







**BIRTHS AND DEATHS REGISTRATION ORDINANCE.**  
(Chapter 174).

**BIRTHS AND DEATHS REGISTRATION (AMENDMENT  
OF SECOND SCHEDULE) ORDER 1968.**

In exercise of the powers conferred by section 29 of the Births and Deaths Registration Ordinance, the Governor has made the following order—

1. This order may be cited as the Births and Deaths Registration (Amendment of Second Schedule) Order 1968. Citation.
2. The Second Schedule to the Ordinance is amended by deleting Form 11 and substituting the following— Amendment of Second Schedule. (Cap. 174.)

"FORM 11. [s. 17(1).]

*Certificate of order authorizing burial/cremation of body.*

I, *A.B.*, a coroner for Hong Kong, hereby certify that I have made an order authorizing the burial/cremation of the body now shown/reported to me as the body of

Dated this                      day of                      19                      .

.....  
*Coroner.*

By Command,

*Acting Colonial Secretary.*

*11th January 1968.*

(Secretariat GR 19/3231/48)

INTERPRETATION AND GENERAL CLAUSES  
ORDINANCE.

(Chapter 1).

**SPECIFICATION OF PUBLIC OFFICE.**

In exercise of the powers conferred on him by section 43 of the Interpretation and General Clauses Ordinance, the Governor hereby specifies the public office mentioned in the first column of the Schedule hereto for the purpose of the order mentioned opposite such public office in the second column of the Schedule hereto.

SCHEDULE.

Public Office.	Order for which specified.
Colonial Secretary	Prevention of the Spread of Infectious Diseases (Hei Ling Chau) Isolation Order (Chapter 141, Subsidiary Legislation).

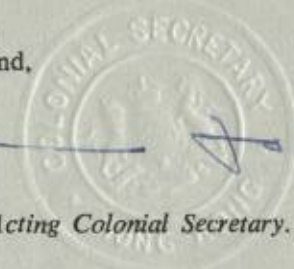
By Command,



*Acting Colonial Secretary.*

17th January 1968.

(Secretariat GR 4/3281/66)





UNIVERSITY OF HONG KONG ORDINANCE.  
(Chapter 1053).

**STATUTES OF THE UNIVERSITY (AMENDMENT)  
STATUTES 1968.**

In exercise of the powers conferred by subsection (2) of section 13 of the University of Hong Kong Ordinance, the Chancellor of the University of Hong Kong has made the following statutes—

1. These statutes may be cited as the Statutes of the University (Amendment) Statutes 1968. Citation.
2. Statute I of the principal Statutes is amended by inserting the following after “Chancellor”,—  
“Pro-Chancellor”;  
Amendment of Statute I.  
(Cap. 1053,  
Schedule.)
3. Statute II of the principal Statutes is amended by deleting paragraph 2 and substituting—  
“2. The Chancellor, or in his absence the Pro-Chancellor or in the absence of both of them the Vice-Chancellor, shall preside at congregations.”.  
Amendment of Statute II.
4. Statute III of the principal Statutes is amended by deleting paragraph 3 and substituting—  
“3. Degrees shall be conferred by the Chancellor, or in his absence by the Pro-Chancellor, or in the absence of both of them by the Vice-Chancellor, at congregations of the whole University.”.  
Amendment of Statute III.
5. The principal Statutes are amended by adding the following new statute after Statute IV—  
Addition of new statute.

**“STATUTE IVA.**

**THE PRO-CHANCELLOR.**

1. The Pro-Chancellor may, on the authorization of the Chancellor and on his behalf, exercise any of the powers or perform any of the duties conferred or imposed on the Chancellor by the statutes.
2. The Pro-Chancellor may resign by written notice addressed to the Chancellor.”.

Amendment of  
Statute IX.

6. Statute IX of the principal Statutes is amended by deleting paragraph 5 and substituting—

“5. The Deputy Registrar and the Deputy Bursar shall be officers.”.

18th January 1968.

(Secretariat GR 1/1946/51)

  
Registrar.

FUGITIVE OFFENDERS ACT 1967.

**FUGITIVE OFFENDERS ACT 1967 (COMMENCEMENT)  
ORDER 1968.**

In exercise of the powers conferred by section 22 of the Fugitive Offenders Act 1967, the Governor has made the following order—

1. This order may be cited as the Fugitive Offenders Act 1967 (Commencement) Order 1968.

Citation.

2. Subject to paragraph 3, the Fugitive Offenders Act 1967 shall come into force—

Commence-  
ment.  
(1967 c. 68.)

(a) on 9th February 1968, for the purposes of section 2 thereof; and

(b) on 23rd February 1968, for the purposes of any other provision thereof.

3. Nothing in paragraph 2(b) shall bring any provision of the Fugitive Offenders Act 1967 into force in relation to any country to which the Governor is empowered by paragraph (c) of section 2(2) of the said Act (definition of “United Kingdom dependency”) to apply the said section 2(2).

Saving.

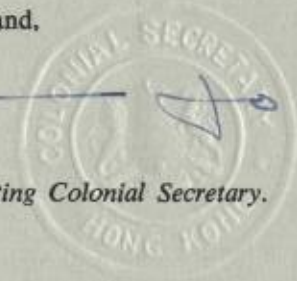
By Command,



Acting Colonial Secretary.

25th January 1968.

(Secretariat CR 10/2716/47)





URBAN COUNCIL ORDINANCE.

(Chapter 101).

**URBAN COUNCIL ORDINANCE (AMENDMENT OF  
SECOND SCHEDULE) ORDER 1968.**

In exercise of the powers conferred by section 15(3) of the Urban Council Ordinance, the Governor in Council has made the following order—

1. This order may be cited as the Urban Council Ordinance (Amendment of Second Schedule) Order 1968.

Citation.

2. The Second Schedule to the Ordinance is amended by—

Amendment  
of Second  
Schedule.  
(Cap. 101.)

(a) deleting "British Institution of Radio Engineers" and substituting the following—

"Institution of Electronic and Radio Engineers"; and

(b) inserting "Institute of Bankers." after "Institute of Marine Engineers."

*Clerk of Councils.*

COUNCIL CHAMBER,  
6th February 1968.

*Explanatory Note.*

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

This order amends the Second Schedule to the Ordinance, by changing the former name of the institution "British Institution of Radio Engineers" to its present name "Institution of Electronic and Radio Engineers", and by adding the "Institute of Bankers".

(Secretariat CR 2/1146/52)



URBAN COUNCIL ORDINANCE.

(Chapter 101).

**URBAN COUNCIL ELECTIONS (REGISTRATION OF ELECTORS) (AMENDMENT) REGULATIONS 1968.**

In exercise of the powers conferred by section 23 of the Urban Council Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Urban Council Elections (Registration of Electors) (Amendment) Regulations 1968.

Citation.

2. The Schedule to the principal regulations is amended by—  
(a) deleting Forms 1, 2 and 3 and substituting the following—

Amendment of Schedule.  
(Cap. 101, sub. leg.)

"FORM 1.

[reg. 6.]

*Application for inclusion in the provisional register of electors.*

URBAN COUNCIL ELECTIONS (REGISTRATION OF ELECTORS) REGULATIONS,  
APPLICATION FOR INCLUSION IN THE PROVISIONAL REGISTER OF ELECTORS.

**IMPORTANT.**

Please read the notes on page 2 before completing this Form.

1. I, (particulars given hereunder—see Note 2)

<i>Surname in English as shown on Identity Card</i>	<i>other names in English as shown on Identity Card</i>
<i>or Surname in Chinese as shown on Identity Card</i>	<i>other names in Chinese as shown on Identity Card</i>
H.K. Identity Card No.	Sex
Residential address	Telephone number
Business or occupational address ( <i>State name of firm, organization, or whether self-employed</i> )	Telephone number

claim registration as an elector under category No. (see Note 3)  because I am/was at any time since the 15th February last, a/an (see Note 4)

2. DECLARATION (See Note 5)

I DECLARE:

- (a) that the above particulars are correct; and
(b) that at the date of this Application I have, or on or before the 15th June next I will have, attained the age of 21 years according to the Gregorian calendar, that is to say, by Western reckoning; and
(c) that I have ordinarily resided in Hong Kong for the three years immediately preceding the date of this Application.

DATED this day of 19 .

(Signature of Applicant).

A person who knowingly and wilfully makes or signs a Declaration which is untrue in any material particular commits an offence.

Page 2.

IMPORTANT.

The following notes should be read before completing the Form.

- Note 1. If your name appears in the current Register of Electors, you are not required to apply again on this Form.
Note 2. This Form may be completed in English (in BLOCK LETTERS) or in Chinese.
Note 3. You may be eligible to claim registration under more than one category. If so, choose the one under which you prefer to be registered.
Note 4. Insert in the appropriate place in this Form, the information required against the chosen category.
Note 5. You are required to sign the Declaration in paragraph 2 of this Form. With regard to paragraph 2(c) of the Declaration mere temporary absence from the Colony (whether for business, holiday or any other reason) during the three years preceding the date of this Application does not necessary mean that you were not ordinarily resident in the Colony for those three years.
Note 6. Your attention is also drawn to the fact that, if you are registered, you will be registered in that part of the Provisional Register

compiled for the electoral district in which you reside. This means that you will be entitled to vote only at the polling station designated for that electoral district (as shown in the Provisional Register) unless the Revising Officer allows you to vote at another polling station. Should you wish to vote at another polling station and consider that you have special grounds for so doing, you may so apply to the Registration Officer on the appropriate Form at any time after publication of the notice of Provisional Register up to, and including, the 31st day of August next (or if that day is a general holiday, then up to, and including, the next day that is not a general holiday).

Note 7. When you have completed and signed this Form, you may post it to the Registration Officer. No stamp is required.

Note 8. It may be to your advantage to inform the Registration Officer immediately of any change in your particulars given on this Form, up to the date of publication of the Final Register. The Final Register is required to be published not later than 1st January next.

FORM 2.

[reg. 9.]

Notice of intention to omit a name from the register.

URBAN COUNCIL ELECTIONS (REGISTRATION OF ELECTORS) REGULATIONS.

WHEREAS it appears to me that in which case your name should not appear on the register of electors to the Urban Council;

PLEASE THEREFORE complete, sign and return to me, within 14 days of the date of this notice, the part of this notice which is addressed to me.

TAKE NOTICE that if you do not do so, your name will not be included in the forthcoming register of electors.

DATED this day of 19 .

TO: The Elector known as

Empty box for signature of the elector.

(Registration Officer).

Electoral letter & No. ....

Empty box for electoral letter and number.

TO: The Registration Officer,  
Urban Council Elections,  
4th floor, Causeway Bay Magistracy,  
Hong Kong.

PLEASE TAKE NOTICE that I, (particulars given hereunder)

Surname in English as shown on Identity Card		other names in English as shown on Identity Card	
or Surname in Chinese as shown on Identity Card		other names in Chinese as shown on Identity Card	
H.K. Identity Card No.		Sex	
Residential address		Telephone number	
Business or occupational address (State name of firm, organization or whether self-employed)		Telephone number	

CONFIRM\*/DENY\* that .....  
(to be completed by registration officer before  
being sent to elector)

FURTHER, I wish\*/do not wish\* to be registered as an elector on the forthcoming register.

DATED this            day of            19    .

.....  
(Signature of Elector).

\* Strike out whichever is inapplicable.

FORM 3.

[reg. 10.]

Notice for sexennial inquiry.

URBAN COUNCIL ELECTIONS (REGISTRATION OF ELECTORS) REGULATIONS.

Dear Sir/Madam,

In accordance with the above regulations, I am to inquire whether or not you have become disqualified from being registered as an elector under section 16 or 17 of the Urban Council Ordinance (the text of which

is enclosed for your information), and whether or not you are still residentially qualified to be so registered.

2. I should be grateful therefore if you would complete, sign and return that part of this Notice which is addressed to me *not later than 30th June next*. If you do not do so, your name will *not* be included in the forthcoming provisional register of electors.

3. With regard to paragraph (1) of the Declaration on the part to be returned to me, mere temporary absence from the Colony (whether for business, holiday or any other reason) during the three years preceding the 15th February last does not necessarily mean that you were not ordinarily resident in the Colony for those three years.

DATED this            day of            19    .

TO:

Electoral letter & No. ....	
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.....  
(Registration Officer).

