.**

- (a) recommend to the Governor that the officer or person concerned be dismissed;
- (b) recommend to the Governor that the officer or person concerned be removed from office on the ground of his inability to discharge efficiently the duties of such office;
- (c) recommend to the Governor that the officer or person concerned be reduced in rank;
- (d) recommend to the Governor the suspension of the officer or person concerned or the deferment or stoppage of his increment;
- (e) recommend to the Governor that the seniority of the officer or person concerned be reduced or forfeited;
- (f) recommend to the Governor that the pay of the officer or person concerned be forfeited for such period as he may think appropriate;
- (g) award a fine not exceeding \$50;
- (h) award any of the punishments which are within the competence of the Superintendent to award.

Duty to inform officer or person concerned of proposed recommendation.

251. (1) In the event of the Commissioner proposing to make a recommendation to the Governor under the preceding rule 250, the officer or person concerned shall be informed of the proposed recommendation and he shall have the right of a personal hearing by the Commissioner before such recommendation is made.

(2) Every officer or other person employed in the prisons in respect of whom a recommendation is to be made to the Governor shall be allowed within 14 days of his being informed of the recommendation, or within such extended period as the Governor may permit, to submit in writing to the Governor any considerations which he wishes to bring to the attention of the Governor in his defence or in mitigation of his offence.

Duty of Superintendent to communicate decision of the Governor or of the Commissioner.

252. (1) The Superintendent shall, on receipt by him of the decision of the Governor or of the Commissioner, communicate it verbally to the officer or person concerned, who may, if he so desires, make a copy of such decision.

(2) Every caution administered and every disciplinary award made by the Governor shall be entered in the record of service of the officer or person concerned: Provided that on the dismissal of a charge an entry to that effect shall not be made.

PART VI.

PRISONS DEPARTMENT WELFARE FUND.

Maintenance of Fund.

253. (1) All monies due to the Prisons Department Welfare Fund (hereinafter referred to as the Fund) as prescribed by section 24 of the Ordinance shall immediately be paid in full to the Accountant General who shall credit them to an account entitled "Deposits—Prisons Department Welfare Fund".

(2) The Accountant General shall render to the Commissioner before the 10th day of each month a return showing all transactions of the Fund in his accounts during the previous month.

Investment.

254. All sums considered by the Commissioner to be surplus to the normal requirements of the Fund shall on his request be invested by the Accountant General in Hong Kong Government stocks or shall be remitted to the Crown Agents for investment in such securities as are permitted for the investment of Colonial

Government funds. The interest or dividends received on account of such investments shall be credited to the account "Deposits—Prisons Department Welfare Fund".

255. All investments of the Fund shall be valued at the middle market price in London on the 31st March in each year, and the balance of the Fund on that date shall be increased or decreased as may be required in accordance with such valuation.

Valuation of investments.

256. Should at any time the uninvested portion of the Fund fall below a figure which in the opinion of the Commissioner is the minimum necessary for the normal requirements of the Fund, he shall request the Accountant General to sell on the local market or in London such part of the Fund's investments as will together with the existing uninvested portion provide an adequate working balance.

Realization of investments.

257. Pending the realization of the proceeds of sale of any investments as mentioned in rule 256, the Accountant General may with the prior approval of the Financial Secretary advance to the Fund such sum or sums as may be considered necessary for the proper administration of the Fund, and will recover any advance so made from the proceeds of the sale of the investments as soon as they are received. Interest will be charged on any such advances at the rate earned by Government on its main current account with The Hongkong and Shanghai Banking Corporation or on its deposits in the Joint Colonial Fund, whichever is the higher.

Temporary advances to the Fund.

258. All vouchers submitted to the Accountant General in respect of payments to be made out of the Fund shall either be certified by the Commissioner or shall have attached to them certified true copies of the Commissioner's approval for each withdrawal. In the latter event the certificates and vouchers may be signed by an officer so authorized by the Commissioner. The Accountant General will pay only on the authority of the Commissioner as indicated above and shall be advised of the name of any officer authorized by the Commissioner to sign on his behalf.

Certification of advances.

Loans by
Fund.

259. When a loan is granted under the authority of section 24 of the Ordinance to a subordinate officer or other person employed in the prisons who is serving or who has retired on pension or gratuity, it will normally be subject to the following conditions—

- (a) it shall be repaid in such monthly instalments as the Commissioner may in his discretion specify, save that the number of monthly instalments shall not exceed twenty-four: Provided that upon default in one instalment the whole balance outstanding shall immediately become due;
- (b) it shall be limited to a maximum sum of \$800;
- (c) whenever it shall be necessary to recover the amount of a loan it shall be deemed to be an amount due to a department of Government.

Bad debts.

260. Upon the recommendation of the Commissioner the Financial Secretary may authorize the writing off of any asset or any debt due to the Fund which he considers irrecoverable: Provided that any such write off shall take effect for the purpose of accounting records alone and shall not extinguish any right of the Fund to recovery of any such asset or debt.

Accounting
details.

261. Detailed accounts of the Fund shall be maintained by order of the Commissioner, and shall show the amounts received under each of the heads of revenue set out in section 24 of the Ordinance, together with all sums received in repayment of loans and interest thereon, interest or dividends on investments and all sums received on account of sales of investments. All disbursements shall be recorded under the following headings—

- (a) rewards to subordinate officers and other persons employed in the prisons for extra services rendered by them;
- (b) comforts, convenience or other advantages not chargeable to the public revenue, subdivided into—
 - (i) purchase of sports gear and clothing;
 - (ii) expenses incurred on the maintenance of improvement of playing fields;

- (iii) transport expenses of prison teams or subordinate officers or other persons employed in the prisons taking part in organized sports;

- (iv) grants or assistance to prison clubs, canteens or recreation rooms;

- (v) books, magazines and other periodicals;

- (vi) educational expenses;

- (vii) entertainment expenses;

- (viii) medical and dental attention not covered by the Government medical services;

- (ix) grants on death of serving subordinate officers and other persons employed in the prisons or pensioners;

- (x) other suitable purposes under this heading;

- (c) loans to prison officers;

- (d) purchase of securities in accordance with rule 254.

