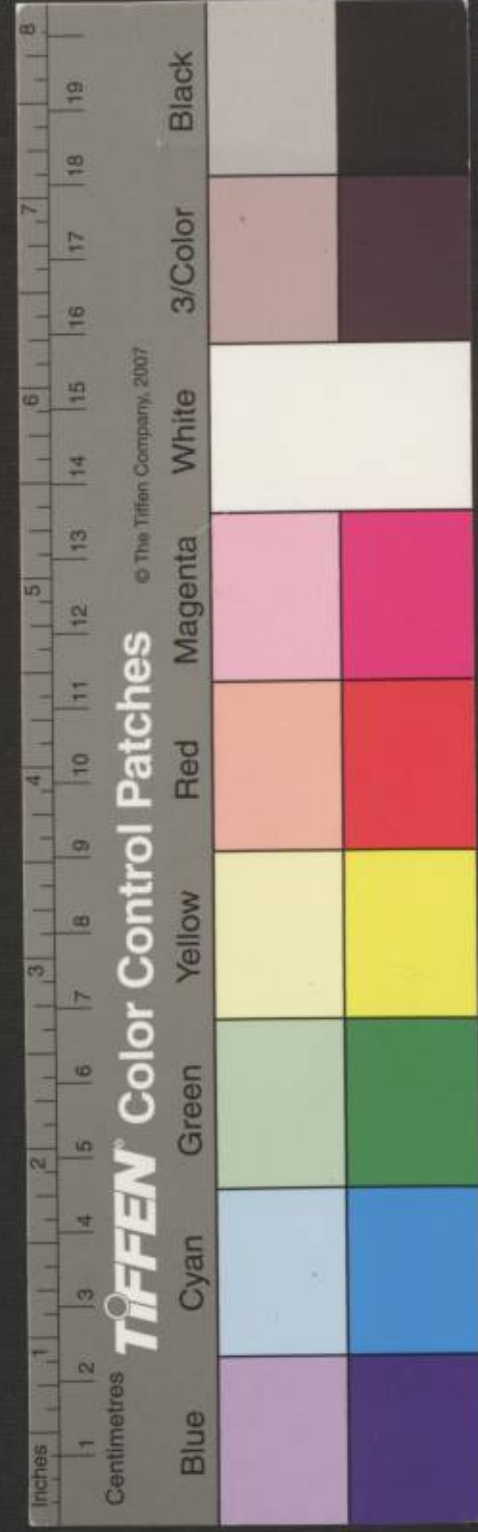


D. 4 S. N° 8/2.1

ORDINANCE

1954



HONG KONG

No. 1 OF 1954.



I assent.

[Signature]

Governor.

21st January, 1954.

An Ordinance to amend the Midwives Ordinance, Chapter 162.

[22nd January, 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 Midwives (Amendment) Ordinance, 1954. Short title.

2. Section 4 of the Midwives Ordinance (hereinafter referred to as the principal Ordinance) is amended by the addition after subsection (3) of the following new subsection— Amendment of section 4. (Cap. 162).

“(4) Regulations made under this section may contain provision—

(a) requiring as a condition of the admission of any person to the register that that person shall have undergone the prescribed training, and shall possess the prescribed experience in midwifery; and



- (b) requiring that the prescribed training shall be carried out in a training school approved by the Board in that behalf."

Amendment
of section 6.

3. Section 6 of the principal Ordinance is amended by the deletion from the fourth line of the words "the Governor in Council" and the substitution therefor of the following—

"a judge of the Supreme Court in the manner provided by the Rules of the Supreme Court".

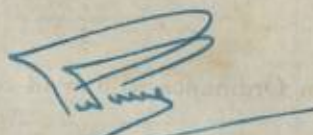
Amendment
of section 8.

4. Section 8 of the principal Ordinance is amended by the deletion from the sixth line of the words "of five dollars" and the substitution therefor of the following—

" , namely—

- (a) midwife trained within the Colony \$10.00
(b) midwife trained elsewhere \$25.00."

Passed the Legislative Council of Hong Kong, this 20th day of January, 1954.



Deputy Clerk of Councils.

(Secretariat 26/2961/46)

HONG KONG

No. 2 OF 1954.



I assent.



Governor.

21st January, 1954.

An Ordinance to amend the Pharmacy and Poisons Ordinance,
Chapter 138.

[22nd January, 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 Pharmacy and Short title.
Poisons (Amendment) Ordinance, 1954.

Amendment
of section
19.
(Cap. 138).

2. Paragraph (a) of subsection (2) of section 19 of the Pharmacy and Poisons Ordinance is amended by the deletion of the words "Part I of the Poisons List" and the substitution therefor of the following—

"the First List in the Poisons Regulations".

Passed the Legislative Council of Hong Kong, this 20th day of January, 1954.


Deputy Clerk of Councils.

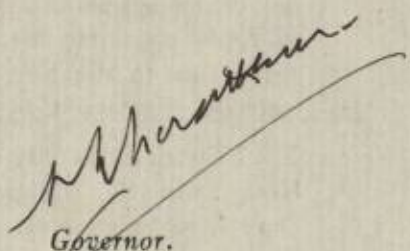
(Secretariat 1/3231/49)

HONG KONG

No. 3 OF 1954.



I assent.


Governor.

11th February, 1954.

An Ordinance to make provision for the establishment of a trust fund to be known as the J. E. Joseph Trust Fund, and for the due administration thereof, and for purposes connected with the matters aforesaid.

[12th February, 1954.]

WHEREAS certain moneys (hereinafter referred to as the trust moneys) were bequeathed by the late J. E. Joseph to trustees to hold the same, in the events which occurred, upon trust to apply such moneys to such charitable objects and institutions in the Colony as are intended to make special provision for the benefit of the Chinese there resident:

AND WHEREAS in an action in the Supreme Court of Hong Kong entitled Miscellaneous Proceedings No. 5 of 1952 such trust was held to be a valid charitable trust:

AND WHEREAS the said trustees in the exercise of the discretion given them by the Will of the said J. E. Joseph consulted with the Chinese members of the Legislative Council who approved of the institution of the use of the trust moneys to assist farmers in the New Territories to raise their standard of living:

AND WHEREAS the said trustees pursuant to the said trust paid the trust moneys, being the sum of \$439,553.60, to the Government to be used for the object above recited:

AND WHEREAS the Government received the trust moneys to hold the same in trust for the said object:

AND WHEREAS the Government consider that the said object may best be achieved by making statutory provision to extinguish the existing trust and to vest all moneys subject to such trust at the commencement of this Ordinance in a trustee upon trust to apply the same for the encouragement and improvement of agriculture in the New Territories with specific power to make loans to Farmers' Co-operative Societies:

NOW, THEREFORE, BE IT ENACTED by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows—

Short title. 1. This Ordinance may be cited as the J. E. Joseph Trust Fund Ordinance, 1954.

Establishment of trust fund. 2. (1) There is hereby established a trust fund to be known as the J. E. Joseph Trust Fund (hereinafter referred to as the Fund).

(2) The Fund shall consist of \$439,553.60 being moneys paid over to the Government by The Hongkong and Shanghai Banking Corporation under the provisions of a trust created by the Will of the said J. E. Joseph, together with any sums accumulated by way of interest thereon at the commencement of this Ordinance, and such other moneys as may from time to time be donated.

Vesting of the Fund. 3. As from the commencement of this Ordinance, the Fund is hereby transferred to and vested in the Registrar of Co-operatives as trustee (hereinafter referred to as the Trustee).

4. (1) As from the commencement of this Ordinance, any existing trust attaching to the trust moneys is hereby extinguished, but without prejudice to any act or thing lawfully done or omitted to be done under any such trust.

Extinguishment of existing trust, etc.

(2) Any person who has done or omitted to do any act or thing in relation to the trust moneys in good faith and in the execution or intended execution of any trust or trusts attaching to such moneys, is hereby discharged from all liability for any claims by any other person in respect of the trust moneys.

5. The cost of administering the Fund shall be defrayed out of moneys provided by the Legislative Council.

Administrative cost to be borne by Government.

6. (1) The Trustee shall hold and stand possessed of the capital and income of the Fund upon trust for the encouragement and improvement of agriculture in the New Territories, and for the fulfilment of the said purpose the Trustee shall have power to make loans to Farmers' Co-operative Societies in the New Territories at such rate of interest, if any, and subject to such conditions as the Trustee shall from time to time determine.

Purpose of trust.

(2) The Trustee may at his discretion, with the concurrence of the Financial Secretary, convert a loan made under subsection (1) into a grant.

7. The Trustee shall cause proper accounts to be kept of all income and expenditure and such accounts shall be audited at least once in every year by an auditor appointed from time to time by the Governor, and a copy of such accounts together with a copy of the auditor's report thereon shall be laid upon the Table of the Legislative Council.

Keeping accounts.

8. The Trustee may, and where so directed by the Governor shall, consult with any person or body nominated by the Governor, but the Trustee shall not be bound to accept the advice of such person or body.

Trustee to consult nominated persons.

9. (1) The Governor may give to the Trustee directions as to the discharge by the Trustee of his functions in carrying out the trust hereby created, and the Trustee shall give effect to such directions.

Powers of Governor in relation to the Trustee.

(2) The Trustee shall afford to the Governor facilities for obtaining information with respect to the Fund and functions of the Trustee, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the publication of information furnished, in such manner and at such time as he may require.

Passed the Legislative Council of Hong Kong, this 10th day of February, 1954.



Deputy Clerk of Councils.

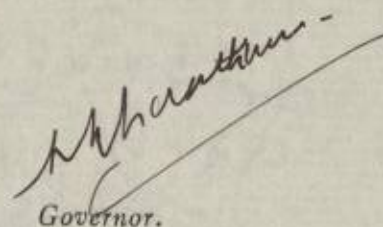
(Secretariat 16/2321/52)

HONG KONG

No. 4 OF 1954.



I assent.



Governor.

11th February, 1954.

An Ordinance to amend the Urban Council Ordinance, Chapter 101.

[12th February, 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. (Amendment) Ordinance, 1954.

2. Section 3 of the Urban Council Ordinance is amended—
(a) by the deletion from the third line of subsection (2) of the words "one or other of the two" and the substitution therefor of the following—

"any of the three";

Amendment
of section 3.
(Cap. 101).

- (b) by the deletion from the second line of subsection (6) of the word "part" and the substitution therefor of the following—
"and third parts".

Passed the Legislative Council of Hong Kong, this 10th day of February, 1954.


Deputy Clerk of Councils.

(Secretariat 4/1146/52)

HONG KONG

No. 5 OF 1954.



I assent.


Governor.

4th March, 1954.

An Ordinance further to amend the Magistrates Ordinance,
Chapter 227.

[]

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 Magistrates (Amendment) Ordinance, 1954, and shall come into operation on a day to be appointed by the Governor by proclamation in the *Gazette*.

Short title,
and com-
mencement.

2. Section 82 of the Magistrates Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from the last two lines of subsection (4) of the following—

Amendment
of section
82 (Cap.
227).

"and transmitted together with the depositions of the witnesses for the prosecution as is hereinafter mentioned".

Amendment
of section
83.

3. Section 83 of the principal Ordinance is amended by the deletion from subsection (3) of the last proviso thereto.

Amendment
of section
84.

4. Section 84 of the principal Ordinance is amended—

- (a) by the deletion from the last four lines of all the words after the words "the magistrate shall" in subsection (2) and the substitution therefor of the following—

"order that the accused stand committed for trial at the Criminal Session of the Supreme Court for the next ensuing month, and shall so inform the accused or cause him to be so informed.";

- (b) by the addition after subsection (2) of the following new subsections—

"(3) If the magistrate orders that the accused stand committed for trial under subsection (2), he shall then issue his warrant committing the accused to prison until delivery by due course of law: Provided that he may, if he thinks fit, admit the accused to bail in any case where he has power to grant bail under the provisions of this Ordinance.