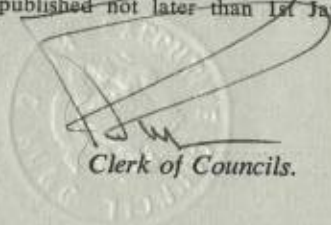
I, (particulars given hereunder)

Surname in English as shown on Identity Card		other names in English as shown on Identity Card	
or Surname in Chinese as shown on Identity Card		other names in Chinese as shown on Identity Card	
H.K. Identity Card No.		Sex	
Residential address		Telephone number	
Business or occupational address (State name of firm, organization or whether self-employed)		Telephone number	



being registered as an Elector on the last previous Final Register, you should delete "15th June last" in paragraph 2(c) of this Form. If you are claiming to be registered for any other reason, then you should delete "15th February last" in paragraph 2(c) of this Form. With regard to the three years referred to in paragraph 2(c), mere temporary absence from the Colony (whether for business, holiday or any other reason) during that three years does not necessarily mean that you were not ordinarily resident in the Colony for those three years.

- Note 6. Your attention is also drawn to the fact that, if you are registered, you will be registered in that part of the Final Register compiled for the electoral district in which you reside. This means that you will be entitled to vote only at the polling station designated for that electoral district (as shown in the Final Register).
- Note 7. When you have completed and signed this Form, take it *in person* to the Registration Officer at 4th floor, Causeway Bay Magistracy, Causeway Bay, Hong Kong. You are *not* permitted to send it to him by post.
- Note 8. It may be to your advantage to inform the Registration Officer immediately of any change in your particulars given on this Form, up to the date of publication of the Final Register. The Final Register is required to be published ~~not later than 1st January next.~~



*[Signature]*  
Clerk of Councils.

COUNCIL CHAMBER,  
6th February 1968.

*Explanatory Note.*

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

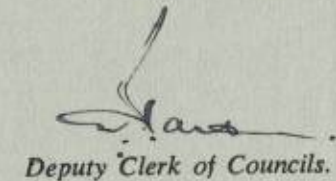
These amendments are intended to simplify and clarify those forms which have to be completed in connexion with the registration of electors.

(Secretariat CR 2/1146/52)

**INLAND REVENUE ORDINANCE.**  
**(Chapter 112).**

Resolution made and passed by the Legislative Council under section 28 of the Inland Revenue Ordinance on the 14th day of February 1968.

Resolved, pursuant to section 28 of the Inland Revenue Ordinance, that for the purposes of paragraph (a) of the proviso to section 28 of the said Ordinance the rate shall be 3½ per cent per annum with effect from the 1st day of April 1968.



*[Signature]*  
Deputy Clerk of Councils.

COUNCIL CHAMBER,  
14th February 1968.  
(Secretariat FIN 2/2301/47VI (TC 218/67))

**HOLIDAYS ORDINANCE.**

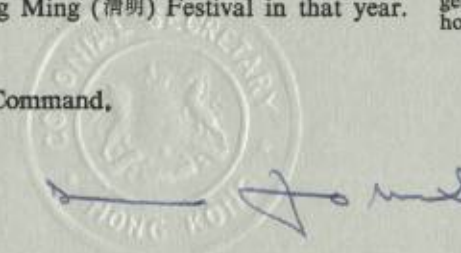
(Chapter 149).

**GENERAL HOLIDAYS ORDER 1968.**

In exercise of the powers conferred by section 3 of the Holidays Ordinance, the Governor has made the following order—

1. This order may be cited as the General Holidays Order 1968. Citation.
2. The 31st day of March 1969 shall be a general holiday in lieu of the day of the Ching Ming (清明) Festival in that year. Alternative general holiday.

By Command,

The image shows a circular official seal of the Colonial Secretary, Hong Kong. The seal contains the text 'COLONIAL SECRETARY' at the top and 'HONG KONG' at the bottom. A handwritten signature in blue ink is written across the seal.

*Acting Colonial Secretary.*

*26th January 1968.*

(Secretariat GR 110/68)



SUPREME COURT ORDINANCE.  
(Chapter 4).

THE RULES OF THE SUPREME COURT  
(AMENDMENT) RULES 1968.

We, the Rules Committee of the Supreme Court, being the authority having for the time being power under section 38 of the Supreme Court Ordinance to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Hong Kong, hereby exercise those powers as follows—

1. These rules may be cited as the Rules of the Supreme Court (Amendment) Rules 1968. Citation.
2. Order 6, rule 1 of the principal rules is revoked and replaced by the following—  
Revocation and replacement of O. 6, r. 1.
  1. Every writ must be in Form No. 1, 3, 4 or 5 in Appendix A, whichever is appropriate".  
"Appendix A. Forms 1, 3, 4 and 5."
3. Order 12, rule 7(1) of the principal rules is amended by inserting the following after "the Court"—  
"or the Registrar". Amendment of O. 12 r. 7(1).
4. Order 32, rule 11(1)(a) of the principal rules is amended by inserting the following before "Order 13"—  
"Order 12, rule 7(1)". Amendment of O. 32, r. 11(1).
5. Order 37, rule 1(3) of the principal rules is amended by deleting "Without prejudice to the applicability of Order 32, rule 15, the" and substituting the following—  
"The". Amendment of O. 37, r. 1(3).
6. The First Schedule to Order 62 of the principal rules is amended—  
Amendment of O. 62.
  - (a) in Part I—
    - (i) by inserting the following new heading and Item after Item 60—  
"Copies etc."
      - 60A. (a) Typed copy, other than carbon copy, per folio ..... \$1.00.
      - (b) Printed or carbon copy, per folio ..... \$0.50.

(c) Photographic copy, for each sheet of foolscap or smaller page ..... \$2.00.”; and

(ii) by deleting the expressions “per day” and “\$400.00” in Item 117 and substituting respectively therefor the following—

- “(a) for the first hour or part thereof \$100.00
- (b) thereafter for each subsequent hour or portion thereof ..... \$ 75.00”;

(b) in Part II, by deleting paragraph 2(3) and substituting the following—

“(3) No costs shall be allowed in respect of counsel, or of more than one counsel, attending before a judge, or the Registrar, in chambers unless the judge or Registrar, as the case may be, has certified the attendance as being proper in the circumstances of the case.”.

Amendment of O. 75.

7. Order 75 of the principal rules is amended—

(a) in rule 34(1), by deleting “must to” and substituting the following—

“must be”;

(b) by adding the following new rules after rule 40—

“References to Registrar.

41. (1) Any party (hereafter in this rule referred to as the “claimant”) making a claim which is referred to the Registrar for decision must within 2 months after the order is made, or, in a limitation action, within such other period as the Court or the Registrar may direct, file his claim and, unless the reference is in such an action, serve a copy of the claim on every other party.

(2) At any time after the claimant’s claim has been filed or, where the reference is in a limitation action, after the expiration of the time limited by the Court for the filing of claims but, in any case, not less than 28 days before the day appointed for the hearing of the reference, any party to the cause or matter may apply to the Registrar by summons for directions as to the proceedings on the reference, and the Registrar shall give such directions, if any, as he thinks fit including, without prejudice to the generality of the foregoing words, a direction requiring

any party to serve on any claimant, within such period as the Registrar may specify, a defence to that claimant’s claim.

(3) The reference shall be heard on a day appointed by the Registrar and, unless the reference is in a limitation action or the parties to the reference consent to the appointment of a particular day, the appointment must be made by order on an application by summons made by any party to the cause or matter.

(4) An appointment for the hearing of a reference shall not be made until after the claimant has filed his claim or, where the reference is in a limitation action, until after the expiration of the time limited by the Court or Registrar for the filing of claims.

(5) Not later than 7 days after an appointment for the hearing of a reference has been made the claimant or, where the reference is in a limitation action, the plaintiff must enter the reference for hearing by lodging in the Registry a praecipe requesting the entry of the reference in the list for hearing on the day appointed.

(6) Not less than 14 days before the day appointed for the hearing of the reference the claimant must file—

- (a) a list, signed by him and every other party, of the items (if any) of his claim which are not disputed, stating the amount (if any) which he and the other parties agree should be followed in respect of each such item, and
- (b) such affidavits or other documentary evidence as is required to support the items of his claim which are disputed;

and, unless the reference is in a limitation action, he must at the same time serve on every other party a copy of every document filed under this paragraph.

(7) If the claimant fails to comply with paragraph (1) or (6)(b), the Court may, on the application of any other party to the cause or matter, dismiss the claim.

*Hearing of reference.*

42. (1) The Registrar may adjourn the hearing of a reference from time to time as he thinks fit.

(2) At or before the hearing of a reference, the Registrar may give a direction limiting the witnesses who may be called, whether expert witnesses or not, but any such direction may, on sufficient cause being shown, be revoked or varied by a subsequent direction given at or before the hearing.

(3) Subject to paragraph (2), evidence may be given orally or by affidavit or in such other manner as may be agreed upon, and the evidence may, on the application of either party, but at the expense in the first instance of the party on whose behalf the application is made, be taken down by a shorthand writer, and in such case a transcript of the shorthand writer's notes, certified by him to be correct, shall be admitted to prove the oral evidence of the witnesses on an objection to the Registrar's decision.

(4) When the hearing of the reference has been concluded, the Registrar shall—

- (a) reduce to writing his decision on the questions arising in the reference (including any order as to costs) and cause it to be filed;
- (b) cause to be filed either with his decision or subsequently such statement (if any) of the grounds of the decision as he thinks fit; and
- (c) send to the parties to the reference notice that he has done so.

(5) Where no statement of the grounds of the Registrar's decision is filed with his decision and no intimation has been given by the Registrar that he intends to file such a statement later, any party to the reference may, within 14 days after the filing of the decision, make a written request to the Registrar to file such a statement.

*Objection to decision on reference.*

43. (1) Any party to a reference to the Registrar may, by motion in objection, apply to a judge in court to set aside or vary the decision of the Registrar on the reference, but notice of the motion, specifying the points of objection to the decision, must be filed within 14 days after the date on which

notice of the filing of the decision was sent to that party under rule 42(4) or, if a notice of the filing of a statement of the grounds of the decision was subsequently sent to thereunder, within 14 days after the date on which that notice was sent.

(2) The decision of the Registrar shall be deemed to be given on the date on which it is filed, but unless he or the judge otherwise directs, the decision shall not be acted upon until the time has elapsed for filing notice of a motion in objection thereto, or while such a motion is pending or remains undisposed of.

(3) A direction shall not be given under paragraph (2) without the parties being given an opportunity of being heard, but may, if the Registrar announces his intended decision at the conclusion of the hearing of the reference, be incorporated in his decision as reduced to writing under rule 42(4)."; and

- (c) by adding the following new rule after rule 45—

*"Inspection of documents filed in Registry.*

46. (1) Order 63, rule 4, shall apply in relation to documents filed in the Registry.

(2) For the purpose of the said rule 4, as applied by paragraph (1), a decree made in chambers in a limitation action shall be deemed to have been made in court."

8. Appendix A to the principal rules is amended—

- (a) in Form No. 3 by deleting the expression "or 2";
- (b) in Form No. 5, by deleting the heading and substituting the following—  
"Writ of summons which, or notice of which, is to be served out of jurisdiction.";
- (c) in Form No. 14, by inserting the following after "IN THE SUPREME COURT OF HONG KONG"—  
", (..... JURISDICTION)"; and
- (d) in Form No. 28, by deleting "attend" and substituting the following—  
"attend".

Amendment of  
Appendix A.

Made this 27th day of January 1968.

MICHAEL HOGAN,  
Chief Justice.

IVO RIGBY,  
*Senior Puisne Judge.*

A. D. SHOLES,  
*Puisne Judge.*

W. A. BLAIR-KERR,  
*Puisne Judge.*

G. G. BRIGGS,  
*Puisne Judge.*

R. H. MILLS-OWENS,  
*Puisne Judge.*

A. HUGGINS,  
*Puisne Judge.*

T. CREEDON,  
*Puisne Judge.*

OSWALD CHEUNG,  
*Member.*

R. F. G. DENNIS,  
*Member.*

Pursuant to section 38(6)(d) of the Supreme Court Ordinance I hereby certify that the foregoing rules have been made by the requisite quorum of the Rules Committee under and by virtue of section 38(6) of that Ordinance.

Dated this 27th day of January 1968.



*Chief Justice.*

*Explanatory Note.*

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

These rules amend the revised Rules of the Supreme Court which came into operation on the 1st of September 1967.

2. Rule 2, together with rule 8(a) and (b), corrects an error regarding the forms of writ.

3. Rule 3 amends Order 12, rule 7(1) of the principal rules so that the Registrar, as well as the Court, may give conditional leave for an appearance to be entered. Rule 4 makes a consequential amendment. This now follows the English practice.

4. Rule 5 amends Order 37, rule 1(3) of the principal rules by deleting the reference to Order 32, rule 15, which latter rule of the English rules has not been adopted in the Hong Kong rules as it refers to the powers of masters in Chancery proceedings. In Hong Kong such proceedings are usually dealt with by the judges.