262. The Accountant General will keep the Commissioner informed of all transactions on account of the Fund's investments and the latter will balance his accounts monthly and reconcile them with the deposit account maintained by the Accountant General. The accounts will be subject to periodical audit by the Director of Audit.

Duties of
Accountant
General
and audit.

263. As soon as possible after the 31st March in each year the Commissioner will cause to be prepared a receipts and payments account covering the transactions of the Fund for the year ended on the previous 31st March, together with a balance sheet showing the state of the Fund as at the same date. The total receipts and payments of the Fund for the year shall be summarized in the former under the various headings set out in rule 261. The balance sheet shall show the value of the Fund as on the 1st April in the preceding year, the excess of receipts over payments or payments over receipts for the year together with the appreciation or depreciation in the valuation of the Fund's investments, the total value of the Fund, the cash balance of the Fund and the market value of investments. There shall be attached to the Balance Sheet a detailed statement of investments held by the Fund at that date showing purchase price nominal value and current market value in each case.

Annual
accounts.

Tabling.

264. After examination by the Director of Audit, the Balance Sheet, Statement of receipts and payments, and Statement of outstanding loans shall be laid before the Legislative Council.

Passed the Legislative Council of Hong Kong, this 14th day of April, 1954.



Deputy Clerk of Councils.

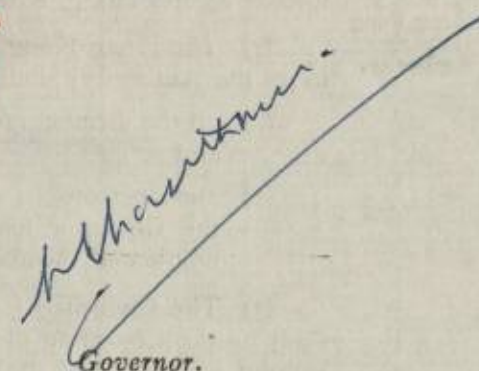
(Secretariat 48/2961/46)

HONG KONG

No. 18 OF 1954.



I assent.



Governor.

29th April, 1954.

An Ordinance to provide for the establishment and functions of a Housing Authority and for purposes connected therewith.

[]

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

1. This Ordinance may be cited as the Housing Ordinance, 1954, and shall come into operation on a day to be appointed by the Governor by proclamation in the *Gazette*. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
"Chairman" means the Chairman of the Hong Kong Housing Authority;

"financial year" in relation to the Hong Kong Housing Authority means a period of twelve months beginning on the 1st day of April, except that the period between the commencement of this Ordinance and the 1st day of April, 1955, shall be deemed to be a financial year;

"functions" includes powers and duties;

"house" includes any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Establishment and constitution of the Hong Kong Housing Authority.

3. (1) So soon as may be after the commencement of this Ordinance, there shall be established a housing authority to be known as the Hong Kong Housing Authority.

(2) The Hong Kong Housing Authority (hereinafter referred to as the Authority) shall consist of—

- (a) all the members for the time being of the Urban Council; and
- (b) such persons (if any) not exceeding three in number as the Governor may nominate (hereinafter referred to as nominated members).

(3) The Chairman for the time being of the Urban Council shall be the Chairman of the Authority, and the Governor shall appoint a member of the Authority to be Vice-Chairman.

Schedule.

(4) The supplementary provisions contained in the Schedule shall have effect in relation to the Authority.

General functions of the Authority.

4. (1) It shall be the duty of the Authority, from time to time as it may see fit or as directed by the Governor, to formulate schemes (hereinafter referred to as housing schemes) for the provision of housing accommodation, and such housing schemes may include provision for—

- (a) the developing and turning to account any land acquired or controlled by the Authority or in which the Authority may be interested and in particular by laying out and preparing the same for building purposes;
- (b) the erection of new houses;
- (c) the conversion of buildings into houses; and
- (d) demolishing, altering, enlarging, dividing, repairing or improving houses.

(2) Housing schemes may also include provision for such buildings (other than houses) and such other amenities as in the opinion of the Authority will serve a beneficial purpose in connexion with the requirements of the persons for whom the housing accommodation is provided.

(3) The policy of the Authority shall be directed to securing that, in any period of three successive financial years after the 1st day of April, 1956, its revenues shall be not less than sufficient to meet all its outgoings other than those properly chargeable to capital account.

5. (1) A housing scheme shall not be put into execution unless and until it is approved by the Governor, and before giving his approval the Governor may make such modifications thereto as he may think fit.

Approval and execution of housing schemes.

(2) When a scheme has been approved by the Governor with or without modification, the Authority shall be responsible for its due execution.

6. The Authority may borrow from the Government or from such other sources as the Governor may approve such moneys as may be required for the discharge of its functions under this Ordinance, upon such terms and conditions as may be approved by the Governor.

Borrowing powers.

7. Any moneys in the hands of the Authority which are not immediately required for the purposes of the functions of the Authority may be invested in such securities as may be approved by the Financial Secretary: Provided that during such time as any moneys are owed by the Authority to the Government, no such investment shall be made without the approval of the Financial Secretary.

Investment of surplus funds.

8. (1) The Authority shall keep, under the general direction of the Accountant General, proper accounts and other records and shall prepare in respect of each financial year a statement of accounts.

Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor to be appointed annually by the Authority with the approval of the Governor, and the auditor shall furnish a report thereon.

(3) As soon as the accounts of the Authority have been audited, the Authority shall send to the Governor a copy of the statement of accounts signed by the Chairman together with a copy of the report made by the auditor on that statement or on the accounts of the Authority.

(4) The Colonial Secretary shall lay a copy of every such statement and report on the Table of the Legislative Council.

Annual reports.

9. (1) The Authority shall, as soon as possible after the end of each financial year, make to the Governor a report dealing generally with the activities of the Authority during that year.

(2) The Colonial Secretary shall lay a copy of every such annual report on the Table of the Legislative Council.

Select committees.

10. (1) The Authority shall appoint from among its members a select committee or select committees for the better discharge of its functions under this Ordinance.

(2) The Authority may, by resolution, delegate to a select committee any of its functions under this Ordinance.

The Chairman constituted a corporation sole.