(4) Notwithstanding any such committal the court may, of its own motion or on the application of the Crown or of the accused, order the accused to appear or be produced before the court to be tried on any such date after his committal as the court may appoint."

Repeal of
section 85.

5. Section 85 of the principal Ordinance is repealed.

Repeal and
replace-
ment of
section 86.

6. Section 86 of the principal Ordinance is repealed and replaced by the following section—

"Deposi-
tions and
exhibits
after
committal.

86. (1) The written charge, the depositions of the prosecutor and the witnesses, including witnesses (if any) called by the accused, the statement of the accused and his evidence (if any), certificates signed by the magistrate touching the due observance of the requirements of sections 81, 82 and subsection (2) of section 84, the recognizances of the prosecutor and of all witnesses and the recognizances of bail (if any), and any documents which have been produced in

evidence, together with a list signed by the magistrate of all exhibits produced in evidence, shall be transmitted to the Registrar together with as many copies thereof certified by the magistrate as the Registrar may require, as soon as may be after the committal for trial of the accused and a copy similarly certified, shall at the same time be transmitted to the Attorney General.

(2) An accused committed for trial shall, on application by himself or by his solicitor made on his behalf, be furnished free of charge before his trial with one copy of such depositions, documents and list relating to his case as are referred to in subsection (1).

(3) If the accused or his solicitor notify the magistrate's clerk in writing of such requirement, further copies of all or any of the documents referred to in subsection (1) shall be supplied on payment of fifteen cents for each folio of seventy-two words.

(4) All exhibits other than documentary exhibits shall, unless the magistrate otherwise directs, be taken charge of by the Commissioner of Police and shall be produced at the trial by him or by a police officer deputed for that purpose."

7. Subsection (1) of section 87 of the principal Ordinance is amended by the deletion of the words "to the Attorney General" and by the substitution therefor of the following—

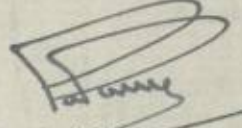
Amendment
of section
87.

"in accordance with the provisions of that subsection,".

8. Any proceeding whatsoever in relation to any person who stands committed for trial at the commencement of this Ordinance shall be taken as though this Ordinance had not been enacted.

Saving.

Passed the Legislative Council of Hong Kong, this 3rd day of March, 1954.


Deputy Clerk of Councils.

(Secretariat 9/3231/53)

HONG KONG

No. 6 OF 1954.



I assent.

Governor.

4th March, 1954.

An Ordinance further to amend the Criminal Procedure Ordinance, Chapter 221.

[]

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 Criminal Procedure (Amendment) Ordinance, 1954, and shall come into operation on the day appointed for the commencement of the Magistrates (Amendment) Ordinance, 1954.

Short title,
and com-
mencement.

2. Section 8 of the Criminal Procedure Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion from the first line of the word "session" and the substitution therefor of the following—

Amendment
of section
8.
(Cap. 221).

"ordinary session".

Repeal of
of section
10.

3. Section 10 of the principal Ordinance is repealed.

Amendment
of section
11.

4. Section 11 of the principal Ordinance is amended—

(a) by the deletion of the first two lines thereof and the substitution therefor of the following—

“If after receipt of the documents referred to in subsection (1) of section 86 of the Magistrates Ordinance the Attorney General is of opinion that the accused”;

(Cap. 227).

(b) by the deletion from the sixth line of the words “such documents” and the substitution therefor of the following—

“the case”

Amendment
of section
12.

5. Section 12 of the principal Ordinance is amended by the deletion from the third and fourth lines of subsection (1) of the words “such documents” and the substitution therefor of the following—

“the case”.

Amendment
of section
13.

6. Section 13 of the principal Ordinance is amended by the deletion of subsection (3) and the substitution therefor of the following subsection—

“(3) The Attorney General shall transmit forthwith copies of any such direction to the Registrar and to the Commissioner of Prisons, and on receipt of a copy of any such direction, the Registrar shall transmit to the committing magistrate all documents in the case that are in his possession or control.”

Amendment
of section
67.

7. Section 67 of the principal Ordinance is amended by the deletion from the fifth line of the words “the Attorney General” and the substitution therefor of the following—

“the Registrar”.

8. Section 89 of the principal Ordinance is repealed and replaced by the following section—

“Filing of
original
documents.

89. When a case has been finally disposed of, the Registrar shall file in his office or otherwise deal with as the court may direct, all the original documents in that case which have been transmitted to him by the committing magistrate.”

Repeal and
replace-
ment
of section
89.

9. Any proceeding whatsoever in relation to any person who stands committed for trial at the commencement of this Ordinance shall be taken as though this Ordinance had not been enacted.

Passed the Legislative Council of Hong Kong, this 3rd day of March, 1954.

Deputy Clerk of Councils.

(Secretariat 2/3231/54)

HONG KONG

No. 7 OF 1954.



I assent.

[Handwritten signature]
Governor.

25th March, 1954.

An Ordinance to apply a sum not exceeding three hundred and eighty-eight million two hundred and sixty-two thousand and fifty dollars to the Public Service of the financial year ending the 31st day of March, 1955.

[26th March, 1954.]

WHEREAS the expenditure required for the service of this Colony for the financial year ending on the 31st day of March, 1955, has been estimated at the sum of three hundred and eighty-eight million two hundred and sixty-two thousand and fifty dollars:

NOW, THEREFORE, 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 Appropriation (1954- Short title. 1955) Ordinance, 1954.

Appropriation from the general revenues.

2. A sum not exceeding three hundred and eighty-eight million two hundred and sixty-two thousand and fifty dollars shall be and the same is hereby charged upon the revenue and other funds of the Colony for the services of the financial year commencing on the 1st day of April, 1954, and ending on the 31st day of March, 1955, and the said sum so charged may be expended in the manner expressed in the Schedule.

Schedule.

SCHEDULE.

[s. 2.

Number of Vote.	Head of Expenditure.	Amount of Vote. \$
1.	His Excellency the Governor	332,058
2.	Agriculture, Fisheries and Forestry Department	3,256,532
3.	Audit Department	620,250
4.	Broadcasting Department	757,325
5.	Civil Aviation Department	2,139,108
6.	Colonial Secretariat and Legislature	2,958,561
7.	Commerce and Industry Department	4,250,808
8.	Cooperatives and Marketing Department	504,527
	Defence	
9A.	R.H.K.D.F. Headquarters & Hong Kong Regiment	2,422,820
9B.	Hong Kong Royal Naval Volunteer Reserve ...	617,040
9C.	Hong Kong Auxiliary Air Force	726,594
9D.	Essential Services Corps	142,664
9E.	Auxiliary Fire Service	196,900
9F.	Auxiliary Medical Service	721,374
9G.	Civil Aid Services	810,018
9H.	Registration of Persons	346,097
9I.	Directorate of Manpower	56,154
9J.	Miscellaneous Measures	20,762,000
10.	Education Department	14,187,789
11.	Fire Brigade	2,856,916
12.	Inland Revenue Department	2,476,792
13.	Judiciary	2,108,517
14.	Kowloon Canton Railway	12,156,708
15.	Labour Department	806,926
16.	Legal Department	760,282
17.	Marine Department	11,089,237
18.	Medical Department	27,843,553
19.	Miscellaneous Services	12,022,200

Number of Vote.	Head of Expenditure.	Amount of Vote. \$
20.	New Territories, District Administration	652,110
21.	Pensions	12,196,000
	Police Force	
22A.	Hong Kong Police	37,750,179
22B.	Hong Kong Police (Auxiliaries)	1,664,804
23.	Post Office	9,017,386
24.	Printing Department	1,500,041
25.	Prisons Department	6,640,543
26.	Public Debt	3,363,110
27.	Public Relations Office	484,687
28.	Public Services Commission	32,768
29.	Public Works Department	20,354,137
30.	Public Works Recurrent	21,031,000
31.	Public Works Non-Recurrent	68,921,350
32.	Quartering	2,055,833
33.	Rating and Valuation Department	466,878
34.	Registrar General's Department	623,871
35.	Royal Observatory	1,174,836
	Secretariat for Chinese Affairs	
36A.	Secretariat for Chinese Affairs	469,269
36B.	Social Welfare Office	2,231,945
36C.	District Watch Force	276,642
37.	Stores Department	6,364,521
38.	Subventions	36,960,325
	Treasury	
39A.	Treasury	1,862,009
39B.	Custodian of Property	53,418
	Urban Services and Urban Council	
40A.	Head Office and Sanitary Division	15,224,302
40B.	Resettlement Division	4,716,334
40C.	Gardens Division	824,088
40D.	Housing Division	52,914
41.	Colonial Development and Welfare Schemes	3,367,000
	TOTAL	388,262,050

Passed the Legislative Council of Hong Kong, this 24th day of March, 1954.

(Secretariat 1/2291/54)

Deputy Clerk of Councils.

HONG KONG

No. 8 OF 1954.



I assent.

Governor.

25th March, 1954.

An Ordinance to make better provision for the conservation of wild birds and wild mammals; and for purposes connected therewith.

[26th March, 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 Wild Birds and Wild Mammals Protection Ordinance, 1954. Short title.

2. In this Ordinance, unless the context otherwise requires— Inter-
"forest officer" has the meaning attributed to that expression by pretation.
section 2 of the Forestry Ordinance; (Cap. 96).
"game" means any mammal or bird specified in the First Schedule First
and includes the eggs and young thereof; Schedule.

"hunt" includes any act immediately directed at the killing or capture of any mammal or bird or at the taking of eggs, nest or young;

"licensing authority" means any public officer appointed by the Governor by notice in the *Gazette* to be the licensing authority for the purposes of this Ordinance;

Second Schedule. "scheduled mammal" means any mammal specified in the Second Schedule;

Third Schedule. "vermin" means any mammal or bird specified in the Third Schedule.

Prohibition of trapping. 3. No person shall hunt any mammal (other than rodents) or any bird by means of nets, gins, snares, pitfalls, poison or poisoned weapons, bird lime or traps of any kind, or have in his possession for the purpose of hunting such mammals or birds any of such appliances.

No hunting other than of game or vermin. 4. No person shall hunt any scheduled mammal or any bird other than game or vermin.

Protection of nests and eggs. 5. No person shall take, remove, injure or destroy the nest or any egg of any wild bird.

No hunting of game without a licence or during close season. 6. (1) No person shall hunt any game without having previously obtained a game licence from the licensing authority.

First Schedule. (2) No person shall hunt any game during the close season for such game prescribed in the First Schedule.

Possession of game, scheduled mammals and wild birds. 7. Subject to the provisions of section 16, no person shall be in possession of—

- (a) any live game or any live scheduled mammal;
- (b) any wild bird killed or taken in the Colony other than game or vermin;
- (c) any game or any part of any game killed or taken in the Colony during the close season for such game.

8. Subject to the provisions of section 16, no person shall buy, sell, export or offer for sale or export—

- (a) any scheduled mammal or any part thereof;
- (b) any game mammal or any part thereof;
- (c) any wild bird killed or taken in the Colony or the nest or any egg of any such bird or any part thereof.

Prohibition of sale or export of scheduled mammals, game mammals and wild birds.

9. No person shall hunt or carry any firearm in the areas described in the Fourth Schedule: Provided that the prohibition against the carrying of firearms shall not apply to members of Her Majesty's armed forces or members of the police force whilst on duty.

Prohibition of hunting and carrying of firearms in certain areas. Fourth Schedule.

10. No person shall hunt any mammal (other than rodents) or any bird in the areas described in the Fifth Schedule.

Prohibition of hunting of mammals (other than rodents) and of birds in certain areas. Fifth Schedule.