5. Rule 6 amends—

- (a) Part I of the First Schedule to Order 62 of the principal rules by—
- (i) adding a new Item 60A to cover charges for copying work; and
  - (ii) altering in Item 117 the rate to be charged by solicitors for attendance at the hearing of any trial before the Court;
- (b) paragraph 2(3) of Part II of that Schedule so that when counsel attends before either a judge or the Registrar in chambers he will only be allowed his costs upon a certificate being obtained that the attendance was proper in the circumstances of the case. The costs of more than one counsel may be allowed, either before a judge or the Registrar. In these respects the English practice is not being followed in that in England, no certificate is required for attendance before a judge except where there is more than one counsel, and the costs of the attendance of more than one counsel before a master or registrar are not allowed.

6. Rule 7(b) provides for the conduct of proceedings on references to the Registrar of certain specified cases (usually the assessment of damages) in the Admiralty jurisdiction, thereby bringing the principal rules into line with corresponding provisions in the English Rules.

7. The opportunity has also been taken of correcting typographical errors and omissions.

(Secretariat GR 39/2961/46II)

SUPREME COURT ORDINANCE.

(Chapter 4).

SUPREME COURT FEES (AMENDMENT) RULES 1968.

We, the Rules Committee of the Supreme Court, being the authority having for the time being power under section 38 of the Supreme Court Ordinance to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Hong Kong, hereby exercise those powers as follows—

- 1. These rules may be cited as the Supreme Court Fees (Amendment) Rules 1968. Citation.
- 2. Rule 2 of the principal rules is amended— Amendment of rule 2. (Cap. 4, sub. leg.)
  - (a) in paragraph (1), by deleting “and Fourth Schedules” and substituting the following—  
“, Fourth and Fifth Schedules”; and
  - (b) in paragraph (2), by deleting “or Fourth Schedule” and substituting the following—  
“, Fourth or Fifth Schedule”.
- 3. The First Schedule to the principal rules is amended— Amendment of First Schedule.
  - (a) in Item 24, by deleting “any agreement under O. 10 r. 2 of the Code” and substituting the following—  
“any statement under O. 33 r. 3 of the Rules of the Supreme Court 1967”;
  - (b) in Item 44—
    - (i) by deleting the word “Setting” and substituting the following—  
“Settling”;
    - (ii) by deleting “O. 2 r. 20 of the Code” and substituting the following—  
“O. 43 r. 1 of the Rules of the Supreme Court 1967”;
  - (c) in Item 45, by deleting “O. 2 r. 19 of the Code” and substituting the following—  
“O. 14 of the Rules of the Supreme Court 1967”.
- 4. The principal rules are amended by adding the following Schedule after the Fourth Schedule— Addition of Fifth Schedule.

## "FIFTH SCHEDULE.

## ADMIRALTY JURISDICTION.

Item.	Fee.	Document to be Stamped.
1. On filing—		
(a) a consent to release	\$ 15.00	The consent.
(b) a praecipe under Order 75, rules 5(4), 6(1), 8(3), 13(6)(b), 14(1) of the Rules of the Supreme Court 1967 or a notice under Order 75, rule 13(2) of those Rules	15.00	The praecipe or notice.
(c) an admission of liability	15.00	The admission.
(d) a request for the attendance of assessors	15.00	The praecipe.
(e) any other document	5.00	The document filed.
2. (a) On entering a reference for hearing by the Registrar	100.00	The praecipe.
(b) Such further fee for any assessor as the Registrar may consider reasonable		
3. On sealing a notice of appeal from the Registrar to a judge in chambers	15.00	The notice.
4. On a certificate by the Registrar as to a judgment or order	15.00	The certificate.
In the Bailiff's Office		
5. On lodging with the Bailiff any instrument under Order 75, rules 5(1), 13(1) or 21(2) of the Rules of the Supreme Court 1967	60.00	The instrument.
6. On the appointment and swearing of appraisers	30.00	The certificate of appraisalment (unless paid like Items 7 and 8).
7. On the delivery of a ship or goods to a purchaser	60.00	These fees are paid by transfer from the proceeds in court to the account of fees on proceedings.
8. On the sale of a ship or goods for every \$1,500 or fraction of \$1,500 of the price	15.00	

Item.	Fee.	Document to be Stamped.
9. For attending the discharge of a cargo or the removal of a ship or goods for each day of attendance	\$100.00	The Bailiff's certificate of execution.

Dated the 27th day of January 1968.

MICHAEL HOGAN,  
*Chief Justice.*

IVO RIGBY,  
*Senior Puisne Judge.*

A. D. SCHOLLES,  
*Puisne Judge.*

W. A. BLAIR-KERR,  
*Puisne Judge.*

G. G. BRIGGS,  
*Puisne Judge.*

R. H. MILLS-OWENS,  
*Puisne Judge.*

A. HUGGINS,  
*Puisne Judge.*

T. CREEDON,  
*Puisne Judge.*

OSWALD CHEUNG,  
*Member.*

R. F. G. DENNIS,  
*Member.*

Pursuant to section 38(6)(d) of the Supreme Court Ordinance I hereby certify that the foregoing rules have been made by the requisite quorum of the Rules Committee under and by virtue of section 38(6) of that Ordinance.

Dated this 27th day of January 1968.

*Michael Hogan*  
*Chief Justice.*

*Explanatory Note.*

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

These rules amend the Supreme Court Fees Rules, in that they make provision for Court fees to be charged in the Admiralty jurisdiction of the Court consequential upon the revocation of the Supreme Court (Admiralty Procedure) Rules by the Rules of the Supreme Court 1967.

(Secretariat GR 39/2961/46II)

1967 No. 1911.

**FUGITIVE CRIMINAL.****The Fugitive Offenders (Hong Kong) Order 1967.**

*Made* - - - 20th December 1967.

*Laid before Parliament* 29th December 1967.

*Coming into Operation* 1st January 1968.

At the Court at Buckingham Palace, the 20th day of December 1967.

Present,

The Queen's Most Excellent Majesty in Council.

Her Majesty, in exercise of the powers conferred upon Her by sections 17 and 20 of the Fugitive Offenders Act 1967(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. (1) This Order may be cited as the Fugitive Offenders (Hong Kong) Order 1967. Citation and commencement.
  - (2) This Order shall come into operation on 1st January 1968.
  2. The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament. Interpretation.
  3. Sections 1 to 15, inclusive, 19, 21 and 22 of, and Schedules 1 and 2 to, the Fugitive Offenders Act 1967, modified and adapted as in the Schedule hereto, shall extend to Hong Kong: Extension of Fugitive Offenders Act 1967 to Hong Kong.
- Provided that nothing in those sections and schedules shall apply in relation to Southern Rhodesia.
4. The Fugitive Offenders (Extension) Order 1967(c) is revoked in so far as it forms part of the law of Hong Kong. Revocation.

W. G. AGNEW.

(a) 1967 c. 68.

(b) 1889 c. 63.

(c) S.I. 1967/1303 (1967 II, p. 3772).

## SCHEDULE TO THE ORDER.

PROVISIONS OF FUGITIVE OFFENDERS ACT 1967 AS EXTENDED  
TO HONG KONG.*Return of offenders to the United Kingdom, Commonwealth countries,  
the Republic of Ireland and dependencies.*Persons liable to  
be returned.

1. Subject to the provisions of this Act, a person found in Hong Kong who is accused of a relevant offence in any other country being—

- (a) the United Kingdom; or
- (b) a Commonwealth country designated for the purposes of this section under section 2(1) of this Act or the Republic of Ireland; or
- (c) a United Kingdom dependency as defined by section 2(2) of this Act,

or who is alleged to be unlawfully at large after conviction of such an offence in any such country, may be arrested and returned to that country as provided by this Act.

Designated  
Commonwealth  
countries and  
United Kingdom  
dependencies.

2. (1) The Governor may, with the approval of the Secretary of State, by order designate for the purposes of section 1 of this Act any country for the time being mentioned in section 1(3) of the British Nationality Act 1948(a) (countries having separate citizenship), or any other country within the Commonwealth; and any country so designated is in this Act referred to as a designated Commonwealth country.

(2) In this Act the expression "United Kingdom dependency" means—

- (a) any colony (not being a colony for whose external relations a country other than the United Kingdom is responsible);
- (b) any associated state within the meaning of the West Indies Act 1967(b); and
- (c) any country outside Her Majesty's dominions (being a country in which Her Majesty has jurisdiction, or over which She extends protection, in right of Her Government in the United Kingdom) to which the Governor may, with the approval of the Secretary of State, by order apply this subsection,

not being in any case a country which is or forms part of a designated Commonwealth country.

(3) The Governor may, with the approval of the Secretary of State, by order direct that this Act shall have effect in relation to the return of persons to, or in relation to persons returned from, the United Kingdom, any designated Commonwealth country, the Republic of Ireland or any United Kingdom dependency subject to such exceptions, adaptations or modifications as may be specified in the order.

(4) For the purposes of any order under subsection (1) of this section, any territory for the external relations of which a Commonwealth country

(a) 1948 c. 56.

(b) 1967 c. 4.

is responsible may be treated as part of that country or, if the Government of that country so requests, as a separate country.

3. (1) For the purposes of this Act an offence of which a person is accused or has been convicted in the United Kingdom or a designated Commonwealth country or the Republic of Ireland or a United Kingdom dependency is a relevant offence if—

Relevant offences.

- (a) in the case of an offence against the law of a designated Commonwealth country or the Republic of Ireland, it is an offence which, however described in that law, falls within any of the descriptions set out in Schedule 1 to this Act, and is punishable under that law with imprisonment for a term of twelve months or any greater punishment;
- (b) in the case of an offence against the law of the United Kingdom or a United Kingdom dependency, it is punishable under that law, on conviction by or before a superior court, with imprisonment for a term of twelve months or any greater punishment; and
- (c) in any case, the act or omission constituting the offence, or the equivalent act or omission, would constitute an offence against the law of Hong Kong if it took place within Hong Kong or, in the case of an extra-territorial offence, in corresponding circumstances outside Hong Kong.

(2) In determining for the purposes of this section whether an offence against the law of a designated Commonwealth country or the Republic of Ireland falls within a description set out in Schedule 1 to this Act, any special intent or state of mind or special circumstances of aggravation which may be necessary to constitute that offence under the law shall be disregarded.

(3) The descriptions set out in Schedule 1 to this Act include in each case offences of attempting or conspiring to commit, of assisting, counselling or procuring the commission of or being accessory before or after the fact to the offences therein described, and of impeding the apprehension or prosecution of persons guilty of those offences.

(4) References in this section to the law of any country include references to the law of any part of that country.

4. (1) A person shall not be returned under this Act to a designated Commonwealth country or the Republic of Ireland, or committed to or kept in custody for the purposes of such return, if it appears to the Governor, to the court of committal or to the Full Court or a judge of the Supreme Court on an application for habeas corpus—

General restrictions  
on return.

- (a) that the offence of which that person is accused or was convicted is an offence of a political character;
- (b) that the request for his return (though purporting to be made on account of a relevant offence) is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions; or
- (c) that he might, if returned, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.

(2) A person accused of an offence shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, if it appears as aforesaid that if charged with that offence in Hong Kong he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

(3) A person shall not be returned under this Act to any country, or committed to or kept in custody for the purposes of such return, unless provision is made by the law of that country, or by an arrangement made with that country, for securing that he will not, unless he has first been restored or had an opportunity of returning to Hong Kong, be dealt with in that country for or in respect of any offence committed before his return under this Act other than—

- (a) the offence in respect of which his return under this Act is requested;
- (b) any lesser offence proved by the facts proved before the court of committal; or
- (c) any other offence being a relevant offence in respect of which the Governor may consent to his being so dealt with.

(4) Any such arrangement as is mentioned in subsection (3) of this section may be an arrangement made for the particular case or an arrangement of a more general nature; and for the purposes of that subsection a certificate issued by or under the authority of the Governor confirming the existence of an arrangement with any country and stating its terms shall be conclusive evidence of the matters contained in the certificate.

(5) The reference in this section to an offence of a political character does not include an offence against the life or person of the Head of the Commonwealth or any related offence described in section 3(3) of this Act.

*Proceedings for return.*

Authority to proceed.

5. (1) Subject to the provisions of this Act relating to provisional warrants, a person shall not be dealt with thereunder except in pursuance of an order of the Governor (in this Act referred to as an authority to proceed), issued in pursuance of a request made to the Governor by or on behalf of the Government of the United Kingdom, or of the Republic of Ireland, or of the designated Commonwealth country, or by the Governor of the United Kingdom dependency, in which the person to be returned is accused or was convicted.