11. (1) The person for the time being holding the office of Chairman of the Authority shall be a corporation sole by name of the Chairman of the Hong Kong Housing Authority, and shall have perpetual succession and an official seal, and for the purposes of this Ordinance, may—

- (a) sue and be sued;
- (b) acquire and hold property of all descriptions, and subject to the terms and conditions upon which the same is held and to any by-laws in that behalf, dispose of any such property;
- (c) take gifts of property of all descriptions, whether subject to any special trust or not; and
- (d) do all such other acts necessary or expedient to be done in the discharge of the functions of his office.

(2) All property vested in the Chairman shall be held in trust for the Authority for the purposes of this Ordinance.

12. All deeds and other instruments requiring the seal of the corporation shall be sealed by or in the presence of the Chairman and shall be signed by him, and such signing shall be taken as sufficient evidence of the due sealing of such deeds and other instruments.

Execution of documents.

13. The general management of all property vested in the Chairman or placed under his control for the purposes of this Ordinance shall reside in the Authority and shall be exercised in accordance with by-laws made in that behalf by the Authority under section 15.

Management of property.

14. (1) The Chairman shall be the principal executive officer of the Authority, and the Authority shall be deemed to have delegated to him such of its functions as are necessary to enable him to transact efficiently the day to day business of the Authority.

The Chairman.

(2) Such delegated functions shall be discharged by the Chairman in accordance with any by-laws for the time being in force in relation to the transaction of the day to day business of the Authority.

15. (1) The Authority may make by-laws for all or any of the following purposes—

By-laws.

- (a) the transaction of the day to day business of the Authority;
- (b) the management of all property vested in the Chairman or placed under his control for the purposes of this Ordinance, and in particular, and without prejudice to the generality of this paragraph—
 - (i) the terms and conditions upon which tenancies may be granted, including scales of rent;
 - (ii) the selection of tenants;
 - (iii) the collection of rent;
 - (iv) the use of communal and public facilities; and
 - (v) the functions of staff employed by the Authority, including inspectors, estate managers and rent collectors;

(c) regulating the disposition of property vested in the Chairman for the purposes of this Ordinance.

(2) In the case of property held by the Chairman subject to any conditions or restrictions, any by-law shall, to the extent to which it is repugnant to any such condition or restriction, be inapplicable.

(3) Such by-laws may provide that such contraventions thereof as may be specified shall constitute offences and may also provide for the punishment of any such offence on summary conviction by a fine not exceeding five hundred dollars and by imprisonment for a term not exceeding three months.

(4) All such by-laws shall be subject to the approval of the Governor in Council.

(5) The prosecution of any person for a contravention of any by-law may be conducted by any employee of the Authority duly authorized in writing by the Chairman, either generally or in any particular case.

(6) The prosecution of any person for a contravention of any by-law shall be without prejudice to any other legal remedy available to the Authority in respect of such contravention.

Powers
of the
Governor
in relation
to the
Authority.

16. (1) The Governor may, after consultation with the Authority, give to the Authority directions of a general character as to the discharge by the Authority of its functions in relation to matters appearing to the Governor to affect the public interest, and the Authority shall give effect to any such directions.

(2) The Governor may, after consultation with the Authority, give to the Authority specific directions for the purpose of remedying any defect which may be disclosed in any approved housing scheme, and the Authority shall give effect to any such directions.

(3) The Authority shall afford to the Governor facilities for obtaining information with respect to the property and functions of the Authority, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

17. (1) The Authority and the Chairman shall, for the purpose of this Ordinance, be exempt from all the provisions of the Inland Revenue Ordinance. (Cap. 112).

(2) No duty shall be payable by the Authority or the Chairman under the Stamp Ordinance in respect of any instrument executed for the purposes of this Ordinance. (Cap. 117).

(3) Property vested in or controlled by the Chairman for the purposes of this Ordinance shall be exempt from all the provisions of the Landlord and Tenant Ordinance. (Cap. 255).

SCHEDULE.

[section 3(4)]

Supplementary provisions as to the Authority.

1. A nominated member of the Authority may at any time by a resignation under his hand addressed to the Governor resign his membership, but save as aforesaid and subject to the other provisions of this Schedule, nominated members shall hold office for three years from the date of their respective appointments. Tenure of office, etc., of nominated members.

2. A nominated member of the Authority shall be eligible for reappointment. Eligibility for reappointment.

3. If the Governor is satisfied that a nominated member of the Authority is unable or unfit to discharge his duties, the Governor may declare the office of such member vacant and that fact shall be notified in such manner as the Governor may think fit, and thereupon the office shall become vacant. Vacation of office.

4. Where a nominated member is temporarily incapacitated by illness or is temporarily absent from Hong Kong, the Governor may appoint any person to be temporarily a member of the Authority in his stead during such incapacity or absence. Temporary incapacity or absence from Hong Kong.

5. Ordinary meetings of the Authority shall be convened by the Chairman, but where not less than four members of the Authority request the Chairman by notice in writing signed by them to convene an extraordinary meeting of the Authority for the purposes specified in such notice, the Chairman shall upon receipt of such notice, convene an extraordinary meeting for such purposes at the earliest convenient date. Meetings.

6. The Authority shall not be disqualified for the transaction of business by reason only of any vacancy among the members. Vacancies.

7. At a meeting of the Authority, four members shall form a quorum. Quorum.

8. At all meetings of the Authority, the Chairman or, in his absence, the Vice-Chairman, or, in the absence of both of them, such member as the members present shall select, shall preside. Person to preside.

9. (1) All questions at a meeting of the Authority shall be determined by the majority of the votes of the members present and voting. Decision of questions.

(2) The member presiding shall have an original vote and also, if upon any question the votes are equally divided, a casting vote.

Disclosure,
etc., of
interest by
members.

10. If a member of the Authority is directly or indirectly interested in any contract, proposed contract, or other matter, and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any question with respect to that contract or other matter.

Standing
orders.

11. Subject as aforesaid, the Authority may make standing orders with respect to the holding of meetings of the Authority and of select committees thereof, the notices to be given of such meetings, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Procedure.

12. Subject to the provisions of this Ordinance and of any standing orders made under paragraph 11, the procedure of the Authority shall be such as the Authority may determine.

Passed the Legislative Council of Hong Kong, this 28th day of April, 1954.


Deputy Clerk of Councils.