11. (1) In Kowloon and New Kowloon no person shall shoot at any bird or mammal from any place situated within two hundred yards of any inhabited house or motor road.

Prohibition of shooting near houses or motor roads.

(2) In the New Territories no person shall shoot at any bird or mammal from any place situated within one hundred yards of any inhabited house or motor road.

12. (1) The licensing authority may at his discretion issue a game licence in the form and on payment of the fee prescribed in the Sixth Schedule.

Game licence. Sixth Schedule.

(2) The licensing authority before issuing a licence may require the applicant to appear before him in person and produce for his inspection his arms licence.

(3) Where the licensing authority refuses an application for the issue of a game licence, the applicant may appeal in writing to the Colonial Secretary whose decision shall be final.

(4) Every game licence shall be subject to any variations of, additions to or deletions from the First Schedule (which specifies the mammals and birds classified as game and the close seasons therefor) made from time to time under the provisions of section 20.

(5) Every game licence may be revoked at any time by the licensing authority at his discretion if the holder thereof is convicted of any offence against this Ordinance or fails to observe any of the conditions of the licence, or shoots to the danger of the public.

(6) Every game licence shall be valid for one year from the date on which it is issued.

(7) If the licensing authority is satisfied that a game licence has been lost or destroyed or accidentally defaced, he may at his discretion issue a duplicate thereof on payment of a fee of five dollars.

13. Where any person is charged with an offence against section 7 or 8, it shall be presumed until the contrary is proved that any mammal, bird, nest or egg in his possession was killed or taken within the Colony.

14. The Governor may, by notification in the *Gazette*, appoint fit and proper persons to be honorary game wardens for the purpose of assisting in the carrying out of the provisions of this Ordinance.

15. (1) If any justice of the peace or honorary game warden has reasonable grounds for believing that any person has been hunting or is about to hunt, he may require such person to produce for inspection any mammal or bird or any part thereof in his possession and any game licence issued to him under the provisions of this Ordinance.

Presumption in case of person charged with being in possession, etc., of bird, nest or eggs, or scheduled mammal.

Honorary game wardens.

Powers of inspection and arrest.

(2) If any justice of the peace or honorary game warden has reasonable grounds for believing that any person has committed an offence against this Ordinance, he may—

(a) seize any mammal or bird or any part thereof in the possession of such person ;

(b) require such person to accompany him to the nearest police station.

(3) If any forest officer has reasonable grounds for believing that any person has, in any area specified in the Fourth Schedule, committed an offence against this Ordinance he may arrest and detain such person and seize any mammal or bird or any part thereof in his possession.

Fourth Schedule.

16. (1) Notwithstanding any of the provisions of this Ordinance, it shall be lawful for the Governor, upon such conditions as he thinks fit, to grant to any person a permit, to be called a Governor's Permit, which shall entitle the holder to hunt the mammals or birds specified therein for scientific or other purposes.

Governor's Permit.

(2) Such permit shall, notwithstanding the provisions of sections 7 and 8, constitute lawful authority to the holder to be in possession of the mammals and birds taken or killed in accordance with the terms and conditions of the permit, and to export the same if the permit so allows.

17. (1) Any person who, without lawful excuse, fails to comply with a requirement of a justice of the peace or honorary game warden under the provisions of section 15 shall be guilty of an offence and liable to a fine of two hundred and fifty dollars.

Offences and penalties.

(2) Any person who contravenes the provisions of section 5, subsection (1) of section 6 or section 11 shall be guilty of an offence and liable to a fine of two hundred and fifty dollars.

(3) Any person who contravenes the provisions of section 3 or 4, subsection (2) of section 6, or section 7, 8, 9 or 10 shall be guilty of an offence and liable to a fine of five hundred dollars.

18. (1) If any damage is done to growing crops by any person, or by his attendants or dogs, while engaged in the pursuit of game, such person shall be liable to pay to the owner of the

Compensation for damage to crops.

crops by way of compensation such sum of money not exceeding two hundred and fifty dollars as a magistrate or District Officer may, in a summary manner, determine.

(2) Any compensation awarded under the provisions of subsection (1) shall be paid within seven days of the determination of the magistrate or District Officer.

Forfeiture. 19. Where a person is convicted of an offence against this Ordinance, the court before which he is convicted shall have power to order that any mammal, bird, nest or egg in relation to which the offence was committed be forfeited to the Crown.

Power to vary, etc., the Schedules. 20. The Governor in Council may, by order, vary, add to or delete from any of the Schedules.

Repeal and saving. (Caps. 170, 171 and Vol. X, p. 285). 21. The Wild Animals Protection Ordinance, the Wild Birds Ordinance and the Wild Birds Regulations are hereby repealed: Provided that nothing in this Ordinance shall be deemed to render invalid any game licence issued under the Wild Birds Ordinance so repealed, and any such licence which is unexpired at the commencement of this Ordinance shall be deemed to have been issued under and subject to the provisions of this Ordinance.

FIRST SCHEDULE. [secs. 2 & 6.

The mammals and birds specified in this Schedule are classified as game and may not be hunted without a game licence or during the close seasons prescribed below.

GAME	CLOSE SEASON
A. Mammal. Deer	from the 1st February to 30th September, both days inclusive.
B. Resident Bird. The Chinese Francolin (Partridge).	from the 15th February to 31st October, both days inclusive.
C. Migratory Birds. Snipe Woodcock Plover Teal Wild Duck (all species) Wild Geese Quail (other than quail bred in captivity).	from the 1st May to the 31st July, both days inclusive.

SECOND SCHEDULE. [sec. 2.

The hunting of the mammals and birds specified below is prohibited.

Mammals.

The Pangolin or Scaly Ant-eater—*Manis pentadactyla*.

The Otter—*Lutra lutra*.

The Crab-eating Mongoose—*Herpestes urva*.

Birds.

All wild birds other than game or vermin.

THIRD SCHEDULE. [sec. 2.

The mammals and birds specified below are classified as vermin for the purposes of this Ordinance.

Mammals.

All mammals other than game or scheduled mammals.

Birds.

Chinese Pied Magpies, Kites, Buzzards.

FOURTH SCHEDULE. [secs. 9 & 15(3).

Areas in which hunting and the carrying of firearms are prohibited.

Area A. The Tai Po Kau Forestry Reserve in the vicinity of the bridge across the Tai Po Kau stream near milestone 14½ on the main Kowloon-Taipo Road, being the catchment area of the Tai Po Kau stream, bounded on the north by, but excluding, the main Kowloon-Taipo Road; on the east and south by a line running southwards from a point on the main road 300 yards east of the bridge and following the crest of the hills to Taipo Pass, thence westwards to the summit of Grassy Hill; and bounded on the west and northwest by a line following the crest of the hills from Grassy Hill in a northwesterly direction to the nearest point of the main road 200 yards northwest of the bridge near milestone 14½.

Area B. The Kowloon Reservoirs Direct Catchment Area, being all that area in the vicinity of milestone 5½ on the main Kowloon-Taipo Road comprising the four Kowloon Reservoirs and the slopes of the hills draining directly into these reservoirs, but excluding the main Kowloon-Taipo Road.

Area C. The Kowloon Reservoirs Indirect Catchment Area, being an area bounded on the north by the path along the whole length of the Beacon Hill catchwater running eastwards from the vicinity of milestone 5½ on the main Kowloon-Taipo Road; on the east by a line from the eastern end of the catchwater southwards to Crown Point and Lion Rock; on the south by a line running westwards from Lion Rock along the crest of the Kowloon Hills to Beacon Hill, thence westwards to the crest of the hills overlooking the Kowloon Reservoirs; and on the west by the Kowloon Reservoirs Direct Catchment Area.

FIFTH SCHEDULE.

[sec. 10.

Areas in which the hunting of any mammal (other than rodents) or any bird is prohibited.

Area D. The whole of the island of Hong Kong.

Area E. The whole of the island of Cheung Chau.

Area F. Fanling Golf Course and the area within 200 yards of the boundaries of the Golf Course.

Area G. All that area in the Lam Tsun Valley within 500 yards of the road known as Route I, from its junction with the main Tai Po-Fan Ling Road to the pass at the head of the Lam Tsun Valley.

SIXTH SCHEDULE.

[sec. 12.

The Wild Birds and Wild Mammals Protection Ordinance, 1954.

(No. of 1954).

GAME LICENCE.

(Section 12).

This game licence is issued to
.....
of
and entitles him to hunt the following mammal and the following birds during the shooting seasons prescribed below, and subject to such restrictions as may be imposed under the Ordinance.

Mammal.

Shooting Season.

Deer

from the 1st October to the 31st
January, both days inclusive.

Resident Bird.

The Chinese Francolin
(Partridge)

from the 1st November to the 14th
February, both days inclusive.

Migratory Birds.

Snipe

Woodcock

Plover

Teal

Wild Duck (all species)

Wild Geese

Quail (other than quail
bred in captivity).

from the 1st August to the 30th April,
both days inclusive.

CONDITIONS.

(i) This licence is valid from
to

(ii) The licensee must carry this licence with him when engaged on or setting out for or returning from any shooting expedition, and must produce it when required to do so by any magistrate, justice of the peace, police officer, or honorary game warden.

(iii) This licence is not transferable.

Fee \$50.

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

.....
Signature of Holder.

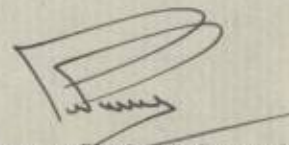
.....
Licensing Authority.

RECEIVED the sum here stated in
printed figures.

Code	Reference No.
G.	

The attention of the licensee is drawn to the provisions of the Wild Birds and Wild Mammals Protection Ordinance, 1954 (No. 8 of 1954).

Passed the Legislative Council of Hong Kong, this 24th day
of March, 1954.


Deputy Clerk of Councils.

(Secretariat 13/3231/53)

HONG KONG

No. 9 OF 1954.



I assent.

[Signature]
Governor.

25th March, 1954.

An Ordinance to amend the Protection of Women and Juveniles Ordinance, 1951.

[26th March, 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 Protection of Short title.
Women and Juveniles (Amendment) Ordinance, 1954.
2. Section 4 of the Protection of Women and Juveniles Ordinance, 1951, (hereinafter referred to as the principal Ordinance) is amended by the deletion from the first and second lines of paragraph (a) of subsection (1) of the following words—

“not being a common prostitute or of known immoral character,”.

Amendment
of section
42.

3. Section 42 of the principal Ordinance is amended—

- (a) by the deletion from the first line of the words "female child or young person" and the substitution therefor of the following—

"female, young person or child";

- (b) by the deletion from the second line of the word "her" and the substitution therefor of the following—

"such female, young person or child";

- (c) by the deletion from the last line of the words "she or he" and the substitution therefor of the following—

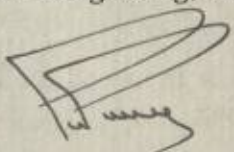
"such female, young person or child".

Amendment
of sections
43 and 44.

4. Sections 43 and 44 of the principal Ordinance are amended by the deletion of the words "female child or young person" wherever they occur and the substitution therefor of the following—

"female, young person or child".

Passed the Legislative Council of Hong Kong, this 24th day of March, 1954.


Deputy Clerk of Councils.

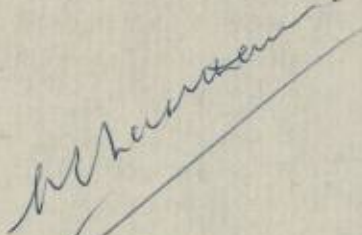
(Secretariat 4/5641/49)

HONG KONG

No. 10 OF 1954.



I assent.


Governor.

25th March, 1954.

An Ordinance for the incorporation of the Board of Directors of the Pok Oi Hospital

[26th March, 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 Pok Oi Hospital Short title. Incorporation Ordinance, 1954.