(2) There shall be furnished with any request made for the purposes of this section on behalf of any country—

- (a) in the case of a person accused of an offence, a warrant for his arrest issued in that country;
- (b) in the case of a person unlawfully at large after conviction of an offence, a certificate of the conviction and sentence in that country, and a statement of the amount if any of that sentence which has been served,

together (in each case) with particulars of the person whose return is requested and of the facts upon which and the law under which he is accused or was convicted, and evidence sufficient to justify the issue of a warrant for his arrest under section 6 of this Act.

(3) On receipt of such a request the Governor may issue an authority to proceed unless it appears to him that an order for the return of the person concerned could not lawfully be made, or would not in fact be made, in accordance with the provisions of this Act.

6. (1) A warrant for the arrest of a person accused of a relevant offence, or alleged to be unlawfully at large after conviction of such an offence, may be issued by a permanent magistrate—

Arrest for purposes of committal.

- (a) on the receipt of an authority to proceed;
- (b) without such an authority, upon information that the said person is or is believed to be in or on his way to Hong Kong;

and any warrant issued by virtue of paragraph (b) above is in this Act referred to as a provisional warrant.

(2) A warrant of arrest under this section may be issued upon such evidence as would, in the opinion of the magistrate, authorise the issue of a warrant for the arrest of a person accused of committing a corresponding offence or, as the case may be, of a person alleged to be unlawfully at large after conviction of an offence, within the jurisdiction of the magistrate.

(3) Where a provisional warrant is issued under this section, the magistrate by whom it is issued shall forthwith give notice to the Governor, and transmit to him the information and evidence, or certified copies of the information and evidence, upon which it was issued; and the Governor may in any case, and shall if he decides not to issue an authority to proceed in respect of the person to whom the warrant relates, by order cancel the warrant and, if that person has been arrested thereunder, discharge him from custody.

(4) A warrant of arrest issued under this section may be executed by any person to whom it is directed or by any police officer.

(5) Where a warrant is issued under this section for the arrest of a person accused of an offence of stealing or receiving stolen property or any other offence in respect of property, a permanent magistrate shall have the like power to issue a warrant to search for the property as if the offence had been committed within the jurisdiction of the magistrate.

7. (1) A person arrested in pursuance of a warrant under section 6 of this Act shall (unless previously discharged under subsection (3) of that section) be brought as soon as practicable before a court (in this Act referred to as the court of committal) consisting of a permanent magistrate.

Proceedings for committal.

(2) For the purposes of proceedings under this section a court of committal shall have the like jurisdiction and powers, as nearly as may be, including power to remand in custody or on bail, as a magistrate has under Part III of the Magistrates Ordinance(a).

(3) Where the person arrested is in custody by virtue of a provisional warrant and no authority to proceed has been received in respect of him, the court of committal may fix a reasonable period (of which the court shall give notice to the Governor) after which he will be discharged from custody unless such an authority has been received.

(4) Where an authority to proceed has been issued in respect of the person arrested and the court of committal is satisfied, after hearing any

(a) Hong Kong Laws, Revised Edition 1964, c. 227.

evidence tendered in support of the request for the return of that person or on behalf of that person, that the offence to which the authority relates is a relevant offence and is further satisfied—

- (a) where that person is accused of the offence, that the evidence would be sufficient to warrant his trial for that offence if it had been committed within the jurisdiction of the court;
- (b) where that person is alleged to be unlawfully at large after conviction of the offence, that he has been so convicted and appears to be so at large,

the court shall, unless his committal is prohibited by any other provision of this Act, commit him to custody to await his return thereunder; but if the court is not so satisfied or if the committal of that person is so prohibited, the court shall discharge him from custody.

Application for  
habeas corpus, etc.

8. (1) Where a person is committed to custody under section 7 of this Act, the court shall inform him in ordinary language of his right to make an application for habeas corpus and shall forthwith give notice of the committal to the Governor.

(2) A person committed to custody under the said section 7 shall not be returned under this Act—

- (a) in any case, until the expiration of the period of fifteen days beginning with the day on which the order for his committal is made;
- (b) if an application for habeas corpus is made in his case, so long as proceedings on that application are pending.

(3) On any such application the Full Court or a judge of the Supreme Court may, without prejudice to any other jurisdiction of the court, order the person committed to be discharged from custody if it appears to the court or judge that—

- (a) by reason of the trivial nature of the offence of which he is accused or was convicted; or
- (b) by reason of the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be; or
- (c) because the accusation against him is not made in good faith in the interests of justice,

it would, having regard to all the circumstances, be unjust or oppressive to return him.

(4) On any such application the Full Court or a judge of the Supreme Court may receive additional evidence relevant to the exercise of their or his jurisdiction under section 4 of this Act or under subsection (3) of this section.

(5) For the purposes of this section proceedings on an application for habeas corpus shall be treated as pending until any appeal in those proceedings to the Full Court is disposed of; and an appeal shall be treated as disposed of at the expiration of the time within which the appeal may be brought or, where leave to appeal is required, within which the application for leave may be made, if the appeal is not brought or the application made within that time.

9. (1) Where a person is committed to await his return and is not discharged by order of the Full Court or a judge of the Supreme Court, the Governor may by warrant order him to be returned to the country by which the request for his return was made unless the return of that person is prohibited, or prohibited for the time being, by section 4 of this Act or this section, or the Governor decides under this section to make no such order in his case.

Order for return  
to requesting  
country.

(2) An order shall not be made under this section in the case of a person who is serving a sentence of imprisonment or detention, or is charged with an offence, in Hong Kong—

- (a) in the case of a person serving such a sentence, until the sentence has been served;
- (b) in the case of a person charged with an offence, until the charge is disposed of or withdrawn and, if it results in a sentence of imprisonment (not being a suspended sentence), until the sentence has been served.

(3) The Governor shall not make an order under this section in the case of any person if it appears to the Governor, on the grounds mentioned in section 8(3) of this Act, that it would be unjust or oppressive to return that person, and may decide to make no order under this section in the case of a person accused or convicted of an offence in the United Kingdom or a United Kingdom dependency if he considers, on any such grounds as are mentioned in paragraphs (a) to (c) of section 4(1) of this Act, that the order ought not to be made.

(4) The Governor may decide to make no order under this section in the case of a person accused or convicted of a relevant offence not punishable with death in Hong Kong if that person could be or has been sentenced to death for that offence in the country by which the request for his return is made.

(5) The Governor may decide to make no order under this section for the return of a person committed in consequence of a request made on behalf of any country if another request for his return under this Act, or a requisition for his surrender under the Extradition Act 1870(a), has been made on behalf of another country and it appears to the Governor, having regard to all the circumstances of the case and in particular—

- (a) the relative seriousness of the offences in question;
- (b) the date on which each such request or requisition was made; and
- (c) the nationality or citizenship of the person concerned and his ordinary residence,

that preference should be given to the other request or requisition.

(6) Notice of the issue of a warrant under this section shall forthwith be given to the person to be returned thereunder.

10. (1) If any person committed to await his return is in custody in Hong Kong under this Act after the expiration of the following period, that is to say—

Discharge in case  
of delay in  
returning.

- (a) in any case, the period of two months beginning with the first day on which, having regard to section 8(2) of this Act, he could have been returned;

- (b) where a warrant for his return has been issued under section 9 of this Act, the period of one month beginning with the day on which that warrant was issued,

he may apply to the Supreme Court for his discharge.

(2) If upon any such application the court is satisfied that reasonable notice of the proposed application has been given to the Governor, the court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody and, if a warrant for his return has been issued under the said section 9, quash that warrant.

Evidence.

11. (1) In any proceedings under this Act, including proceedings on an application for habeas corpus in respect of a person in custody thereunder—

- (a) a document, duly authenticated, which purports to set out evidence given on oath in the United Kingdom or a designated Commonwealth country or the Republic of Ireland or a United Kingdom dependency (other than Hong Kong) shall be admissible as evidence of the matters stated therein;
- (b) a document, duly authenticated, which purports to have been received in evidence, or to be a copy of a document so received, in any proceeding in any such country or dependency shall be admissible in evidence;
- (c) a document, duly authenticated, which certifies that a person was convicted on a date specified in the document of an offence against the law of, or of a part of, any such country or dependency shall be admissible as evidence of the fact and date of the conviction.

(2) A document shall be deemed to be duly authenticated for the purposes of this section—

- (a) in the case of a document purporting to set out evidence given as aforesaid, if the document purports to be certified by a judge or magistrate or officer in or of the country or dependency in question to be the original document containing or recording that evidence or a true copy of such a document;
- (b) in the case of a document which purports to have been received in evidence as aforesaid or to be a copy of a document so received, if the document purports to be certified as aforesaid to have been, or to be a true copy of a document which has been, so received;
- (c) in the case of a document which certifies that a person was convicted as aforesaid, if the document purports to be certified as aforesaid,

and in any such case the document is authenticated either by the oath of a witness or by the official seal of the Secretary of State or of a Minister of the designated Commonwealth country or of the Republic of Ireland or of the Governor or a Minister, secretary or other officer administering a department of the Government of the dependency, as the case may be.

(3) In this section "oath" includes affirmation or declaration; and nothing in this section shall prejudice the admission in evidence of any document which is admissible in evidence apart from this section.

Custody.

12. (1) Any person remanded or committed to custody under section 7 of this Act shall be committed to the like institution as a person charged with an offence before the court of committal.

(2) If any person who is in custody by virtue of a warrant under this Act escapes out of custody, he may be retaken in like manner as a person escaping from custody under a warrant for his arrest issued in respect of an offence committed in Hong Kong.

(3) A warrant under section 9 of this Act for the return of any person to any country shall be sufficient authority for all persons to whom it is directed and all police officers to receive that person, keep him in custody and convey him into the jurisdiction of that country.

13. (1) Any warrant or order to be issued or made by the Governor under any of the foregoing provisions of this Act shall be given under the hand of the Governor or the Colonial Secretary.

Form of warrants and orders.

(2) The Governor may by order prescribe the form of any warrant or order to be issued or made under the foregoing provisions of this Act.

*Treatment of persons returned from the United Kingdom, Commonwealth countries, the Republic of Ireland and United Kingdom dependencies.*

14. (1) This section applies to any person accused or convicted of an offence under the law of Hong Kong who is returned to Hong Kong—

Restriction upon proceedings for other offences.

- (a) from the United Kingdom, under the Act;
- (b) from any designated Commonwealth country or from the Republic of Ireland under any law of that country corresponding with the Act;
- (c) from any United Kingdom dependency, under the Act or under any corresponding law of that dependency.

(2) A person to whom this section applies shall not, during the period described in subsection (3) of this section, be dealt with in Hong Kong for or in respect of any offence committed before he was returned to Hong Kong other than—

- (a) the offence in respect of which he was returned;
- (b) any lesser offence proved by the facts proved for the purposes of securing his return; or
- (c) any other offence in respect of which the Government of the country or Governor of the dependency from which he was returned may consent to his being dealt with.

(3) The period referred to in subsection (2) of this section in relation to a person to whom this section applies is the period beginning with the day of his arrival in Hong Kong on his return as mentioned in subsection (1) of this section and ending forty-five days after the first subsequent day on which he has the opportunity to leave Hong Kong.

15. (1) This section applies to any person accused of an offence under the law of Hong Kong who is returned to Hong Kong as mentioned in section 14(1) of this Act.

Restoration of persons not tried or acquitted.

(2) If in the case of a person to whom this section applies, either—

- (a) proceedings against him for the offence for which he was returned are not begun within the period of six months beginning with the day of his arrival in Hong Kong on being returned; or

- (b) on his trial for that offence, he is acquitted or discharged absolutely or conditionally,

the Governor may, if he thinks fit, on the request of that person, arrange for him to be sent back free of charge and with as little delay as possible to the country from which he was returned.

*Supplemental.*

*Interpretation.*

19. (1) In this Act the following expressions have the meanings hereby assigned to them that is to say:—

“Act” means, in relation to the United Kingdom, the Fugitive Offenders Act 1967 and, in relation to Hong Kong or to any other United Kingdom dependency, that Act as extended to Hong Kong or, as the case may be, to that other dependency;

“application for habeas corpus” means an application for a writ of habeas corpus ad subjiciendum;

“country” includes any territory;

“dealt with” means tried or returned or surrendered to any country or detained with a view to trial or with a view to such return or surrender;

“designated Commonwealth country” and “United Kingdom dependency” have the meanings assigned by section 2 of this Act;

“Full Court” means the Full Court of Hong Kong;

“Governor”, in relation to any country other than Hong Kong or a country mentioned in subsection (2) of this section, means the person or persons administering the government of that country;

“Governor”, in relation to Hong Kong, means the Governor of Hong Kong and includes any person or persons administering the government of Hong Kong;

“imprisonment” includes detention of any description;

“permanent magistrate” means a person appointed to be a permanent magistrate under the Magistrates Ordinance;

“race” includes tribe;

“Supreme Court” means the Supreme Court of Hong Kong;

“United Kingdom” includes the Channel Islands and the Isle of Man.