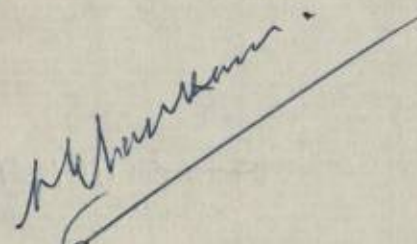
(Secretariat 10/3231/54)

HONG KONG

No. 19 OF 1954.



I assent.


Governor.

29th April, 1954.

An Ordinance to make provision for the Commissioner for Resettlement to be temporarily a member of the Urban Council.

[30th April, 1954.]

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

1. This Ordinance may be cited as the Urban Council Short title. (Commissioner for Resettlement) Ordinance, 1954.

2. Notwithstanding anything contained in the Urban Council Ordinance, the public officer for the time being designated by the Governor as Commissioner for Resettlement shall, during such time as he is so designated, be a member of the Urban Council, and shall have and may perform and exercise all the duties, rights and privileges attaching to the office of a member of that Council.

Member-
ship of the
Urban
Council.
(Cap. 101).

Duration of
Ordinance.

3. This Ordinance shall continue in force for the period of one year from the commencement thereof: Provided that it shall be lawful for the Legislative Council from time to time by resolution to extend the duration of this Ordinance for such term, not exceeding one year at any one time, as may be specified in such resolution: Provided further that upon the expiration of this Ordinance, section 10 of the Interpretation Ordinance (which relates to the effect of the repeal of an enactment) shall apply as if this Ordinance had been repealed.

(Cap. 1).

Passed the Legislative Council of Hong Kong, this 28th day of April, 1954.


Deputy Clerk of Councils.

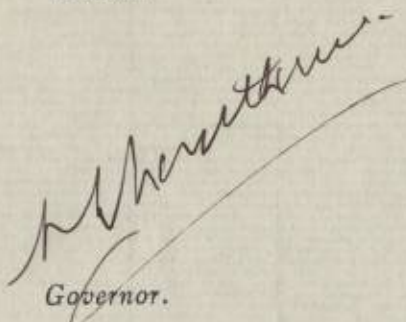
(Secretariat 1/18/736/50)

HONG KONG

No. 20 OF 1954.



I assent.


Governor.

20th May, 1954.

An Ordinance to make provision to give effect in the laws of the Colony to a change in the designation of the Crown Agents for the Colonies.

[21st May, 1954.]

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

1. This Ordinance may be cited as the Crown Agents (Change of Designation) Ordinance, 1954, and shall be deemed to have had effect from the 1st day of April, 1954.

Short title
and com-
mencement.

2. Section 3 of the Interpretation Ordinance is amended by the deletion from subsection (1) of the definition of "Crown Agents" and the substitution therefor of the following definition—

Amendment
of section 3
of Cap. 1.

" "Crown Agents" means the Crown Agents for Oversea Governments and Administrations; "

Substitution of "Crown Agents" for "Crown Agents for the Colonies" in all enactments.

3. Wherever in any enactment the expression "Crown Agents for the Colonies" occurs, there shall be substituted the expression "Crown Agents".

Passed the Legislative Council of Hong Kong, this 19th day of May, 1954.


Deputy Clerk of Councils,

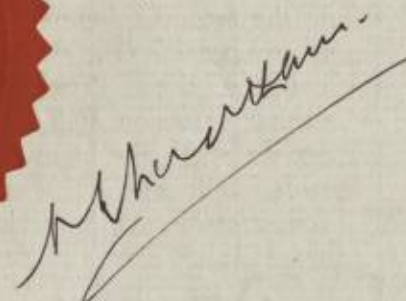
(Secretariat 2/1286/46)

HONG KONG

No. 21 OF 1954.



I assent.


Governor.

20th May, 1954.

An Ordinance to provide for the grant of a supplementary pension to certain police officers who on transfer to service in this Colony whilst under military administration lost pension rights acquired by service in various county, borough and city police forces in the United Kingdom.

[21st May, 1954.]

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

1. This Ordinance may be cited as the Police Officers Short title. (Special Cases) Pensions Ordinance, 1954.

2. In this Ordinance—

the expressions "pensionable emoluments" and "public service" have the meanings respectively assigned by section 2 of the Pensions Ordinance;

Inter-pretation.

(Cap. 89). "supplementary pension" means a pension granted under section 3 of this Ordinance.

Grant of supplementary pensions.

3. Wherever, on the retirement from the public service of any officer whose name appears in the first column of the schedule, such officer is granted a pension or a gratuity in respect of his public service, it shall be lawful, subject to the prior fulfilment of the condition contained in section 4, for the Governor to grant to such officer a supplementary pension of the annual sum specified in the second column of the schedule which shall be additional to any pension or gratuity which may be granted in respect of his public service: Provided that the total amount of any supplementary pension and any pension granted in respect of public service shall not in any case exceed two-thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his public service.

Condition for supplementary pensions.

4. The grant of a supplementary pension shall in each case be subject to the officer having paid to Government on or before the 1st day of July, 1956, or before his retirement from the public service, whichever shall happen first, a sum equal to the amount of any pensions contributions refunded to him on termination of his engagement in a police force in the United Kingdom: Provided that if such officer is upon leaving the public service not granted a pension or gratuity in respect of his public service or if he dies whilst employed in the public service, the aforesaid sum shall be refunded without interest to him or to his legal personal representative as the case may be.

Application of provisions of Chapter 89.

5. (1) The provisions of sections 4, 11, 12, 13, 14, and 15 of the Pensions Ordinance shall apply to a supplementary pension in like manner as to a pension granted under that Ordinance.

(2) Wherever a pension in respect of his public service is paid to an officer to whom this Ordinance applies in the form of a reduced pension together with a gratuity in accordance with regulation 23 of the Pensions Regulations, the supplementary pension shall be paid in like manner.

(Vol. IX, p. 19).

SCHEDULE.