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

Interpreta-
tion.

"board of directors" means the board of directors of the hospital for the time being appointed in accordance with the constitution;

"constitution" means the articles of constitution referred to in section 3(2) and specified in the Schedule;

"hospital" means the Pok Oi Hospital of Un Long in the New Territories.

Incorporation.

3. (1) The board of directors 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 "Pok Oi 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 articles of constitution specified in the Schedule shall be binding upon the corporation and a board of directors shall be appointed in accordance with the constitution the members of which shall be deemed to be members of the corporation after notice of their appointment has been filed with the Registrar of Companies.

(3) The board of directors 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 wheresoever 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 carrying on business or having an office in the Colony 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 Seal. the seal of the corporation shall be sealed with its common seal in the presence of two members of the board of directors 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.

6. Nothing in this Ordinance shall affect or be deemed Saving. 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 persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

SCHEDULE.

ARTICLES OF CONSTITUTION.

1. These articles shall be cited as the constitution of the Pok Oi Hospital. Citation.

2. In this constitution—

Interpretation.

"hospital" means the Pok Oi Hospital of Un Long;

"Ordinance" means the Pok Oi Hospital Incorporation Ordinance, 1954.

3. The hospital shall be called the Pok Oi Hospital.

Title of hospital.

4. The objects of the hospital shall be—

Objects of hospital.

(a) to acquire, take over and carry on the hospital now known as the Pok Oi Hospital, Un Long;

(b) to provide medical and surgical treatment and aid or any other assistance and all remedies and requisites in case of accident or illness in the New Territories either gratuitously or in return for such payment as may from time to time be determined by the board of directors and to provide facilities for training in medicine, surgery, nursing and hospital work and the investigation of disease to the satisfaction of the Hon. Director of Medical and Health Services;

(c) to promote, execute, assist and maintain any other charitable work which has been previously approved by the District Commissioner, New Territories;

(d) to accept donations and bequests for all or any of the purposes aforesaid or for other purposes that can in the opinion of the board of directors be conveniently carried into effect by the hospital;

(e) generally to do all things necessary or expedient for the proper and effective carrying out of any of the objects aforesaid.

5. Subject to articles 4 (b) and (c), the supreme control, government and management of all property and affairs of the hospital shall be vested in the board of directors.

Control of hospital.

Constitution
of board of
directors.

6. (a) The board of directors shall consist of not less than fifteen and not more than forty;
- (b) directors shall hold office annually from the 1st day of April;
- (c) any director appointed for any one year shall be eligible for appointment for the following or any subsequent year;
- (d) three months before the conclusion of their term of office, or as early as may be practicable, the board of directors shall by letter under the hand of the chairman invite persons to accept appointment as directors for the forthcoming year;
- (e) if any vacancy occurs among the directors by reason of death or resignation or removal from office it shall be lawful for the remaining directors or a majority of them to elect any person whomsoever to fill the vacancy for the remainder of the year for which the director dying or resigning or being removed from office was appointed;
- (f) a director may be removed from office by a majority decision of the directors, in which the chairman shall have a casting vote;
- (g) each director shall within six months of his accepting appointment undertake to donate or to collect subscriptions as under—

chairman	\$3,000.
each vice-chairman	\$2,000.
each director	\$1,000.

Chairman.

7. (a) As soon as possible after the acceptance of appointment by the directors for any year, they shall elect one of their members to be chairman for that year, and between two and four of their members to be vice-chairmen: Provided that the chairman for that year shall be elected among the directors who have previously served the hospital as such directors, failing which the chairman shall be elected from the directors first appointed for that year;
- (b) the chairman for the previous year, or the person entitled to preside in his absence, shall preside at the election referred to in article 7(a);
- (c) in the event of two or more directors designate being returned at the head of the poll with an equality of votes at any election under this article there shall be a new vote, or if necessary a series of new votes, to determine which of such directors shall be elected;
- (d) in the event of the death, resignation, incapacity or absence of the chairman at any time, the board of directors may appoint one of the vice-chairmen to act as chairman.

Appointment
of honorary
advisers.

8. The board of directors may appoint honorary advisers to the hospital for one or more years as they deem fit and may revoke such appointments.

Meetings.

9. The board of directors shall, twice in every month and may as often as they think fit, meet together for the despatch of business and the chairman may at the written request of any two directors cause a meeting to be called at any time.

10. (a) At any meeting of the board of directors a quorum shall be constituted by nine directors, one of whom must be the chairman or a vice-chairman; Quorum.

- (b) every question at any meeting of the directors shall be decided by a majority of votes of the directors present, and in case of an equality of votes the chairman shall have a second or casting vote.

11. The board of directors may appoint a treasurer of the hospital who shall be an honorary officer and may appoint from outside their own members a secretary or secretaries of the hospital who shall perform such duties and receive such remuneration as the board from time to time may determine. Appointment
of treasurer
and secretary.

12. The board of directors shall cause minutes to be made in books provided for the purpose— Minutes.

- (a) of all appointments of officers made by the board;
- (b) of all the resolutions and proceedings at all meetings of the board and of the committees appointed by them.

13. The board of directors shall cause proper books or accounts to be kept of all receipts and payments and the accounts of the hospital shall be balanced and its financial state shall be ascertained under the superintendence of the board once in every year as at the 15th day of March in every year and the balance-sheet showing the financial state of the hospital as on that date in each year shall be prepared. The receipt and payment account and balance-sheet shall be audited by an auditor or by auditors appointed by the board and a copy of such account and balance-sheet fully audited shall within seven days after the date of the certificate of the auditors thereon be sent by the board to the Director of Medical and Health Services and to the District Commissioner, New Territories. Books,
accounts
and audit.

14. The hospital and all buildings or premises under the control of the corporation shall be open at all reasonable times to the inspection of the Director of Medical and Health Services, the District Commissioner, New Territories, and their representatives. Inspection.

15. Cheques shall be drawn under the order of the board of directors and shall be signed by such persons in such manner as the board may from time to time determine. Cheques.

16. The board of directors shall have power to repeal, replace or amend these articles or any of them: Provided that— Power of
board to
amend, etc.
constitution
and procedure.
 - (a) a resolution authorizing any such repeal, replacement or amendment shall have been passed by the majority of not less than three-fourths of the directors; and
 - (b) the consent in writing thereto shall have been given by the District Commissioner, New Territories.

Passed the Legislative Council of Hong Kong, this 24th day of March, 1954.

Deputy Clerk of Councils.

(Secretariat 3/3231/54)

HONG KONG

No. 11 OF 1954.



I assent.

[Handwritten signature]
Governor.

8th April, 1954.

An Ordinance to amend the Landlord and Tenant Ordinance, Chapter 255, and the Landlord and Tenant (Amendment) Ordinance, 1953.

[9th 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 Landlord and Tenant (Amendment) Ordinance, 1954.

2. Subsection (1) of section 3A of the Landlord and Tenant Ordinance (hereinafter referred to as the principal Ordinance) is amended by the deletion therefrom of all the words appearing after the expression "it is reasonable that", and by the substitution thereof of the following—

Amendment
of section
3A.
(Cap. 255).
(1953
Reprint).

"such building covenant should be complied with and that such person should be given vacant possession of the premises".

Amendment
of section
11.

3. Subsection (3) of section 11 of the principal Ordinance is amended by the insertion in the eighth line after the words "payable by" of the following words—

"and of the date of first occupation by".

Amendment
of section
12.

4. Paragraph (b) of subsection (5) of section 12 of the principal Ordinance is amended by the insertion after the letter (b) of the following words—

"where the premises are dependent domestic premises,".

Amendment
of section
18.

5. Paragraph (a) of subsection (1) of section 18 of the principal Ordinance is amended by the deletion from the first line of the following words—

"of domestic premises".

Amendment
of section
29 of the
Landlord
and
Tenant
(Amend-
ment)
Ordinance,
1953, and
effect
thereof.
(Appendix
to the 1953
Reprint).

6. (1) Section 29 of the Landlord and Tenant (Amendment) Ordinance, 1953, is amended in the following respects—

(a) by the deletion from the fifth line of subsection (1) of the words "fourteen days" and by the substitution therefor of the following—

"two months";

(b) by the substitution of a comma for the full stop at the end of subsection (1), and by the addition thereafter of the following words—

"or after he has affixed such certificate or a copy of such certificate on a conspicuous part of the premises comprised in his principal tenancy and he has to the best of his ability kept such certificate or copy so affixed for a period of not less than seven consecutive days."

(2) The amendment to subsection (1) of section 29 of the Landlord and Tenant (Amendment) Ordinance, 1953, made by paragraph (a) of subsection (1) of this Ordinance shall be deemed to have had effect as from the 17th day of July, 1953 (being the

date of commencement of the Landlord and Tenant (Amendment) Ordinance, 1953), and any decision of a tenancy tribunal given between the 17th day of July, 1953, and the commencement of this Ordinance, may be reviewed by the tribunal either of its own motion or on the application of any party to the proceedings in which the decision was given within two months after the commencement of this Ordinance, if the tribunal is of opinion that the decision should be reviewed in consequence of the amendment aforesaid.

Passed the Legislative Council of Hong Kong, this 7th day of April, 1954.



Deputy Clerk of Councils.

(Secretariat 9/741/52VI)

HONG KONG

No. 12 OF 1954.



I assent.

W. S. Ho
Governor.

14th April, 1954.

An Ordinance to validate payments of pay and allowances to members of the Hong Kong Naval Volunteer Force and to officers and volunteers of the Hong Kong Volunteer Defence Corps who were called out on actual service and on actual military service during the Second World War 1939-45.

[15th April, 1954.]

WHEREAS—

(1) members of the Hong Kong Naval Volunteer Force were by proclamations, under regulation 26 of the Regulations of the Hong Kong Naval Volunteer Force enacted in exercise of the powers conferred by section 10 of the Naval Volunteer Ordinance, 1933, called out on actual service on and after the 30th day of August, 1939;

(2) officers and volunteers of the Hong Kong Volunteer Defence Corps were by proclamation, under section 11 of the Volunteer Ordinance, 1933, called out on actual military service on and after the 7th day of December, 1941;

(3) no provision had at the time of calling out been made to prescribe the entitlement to pay and allowances of the members of the said Force or of the officers and volunteers of the said Corps when called out as aforesaid and no such provision has been made subsequently;

(4) certain payments were in fact made of pay and allowances to the members of the said Force and to the officers and volunteers of the said Corps when called out as aforesaid; and

(5) it is expedient that provision should be made to validate such payments.

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

Short title. 1. This Ordinance may be cited as the Volunteer and Naval Volunteer (Validation of Pay and Allowances) Ordinance, 1954.

Inter-pretation. 2. In this Ordinance—

“Pay Code” means—

- (a) in the case of members of the Hong Kong Naval Volunteer Force, except members to whom paragraph (b) applies, and in the case of officers and volunteers of the Hong Kong Volunteer Defence Corps, the British Pay Code and the Allowance Regulations applicable at the material dates to the Royal Navy and the Army;
- (b) in the case of members of the Hong Kong Naval Volunteer Force being ratings not entered as seamen gunners, the China Station Orders of the Commander-in-Chief and incorporated in the China Station Order Book as at the 25th day of December, 1941.

3. It shall be deemed always to have been lawful to make payments of pay and allowances in accordance with the Pay Code to—

- (a) members of the Hong Kong Naval Volunteer Force who were called out, on and after the 30th day of August, 1939, on actual service under the Naval Volunteer Ordinance, 1933;
- (b) officers and volunteers of the Hong Kong Volunteer Defence Corps who were called out on and after the 7th day of December, 1941, on actual military service under the Volunteer Ordinance, 1933.

Validation of payments to members of the Hong Kong Naval Volunteer Force and to officers and volunteers of the Hong Kong Volunteer Defence Corps. (30 of 1933). (19 of 1933).