(2) In this Act references to the Governor shall be construed:—

(a) in relation to Abu Dhabi, Bahrain, the Northern Trucial States and Qatar as references to Her Majesty's Political Resident in the Persian Gulf and includes any person authorised to act for him;

(b) in relation to Brunei as references to the Government of Brunei;

(c) in relation to the New Hebrides as references to Her Majesty's High Commissioner for the Western Pacific and, to the extent that authority to perform functions under this Act may be assigned by the High Commissioner to the Resident Commissioner for the New Hebrides, to the Resident Commissioner;

(d) in relation to Swaziland as references to Her Majesty's Commissioner for Swaziland;

(e) in relation to Tonga as references to the Premier of Tonga.

(3) For the purposes of this Act a person convicted of an offence in his absence shall be treated as a person accused of that offence.

21. (1) Subject to the provisions of this section, the enactments described in Schedule 2 to this Act are hereby repealed as respects Hong Kong to the extent specified in the third column of that Schedule.

Repeals and transitional provisions.

(2) The repeals effected by subsection (1) of this section shall not affect the operation of the Fugitive Offenders Act 1881(a) in any case where, before the date on which that subsection comes into force, a warrant endorsed under section 3 of that Act, or a provisional warrant issued under section 4 of that Act, has been executed in Hong Kong:

Provided that for the purposes of proceedings under that Act—

(i) in respect of a fugitive from a designated Commonwealth country or from the Republic of Ireland, section 4(1) of this Act shall apply as if—

(a) for the reference to this Act there were substituted a reference to that Act; and

(b) for references to the court of committal and the order of committal there were substituted references to the magistrate before whom that person is brought under section 5 of that Act and the order of that magistrate;

(ii) in respect of a fugitive from the United Kingdom or a United Kingdom dependency, the Governor shall have the same discretion to make no order for return if he considers, on any such grounds as are mentioned in paragraphs (a) to (c) of section 4(1) of this Act that the order ought not to be made, as he would have under section 9(3) of this Act in proceedings under this Act.

(3) Without prejudice to subsection (2) of this section, this Act applies to offences committed before as well as after the coming into force of this Act.

22. (1) The provisions of this Act other than this section shall come into force on such date as the Governor may by order appoint.

Commencement.

(2) Different dates may be appointed under this section for different provisions of this Act, and different dates may be so appointed for any such provision or provisions in relation to different countries.

SCHEDULES.

SCHEDULE 1.

Section 3.

DESCRIPTION OF RELEVANT OFFENCES IN DESIGNATED COMMONWEALTH COUNTRIES OR THE REPUBLIC OF IRELAND.

1. Murder of any degree.
2. Manslaughter or culpable homicide.
3. An offence against the law relating to abortion.
4. Maliciously or wilfully wounding or inflicting grievous bodily harm.
5. Assault occasioning actual bodily harm.

(a) 1881 c. 69.

6. Rape.
7. Unlawful sexual intercourse with a female.
8. Indecent assault.
9. Procuring, or trafficking in, women or young persons for immoral purposes.
10. Bigamy.
11. Kidnapping, abduction or false imprisonment, or dealing in slaves.
12. Stealing, abandoning, exposing of unlawfully detaining a child.
13. Bribery.
14. Perjury or subornation of perjury or conspiring to defeat the course of justice.
15. Arson or fire-raising.
16. An offence concerning counterfeit currency.
17. An offence against the law relating to forgery.
18. Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud.
19. Burglary, housebreaking or any similar offence.
20. Robbery.
21. Blackmail or extortion by means of threats or by abuse of authority.
22. An offence against bankruptcy law or company law.
23. Malicious or wilful damage to property.
24. Acts done with the intention of endangering vehicles, vessels or aircraft.
25. An offence against the law relating to dangerous drugs or narcotics.
26. Piracy.
27. Revolt against the authority of the master of a ship or the commander of an aircraft.
28. Contravention of import or export prohibitions relating to precious stones, gold and other precious metals.

Section 21.

## SCHEDULE 2.

## ENACTMENTS REPEALED AS RESPECTS HONG KONG.

Chapter.	Short Title.	Extent of Repeal.
1881 c. 69	The Fugitive Offenders Act 1881.	The whole Act.
1890 c. 37	The Foreign Jurisdiction Act 1890.	In Schedule 1 the entry relating to the Fugitive Offenders Act 1881.
1915 c. 39	The Fugitive Offenders (Protected States) Act 1915.	The whole Act.

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

This Order extends the provisions of the Fugitive Offenders Act 1967 to Hong Kong subject to exceptions, adaptations and modifications and repeals the Fugitive Offenders Act 1881 and certain other enactments as respects Hong Kong.

(Secretariat CR 10/2716/47)

FUGITIVE OFFENDERS ACT 1967.

**FUGITIVE OFFENDERS (DESIGNATED COMMONWEALTH COUNTRIES) ORDER 1968.**

In exercise of the powers conferred by section 2(1) of the Fugitive Offenders Act 1967, the Governor, with the approval of the Secretary of State, has made the following order—

1. This order may be cited as the Fugitive Offenders (Designated Commonwealth Countries) Order 1968, and shall come into operation on 23rd February 1968.

Citation and commencement.

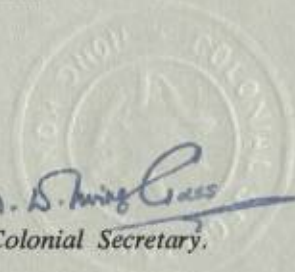
2. The countries specified in the Schedule are hereby designated for the purposes of section 1 of the Fugitive Offenders Act 1967.

Designated Commonwealth countries.  
(1967 c. 68.)

SCHEDULE.

Australia	Malawi
Barbados	Malaysia
Botswana	Malta
Canada	New Zealand
Ceylon	Nigeria
The Republic of Cyprus	Pakistan
The Gambia	Sierra Leone
Ghana	Singapore
Guyana	Tanzania
India	Trinidad and Tobago
Jamaica	Uganda
Kenya	Zambia
Lesotho	

By Command,



*N. S. King Cross*  
Colonial Secretary.

12th February 1968.

*Explanatory Note.*

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

This order designates certain Commonwealth countries for the purposes of the Fugitive Offenders Act 1967 which, in providing for the return of offenders from Hong Kong to other parts of the Commonwealth, distinguishes between designated Commonwealth countries and the United

Kingdom and its dependencies. For example, the offences for which a person may be returned under the Act are, in the case of return to the United Kingdom or a dependency, those punishable by a superior court with twelve months' imprisonment but, in the case of return to a designated country, those described in Schedule 1 to the Act.

(Secretariat CR 10/2716/47)



## FUGITIVE OFFENDERS ACT 1967.

### FUGITIVE OFFENDERS (FORMS) ORDER 1968.

In exercise of the power conferred by section 13(2) of the Fugitive Offenders Act 1967, the Governor has made the following order—

1. This order may be cited as the Fugitive Offenders (Forms) Order 1968, and shall come into operation on 23rd February 1968.
2. The forms contained in the Schedule or forms to the like effect shall be used for the purposes for which they are applicable.

Citation  
and com-  
mencement.  
Forms.

#### SCHEDULE.

##### FORM 1.

##### AUTHORITY TO PROCEED.

*(Fugitive Offenders Act 1967, s. 5).*

A request having been made to the Governor by or on behalf of ..... for the return to that country of *A.B.* who is accused [*or* alleged to be unlawfully at large after conviction] of the offence[s] of .....

The Governor hereby orders that a permanent magistrate proceed with the case in accordance with the provisions of the Fugitive Offenders Act 1967.

Dated the ..... day of ..... 19.....

.....  
*Governor.*

##### FORM 2.

##### WARRANT OF ARREST.

*(Fugitive Offenders Act 1967, s. 6(1)(a)).*

To each and all of the members of the Hong Kong Police Force.

I having received from the Governor an order to proceed with the case of *A.B.* (hereinafter called the defendant) who is accused [*or* who is alleged to be unlawfully at large after conviction] of the offence[s] of ..... against the law of .....

And there being evidence that the offence[s] is/are [a] relevant offence [s] as defined in section 3 of the Fugitive Offenders Act 1967:

And there being in my opinion such evidence as would justify the issue of a warrant for the arrest of a person accused of committing [a] corresponding offence[s] [or alleged to be unlawfully at large after conviction of an offence] in Hong Kong:

You are hereby commanded to arrest the defendant forthwith and to bring him/her before a permanent magistrate sitting at .....

Dated the ..... day of ..... 19.....

.....  
Permanent Magistrate.

### FORM 3.

#### PROVISIONAL WARRANT OF ARREST.

(*Fugitive Offenders Act 1967, s. 6(1)(b)*).

To each and all of the members of the Hong Kong Police Force.

There being evidence that *A.B.* (hereinafter called the defendant) is accused [or is alleged to be unlawfully at large after conviction] of the offence[s] of ..... against the law of ..... and that the offence[s] is/are [a] relevant offence[s] as defined in section 3 of the *Fugitive Offenders Act 1967*:

And there being in my opinion such evidence as would justify the issue of a warrant for the arrest of a person accused of committing [a] corresponding offence[s] [or alleged to be unlawfully at large after conviction of an offence] in Hong Kong:

And there being information that the defendant is or is believed to be in or on his/her way to Hong Kong:

You are hereby commanded to arrest the defendant and to bring him/her before a permanent magistrate sitting at .....

Dated the ..... day of ..... 19.....

.....  
Permanent Magistrate.

### FORM 4.

#### WARRANT OF COMMITMENT.

(*Fugitive Offenders Act 1967, s. 7(4)*).

To each and all of the members of the Hong Kong Police Force and to [the Commissioner of Prisons].

*A.B.* (hereinafter called the defendant) having been brought this day before me, a permanent magistrate sitting at ....., pursuant to a warrant for his/her arrest issued under section 6 of the *Fugitive Offenders Act 1967*:

And an authority to proceed having been issued by the Governor under section 5 of that Act in respect of the defendant:

And I being satisfied that the following offence[s] [of which the defendant is accused in ....., namely ....., being [an] offence[s] to which the authority to proceed relates, is/are [a] relevant offence[s] as defined in section 3 of that Act, namely, (*here describe the appropriate relevant offence[s] as set out in Schedule 1 to the Fugitive Offenders Act 1967*) [and that the evidence given before me would be sufficient to warrant the defendant's trial for that/those offence[s] if it/they had been committed in Hong Kong] [or that the defendant has been convicted of the offence[s] and appears to be unlawfully at large]:

You, the said members of the Hong Kong Police Force, are hereby commanded to convey the defendant to the [..... Prison] and there deliver him/her into the custody of the [Commissioner of Prisons] together with this warrant; and you, the [Commissioner of Prisons], to receive him/her into your custody and keep him/her until he/she is delivered in accordance with a warrant issued by the Governor under section 9 of that Act or he/she is otherwise delivered in due course of law.

Dated the ..... day of ..... 19.....

.....  
Permanent Magistrate.

### FORM 5.

#### WARRANT FOR RETURN TO REQUESTING COUNTRY.

(*Fugitive Offenders Act 1967, s. 9(1)*).

To the [Commissioner of Prisons] and to each and all of the members of the Hong Kong Police Force [and to ..... officers of .....].

Whereas a request has been made to the Governor by or on behalf of ..... for the return to that country of *A.B.* (hereinafter called the prisoner) who is accused [or alleged to be unlawfully at large after conviction] of the offence[s] of .....

And whereas a permanent magistrate, being satisfied that the evidence given before him would be sufficient to warrant the prisoner's trial for that/those offence[s] [or the offence[s] of .....] if it/they had been committed in Hong Kong [or that the prisoner had been convicted of that/those offence[s] [or the offence[s] of .....] and appeared to be unlawfully at large], committed the prisoner to [the ..... Prison] on the ..... day of ..... 19....., to await his/her return to .....

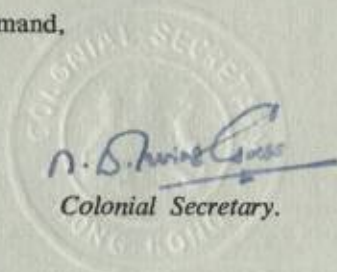
And whereas the prisoner has not been discharged from custody by order of the Full Court or a judge of the Supreme Court:

Now, therefore, the Governor hereby orders that the prisoner be returned to ..... in respect of the offence[s] for which he/she was committed to custody by the permanent magistrate.