FIRST COLUMN Name			SECOND COLUMN Supplementary pension
John	Andrews		£ 40. 11. 2.
William	Pearson	Apps	£ 27. 14. 0.
Raymond	Francis	Bell	£ 31. 12. 0.
John	Dudley	Brawn	£ 50. 14. 0.
Thomas	Lillie	Dow	£ 32. 15. 2.
Eric	Francis	Gee	£ 38. 9. 7.
Horace	Joseph	Hollinshead	£ 39. 10. 5.
Joseph	Holmes		£ 27. 6. 0.
John	Stuart	Howarth	£ 61. 0. 1.
Frank	Indge-Buckingham		£ 50. 14. 0.
Percy	Lowe		£ 55. 15. 4.
Alexander	Morrison		£ 40. 11. 2.
John	Moore		£ 70. 17. 0.
Robert	Neill	Oliver	£ 18. 4. 0.
David	Stephen	Roberts	£ 38. 9. 7.
Arthur	James	Stephens	£ 77. 3. 6.
Emlyn	Lewis	Thomas	£ 50. 14. 0.
William	Edward	Thomas	£ 50. 14. 0.
Thomas	Wainwright	Wheeler	£ 45. 12. 7.
John	Albert	White	£ 43. 5. 10.
Ronald	Harry	Woodhead	£ 40. 11. 2.

Passed the Legislative Council of Hong Kong, this 19th day of May, 1954.

Deputy Clerk of Councils.

(Secretariat 1/1681/48)

HONG KONG

No. 22 OF 1954.



I assent.

[Signature]
Governor.

3rd June, 1954.

An Ordinance to amend the Pensions Ordinance, Chapter 89.

[4th June, 1954.]

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

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance, 1954. Short title.

2. Section 6 of the Pensions Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion of paragraph (f) and the substitution therefor of the following— Amendment of section 6. (Cap. 89).

"(f) in the case of termination of employment in the public interest, in which case the grant of a pension, gratuity or other allowance shall be subject to and in accordance with the provisions of section 7;"

Repeal and
replace-
ment of
section 7.

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

"Termina-
tion of
service in
the public
interest.

7. Where an officer's service is terminated on the ground that, having regard to the conditions of the public service, the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension gratuity or other allowance cannot otherwise be granted to him under the provisions of this Ordinance, the Governor in Council may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in paragraph (e) of section 6."

Amendment
of section 8.

4. Section 8 of the principal Ordinance is amended—

- (a) by the deletion from the second line of paragraph (b) of subsection (2) of the semi-colon and the word "or" and the substitution therefor of a full-stop;
- (b) by the deletion from subsection (2) of paragraph (c).

Amendment
of section
17.

5. Section 17 of the principal Ordinance is amended—

- (a) by the insertion after the word "dies" in the third line of sub-paragraph (iv) of subsection (1) of the following—
"or marries";
- (b) by the insertion after the word "death" in the fifth line of sub-paragraph (iv) of subsection (1) of the following—
"or marriage".

Passed the Legislative Council of Hong Kong, this 2nd day of June, 1954.



Deputy Clerk of Councils.

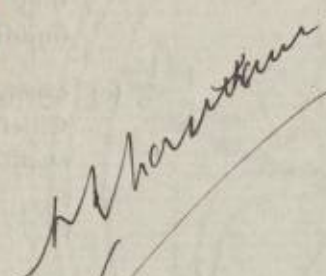
(Secretariat 7/4366/51)

HONG KONG

No. 23 OF 1954.



I assent.


Governor.

3rd June, 1954.

An Ordinance to amend further the Celluloid and Cinematograph Film Ordinance, 1923.

[4th June, 1954.]

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

1. This Ordinance may be cited as the Celluloid and Short title. Cinematograph Film (Amendment) Ordinance, 1954.

2. Section 2 of the Celluloid and Cinematograph Film Amendment Ordinance, 1923, (hereinafter referred to as the principal Ordinance) is amended by the addition after sub-paragraph (ii) of paragraph (c) thereof of the following—

"(d) "Film" means nitrated film whether washed, scrap or waste."

Repeal
and re-
placement
of section 3.

3. Section 3 of the principal Ordinance is repealed and replaced as follows—

"General
safety
provisions.
12 & 13
Geo. 5,
c. 35,
s. 1(1),
(2).

3. No premises shall be used for any purpose to which this Ordinance applies—

- (a) if the premises are situated underneath premises used for residential purposes; or
- (b) if the premises are so situated that a fire occurring therein might interfere with the means of escape from the building of which they form part or from any adjoining building; or
- (c) except with the written permission of the Chief Officer of the Fire Brigade and upon such conditions as he may prescribe and—
 - (i) unless the occupier has furnished to the Chief Officer of the Fire Brigade in writing a statement of his name, the address of the premises and the nature of the business there carried on; and
 - (ii) unless the premises are provided with such means of escape in case of fire as the Chief Officer of the Fire Brigade may reasonably require and such means of escape are maintained in good condition and free from obstruction; and
 - (iii) unless any regulations which may be made under this Ordinance are duly observed; and
 - (iv) where the premises form part of a building unless such part either—
 - (aa) is separated from any other part of the building by fire-resisting partitions (including fire-resisting ceilings and floors) and fire-resisting self-closing doors; or

(bb) is so situated and constructed that a fire occurring therein is not likely to spread to other parts of the building:

Provided that the Chief Officer of the Fire Brigade may in his absolute discretion in any particular case withdraw or cancel his written permission in the event of the breach of any condition or of any regulation made under this Ordinance or if at any time he considers it necessary or expedient so to do in the interests of public safety."

4. Section 4 of the principal Ordinance is repealed and replaced as follows—

Repeal
and re-
placement
of section 4.

"Power
to make
regulations.
12 & 13
Geo. 5,
c. 35,
s. 1(4).

4. The Governor in Council may by regulations prescribe and provide for—

- (a) the use of any cinematograph or similar apparatus upon any premises used for any purpose to which this Ordinance applies;
- (b) the keeping, or storage of raw celluloid;
- (c) the keeping, storage or manipulation of cinematograph film;
- (d) the keeping, storage or handling of film;
- (e) the construction, use and maintenance of fire-resisting store rooms and the safety precautions to be employed therein;
- (f) generally for the better carrying out of the provisions of this Ordinance,

and such regulations may specify that a contravention thereof shall be an offence punishable with a fine of two hundred and fifty dollars."

5. Section 5 of the principal Ordinance is amended by the addition after sub-paragraph (b) of paragraph (2) thereof of the following—

Amendment
of section 5.

- "(3) the keeping or storing of film—
in quantities exceeding at any one time five pounds in weight:".