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


Deputy Clerk of Councils.

(Secretariat 12/1486/48)

HONG KONG

No. 13 OF 1954.



I assent.

[Handwritten signature]
Governor.

14th April, 1954.

An Ordinance to amend the Stamp Ordinance, Chapter 117.

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

[15th April, 1954.]

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

2. Section 41 of the Stamp Ordinance is amended by the deletion of the semi-colon at the end of paragraph (a), and the addition thereto of the following—

Amend-
ment of
section 41.
(Cap. 117).

“, or by the Administrator of Japanese Property;”.

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

[Handwritten signature]
Deputy Clerk of Councils.

(Secretariat T.C. 603/54)

HONG KONG



HONG KONG

No. 14 OF 1954.



I assent.

[Signature]
Governor.

14th April, 1954.

An Ordinance for the incorporation of the Minister and Board
of Trustees of The Emmanuel Church.

[15th 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 Emmanuel Church Short title.
Incorporation Ordinance, 1954.

2. In this Ordinance, unless the context otherwise requires— Interpretation.
“minister” means the minister of The Emmanuel Church for the
time being appointed in accordance with the constitution;
“church” means The Emmanuel Church;
“constitution” means the constitution of the church for the time
being of the church;

"board of trustees" means the board of trustees of the church for the time being appointed in accordance with the constitution.

Incorporation.

3. (1) The minister and board of trustees of the church and their successors in office shall be a body corporate, hereinafter referred to as the corporation, and shall have the name of "The Emmanuel 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.

(2) The minister shall be appointed in accordance with the constitution and shall for the period of his appointment be a member of the corporation upon notice of his appointment and where such appointment is made to replace a retiring minister of the church, upon, in addition, notice of such retirement, being filed with the Registrar of Companies. Any such notice shall be signed by the retiring minister and by the board of trustees and shall be sealed with the common seal of the corporation.

(3) The members of the board of trustees 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 board of trustees, upon, in addition, notice of such retirement, being filed with the Registrar of Companies. Any such notice shall be signed by the continuing and retiring trustee or trustees and shall be sealed with the common seal of the corporation.

(4) The minister and board of trustees on incorporation shall consist of the persons respectively holding such offices at the date of the Ordinance coming into operation.

(5) The board of trustees shall be lawfully constituted notwithstanding any vacancies occurring therein by death, absence, resignation or incapacity of any member or any other cause: Provided always that the board of trustees shall at no time consist of less than two members.

Powers of the corporation.

4. (1) The corporation shall have power to acquire, accept lease 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 carrying on business or having an office in the Colony, 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 the corporation may seem fit.

5. All deeds, documents and other instruments requiring Seal. the seal of the corporation shall be sealed with its common seal in the presence of the minister and two members of the board of trustees 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.

6. Nothing in this Ordinance shall affect or be deemed to Saving. 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 April, 1954.


Deputy Clerk of Councils.

(Secretariat 8/3231/54)

HONG KONG

No. 15 OF 1954.



I assent.

[Handwritten signature]
Governor.

14th April, 1954.

An Ordinance for the incorporation of the Mother Provincial in the Colony of the Institute of the Daughters of Mary Help of Christians.

[15th 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 Daughters of Mary Help of Christians Incorporation Ordinance, 1954. Short title.

2. The Mother Provincial in this Colony of the Institute of the Daughters of Mary Help of Christians shall be a corporation sole (hereinafter called the corporation) and shall have the name of "The Mother Provincial of the Daughters of Mary Help of Christians (Hong Kong)" and by that name shall and may sue and be sued in all courts in this Colony and shall and may have and use a common seal. Incorporation.

Powers
of the
corporation.

3. (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, 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, or company and also to purchase acquire and possess 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 debentures, stocks, funds, shares or securities, or other goods and chattels whatsoever which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit.

Property
transferred
to cor-
poration
to pass to
successors.

4. The legal estate in any property whatsoever transferred to the corporation in any manner whatsoever shall in the event of the death of the Mother Provincial in this Colony of the Institute of the Daughters of Mary Help of Christians for the time being or in the event of her ceasing to hold office as such Mother Provincial pass to her successor in such office when appointed.

Execution
of docu-
ments.

5. All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the person who is for the time being Mother Provincial in this Colony of the said Institute or of her attorney duly authorized and such deeds and instruments and all other documents, instruments and writings requiring the signature of the corporation shall be signed by such Mother Provincial or her attorney.

Appoint-
ment of
Mother
Provincial.

6. (1) Whenever any person is appointed to the office of Mother Provincial in the Colony of the said Institute such person shall within three weeks after her appointment or within such further time as may be allowed by the Governor furnish to the Governor satisfactory evidence of her appointment.

(2) A notification in the *Gazette* under the hand of the Colonial Secretary that such evidence has been furnished to the Governor by such person shall be conclusive evidence of such appointment.

7. Nothing in this Ordinance shall affect or be deemed to affect the rights of Her Majesty the Queen Her Heirs and 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 and under them.

Saving of
rights of
the Crown
and of
certain
other
rights.

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



Deputy Clerk of Councils.

(Secretariat 7/3231/54)

HONG KONG

No. 16 OF 1954.



I assent.

[Handwritten signature]
Governor.

14th April, 1954.

An Ordinance to provide for the incorporation of the Board of Governors of the Portuguese Community Schools.

[15th 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 Portuguese Community Schools Incorporation Ordinance, 1954. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

"Board of Governors" means the board from time to time appointed pursuant to section 5;

"management committee" means the committee for the time being appointed pursuant to section 10.

Incorporation.

3. The Board of Governors for the time being shall be a body corporate under the name of the "Portuguese Community Schools Incorporated", hereinafter called the corporation, 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 from time to time break, change, alter and make anew the said seal as the corporation may seem fit.

Purpose of the corporation.

4. The purpose of the corporation shall be to establish and maintain schools whereby children primarily of the Portuguese community and of other communities in Hong Kong are given a modern and liberal education (special attention being given to the teaching of the Portuguese language and literature) upon Christian principles.

Board of Governors.

(Cap. 32).

5. (1) The Board of Governors shall be—
- (a) the presidents or chairmen for the time being of the following companies incorporated under the Companies Ordinance, namely—
 - (i) Club Lusitano;
 - (ii) Club de Recreio;
 - (iii) Associação Portuguesa de Socorros Mútuos;
 - (b) the president for the time being of the Instituto Português de Hong Kong;
 - (c) the members of the Portuguese community for the time being serving on the—
 - (i) Executive Council of the Colony;
 - (ii) Legislative Council of the Colony;
 - (iii) Board of Education of the Colony; and
 - (d) the following members of the Portuguese community namely—
 - (i) Léo D'Almada e Castro;
 - (ii) Alberto Maria Rodrigues;
 - (iii) Henrique Alberto de Barros Botelho;
 - (iv) Arnaldo de Oliveira Sales;
 - (v) Fernando de Menezes Ribeiro;
 - (vi) Arthur Ernesto Gomes;
 - (vii) Rogerio Hyndman Lobo.

(2) The first chairman of the Board of Governors shall be Henrique Alberto de Barros Botelho, and thereafter the chairman for the time being shall be appointed by the Board of Governors annually on the first day of July.

(3) On the resignation death or other determination of the membership of any one of such members of the Board of Governors as are mentioned in paragraph (d) of subsection (1), such Board may, if it is considered necessary or expedient so to do, appoint a successor.

6. (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 wheresoever situate 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 other goods and chattels of what nature and kind soever.

Powers of corporation.

(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 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: Provided that in respect of lands, buildings, messuages, tenements and mortgages such powers shall not be exercised without the consent of the Governor in Council first had and obtained in each particular case.

7. 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 members of the Board of Governors for the time being or in the event of any of such members ceasing to hold office pass to his successor in office when appointed.

Property transferred to corporation to pass to successors.

8. Whenever any persons of the Portuguese community are appointed—

Duty to give notice of appointment to Registrar of Companies.

- (a) as presidents or chairmen of the clubs, association and institute mentioned in paragraphs (a) and (b) of subsection (1) of section 5; or

- (b) to serve on the Executive Council, Legislative Council and the Board of Education of the Colony; or
- (c) as successors to the persons named in paragraph (d) of subsection (1) of section 5;

such persons shall within three months after their respective appointments give written notice to the Registrar of Companies of such facts.

Execution
of
documents.

9. All deeds, documents and other instruments requiring the seal of the corporation shall be sealed in the presence of three or more members of the Board of Governors and shall also be signed by three of such members so present and such signing shall be taken as sufficient evidence of the due sealing thereof.

Management
committee.

10. (1) The first management committee shall consist of five members of the Portuguese community appointed by the Board of Governors, and thereafter the management committee for the time being shall consist of five of such members appointed by the Board of Governors annually on the first day of July.

(2) The first chairman of the management committee shall be appointed by the Board of Governors, and thereafter the chairman for the time being shall be appointed by the Board of Governors annually on the first day of July.

(3) On the resignation, death or other determination of the membership of any member of the management committee any vacancy so caused may, if the Board of Governors deems it necessary or expedient, be filled by such Board.

Quorum
and
majority
decision.

11. (1) At any meeting—

- (a) of the Board of Governors seven members thereof shall form a quorum;
- (b) of the management committee three members thereof shall form a quorum.

(2) Every question at any meeting of the Board of Governors or of the management committee shall be decided by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

12. The Board of Governors may from time to time delegate to the management committee such powers as the Board may consider necessary or expedient for the better management of any school established or maintained by the corporation in order to vest in the management committee the effectual control and management of any such school subject to such directions as the Board of Governors may give from time to time.

Delegation
of powers
to manage-
ment
committee.

13. (1) The Board of Governors may by rules prescribe and provide for—

Power of
Board of
Governors
to make
rules.

- (a) the control and management of the schools or school premises established or maintained or owned or occupied by the corporation, and in regard to all matters incidental to the conduct of such schools or school premises;
- (b) the holding of meetings of the Board of Governors or of the management committee and the conduct of business thereat;
- (c) the keeping of accounts of moneys received and expended by the management committee;
- (d) all other matters which are necessary for the management and control of the Board of Governors or of the management committee.

(2) No rules made by the Board of Governors under subsection (1) shall be binding unless such rules have been passed by a majority of members present and voting.

14. 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 persons 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 14th day of April, 1954.


Deputy Clerk of Councils.

(Secretariat 9/3231/54)

HONG KONG

No. 17 OF 1954.



I assent.

[Handwritten signature]
Governor.

14th April, 1954.

An Ordinance to amend and consolidate the law relating to prisons and persons employed therein.

[15th 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 Prisons Ordinance, Short title. 1954.

2. In this Ordinance—

“Chief Officer” means a senior officer of the Prisons Department holding the rank of chief officer;

“Commissioner” means the Commissioner of Prisons of the Colony or an Assistant Commissioner;

“other person employed in the prisons” includes executive officers, clerks, storekeepers, school masters, master tailors, trade instructors, installation mechanics, fitters, office

Inter-
pretation.

attendants, messengers, coolies, cooks, and all members of the Prisons Department not included in the other definitions contained in this section, whether pensionable or non-pensionable, and other persons who may from time to time be employed in the prisons as such;

“senior officer” includes the Commissioner, Assistant Commissioner, Superintendents and Chief Officers and other officers, if any, whose appointments are gazetted;

“subordinate officers” includes assistant chief officers, principal officers, prison officers of whatever grade, chief warders, assistant chief warders, principal warders, assistant principal warders, warders, hospital supervisors and assistant hospital supervisors, matrons, assistant matrons, principal wardresses, wardresses, nurses, principal leaders, assistant principal leaders and leaders, and any officer of the Prisons Department below the rank of Chief Officer as the Governor may from time to time declare to be a subordinate officer;

“Superintendent” means a senior officer of the Prisons Department holding the rank of superintendent of prisons.