Dated the ..... day of ..... 19.....

.....  
Governor.

By Command,

  
*N. D. ...*  
Colonial Secretary.

12th February 1968.

*Explanatory Note.*

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

This order prescribes certain forms to be used for the purposes of the Fugitive Offenders Act 1967.

(Secretariat CR 10/2716/47)

LEGAL AID ORDINANCE.

(Chapter 91).

LEGAL AID (AMENDMENT) REGULATIONS 1968.

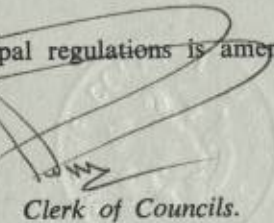
In exercise of the powers conferred by section 28 of the Legal Aid Ordinance, the Governor in Council has made the following regulations—

1. These regulations may be cited as the Legal Aid (Amendment) Regulations 1968, and shall come into operation on the day appointed for the commencement of the Legal Aid (Amendment) Ordinance 1968.

Citation and commencement.

2. Regulation 14 of the principal regulations is amended by deleting paragraph (5).

Amendment of regulation 14. (Cap. 91, sub. leg.)

  
Clerk of Councils.

COUNCIL CHAMBER,

20th February 1968.

*Explanatory Note.*

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

The purpose of these regulations is to delete regulation 14(5) of the principal regulations in consequence of section 3 of the Legal Aid (Amendment) Ordinance 1968.

(Secretariat GR 9/3221/49III)

**MERCHANT SHIPPING ACT 1965.**

**(Chapter 47).**

**ARRANGEMENT OF SECTIONS.**

<i>Section.</i>	<i>Page.</i>
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**MERCHANT SHIPPING ACT 1965.**

**(Chapter 47).**

An Act to amend the law relating to the measurement of the tonnage of merchant ships and the marking of load lines.

[5th August 1965.]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Tonnage regulations.

1. (1) The tonnage of any ship to be registered under the principal Act (whether under Part I or Part IV thereof) shall be ascertained in accordance with regulations made by the Board of Trade by statutory instrument; and those regulations shall, as respects anything done after the commencement of this Act, be taken to be the provisions referred to in the principal Act as the tonnage regulations of that Act.

(2) Regulations under this section—

- (a) may make different provision for different descriptions of ships or for the same description of ships in different circumstances;
- (b) may make any provision thereof dependent on compliance with such conditions, to be evidenced in such manner, as may be specified in the regulations;
- (c) may provide for the ascertainment of any space to be taken into account for the purposes of section 85 of the principal Act (payment of dues where goods carried in spaces not forming part of registered tonnage) and may exempt any space from being taken into account for those purposes; and
- (d) may prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship and may provide for making the master and the owner each liable to a fine not exceeding one hundred pounds where such a prohibition or restriction is contravened.

(3) Regulations under this section may make provision for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the

regulations, a lower tonnage applicable where the ship is not loaded to the full depth to which it can be safely loaded, and for indicating on the ship, by such mark as may be specified in the regulations, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the ship may be loaded for the lower tonnage to be applicable.

(4) Regulations under this section may provide for the measurement and survey of ships to be undertaken, in such circumstances as may be specified in the regulations and notwithstanding sections 6 and 86 of the principal Act, by persons appointed by such organizations as may be authorized in that behalf by the Board of Trade; and so much of section 83 of the principal Act and section 1 of the Merchant Shipping (Mercantile Marine Fund) Act 1898 as requires the payment of fees into the Exchequer shall not apply to fees payable under the said section 83 to persons appointed in pursuance of this subsection.

(5) Regulations under this section may make provision for the alteration (notwithstanding section 82 of the principal Act) of the particulars relating to the registered tonnage of any ship registered before the coming into operation of the regulations.

(6) Regulations under this section may provide for the issue of documents certifying the registered tonnage of any ship or the tonnage which is to be taken for any purpose specified in the regulations as the tonnage of a ship not registered in the United Kingdom.

(7) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2. Load line rules made under section 42 of the Merchant Shipping (Safety and Load Line Conventions) Act 1932 may provide for the marking of load lines, at the owner's request, in a position on a ship lower than that indicating the several maximum depths to which it can be safely loaded in various circumstances.

3. The provisions made with respect to the ascertainment of tonnage by the Merchant Shipping (Fishing Boats Registry) Order 1927 shall have effect as if contained in, and accordingly may be amended or revoked by, regulations under this Act.

1898 c. 44.

Load lines indicating greater than minimum freeboard.  
1932 c. 9.

Transitional provision.  
1927 No. 642.

Exercise of powers of Board of Trade.

4. Any functions conferred on the Board of Trade by or under this Act may be exercised by the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorized in that behalf by the President of the Board.

Provisions as to Northern Ireland.  
1947 c. 44.

5. (1) This Act extends to Northern Ireland.  
(2) In the application of this Act to Northern Ireland the amendment made by this Act in the Crown Proceedings Act 1947 is an amendment to that Act as it applies in Northern Ireland.

Application to British possessions, etc.

6. Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations and modifications as may be specified in the Order, to—

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) any colony, or any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction, or any territory consisting partly of one or more colonies and partly of one or more such countries or places.

Amendments and repeals.

7. (1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in relation thereto in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Interpretation, construction, citation and commencement.  
1894 c. 60.

8. (1) In this Act "the principal Act" means the Merchant Shipping Act 1894.

(2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1964.

(3) This Act may be cited as the Merchant Shipping Act 1965, and the Merchant Shipping Acts 1894 to 1964 and this Act may be cited together as the Merchant Shipping Acts 1894 to 1965.

(4) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint.

## SCHEDULES.

### SCHEDULE 1.

Section 7(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS.

Enactment amended.	Amendment.
The Merchant Shipping Act 1894 57 & 58 Vict. c. 60.	In section 84, there shall be added at the end of subsection (1) the words "and any space shown by the certificate of registry or other national papers of any such ship as deducted from the tonnage shall, where a similar deduction in the case of a British ship depends on compliance with any conditions or on the compliance being evidenced in any manner, be deemed to comply with those conditions and to be so evidenced, unless a surveyor of ships certifies to the Board of Trade that the construction and the equipment of the ship as respects that space do not come up to the standard which would be required if the ship were a British ship registered in the United Kingdom".  In section 85, in subsection (1) after the words "forming the ship's registered tonnage" there shall be inserted the words "and not exempted by regulations under the Merchant Shipping Act 1965", and in subsection (3) for the words from "in manner directed" to "this Act" there shall be substituted the words "in accordance with regulations made under the Merchant Shipping Act 1965".  In section 371, in subsection (1), the words from "in the case" to "any other case" shall be omitted.  At the end of Part II of Schedule 1 there shall be added the words "Bill of sale".
The Merchant Shipping (Safety and Load Line Conventions) Act 1932 22 & 23 Geo. 5. c. 9.	In section 43(1)(c) for the words "can be safely loaded" there shall be substituted the words "may be loaded".
The Crown Proceedings Act 1947 10 & 11 Geo. 6. c. 44.	In section 5(5)(a) for the words from "section seventy-seven" in the first place where they occur to "section seventy-seven" in the second place where they occur there shall be substituted the words "regulations made under the Merchant Shipping Act 1965".

SCHEDULE 2.  
ENACTMENTS REPEALED.

Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	In section 24(2) the words from "and shall be in" to "permit". Sections 77 to 81. In section 84(1) the words from "and any space" to the end of the subsection. In section 371, in subsection (1) the words from "in the case" to "any other case" and subsections (2) and (3). In Schedule 1, in Part I, Form A—Bill of Sale. Schedule 2. In Schedule 6, paragraphs (2) to (5).
6 Edw. 7. c. 48.	The Merchant Shipping Act 1906.	Sections 54 and 55.
7 Edw. 7. c. 52.	The Merchant Shipping Act 1907.	The whole Act.
11 & 12 Geo. 6. c. 44.	The Merchant Shipping Act 1948.	In section 1, the proviso to subsection (3). In section 4, subsections (1) and (2).
14 Geo. 6. c. 9.	The Merchant Shipping Act 1950.	Section 1(4). In Schedule 1, paragraph 12.
2 & 3 Eliz. 2. c. 18.	The Merchant Shipping Act 1954.	The whole Act.

(Secretariat GR 7/5691/61)

1967 No. 1764.

MERCHANT SHIPPING.

SAFETY.

**THE MERCHANT SHIPPING (TONNAGE)  
(HONG KONG) ORDER 1967.**

*Made* - - - 28th November 1967.

*Laid before Parliament* 4th December 1967.

*Coming into Operation* 5th December 1967.

At the Court at Buckingham Palace, the 28th day of  
November 1967.

Present,

The Queen's Most Excellent Majesty in Council.

Her Majesty, in exercise of the powers conferred upon Her by section 6 of the Merchant Shipping Act 1965(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Merchant Shipping Act 1965 except those of sections 1(7), 3, 4, 5, 6, 8(3) and (4), adapted and modified as set out in the Schedule hereto, shall extend to the Colony of Hong Kong.

2. This Order shall come into operation on 5th December 1967 and may be cited as the Merchant Shipping (Tonnage) (Hong Kong) Order 1967.

W. G. AGNEW.

SCHEDULE.

MERCHANT SHIPPING ACT 1965 AS EXTENDED TO THE COLONY OF  
HONG KONG.

1. (1) The tonnage of any ship to be registered under the principal Act as in force in Hong Kong shall be ascertained in accordance with regulations made by the Governor in Council; and those regulations shall, as respects anything done after the date of coming into operation of the Order of Her Majesty in Council extending this Act to Hong Kong, be taken to be the provisions referred to in the principal Act as the tonnage regulations of that Act.

Tonnage  
regulations.

(a) 1965 c. 47.

(2) Regulations under this section—

- (a) may make different provision for different descriptions of ships or for the same description of ships in different circumstances;
- (b) may make any provision thereof dependent on compliance with such conditions, to be evidenced in such manner, as may be specified in the regulations;
- (c) may provide for the ascertainment of any space to be taken into account for the purposes of section 85 of the principal Act (payment of dues where goods carried in spaces not forming part of registered tonnage) and may exempt any space from being taken into account for those purposes; and
- (d) may prohibit or restrict the carriage of goods or stores in spaces not included in the registered tonnage of a ship and may provide for making the master and the owner each liable to a fine not exceeding one hundred pounds where such a prohibition or restriction is contravened.

(3) Regulations under this section may make provision for assigning to a ship, either instead of or as an alternative to the tonnage ascertained in accordance with the other provisions of the regulations, a lower tonnage applicable where the ship is not loaded to the full depth to which it can be safely loaded, and for indicating on the ship, by such mark as may be specified in the regulations, that such a lower tonnage has been assigned to it and, where it has been assigned to it as an alternative, the depth to which the ship may be loaded for the lower tonnage to be applicable.

(4) Notwithstanding anything in the principal Act as in force in Hong Kong or in the Hong Kong Merchant Shipping Ordinance<sup>(a)</sup>, regulations under this section may—

- (a) provide for the measurement and survey of ships to be undertaken, in such circumstances as may be specified in the regulations, by persons appointed by such organizations as may be authorized in that behalf by the Governor; and
- (b) prescribe the amount and the payment of the fees payable to persons appointed in pursuance of this subsection.

(5) Regulations under this section may make provision for the alteration (notwithstanding anything in the principal Act as in force in Hong Kong or in the Hong Kong Merchant Shipping Ordinance) of the particulars relating to the registered tonnage of any ship registered before the coming into operation of the regulations.

(6) Regulations under this section may provide for the issue of documents certifying the registered tonnage of any ship or the tonnage which is to be taken for any purpose specified in the regulations as the tonnage of a ship not registered in Hong Kong.

2. Regulations made under the power conferred by section 27(3) of the Hong Kong Merchant Shipping Ordinance may provide for the marking of load lines, at the owner's request, in a position on a ship lower than that indicating the several maximum depths to which it can be safely loaded in various circumstances.

7. (1) The enactments mentioned in Schedule 1 to this Act as in force in Hong Kong shall have effect in Hong Kong subject to the amendments specified in relation thereto in the second column of that Schedule,

<sup>(a)</sup> Laws of Hong Kong (Rev. 1964) c. 281.

Load lines indicating greater than minimum freeboard.

Amendments and repeals.

being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed in their application to Hong Kong to the extent specified in the third column of that Schedule.

8. (1) In this Act "the principal Act" means the Merchant Shipping Act 1894<sup>(a)</sup>.

(2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1964.

Interpretation and construction.

### SCHEDULE 1.

Section 7(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS.