Repeal
of sub-
section (2)
of section 6.

6. Subsection (2) of section 6 of the principal Ordinance is repealed.

Passed the Legislative Council of Hong Kong, this 2nd day of June, 1954.



Deputy Clerk of Councils.

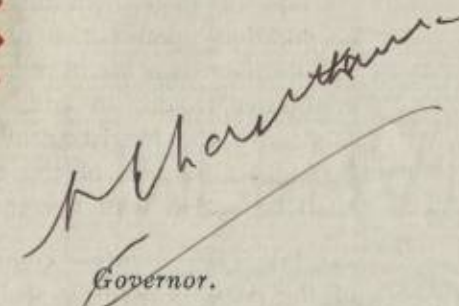
(Secretariat 32/3231/48)

HONG KONG

No. 24 OF 1954.



I assent.



Governor.

17th June, 1954.

An Ordinance for the incorporation of the Executive Committee of The Alice Ho Miu Ling Nethersole Hospital.

[18th June, 1954.]

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

1. This Ordinance may be cited as The Alice Ho Miu Ling Short title. Nethersole Hospital Incorporation Ordinance, 1954.

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

"hospital" means The Alice Ho Miu Ling Nethersole Hospital;

"executive committee" means the executive committee of the hospital for the time being appointed in accordance with the constitution;

"constitution" means the articles of constitution of the hospital as approved from time to time by the executive committee of the hospital.

Incorporation.

3. (1) The executive committee of the hospital and their successors in office shall be a body corporate, hereinafter referred to as the corporation, and shall have the name of "The Executive Committee of The Alice Ho Miu Ling Nethersole Hospital" and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal.

(2) The members of the executive committee shall be appointed in accordance with the constitution and shall for the periods of their respective appointments be members of the corporation upon notice of their appointment, and where such appointment is made to replace a retiring member of the executive committee, upon, in addition, notice of such retirement being filed with the Registrar of Companies. Any such notice shall be signed by two of the continuing or retiring members and shall be sealed with the common seal of the corporation.

(3) The executive committee on incorporation shall consist of the persons holding such office at the date of the Ordinance coming into operation.

Powers of the corporation.

4. (1) The corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and where-soever situate in this Colony, and also to invest moneys upon mortgage of any lands, buildings, debentures, stocks, funds, shares or securities of any corporation or company, and also to purchase and acquire all goods and chattels of what nature or kind soever.

(2) The corporation shall further have power to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages or tenements, mortgages, debentures, stocks, securities, goods and chattels vested in the corporation on such terms as to the corporation may seem fit: Provided that the powers of direction conferred by this section shall only be exercised for the purpose of endowing, supporting, maintaining, carrying on or otherwise promoting the work of the corporation as specified in the articles of constitution.

5. All deeds, documents and other instruments requiring the seal of the corporation shall be sealed with its common seal in the presence of two members of the executive committee and shall also be signed by them and such signing shall be taken as sufficient *prima facie* evidence of the due sealing of such deeds, documents and other instruments. Seal.

6. All matters of internal management of the hospital including any amendment of the constitution shall be settled and carried out in accordance with the constitution. Internal management.

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

Passed the Legislative Council of Hong Kong, this 16th day of June, 1954.



Deputy Clerk of Councils.

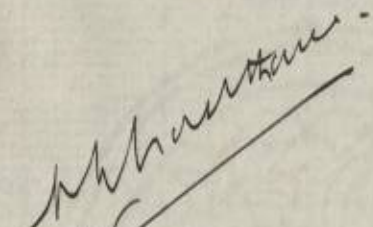
(Secretariat 11/3231/54)

HONG KONG

No. 25 OF 1954.



I assent.


Governor.

30th June, 1954.

An Ordinance to amend the Public Health (Sanitation) Ordinance,
1935.

[2nd July, 1954.]

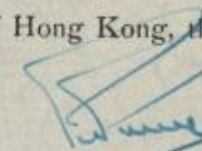
BE it enacted by the Governor of Hong Kong, with the advice
and consent of the Legislative Council thereof, as follows—

1. This Ordinance may be cited as the Public Health Short title.
(Sanitation) (Amendment) Ordinance, 1954.

2. Section 50 of the Public Health (Sanitation) Ordinance, 1935, is amended by the deletion of all the words after the word
"habitation" and the substitution therefor of the following—
"or for any purpose except for the garaging of vehicles or
for storage."

Amendment
of section
50.
(15 of
1935).

Passed the Legislative Council of Hong Kong, this 30th day
of June, 1954.



Deputy Clerk of Councils.

(Secretariat 46/2961/46)

HONG KONG

1954



HONG KONG

26 OF 1954.

I assent.

Governor.

30th June, 1954.

An Ordinance to amend the Immigrants Control Ordinance,
Chapter 243.

[2nd July, 1954.]

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

1. This Ordinance may be cited as the Immigrants Control Short title.
(Amendment) Ordinance, 1954.

2. The Immigrants Control Ordinance is amended by the
addition, after section 11, of the following new section—

Addition
of new
section 11A.
(Cap. 243).

"Power of
Governor
in Council
to prohibit
entry.

11A. (1) The Governor in Council may, by order,
where he deems it to be conducive to the public good
to do so, prohibit the entry into the Colony of any
person other than a person born in the Colony.

(2) Any person who enters the Colony in contra-
vention of an order made under subsection (1) of this
section shall be liable to a fine of five thousand dollars
and to imprisonment for twelve months."

Passed the Legislative Council of Hong Kong, this 30th day
of June, 1954.

Deputy Clerk of Councils.

(Secretariat 52/3231/48)

HONG KONG

27 OF 1954.



HONG KONG

27 OF 1954.



I assent.

Governor.

30th June, 1954.

An Ordinance further to amend the Land Transactions (Enemy Occupation) Ordinance, Chapter 256.

[2nd July, 1954.]

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

1. This Ordinance may be cited as the Land Transactions (Enemy Occupation) (Amendment) Ordinance, 1954. Short title.

2. Section 3 of the Land Transactions (Enemy Occupation) Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from the fifth line of subsection (2) of the words "six years" and the substitution therefor of the following— Amendment of section 3. (Cap. 256).

"seven years".