Power of Governor to make orders in respect of certain matters relating to prisons.

3. The Governor may by orders published in the *Gazette* prescribe or provide for—

- (a) any place or building or portion of a building to be set apart for the purpose of a prison;
- (b) the discontinuance of the use of any prison and the appropriation of the sites and buildings thereof for any other lawful purpose;
- (c) the appointment of fit persons to be respectively Commissioner, Assistant Commissioner, Superintendents, Chief Officers, Chaplains, Medical Officers, and such other officers for the service of the prisons as the Governor may think necessary, and to remove such persons from their offices.

Commissioner entrusted with duties of sheriff. [cf. 2 of 1884, s. 2.]

4. All such duties in relation to the execution of any sentence or judgment imposed or awarded by any court or judge exercising criminal jurisdiction as attached to the office of sheriff on the 19th day of December, 1882, and in respect of which no provision has since been made shall be attached to the office of the Commissioner.

5. The sites and buildings and prisons known as Stanley Prisons, Prison, Victoria Prison and Lai Chi Kok Prison, shall be prisons duly set apart under section 3.

6. (1) A cell shall not be used for the confinement of a prisoner unless it is certified by the Commissioner that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with an officer of the prison.

Certification of cells by Commissioner. [cf. 15 & 16 Geo. 6, and 1 Eliz. 2, c. 52, s. 14.]

(2) A certificate given under this section in respect of any cell may limit the period for which a prisoner may be separately confined in the cell and the number of hours a day during which a prisoner may be employed therein.

(3) The certificate shall identify the cell to which it relates by a number or mark and the cell shall be marked by that number or mark placed in a conspicuous position; and if the number or mark is changed without the consent of the Commissioner the certificate shall cease to have effect.

(4) The Commissioner may withdraw a certificate given under this section in respect of any cell if in his opinion the conditions of the cell are no longer as stated in the certificate.

(5) In every prison special cells shall be provided for the temporary confinement of refractory or violent prisoners.

7. (1) Any prisoner sentenced to imprisonment or committed to prison on remand pending trial or otherwise may be lawfully confined in any prison to which this Ordinance applies.

Commitment and removal of prisoners. [cf. 15 & 16 Geo. 6 and 1 Eliz. 2, c. 52, s. 12.]

(2) Prisoners shall be confined in such prisons as the Commissioner may direct and may on like direction be removed therefrom during the term of their imprisonment to any other prison.

8. In a prison used for both men and women separate buildings or parts of a building shall be used for the men and for the women respectively so as to prevent the one from seeing or communicating with the other.

Separation of male and female prisoners. [cf. 15 & 16 Geo. 6, and Eliz. 2, c. 52, s. 15.]

9. Prisoners shall be under the control of the Commissioner who may—

Control of prisoners.

- (a) allocate them to suitable institutions under his control;

(b) classify them according to the classifications laid down by the Governor in Council from time to time under section 27.

Custody and conveyance of prisoners. [cf. 15 & 16 Geo. 6 and 1 Eliz. 2, c. 52, s. 13.]

10. (1) A person shall be deemed to be a prisoner and in legal custody whenever he is being taken to or from, or is confined in, any prison in which he may be lawfully confined, whether under criminal or civil process, or whenever he is working outside or is otherwise outside any such prison in the custody or under the control of an officer of the Prisons Department.

(2) Any police officer or other officer acting under the order of any judge or magistrate or other officer having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be legally committed or removed.

Removal of prisoners for medical treatment. [cf. 4 & 5 Geo. 5, c. 58, s. 17; 15 & 16 Geo. 6 and 1 Eliz. 2, c. 52, s. 22].

11. The Commissioner on being satisfied that a prisoner is suffering from a disease and cannot properly be treated in a prison, or that he should undergo and desires to undergo a surgical operation which cannot properly be performed in a prison, or that a female prisoner is pregnant and that a birth may be imminent, may order that the prisoner be taken to a Government hospital or other suitable place for the purpose of treatment or such operation or such birth, and while absent from a prison in pursuance of such order the prisoner shall be deemed to be in legal custody.

Attendance of prisoners.

12. When the attendance of any prisoner at any place is required for the purposes of any enactment, the Commissioner shall arrange for his transfer in custody to and from such place, and during any such transfer the prisoner shall be deemed to be in legal custody.

Removal of prisoners for observation and manner of dealing with prisoners of unsound mind.

13. (1) The Commissioner may by writing under his hand, if he has reason to believe that a prisoner is or may be of unsound mind and that he considers it necessary or expedient so to do, order that the prisoner be taken to a mental hospital for the purpose of detention and observation during a period of seven days from and including the date of the order, and while absent from the prison in pursuance of such order the prisoner shall be deemed to be in legal custody. If while a prisoner is so detained it is considered necessary to detain him for a further period for the purpose of observation the procedure laid down in section 11 of the Mental Hospitals Ordinance excluding the last proviso thereto shall be followed.

(Cap. 136).

(2) Save as aforesaid, prisoners of unsound mind shall be dealt with in the manner prescribed by the Mental Hospitals Ordinance.

14. Judgment of death to be executed on any prisoner sentenced on any indictment shall be carried into effect within the precincts of the prison in which the prisoner is confined at the time fixed for execution.

Judgment of death to be executed within precincts of prison. [cf. 31 Vict. c. 24, s. 2.]

15. The body of every prisoner executed shall be buried by the prison authorities in such place as the Governor in Council may authorize as a place to be used as a prisons cemetery under the provisions of section 73 of the Public Health (Sanitation) Ordinance, 1935.

Burial of body. [cf. 31 Vict. c. 24, s. 6.] (15 of 1935).

16. Except in so far as it is hereby otherwise provided judgment of death shall be carried into effect in the same manner as if this Ordinance had not been enacted.

General saving. [cf. 31 Vict. c. 24, s. 16.]

17. It shall not be lawful for any prisoner confined in a prison or any officer of the Prisons Department or person employed in the prisons, or any person engaged in any sort of trade or dealing with a prison, to be a juror on any inquiry held under the provisions of section 7 of the Magistrates (Coroners Powers) Ordinance.

Prohibition of certain persons acting as jurors in an inquiry into death of prisoner. [cf. 28 & 29 Vict. c. 126, s. 48; 50 & 51 Vict. c. 71, s. 3.] (Cap. 14).

18. (1) Hard labour, for the purposes of sentences of imprisonment with hard labour, shall be of such classes, character and description as may be prescribed by rules made under section 27.

Regulation of hard labour.

(2) Subject to the instructions of the Governor any prisoner in any prison may, in the discretion of the Commissioner, be employed under the control of officers of the Prisons Department on work outside the precincts of a prison: Provided that no person shall be so employed without his consent unless he has been sentenced to hard labour.

Escaping or aiding to escape from prison or legal custody. [cf. 15 & 16 Geo. 6 and 1 Eliz. 2, c. 52, s. 39.]

19. Any person who—

- (a) escapes from any prison or from legal custody; or
- (b) aids any prisoner in escaping from prison or from legal custody; or
- (c) with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed anything into a prison or to a prisoner or places anything anywhere outside a prison with a view to its coming into the possession of a prisoner,

shall be liable upon summary conviction to imprisonment for two years.

Introduction of unauthorized articles into prison. [cf. 15 & 16 Geo. 6 and 1 Eliz. 2, c. 52, ss. 40 and 41.]

20. (1) Any person who brings, throws or in any manner introduces or conveys into any prison, or conveys to any prisoner while in custody outside the prison, or deposits in any place outside a prison with intent that it shall come into the possession of a prisoner, or carries out of a prison any arms, ammunition, weapon, instrument, intoxicating liquor, opium or other drug, tobacco, money, clothing, provisions, letters, papers, books or any other article whatsoever shall, unless so authorized by the rules made under section 27 or by the Commissioner, be liable upon summary conviction to a fine of one thousand dollars and to imprisonment for six months.

(2) Any officer of the Prisons Department or other person employed in the prisons who contravenes or permits any contravention of the provisions of subsection (1) shall be liable, in addition to the above punishment and any other punishment, to forfeit his office.

Supplying unauthorized articles to prisoners. [cf. 15 & 16 Geo. 6 and 1 Eliz. 2, c. 52, s. 40.]

21. Any person who—

- (a) in any prison sells any intoxicating liquor, opium or other drug, tobacco or any other unauthorized article; or
- (b) being an officer of the Prisons Department or other person employed in the prisons—
 - (i) permits any such article to be sold in any prison;
 - (ii) permits any such article to be used by any prisoner, unless such use be authorized by rules made under section 27 or by the Commissioner;
 - (iii) contrary to the rules made under section 27 gives or causes to be given anything of whatsoever nature to any prisoner,

shall be liable upon summary conviction to a fine of one thousand dollars and to imprisonment for six months and, if he be an officer of the Prisons Department or other person employed in the prisons, he shall be liable, in addition to such punishment and any other punishment, to forfeit his office.

22. The Commissioner shall cause to be affixed in a conspicuous place outside every prison a notice, in English and in Chinese, setting forth the penalties that will be incurred by persons who contravenes the provisions of sections 19, 20 and 21.

Duty to display outside a prison notice containing punishments under sections 19 to 21. [cf. 15 & 16 Geo. 6 and 1 Eliz. 2, c. 52, s. 42.]

23. Any officer of the Prisons Department or other person employed in the prisons who—

- (a) after having duly engaged to serve as such absents himself from his duties, or refuses or neglects to obey any lawful order, or is guilty of any breach of discipline or any insubordination; or
- (b) on being dismissed or permitted to resign from or ceasing to belong to the Prisons Department, does not deliver up all arms, accoutrements, appointments and things entrusted to him for the performance of his duty,

shall be liable upon summary conviction to a fine of one thousand dollars and to imprisonment for six months, and shall be liable to forfeit his office upon conviction.

Penalties for misconduct.

24. (1) There shall be established a fund to be known as the "Prisons Department Welfare Fund".

Welfare Fund. [cf. Cap. 232, s. 34.]

(2) The fund shall consist of—

- (a) all sums forfeited by or fines inflicted on any subordinate officer and other persons employed in the prisons other than sums forfeited by or fines inflicted by a magistrate or competent court under the powers conferred by this Ordinance;
- (b) all unclaimed sums found, and confiscated, within the prisons and such other institutions as may be placed under the control of the Commissioner;
- (c) all donations and voluntary contributions;

- (d) any sums as may be voted annually by the Legislative Council.
- (3) The fund shall be controlled by the Commissioner subject to rules made under section 27 and applied to the purpose of—
 - (a) recompensing subordinate officers and other persons employed in the prisons for extra service rendered by them;
 - (b) procuring for subordinate officers and other persons employed in the prisons who are serving or who have retired on pension or gratuity, comforts, convenience or other advantages not chargeable to the public revenue; and
 - (c) granting loans to subordinate officers and other persons employed in the prisons who are serving or who have retired on pension or gratuity on rates or terms in accordance with rules made under section 27.

Visiting
justices and
visiting
com-
mittees.

25. (1) For the purpose of visiting prisons and other institutions under the control of the Commissioner, the Governor—

- (a) shall appoint such numbers of justices of the peace as he considers necessary; and
- (b) may appoint fit and proper persons to serve on visiting committees.

(2) Visiting justices and visiting committees shall carry out the duties and exercise the powers prescribed by rules made under section 27.

Reduction
of im-
prisonment
on paying
portion of
fine.
[cf. 4 & 5
Geo. 5,
c. 58, s. 3.]