Enactment amended.	Amendment.
The Merchant Shipping Act 1894 <sup>(a)</sup> .	<p>In section 84, there shall be added at the end of subsection (1) the words "and any space shown by the certificate of registry or other national papers of any such ship as deducted from the tonnage shall, where a similar deduction in the case of a British ship depends on compliance with any conditions or on the compliance being evidenced in any manner, be deemed to comply with those conditions and to be so evidenced, unless a surveyor of ships certifies to the Governor that the construction and the equipment of the ship as respects that space do not come up to the standard which would be required if the ship were a British ship registered in Hong Kong."</p> <p>In section 85, in subsection (1) after the words "forming the ship's registered tonnage" there shall be inserted the words "and not exempted by regulations under the Merchant Shipping Act 1965 as extended to Hong Kong", and in subsection (3) for the words from "by an officer of the Board of Trade" to "this Act" there shall be substituted the words "in accordance with regulations made under the Merchant Shipping Act 1965 as extended to Hong Kong."</p>

<sup>(a)</sup> 1894 c. 60.

Enactment amended.	Amendment.
The Merchant Shipping (Safety and Load Line Conventions) Act 1932(a).	At the end of Part II of Schedule 1 there shall be added the words "Bill of sale". In section 43(1)(c) for the words "can be safely loaded" there shall be substituted the words "may be loaded".

(a) 1932 c. 9.

Section 7(2).

## SCHEDULE 2.

## ENACTMENTS REPEALED IN THEIR APPLICATION TO HONG KONG.

Reference.	Short Title.	Extent of Repeal.
1894 c. 60 ...	The Merchant Shipping Act 1894.	In section 24(2) the words from "and shall be in" to "permit". Sections 77 to 81. In section 84(1) the words from "and any space" to the end of the subsection. In Schedule 1, in Part 1, Form A—Bill of Sale. Schedule 2. In Schedule 6, paragraphs (2) to (5).
1906 c. 48 ...	The Merchant Shipping Act 1906.	Sections 54 and 55.
1907 c. 52 ...	The Merchant Shipping Act 1907.	The whole Act.
S.I. 1956/1002 (1956 I, p. 1208).	The Merchant Shipping (Colonies, etc.) Tonnage Measurement Order 1956.	The whole Order.

*Explanatory Note.**(This Note is not part of the Order).*

This Order extends to the Colony of Hong Kong the provisions of the Merchant Shipping Act 1965 (which amended the law relating to the measurement of the tonnage of merchant ships and the marking of load lines), subject to certain exceptions and modifications. The Act as so extended is set out in the Schedule to the Order.

(Secretariat GR 7/5691/61)

## MERCHANT SHIPPING ACT 1965.

## MERCHANT SHIPPING (TONNAGE) REGULATIONS 1968.

In exercise of the powers conferred by section 1 of the Merchant Shipping Act 1965, the Governor in Council has made the following regulations—

## PART I.

## PRELIMINARY.

1. These regulations may be cited as the Merchant Shipping (Tonnage) Regulations 1968. Citation.
2. For the purpose of these regulations, unless the context otherwise requires—
  - "crew accommodation" has the same meaning as in the Merchant Shipping Act 1948; (11 & 12 Geo. 6, c. 44.)
  - "Director" means the Director of Marine and includes any person deputed or authorized by the Director to exercise any power or perform any duty vested in or imposed upon him under these regulations;
  - "dry cargo space" means space appropriated for the carriage of cargo other than liquid or gaseous matter in bulk;
  - "Load Line Rules" means the Load Line Rules for the time being in operation in Hong Kong;
  - "passenger" has the same meaning as in the Merchant Shipping (Safety Convention) Act 1949; (12, 13 & 14 Geo. 6, c. 43.)
  - "principal Act" means the Merchant Shipping Act 1894;
  - "propelling machinery space" means space below the upper deck appropriated for the main or auxiliary propelling machinery of a ship, including—
    - (a) ventilation, light or escape trunks serving any such space;
    - (b) space appropriated for boilers serving such machinery;
    - (c) shaft tunnels;

- (d) engineers' store rooms and workshops not exceeding in total tonnage three-quarters of one per cent of the gross tonnage of the ship;
- (e) oil fuel settling tanks serving the main or auxiliary propelling machinery, having a total capacity sufficient to provide not less than twenty-four hours or more than ninety-six hours steaming for the ship at maximum speed;

and including also framed-in spaces on or above the upper deck described in sub-paragraph (e) of paragraph (1) of regulation 6 and included in the gross tonnage of the ship in accordance with that provision;

"second deck" means the deck next below the upper deck, being a deck—

- (a) which is fitted as an integral part of the ship's structure;
- (b) which is continuous at least between peak bulkheads both fore and aft and transversely; and
- (c) in which all hatchways are fitted with substantial and durable covers,

a deck being taken to be continuous for this purpose notwithstanding the presence in it of—

- (i) openings serving propelling machinery space or leading to ladderways or stairways;
- (ii) hatch or ventilation trunks, provided that they do not extend fore and aft from one main traverse bulkhead to another;
- (iii) chain lockers or cofferdams; or
- (iv) a break or breaks the aggregate height of which above the line of continuation of the deck does not exceed four feet;

"tonnage deck" means the second deck except in the case of single deck ships, in which case it means the upper deck;

"upper deck" means the uppermost complete deck exposed to sea and weather fitted as an integral part of the ship's structure, being a deck all openings in the weather portions of which are fitted with permanent means of closing and below which all openings in the sides of the ship are fitted with permanent means of watertight closing, but shall, in the case of an open ship, be taken to be the upper edge of the upper strake of the gunwale.

3. The tonnage of any ship registered in Hong Kong under the principal Act, whether under Part I or Part IV thereof, shall be ascertained in accordance with these regulations.

Ascertainment of tonnage.

4. (1) The owner and the master of a ship to be measured shall make it available for measurement by a surveyor of ships pursuant to section 6 of the principal Act and afford all necessary facilities for its inspection and measurement and shall produce for the surveyor's use and retention if required such plans, drawings, specifications and other documents relating to the ship as he may require.

Method of measurement.

(2) Subject to paragraph (3), the tonnage of a ship shall be measured in the manner specified in Rule I of the First Schedule and in the Second Schedule.

First Schedule.  
Second Schedule.

(3) In any case in which the surveyor is satisfied that by reason of the ship's being laden or otherwise measurement of the tonnage of the ship below the upper deck in accordance with paragraph (2) is not reasonably practicable, such tonnage shall be measured in the manner specified in Rule II of the First Schedule and in the case of a ship so measured the provisions of regulations 13 and 14 shall not apply.

(4) The Director may on the application of the owner of any ship the tonnage of which below the upper deck has been measured in accordance with paragraph (3) direct such tonnage to be measured in accordance with paragraph (2) and cause the particulars relating to its registered tonnage to be altered accordingly.

(5) All measurements required by these regulations shall be taken and expressed in feet and fractions of a foot, and such fractions shall be expressed in decimals.

(6) Tonnage in relation to any ship or space in a ship shall be measured in terms of cubic capacity, one hundred cubic feet representing one ton.

5. (1) The Director shall issue to the owner of every ship registered in Hong Kong under the principal Act, the tonnage of which has been ascertained in accordance with these regulations, a certificate of British tonnage certifying the registered tonnage of the ship and containing the following particulars—

Certificates of British tonnage.

- (a) the name, port of registry and official number of the ship;
- (b) its registered dimensions;
- (c) its gross tonnage and the tonnage of each of the components thereof specified in paragraph (1) of regulation 6;

- (d) its register tonnage and the deductions and allowances made pursuant to regulations 11 and 12 respectively in ascertaining that tonnage;
- (e) in the case of a ship to which gross and register tonnages have been assigned in accordance with regulation 13, or to which alternative tonnages have been assigned in accordance with regulation 14, particulars of the spaces the tonnage of which has been excluded by virtue of the provisions of regulation 13 or regulation 14, as the case may be, in ascertaining such tonnages;
- (f) the position in which any tonnage mark assigned to the ship is to be placed.

(2) For the purpose of ascertaining in relation to ships not registered in Hong Kong the amounts of rates and charges based upon tonnage, the Director may issue to the owner of any ship the tonnage of which has been ascertained in accordance with these regulations a certificate of British tonnage as aforesaid, and the gross and register tonnages as stated in that certificate shall, unless any alteration is made in the form or capacity of the ship or it is discovered that the tonnage of the ship has been erroneously computed, be taken for that purpose to be the gross and register tonnages of the ship.

(3) On remeasurement of a ship any certificate of British tonnage in force in relation to that ship shall be delivered up to the Director and the Director shall issue a new certificate in place thereof.

## PART II.

### GROSS TONNAGE AND REGISTER TONNAGE.

#### *Gross Tonnage.*

Components of  
gross tonnage.

First Schedule.

6. (1) Subject to the provisions of Part III of these regulations, the gross tonnage of a ship shall be the sum of—
- (a) the underdeck tonnage of the ship ascertained in accordance with the provisions of regulation 7 and paragraph 1 of Rule I of the First Schedule.
  - (b) the tonnage of between-deck space between the second deck and the upper deck ascertained in accordance with the provisions of paragraph 2 of the said Rule I;
  - (c) the tonnage of permanently closed-in spaces on or above the upper deck including that of breaks situated above the line of the deck but excluding—
    - (i) the tonnage of hatchways described in regulation 8;

(ii) the tonnage of framed-in spaces on or above the upper deck which contain any part of the propelling machinery or which light or ventilate space appropriated for such machinery;

(iii) any space excluded by virtue of the provisions of regulation 9,

ascertained in accordance with the provisions of paragraphs 3, 4 and 5 of the said Rule I;

- (d) the tonnage of hatchways described in regulation 8, ascertained in accordance with the provisions of that regulation and paragraph 5 of the said Rule I;
- (e) the tonnage of framed-in spaces on or above the upper deck which contain any part of the propelling machinery or which light or ventilate space appropriated for such machinery, ascertained in accordance with the provisions of paragraph 5 of the said Rule I, subject to the conditions that—

(i) the owner of the ship has made written application to the Director for the inclusion of such spaces in the propelling machinery space of the ship;

(ii) they are permanently marked by a notice stating their purpose; and

(iii) they are certified by a surveyor of ships as safe and seaworthy and properly constructed for their purpose, as reasonable in extent for that purpose, and as being such that they cannot be used for any other purpose.

(2) In the case of a ship the tonnage of which below the upper deck has been measured in accordance with Rule II of the First Schedule, that tonnage shall be included instead of the tonnages specified at (a) and (b) in paragraph (1).

(3) For the purpose of these regulations the expression "permanently closed-in spaces on or above the upper deck" shall include—

- (a) a poop, bridge or fore-castle notwithstanding the presence of an opening in the end transverse bulkhead thereof, unless the opening extends from deck to deck for one half or more of the breadth of the deck in way of the bulkhead;
- (b) a deck house notwithstanding the presence of an opening in one of the boundary bulkheads thereof exposed to the weather, unless the opening extends from deck to deck for one half or more of the length of the bulkhead in which it is situated and is four feet wide or more;

- (c) a structure extending from side to side of the ship notwithstanding the presence in it of an opening in the ship's side, unless the opening extends for one half or more of the length of the space which it serves and exceeds in height one third of the distance from deck to deck in way of the opening or two feet six inches, whichever is the greater;
- (d) a passage way at the ship's side, unless it is four feet wide or more and is completely open to the weather at one end, or both ends, of its length;
- (e) a recess, unless it extends from deck to deck for three feet or more of its width and is exposed to the weather; and
- (f) any space having an opening in the deck over being a deck exposed to the weather, unless the area of the opening is one quarter or more of the deck area over the space.

Underdeck  
tonnage.

7. The underdeck tonnage of a ship shall be the sum of—

- (a) the tonnage of the space below the tonnage deck bounded by—
  - (i) the tonnage deck,
  - (ii) the upper surface of the double bottom tanks, open floors or ceiling as the case may be, and
  - (iii) the inner face of the timbers, frames or sparring as the case may be; measured in accordance with the provisions of paragraph 1 of Rule I of the First Schedule, but subject to such limitations specified in the Second Schedule as may be applicable in the circumstances of the case, and excluding the tonnage of breaks above the line of the tonnage deck; and
- (b) the tonnage of shaft bossings and any other appendages forming part of the hull of the ship below the tonnage deck whether or not they project beyond the extreme points of measurement of that deck.

First Schedule.  
Second Schedule.

Tonnage of  
hatchways.

First Schedule.