3. Section 4 of the principal Ordinance is amended by the deletion from the first and fourth lines of the words "six years" and the substitution therefor of the following— Amendment of section 4.

"seven years".

Passed the Legislative Council of Hong Kong, this 30th day of June, 1954.

Deputy Clerk of Councils.

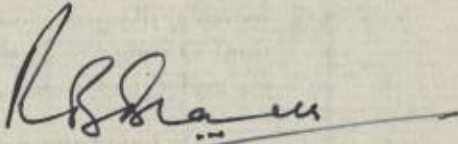
(Secretariat 4/741/52)

HONG KONG

No. 28 OF 1954.

I assent.




Officer Administering
the Government.

15th July, 1954.

An Ordinance to make provision for the re-vesting of trade marks of former alien enemies in their proprietors or successors in title.

[16th July, 1954.]

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

1. This Ordinance may be cited as the Alien Enemies (Re-vesting of Trade Marks) Ordinance, 1954. Short title.

2. In this Ordinance—

“new register” and “old register” have the meanings respectively assigned to them by section 2 of the Trade Marks Register (Reconstruction) Ordinance;

Interpre-
tation.

(Cap. 262)

“Registrar” means the Registrar of Trade Marks.

Re-vesting
of rights
in respect
of trade
marks of
former
alien
enemies.
(28 of
1914).

3. Wherever on or after the 3rd day of September, 1939, any right in respect of any trade mark, the proprietor of which was an alien enemy, vested in the Custodian of Enemy Property by reason of the provisions of section 24 of the Alien Enemies (Winding-up) Ordinance, 1914, such right, if and in so far as the same is still vested in the Custodian, shall at the commencement of this Ordinance re-vest in such proprietor or in his successor in title thereto, subject to any right which an opponent under subsections (3) and (4) of section 4 of this Ordinance may be able to establish.

Modifica-
tion of
Cap. 262.

(Cap. 262).

4. (1) Wherever any person in whom a right in respect of a trade mark re-vests by virtue of section 3 of this Ordinance claims to have been the registered proprietor of the trade mark in the old register or to be the successor in title thereto, and such person applies for the registration of the trade mark in the new register, the provisions of the Trade Marks Register (Reconstruction) Ordinance shall be modified as provided in subsections (2), (3) and (4) of this section.

(2) Upon the receipt of an application for registration in the new register by a person who claims that the rights in respect of any registered trade mark have re-vested in him by virtue of section 3 of this Ordinance, the Registrar shall, before being satisfied that such person is entitled to be registered as the proprietor thereof, give notice to him requiring him to advertise his application in one issue of the *Gazette*.

(3) Any person may within two months of the issue of the *Gazette* in which such advertisement appears, give notice to the Registrar of opposition to the application for registration.

(Cap. 43).
(Vol. VIII,
p. 237).

(4) Notice of opposition given under subsection (3) of this section shall be dealt with in the same manner, save as modified in the proviso to this subsection, as is prescribed by the Trade Marks Ordinance and the Trade Marks Rules or by any enactment which may be substituted therefor, in the case of opposition to registration of a trade mark:

Provided that the Registrar may, at any stage in the opposition proceedings, instead of hearing the parties or their representatives or giving a decision in the case, notify the

applicant that he refuses to proceed with the registration of his trade mark until the rights of both parties have been determined by the Court.

Passed the Legislative Council of Hong Kong, this 14th day of July, 1954.



Deputy Clerk of Councils.

(Secretariat 10/1096/46)

HONG KONG

No. 29 OF 1954.



I assent.

*Officer Administering
the Government.*

15th July, 1954.

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

[16th July, 1954.]

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

1. This Ordinance may be cited as the Tsimshatsui Baptist Short title.
Church Ordinance, 1954.

2. In this Ordinance—

*Interpre-
tation.*

"the church" means the Tsimshatsui Baptist Church;

"the general committee" means the general committee elected by
the members of the church;

"the financial committee" means the financial committee elected by
the members of the church;

3. The trustees for the time being of the Tsimshatsui
Baptist Church shall be a body corporate (hereinafter called
"the corporation") and shall have the name "The Trustees of

*Description
and incor-
poration.*

the 'Tsimshatsui Baptist Church' and in that name shall have perpetual succession and shall and may sue and be sued in all courts in the Colony and shall and may have and use a common seal and may break alter and make anew the said seal.

Powers of corporation.

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

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

Transfer of property.

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

Number of trustees.

6. The number of the trustees shall be seven.

Vacation of office by

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

New trustees; their appointment and tenure of office.

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

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

two members of the general committee who have been proposed by the members of the general committee; and

two members of the financial committee who have been proposed by the members of the financial committee.

(2) If there shall only be one clergyman or pastor, then he shall *be ex officio* a trustee but if there shall be more than one, then the members of the church shall elect a presiding clergyman or pastor from among the number of clergymen or pastors, and such presiding clergyman or pastor shall be *ex officio* a trustee.

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

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

Filling casual vacancies among trustees.

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

Notification of changes of trustees.

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

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

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

11. The trustees when elected shall appoint a chairman, a vice chairman, a secretary and a treasurer from among their number and all deeds documents and other instruments requiring the seal of the corporation shall be sealed in the presence of such four persons and shall also be signed by them and such signing shall be and be taken as sufficient evidence of the due sealing thereof.

Execution of deeds.

Appoint-
ment and
removal of
clergyman
or pastor.

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

Custody of
documents.

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

Power of
committee
to make
regulations.

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

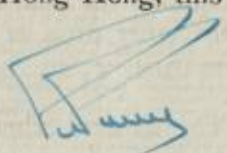
Regulations
not bind-
ing until
approved.

15. No regulations made by any committee under section 14 shall be binding on the members of the church until such regulations have been passed by a majority of members present and voting at an annual general meeting of members.

Saving of
rights of
the Crown.

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

Passed the Legislative Council of Hong Kong, this 14th day of July, 1954.


Deputy Clerk of Councils.

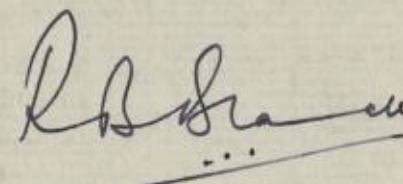
(Secretariat 12/3231/54)

HONG KONG

No. 30 OF 1954.