26. (1) Where a term of imprisonment is imposed by the Supreme Court or the District Court in respect of the non-payment of any sum of money, other than a sum of money which is ordered to be paid to any person aggrieved by way of compensation or amends for any injury, damage, or loss to his person or property, then, on payment to the Commissioner or to such person as he may authorize, of any sum in part satisfaction of the sum so adjudged to be paid and of any charges for which the prisoner is liable, the term of imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which the prisoner has been sentenced as the sum so paid bears to the aggregate sum for which he is so liable: Provided that, in reckoning the number of days by which any term would be reduced under this section, the first day of imprisonment shall not be taken into account, and that,

in reckoning the sum which will secure the reduction of a term of imprisonment, fractions of a cent shall be omitted.

(2) Where the term of imprisonment is imposed by a magistrate, section 36 of the Magistrates Ordinance shall apply and provisions may be made by rules under section 131 of the Magistrates Ordinance, as to the application of the sums paid under such section and the conditions under which such payments may be made and the release of the prisoner effected. (Cap. 227).

27. (1) The Governor in Council may by rules prescribe or provide for— Power to
make
rules.

- (a) the regulation and government of prisons;
- (b) the admission and discharge of prisoners;
- (c) the duties and conduct of the officers of the Prisons Department and other persons employed in the prisons;
- (d) the discharge or dismissal of such officers or other persons and the punishing of them by fine and degradation to a lower rank or pay;
- (e) the control, administration and application of the Prisons Department Welfare Fund;
- (f) the duties and powers of visiting justices or visiting committees;
- (g) the conditions under which visitors may be allowed in the prisons;
- (h) the classification, diet, clothing, maintenance, employment, discipline, instruction and correction of the prisoners;
- (i) the remission of a portion of their sentences;
- (j) the granting of gratuities to the prisoners or the remuneration of prisoners for work done;
- (k) the regulation of the execution of judgments of death and burials of executed prisoners;
- (l) all other matters relating to the prisons.

(2) Any rule made under this Ordinance may provide that a contravention thereof shall be an offence and may provide punishment and penalties for such offence not exceeding a fine of one thousand dollars and imprisonment for six months.

(3) The rules in the Schedule shall be in force except in so far as they may be amended by rules made under this section. Schedule.

28. The Prisons Ordinance is hereby repealed.

Repeal of
Cap. 234.

SCHEDULE.

[s. 27].

THE PRISONS ORDINANCE, 1954.

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THE PRISONS ORDINANCE, 1954.

RULES MADE BY THE GOVERNOR IN COUNCIL
(under section 27).

PART I.

GENERAL RULES FOR THE GOVERNMENT OF PRISONS.

(1) PRELIMINARY.

- Citation. 1. These rules may be cited as the Prison Rules, 1954.
- Application of rules. 2. The rules in this Part shall apply to all classes of prisoners except in so far as they may be inconsistent with the rules made to govern any particular class or classes of prisoners.

(2) ACCOMMODATION.

- Sleeping accommodation. 3. (1) No sleeping accommodation for prisoners shall be used unless it is certified by the Commissioner to be of such a size, and to be lighted, ventilated and fitted in such a manner, as is requisite for health, and when such accommodation is locked it shall be furnished with the means of enabling prisoners to communicate at any time with an officer of the prison. If the certificate of any cell, room, or ward so used is cancelled, that accommodation shall not be used for sleeping unless it is again certified. The certificate shall specify the maximum number of prisoners to be accommodated at any one time in such a room or ward and the number so specified shall not be exceeded without the authority of the Commissioner.

(2) Where sleeping accommodation is in separate cells each prisoner shall occupy a cell by himself: Provided that where it is necessary for special reasons the Commissioner may authorize the accommodating of not more than three prisoners in a cell.

- Beds. 4. Every prisoner shall be provided with a separate bed.

- Hospital. 5. In every establishment under the control of the Commissioner a hospital or proper place for the reception of sick prisoners shall be provided.

6. (1) In a prison for both men and women the whole of the premises allocated to women shall be entirely separate and shall be secured by locks different from those used in the men's prison. Women's accommodation.

(2) The keys of the premises allocated to women shall be under the control of female prison officers.

7. Female prisoners shall in all cases be attended by female prison officers. A male prison officer shall not enter a prison or part of a prison appropriated for the use of female prisoners except on duty and in the company of a female prison officer. Female prisoners.

8. "European prisoners" are such prisoners as the Commissioner may decide to treat for the purpose of the dietary tables as European prisoners. Any prisoner whose application to be classed as a European prisoner is refused by the Commissioner may appeal to the visiting justices. If the prisoner is not satisfied by the result of his appeal, he may petition the Governor whose decision shall be final; any such decision may be arrived at after consideration of such report as the Governor may see fit to receive and to consider sufficient for the purpose of his decision. European prisoners.

(3) GENERAL TREATMENT.

(a) Admission and Discharge.

9. (1) Every prisoner shall be searched on admission and at such times subsequently as the Superintendent or other officer in charge may direct, and all articles for the possession of which no authority has been given shall be taken from him. Searching.

(2) The searching of a prisoner shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed articles.

(3) No prisoner shall be stripped and searched in the sight of another prisoner.

10. A female prisoner shall be searched by female prison officers only. In other respects the same course shall be pursued in reference to the admission or discharge of a female prisoner as in the case of a male prisoner. Provisions as to female prisoners.

Prisoner's
property.

11. All money, clothing and other effects belonging to a prisoner which he is not allowed to retain, shall be placed in the custody of the Superintendent, who shall cause an inventory thereof to be kept. Such inventory shall be signed by the prisoner concerned certifying its correctness.

Record of
measure-
ments and
other
particulars.

12. The name, age, height, weight, particular marks and such other measurements and particulars as may be required in regard to a prisoner shall upon his admission, and from time to time be recorded.

Photo-
graphing
of prisoner.

13. Every prisoner may be photographed on reception and subsequently, but no copy of the photograph shall be given to any person unless he is officially authorized to receive it.

Medical
examina-
tion on
admission.

14. Every prisoner shall, as soon as possible after his admission, be separately examined by the Medical Officer, who shall record the state of health of the prisoner, and such other particulars as he may deem necessary: Provided that when a prisoner is admitted too late to be examined on the same day he shall be examined as soon as possible on the next day, and in any case within 24 hours of admission.

Bath.

15. Every prisoner shall take a bath on reception, unless the Superintendent or Medical Officer otherwise directs.

Disease or
vermin.

16. If any prisoner is found to have any infectious or contagious disease or to be infested with vermin, a report thereof shall be made forthwith to the Medical Officer under whose direction steps shall be taken to treat the condition and to prevent its transmission to other prisoners.

Final
interview
with
Medical
Officer.

17. (1) Every prisoner shall as short a time as is practicable before discharge, or removal to another prison, be examined by the Medical Officer.

(2) A prisoner shall not be removed to another prison unless the Medical Officer certifies that he is fit for removal.

(3) A prisoner due for discharge who is suffering from an acute or dangerous illness shall, unless he refuses to stay, not be sent out of prison until in the opinion of the Medical Officer it is safe to send him out.

18. Every prisoner for whose production at any place an order is issued shall, while outside the prison, be kept in the custody of the officers directed to convey him to that place.

Custody of
prisoner
outside
prison.

19. When prisoners are being removed to or from prison, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult or curiosity.

Protection
from
public
view.

20. (1) The child of a female prisoner may be received into prison with its mother and kept during the normal period of lactation and any child so admitted shall not be taken from its mother until the Medical Officer certifies that it is in a fit condition to be removed.

Children
of female
prisoners.

(2) When any child received into prison under paragraph (1) is over the age of nine months or attains that age while in prison the Medical Officer shall report to the Commissioner whether, in his opinion, it is necessary or desirable that such child should be retained in prison. The Commissioner may commit such child to the care of such relative of the child as may be willing and able to undertake such care and who may, in his opinion, be a fit and proper person to undertake such care. If the Commissioner is unable to find any relative of the child to whose care such child may properly be entrusted, then he may commit such child to the care of any person or institution approved by the Governor.

(3) Notwithstanding the provisions of paragraphs (1) and (2) the Commissioner may permit any child to remain in the prison until the mother has completed her sentence or such child has attained the age of 3 years whichever is the earlier.

(4) Any child retained in prison may be supplied with clothing at the public expense.

21. Any payment made in part satisfaction of the sum adjudged to be paid by a prisoner and of any charges for which he is liable, in order to obtain the remission of a part of his imprisonment, as provided by section 26 of the Ordinance shall be made only on a week-day between the hours of 9 and 12 in the morning and 2 and 4 in the afternoon.

Payment of
portion of
fine to
obtain
remission.

(b) *Prohibited Articles.*

Possession
of articles
without
authority.

22. (1) No prisoner shall without authority have in his possession any article, and any such article found in his possession shall be confiscated by the Superintendent.

(2) No person shall without authority convey or throw into, or deposit in, a prison, or convey or throw out of a prison, or convey to any prisoner, or deposit with a view to its coming into the possession of any prisoner, any money, clothing, food, drink, tobacco, letter, paper, book, tool or other article whatsoever. Any article so conveyed, thrown or deposited without authority may be confiscated by the Superintendent.

Examina-
tion and
search.

23. (1) All persons and vehicles entering or leaving a prison may be examined and searched.

(2) A person suspected—

(a) of bringing without authority any article into a prison; or

(b) of carrying out without authority—

(i) any article; or

(ii) any property belonging to a prison; or

(c) while in a prison of being—

(i) in possession without authority of any article; or

(ii) in improper possession of any property belonging to a prison;

shall be stopped and immediate notice thereof shall be given to the Superintendent, who may order that he shall be examined and searched.

(3) The Superintendent may refuse admission to a prison of a person who is unwilling to be examined and searched.

(4) The Superintendent may direct the removal from a prison of a person who while in a prison is unwilling to be examined and searched or whose conduct is improper.

Intoxica-
ting liquor
and
tobacco.

24. (1) No prisoner shall be given or allowed to have any intoxicating liquor except in pursuance of a written order of the Medical Officer specifying the quantity to be given and the name of the prisoner for whose use it is intended.

(2) No prisoner shall be allowed to smoke or to have in his possession any tobacco except in accordance with such order as may be given by the Commissioner.

(c) *Clothing and Bedding.*

25. Every prisoner shall be provided with a complete outfit of clothing adequate for warmth and health in accordance with a scale approved by the Commissioner and shall wear such clothing and no other: Provided that special clothing may be authorized by the Superintendent in special circumstances on the recommendation of the Medical Officer.

Adequate
clothing
to be
supplied.

26. On the discharge of a prisoner, his own clothes shall be returned to him unless it has been found necessary to destroy or otherwise dispose of them, in which case he shall be provided with proper clothing.

Return of
prisoner's
clothing on
discharge.

27. Every prisoner shall be provided with—

Blankets.

(a) blankets adequate for warmth and health in accordance with a scale approved by the Commissioner;

(b) additional blankets in special circumstances on the recommendation of the Medical Officer.

28. A prisoner shall not, except with the authority of the Commissioner in special circumstances, or in pursuance of special rules, have in his possession any clothing, blankets or necessaries otherwise than in accordance with the scales approved by the Commissioner.

Prohibition
of un-
authorized
clothing,
blankets,
etc.

(d) *Food.*

29. Every prisoner shall be supplied with a sufficient quantity of plain and wholesome food in accordance with such dietary scales as the Governor in Council may from time to time approve.

Supply
of food.

30. No prisoner shall receive or have in his possession any food otherwise than in accordance with the dietary scales approved by the Governor in Council except—

Possession
of food.

(a) in special circumstances with the permission of the Commissioner; or

- (b) on the recommendation of the Medical Officer if a variation of diet is desirable on medical grounds for any individual prisoner.

Quantity
of food.

31. Except as provided under rules 62 and 64 for an offence against prison discipline, or on the written recommendation of the Medical Officer in the case of a prisoner who persistently wastes his food or on medical grounds by direction of the Medical Officer no prisoner shall have less food than is provided in the normal prison diet.

Complaints
as to food
supplied.

32. Every prisoner who has any complaint to make regarding the food furnished to him, or who wishes his food to be weighed or measured in order to ascertain whether he is supplied with the prescribed quantity, shall make his complaint immediately his food is handed to him, and it shall be weighed or measured in his presence and in that of the officer deputed for that purpose.

(e) *Health and Cleanliness.*

Obedience
to
directions
as to
cleanliness.

33. Every prisoner shall obey such directions as regards washing, bathing, shaving and hair cutting as may from time to time be prescribed.

Duty to
keep cells,
utensils,
etc.,
clean.

34. Every prisoner shall keep his cell, utensils, books, and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, as may be ordered.

Compulsory
exercise.

35. (1) Every prisoner unless excused by the Medical Officer on medical grounds shall take such exercise as may be ordered.

(2) Whenever in the opinion of the Superintendent it is desirable either in the interests of a prisoner or in the interests of prison discipline, that a prisoner should perform his labour in a cell, the Superintendent may order him to do so; and in such case he shall perform such labour as can be suitably performed in a cell.

(3) The Superintendent shall report to the Commissioner every order given under the provisions of paragraph (2), and at the expiry of each month's calendar confinement the Commissioner shall review such order and, if he considers it desirable, direct that the prisoner returns to work in association.

36. (1) The name of every prisoner, irrespective of his age, sentenced to imprisonment for a term exceeding six years, shall be submitted for the consideration of the Governor after he has served four, seven, ten and twelve years, and thereafter at the completion of further periods of two years.

Prisoners
under
sentence
for period
exceeding
six years.

(2) The Medical Officer shall report in each case the condition of the prisoner, mental and physical, and whether imprisonment appears to have had, or in his opinion may be likely to have, an injurious effect on the prisoner's condition. The Superintendent will furnish a report on the prisoner's conduct and industry in prison and on any matter which may come to his notice which might affect the consideration of the case.

(f) *Work.*

37. Every prisoner shall be required to engage in useful work for not more than 10 hours a day, of which so far as practicable at least 8 hours shall be spent in associated or other work outside the cells: Provided that the Medical Officer may excuse a prisoner from work on medical grounds, and no prisoner shall be set to any work unless he has been certified as fit for that type of work by the Medical Officer.

General
require-
ment of
work.

38. Prisoners may receive payment for work in accordance with rates approved by the Commissioner.

Payment
for work.

39. A prisoner shall not be employed on any work not authorized by the Commissioner nor shall he be employed in any disciplinary capacity.

Prohibition
of employ-
ment of
prisoner
in un-
authorized
work.

40. Jewish prisoners shall not be compelled to work on Saturdays if they claim exemption. They may observe such festival days as may be allowed by the Commissioner.

Jewish
prisoners.

41. Indian prisoners shall not be required to work at any form of labour which may cause them loss of caste.

Indian
prisoners.

42. The hours of labour shall not be less than six nor more than ten daily, exclusive of meals.

Hours of
labour.

Holidays.

43. No work shall be done beyond what is strictly necessary for the service of the prison on Sunday, Christmas Day, Good Friday and Chinese New Year's day.

Mohammedan prisoners.

44. Mohammedan prisoners shall be allowed to observe the fast of Ramadan and during the fast shall be required to labour at such reduced task as the Medical Officer considers proper.

Employment of prisoners on public works.

45. Subject to the approval of the Governor in Council prisoners may be employed on works of a public nature.

(g) *Communications and Visits.*

General provisions as to letters.

46. No persons, other than the relatives and friends of a prisoner, shall be allowed to communicate in writing with him except by special authority. Such communications between a prisoner and his relatives and friends shall, subject to such restrictions as may be imposed for the maintenance of discipline and order in the prison and for the prevention of crime, be allowed in the manner following—

- (a) (i) every prisoner shall be allowed to write and receive a letter on reception and thereafter once in every four weeks;
(ii) such privilege may be withdrawn by the Superintendent, if he considers that the prisoner's conduct has been unsatisfactory, for a period not exceeding three months in addition to any punishment which may be awarded for any offence committed by such prisoner;
- (b) the outward and inward letters of every prisoner shall be censored by a person appointed by the Commissioner for that purpose who will in respect of—
 - (aa) an outward letter, if the contents or parts thereof are, in the opinion of such person, objectionable—
 - (i) give the prisoner concerned an opportunity to re-write it; and
 - (ii) if the contents of the re-written letter or parts thereof are still considered objectionable file the letter in the prisoner's penal record after informing him that he has, save as provided in paragraphs (c) and (d), lost his privilege for the particular month;

(bb) an inward letter, if the contents or parts thereof are, in the opinion of such person, objectionable—

- (i) return it to the sender if his address is known; or
 - (ii) if it is not known, destroy the letter.
- (c) the Superintendent may permit any convicted prisoner to write special letters for the purpose of making arrangements regarding his property or for any other special reason;
 - (d) the Commissioner may allow such additional letters as he may determine, as a privilege for any class of prisoners.

47. No persons, other than the relatives and friends of a prisoner, shall be allowed to visit him except by special authority. Such visits by relatives and friends shall, subject to such restrictions as may be imposed for the maintenance of discipline and order in the prison and for the prevention of crime, be allowed in the manner following—

General provisions as to visits.

- (a) they shall be allowed to visit a prisoner once a month and no more than three persons shall be allowed at one time;
- (b) the visits of the relatives and friends of a prisoner shall be recorded in a book kept for that purpose and the visits shall be limited to 15 minutes on each occasion;
- (c) a male prisoner shall be visited in the presence of a male prison officer; a female prisoner in the presence of a female prison officer;
- (d) the Superintendent shall fix the days and times for visits which shall be publicly notified at the gates of the prison;
- (e) no visits shall be allowed on Saturdays and Sundays except in cases of emergency;
- (f) visitors shall not be admitted until they have recorded their names and addresses, their relationship to or connexion with the prisoner they wish to visit;

- (g) the Superintendent may, in special cases, extend the duration of a visit;
- (h) the Superintendent may permit any convicted prisoner to see his relatives or friends for the purpose of making arrangements respecting his property or for any other special reason;
- (i) the Superintendent may allow a prisoner who is entitled to a visit to write a letter and receive a reply instead of such visit.

Visits by
police
officers.

48. Any police officer may visit prisoners for the purpose of identification parades, on production of an order from the proper police or magisterial authority.

Visits by
officers of
the Court.

49. Officers of the Court, with competent warrants or orders for serving writs or other legal process on persons within the prison, shall be admitted into the prison for that purpose.

Persons
imprisoned
on default
of pay-
ment.

50. A person committed to prison in default of the payment of a sum which in pursuance of any conviction or order he is required to pay shall be allowed to have an interview with his friends on a week-day at any reasonable hour, or to communicate by letter with them for the purpose of providing for a payment which would procure his release from prison, and every such prisoner shall on his admission be informed of this rule.

Visits by
legal
adviser.

51. (1) Reasonable facilities shall be allowed for the legal adviser of a prisoner who is party to legal proceedings, civil or criminal, to interview the prisoner with reference to those proceedings in the sight but not in the hearing of an officer of the Prisons Department.

(2) The legal adviser of a prisoner may, with the permission of the Commissioner, interview the prisoner with reference to any other legal business in the sight and hearing of an officer of the Prisons Department.

(3) At such interviews the legal adviser may be accompanied by his clerk or interpreter.

(4) If written authority from his principal is produced, the clerk or interpreter to a legal adviser may for the purposes stated in paragraphs (1) and (2) interview the prisoner unaccompanied by his principal.

52. The visits for special purposes to which rules 50 and 51 refer shall be additional to the visits allowed under any other of the foregoing rules, and shall not be liable to forfeiture under rule 62.

Special
purpose
visits
not to be
forfeited.

53. Every prisoner may petition the Governor during the first year of his sentence and once every year thereafter unless the Superintendent considers that there is sufficient cause to justify additional petitions.

Right of
prisoner to
petition.

(h) *Libraries.*

54. A library shall be provided in every prison, and subject to such conditions as the Commissioner may determine every prisoner shall be allowed to have library books and to exchange them as often as practicable.

Library.

55. Prisoners may receive books or periodicals from outside the prison under such conditions as the Commissioner may determine.

Books, etc.,
from
outside.

(i) *Offences Against Prison Discipline.*

56. The Superintendent, or in his absence, the officer appointed to act for him and no other, shall deal with a report made against a prisoner: Provided that in small institutions the Commissioner may authorize the officer in charge to have such powers of adjudication and punishment as may seem necessary to the Commissioner.

Power of
Super-
intendent
to deal
with
reports
against
prisoners.

57. A prisoner who has been reported for an offence shall be kept apart from other prisoners pending adjudication.

Segrega-
tion of a
prisoner
against
whom a
report
has been
made.

58. It shall be the duty of the Principal Officer on duty before he accepts a report made against a prisoner, to inform such prisoner of the facts alleged against him and to afford him an opportunity of making his reply.

Duty of
Principal
Officer
before he
accepts a
report
against a
prisoner.

Duty to report immediately offences against prison discipline.

Offences against prison discipline.

59. Every offence against prison discipline shall be reported immediately and it shall be the duty of the Superintendent to investigate such reports not later than the following day, unless that day is a Sunday or a general holiday.

60. Every prisoner shall be guilty of an offence against prison discipline if he—

- (a) disobeys any order of the Superintendent or of any other officer of the Prisons Department, or any prison rules;
- (b) treats with disrespect any officer of the Prisons Department, or any person authorized to visit the prison;
- (c) is idle, careless or negligent at work, or refuses to work;
- (d) swears, curses or uses any abusive, insolent, threatening or other improper language;
- (e) is indecent in language, act or gesture;
- (f) commits any assault;
- (g) communicates with another prisoner without authority;
- (h) leaves his cell or place of work or other appointed place without permission;
- (i) wilfully disfigures or damages any part of the prison or any property which is not his own;
- (j) commits any nuisance;
- (k) without authority has in his cell or possession any article, or attempts to obtain any article for the possession of which authority is required;
- (l) without authority gives to or receives from any person any article;
- (m) escapes from prison or from legal custody, or aids or endeavours to aid the escape of any prisoner, whether the escape is actually effected or not;
- (n) mutinies, or incites other prisoners to mutiny;
- (o) commits gross personal violence against any officer of the Prisons Department;

- (p) in any way offends good order and discipline;
- (q) attempts to do any of the foregoing things;
- (r) wilfully feigns or endeavours to cause illness or wilfully obstructs cure;
- (s) makes false and malicious allegations against an officer of the Prisons Department;
- (t) makes repeated groundless complaints.

61. The Superintendent may interrogate any person touching any alleged offence against prison discipline and determine thereupon and punish the offender.

Power of Superintendent as to offences against prison discipline.

62. The Superintendent may order a prisoner, who commits any of the offences enumerated in rule 60, to be punished by any one or more of the following punishments—

Punishment which may be imposed by the Superintendent.

- (a) separate confinement on punishment diet for a period not exceeding 7 days;
- (b) separate confinement for any period not exceeding 28 days;
- (c) forfeiture of remission not exceeding one month;
- (d) forfeiture of privileges for a period not exceeding three months;
- (e) deprivation of earnings or part thereof.

63. (1) The Commissioner may with the approval of the Governor and in lieu of the punishment prescribed in rule 62, award corporal punishment, not exceeding 18 strokes either with a light cane or rattan, in the case of an adult, or twelve strokes with a light cane in the case of a person under 18 years of age, to any male offender, after evidence has been taken upon oath, for the following offences only—

Power of Commissioner to award corporal punishment with the approval of the Governor.

- (a) mutiny;
- (b) incitement to mutiny;
- (c) gross personal violence against any officer of the Prisons Department;