I assent.



Officer Administering
the Government.

12th August, 1954.

An Ordinance to amend the Rating Ordinance, Chapter 116.

[13th August, 1954.]

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

1. This Ordinance may be cited as the Rating (Amendment) Short title. Ordinance, 1954.

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

(a) by the insertion before the definition of "annual valuation" of the following new definition—

" "agricultural land" means land used as farm lands, market gardens, orchards, or for the purpose of

Amendment
of
section 2.
(Cap. 116).

animal husbandry, having thereon no buildings other than those used primarily for such purposes, and not being land which is part of an ornamental park, garden or pleasure ground, or which is used mainly for the purpose of sport or recreation;";

- (b) by the deletion from the end of the definition of "interim valuation" of the semi-colon and the substitution therefor of a comma and the addition thereto of the following—

"or which being rateable ceases to be rateable;";

- (c) by the substitution in the ninth line of the definition of "rateable value" of a full stop for the comma after the word "tenement", and the deletion of the words thereafter to the end of paragraph (b);

- (d) by the deletion of the definition of "tenement" and the substitution therefor of the following definition—

" "tenement" means any land or any building or part thereof which is held or occupied as a distinct or separate tenancy or under licence from the Crown, and includes piers;".

Amendment
of
section 3.

3. Section 3 of the principal Ordinance is amended by the insertion in the second line after the word "Valuation" of the following—

" , Deputy Commissioner, Assistant Commissioners".

Amendment
of
section 4.

4. Section 4 of the principal Ordinance is amended—

- (a) by the insertion in the first line after the word "Commissioner" of the following—

"or any person authorized by him";

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

"(e) inspect any tenement which is exempted from assessment to rates in order to ascertain that such tenement is being used for the purposes of, and as required by, the provisions by virtue of which it has been so exempted."

5. Section 5 of the principal Ordinance is amended by the deletion of paragraph (b) and the substitution therefor of the following—

Amendment
of
section 5.

"(b) where two or more tenements exist in one building, they may in the discretion of the Commissioner be valued as one tenement, the rates being charged against any one of the owners, who may be required to adjust their respective shares of payment of such rates amongst themselves."

6. Section 6 of the principal Ordinance is amended by the deletion from the first, second and third lines of the words "of a tenement occupied by himself for which no rent passes, or any owner of more than ten tenements,".

Amendment
of
section 6.

7. Section 12 of the principal Ordinance is amended—

Amendment
of
section 12.

- (a) by the deletion from the seventh line of the colon and the substitution therefor of a full stop;

- (b) by the deletion of the proviso at the end thereof.

8. Section 15 of the principal Ordinance is repealed.

Repeal of
section 15.

9. Subsection (1) of section 16 of the principal Ordinance is amended—

Amendment
of
section 16.

- (a) by the deletion from the eleventh line thereof of the words "Registrar of the Supreme Court" and the substitution therefor of the following—

"District Court";

- (b) by the deletion from the twelfth line thereof of the words "in its summary jurisdiction".

10. Section 23 of the principal Ordinance is amended by being renumbered as subsection (1) of section 23 and by the addition thereto of the following new subsection—

Amendment
of
section 23.

"(2) Notwithstanding the provisions of subsection (1) of this section, the court may, and upon application by either party shall, reserve any question of law for the consideration of the Supreme Court. The Supreme Court shall have power to hear and determine the question so reserved and shall send its opinion thereon to the court."

Amendment
of
section 24.

11. Section 24 of the principal Ordinance is amended by the addition at the end of the following—

“Such valuation shall be effective from the first day of the month following that in which the tenement became liable to an interim valuation, or such later date as the Commissioner may determine.”

Repeal and
replacement
of
section 27.

12. Section 27 of the principal Ordinance is repealed and replaced by the following section—

“Payment
of rates.

27. The rates shall be assessed from the date when the interim valuation became effective or from twelve months before the demand therefor whichever is the later date, and such rates shall be payable during the month following the issue of such demand and thereafter in accordance with section 31.”

Amendment
of
section 28.

13. Section 28 of the principal Ordinance is amended by the deletion from the fourth and fifth lines of subsection (1) of the words “Supreme Court in its summary jurisdiction” and the substitution therefor of the following—

“District Court”.

Amendment
of
section 29.

14. Section 29 of the principal Ordinance is amended by being renumbered as subsection (1) of section 29 and by the addition of the following new subsection—

“(2) In the case of tenements situate in the New Territories (outside New Kowloon) the percentages set out in subsection (1) shall be varied as follows—

- (a) for seventeen per cent substitute eleven per cent;
- (b) for sixteen per cent substitute ten per cent;
- (c) for fifteen per cent substitute nine per cent.”

Amendment
of
section 35.

15. Section 35 of the principal Ordinance is amended—

- (a) by the deletion from the second line of paragraph (a) of the words “Accountant General” and the substitution therefor of the following—

“Commissioner”;

- (b) by the deletion from the third and fourth lines of paragraph (d) of the words “Accountant General” and the substitution therefor of the following—

“Commissioner”.

16. Section 40 of the principal Ordinance is amended—

Amendment
of
section 40.

- (a) by the deletion of subsection (2) and the substitution therefor of the following—

“(2) The following tenements shall not be rateable—

- (a) agricultural land;
- (b) tenements not occupied in any way for gain or pecuniary profit being—
 - (i) places of public worship, or
 - (ii) owned or occupied by the Government of Hong Kong or of any part of the Commonwealth.”;

- (b) by the deletion of subsection (4) and the substitution therefor of the following—

“(4) (a) The Governor in Council may in his discretion authorize the total or partial exemption from assessment of any tenement.

- (b) Any application for exemption under paragraph (a) shall be made within twenty-eight days of the receipt of the requisition in the prescribed form as provided by section 4 or 24 as the case may be.”;

- (c) by the deletion of subsection (5).

17. Section 44 of the principal Ordinance is amended—

Amendment
of
section 44.

- (a) by the addition after the word “Commissioner” in the second lines of subsections (3) and (4) of the words—

“or any person authorized by him”;

- (b) by the deletion from the fourth and fifth lines of subsection (8) of the words “section 2 or of subsection (5) of section 40,” and the substitution therefor of the following—

“any section”;