8. The tonnage of all hatchways leading to space included in the gross tonnage of the ship other than internal hatchways totally enclosed within such space shall be measured in accordance with paragraph 5 of Rule I of the First Schedule and from the aggregate thereof there shall be deducted one half of one per cent of the ship's gross tonnage excluding such aggregate. The remainder (if any) shall be the tonnage of the hatchways, customarily referred to as "excess of hatchways", to be included in the gross tonnage of the ship.

9. Permanently closed-in spaces of the following kinds situated on or above the upper deck shall not be included in the gross tonnage of the ship—

Closed spaces  
on or above  
the upper deck  
not to be  
included in  
gross tonnage.

- (a) dry cargo space, unless situated in a break above the line of the upper deck;
- (b) space fitted with and appropriated for the use of machinery or condensers;
- (c) the wheelhouse and chartroom, and space fitted with and appropriated for the use of radio and navigational aids;
- (d) skylights, domes and trunks which light or ventilate the space they serve;
- (e) chain lockers and space appropriated for working the anchor gear and capstan;
- (f) space appropriated for the storage of safety equipment or batteries;
- (g) companions and access hatches serving as protection for stairways or ladderways leading to space below, and openings over such stairways and ladderways;
- (h) the galley, and any separate bakery fitted with ovens, provided in either case that no part thereof is appropriated for use for any other purpose;
- (i) washing and sanitary accommodation forming part of the crew accommodation or appropriated for the use of the master;
- (j) workshops and storerooms appropriated for the use of pumpmen, engineers, electricians, carpenters and boat-swains, and the lamp-room;
- (k) water ballast tanks not appropriated for use for any other purposes;
- (l) shelter space providing weather protection only for use, free of charge, by deck passengers in ships intended for use only on voyages not exceeding ten hours duration;
- (m) sheltered promenade space, glassed in and unfurnished except for deckchairs or similar light portable seating, in ships intended for use on international voyages;

Provided that this regulation shall not apply in any case other than that specified at sub-paragraph (a) unless the space is certified by a surveyor of ships as being reasonable in extent, and properly constructed, for its purpose and is permanently marked by a notice stating that purpose.

*Register tonnage.*

Ascertainment  
of register  
tonnage.

**10.** Subject to the provisions of Part III of these regulations, the register tonnage of a ship shall be the tonnage obtained by deducting from its gross tonnage—

- (a) the tonnage of spaces specified in regulation 11, and
- (b) the tonnage allowance for propelling machinery space described in regulation 12:

Provided that—

- (i) the deduction shall in each case be subject to any condition, limit or restriction expressed to be applicable in that case; and
- (ii) no deduction shall be made of or in respect of the tonnage of any space which has not first been included in the ship's gross tonnage.

Space to be  
deducted.

**11.** The spaces referred to in sub-paragraph (a) of regulation 10 are—

- (a) space appropriated for the accommodation of the master;
- (b) crew accommodation, except space appropriated for the storage of fresh water and space appropriated for the storage of provisions (other than fresh water), being in the latter case space in excess of fifteen per cent of the aggregate of—
  - (i) space appropriated for the accommodation of the master; and
  - (ii) crew accommodation other than space appropriated for the storage of provisions and fresh water;
- (c) the wheelhouse and chartroom, and space fitted with and appropriated for the use of radio and navigational aids;
- (d) chain lockers and space appropriated for, or for the working of, the steering gear, anchor gear and capstan;
- (e) space appropriated for the storage of safety equipment or batteries;
- (f) workshops and storerooms appropriated for the use of pumpmen, electricians, carpenters and boatswains, and the lamp-room;
- (g) space occupied by the donkey engine and boiler if they are outside the propelling machinery space and connected to the main pumps of the ship;
- (h) space occupied by the main pumps of the ship if they are outside the propelling machinery space;

- (i) in the case of ships wholly propelled by sails, space appropriated for the storage of sails, so however that the total tonnage of such space does not exceed two and half per cent of the ship's gross tonnage; and
- (j) water ballast tanks not appropriated for any other purpose, so however that the total tonnage so to be deducted, when added to the tonnage of spaces appropriated for water ballast not included in the gross tonnage of the ship consisting of double bottom space, space below bottom floor level or space above the upper deck, does not exceed nineteen per cent of the ship's gross tonnage:

Provided that no deduction shall be made—

- (i) in respect of any space specified in sub-paragraph (b) unless it is certified by a surveyor of ships as complying with all applicable provisions as to crew accommodation contained in the Merchant Shipping Acts 1894 to 1965 and regulations made thereunder; and
- (ii) in respect of any space specified in sub-paragraphs (a) or (c) to (j) unless it is certified by a surveyor of ships to be reasonable in extent, and properly construed, for its purpose and is permanently marked by a notice stating that purpose.

**12.** The tonnage allowance for propelling machinery space to be deducted pursuant to sub-paragraph (b) of regulation 10 shall be determined as follows—

Allowance for  
propelling  
machinery  
space.

- (a) in the case of ships propelled by screws—
  - (i) if the tonnage of the propelling machinery space is thirteen per cent or over but less than twenty per cent of the gross tonnage the allowance shall be thirty-two per cent of the gross tonnage;
  - (ii) if the tonnage of the propelling machinery space is less than thirteen per cent of the gross tonnage the allowance shall be that lesser percentage of the gross tonnage multiplied by 32/13;
- (b) in the case of ships propelled by paddle wheels—
  - (i) if the tonnage of the propelling machinery space is twenty per cent or over but less than thirty per cent of the gross tonnage the allowance shall be thirty-seven per cent of the gross tonnage;
  - (ii) if the tonnage of the propelling machinery space is less than twenty per cent of the gross tonnage the allowance shall be that lesser percentage of the gross tonnage multiplied by 37/20;

- (c) in the case of ships to which sub-paragraphs (a) and (b) do not apply, the allowance shall be—
- (i) in the case of ships propelled by screws,  $1\frac{3}{4}$  times the tonnage of the propelling machinery space;
  - (ii) in the case of ships propelled by paddle wheels,  $1\frac{1}{2}$  times the tonnage of the propelling machinery space:

Provided that—

- (i) in no case save that of tugs intended to be used exclusively as such shall the allowance exceed fifty-five per cent of that portion of the tonnage of the ship which remains after deducting from its gross tonnage the deductions authorized by sub-paragraph (a) of regulation 10; and
- (ii) such deductions shall be subject to the propelling machinery space and space appropriated for its lighting and ventilation being certified as adequate by a surveyor of ships and being permanently marked by notices stating their purpose.

### PART III.

#### MODIFIED AND ALTERNATIVE TONNAGES AND TONNAGE MARKS.

13. (1) This regulation shall apply to a ship in respect of which—

- (a) greater than minimum freeboards have been assigned under the Load Line Rules; and
- (b) the positions of the load lines are not higher than would have been the case if the freeboards assigned to the ship and the position of the load lines appropriate thereto had been calculated treating the second deck as the freeboard deck.

(2) The Director may, on the application of the owner of a ship to which this regulation applies, assign to the ship as its gross tonnage and register tonnage a modified gross tonnage and modified register tonnage ascertained in accordance with paragraph (3) instead of the gross tonnage and register tonnage ascertained in accordance with Part II of these regulations.

(3) The modified gross tonnage and modified register tonnage to be assigned shall be ascertained in accordance with Part II of these regulations subject to the following modifications—

- (a) for reference to the upper deck in—
  - (i) regulation 6(1)(c) and (e), and (3);
  - (ii) regulation 9;

Modified gross and register tonnage of ships with certain freeboards.

- (iii) regulation 11(j);
- (iv) the definition of "propelling machinery space" in regulation 2; and
- (v) paragraphs 3, 5 and 6 of Rule I of the First Schedule.

First Schedule.

there shall be substituted reference to the second deck; and

- (b) regulation 6(1)(b) and paragraph 2 of Rule I of the First Schedule shall be omitted.

(4) Where such tonnages have been assigned to a ship there shall be placed on each side of the ship a tonnage marked in the form described in the Third Schedule, in a position in line with the deepest load line to which the ship may be loaded, no account being taken for this purpose of timber load lines, but subject to the foregoing in a position determined in accordance with the Fourth Schedule.

Third Schedule.

Fourth Schedule.

14. (1) The Director may, on the application of the owner of a ship, assign to the ship, as an alternative to its gross tonnage and register tonnage ascertained in accordance with Part II of these regulations, the modified gross tonnage and modified register tonnage ascertained in accordance with the provisions of paragraph (3) of regulation 13.

Alternative tonnages.

(2) Where alternative tonnages have been assigned to a ship there shall be placed on each side of that ship a tonnage mark in the form described in the Third Schedule in a position determined in accordance with the provisions of the Fourth Schedule.

Third Schedule.  
Fourth Schedule.

(3) The gross tonnage and register tonnage of the ship shall be taken to be respectively the modified gross tonnage and modified register tonnage when the ship is so loaded that the tonnage mark is not submerged. At all other times the gross and register tonnages of the ship shall be those ascertained in accordance with Part II of these regulations.

### PART IV.

#### GENERAL.

15. (1) The Director may on the application of the owner of a ship registered under Part I of the principal Act before the coming into operation of these regulations, direct that the tonnage of the ship be remeasured in accordance with the provisions of these regulations.

Remeasurement of tonnage of ships already registered.

(2) In such a case, after remeasurement of the ship, the ship's existing certificate of registry shall be delivered up to the registrar of the ship's port of registry or of any other port of registry.

(3) The registrar shall, on receipt of the surveyor's certificate giving particulars of the ship as remeasured, grant a new certificate of registry in place of the existing certificate and, unless he is the registrar of the ship's port of registry, shall forward the surveyor's certificate to that registrar and notify him of the issue of the new certificate.

(4) The registrar of the ship's port of registry shall alter the particulars respecting the ship in his register book accordingly and record therein the grant of the new certificate.

16. (1) Space to be taken into account for the purposes of section 85 of the principal Act (payment of dues where goods carried in spaces not forming part of registered tonnage) shall, subject to paragraph (2) of this regulation, be ascertained in accordance with the provisions of paragraph 5 of Rule I of the First Schedule to these regulations.

(2) Where—

- (a) a ship has been assigned alternative tonnages in pursuance of regulation 14; and
- (b) the tonnages applicable to the ship are the modified tonnages ascertained in accordance with regulation 13(3),

no account shall be taken for the purpose of the said section 85 of any space, which is included in the register tonnage ascertained in accordance with Part II of these regulations but which is not included in the modified register tonnage, to the extent that the tonnage of such space exceeds the difference between those register tonnages.

(3) Goods or stores shall not be carried in any permanently closed-in space on board the ship which has not been included in the registered tonnage of the ship other than—

- (a) dry cargo spaces;
- (b) workshops or storerooms appropriated for the use of pumpmen, engineers, electricians, carpenters and boat-swains;
- (c) the lamp room; or
- (d) double bottom tanks.

(4) If goods or stores are carried in a permanently closed-in space on board ship in contravention of paragraph (3) of this regulation, the master and the owner of the ship shall each be liable to a fine not exceeding two thousand dollars.

Space for the purposes of section 85 of the principal Act.

First Schedule.

17. The Director may delegate any public officer of the Marine Department or the person for the time being holding any office designated by him to exercise such powers or perform such duties on his behalf, and thereupon, or from the date specified by the Director, the person delegated shall have and may exercise such powers and perform such duties.

Delegation of powers and duties by the Director.

## FIRST SCHEDULE.

### MEASUREMENT OF TONNAGE.

#### RULE I.

1. (1) The length of the tonnage deck shall be measured in a straight line in the middle plane of the ship between the points at the forward and after ends of the deck where the underside of the deck, or the line of continuation thereof in way of breaks or discontinuations of the deck, meets the inner face of the frames, timbers, ceiling or sparring as the case may be. Such length so measured is hereafter referred to in this Schedule and in the Second Schedule to these regulations as the "tonnage length".

Underdeck tonnage.

(2) In ships which have a break, or breaks, in a double bottom the tonnage length shall be measured in parts corresponding to the number and position of such break or breaks.

(3) The tonnage length, or the length of each of the several parts thereof obtained in accordance with sub-paragraph (2), shall be divided into equal parts as shown in the following table—

- length 50 feet or under, into 4 equal parts;
- length above 50 feet but not exceeding 120 feet, into 6 equal parts;
- length above 120 feet but not exceeding 180 feet, into 8 equal parts;
- length above 180 feet but not exceeding 225 feet, into 10 equal parts;
- length above 225 feet, into 12 equal parts:

Provided that the length of any of the several parts obtained in accordance with sub-paragraph (2) may be divided into 2 equal parts if such length is 30 feet or under.

(4) The transverse area of the ship at each point of division of the tonnage length, or of parts of that length as aforesaid, shall be calculated as follows—

- (a) The depth in the middle plane of the ship from the underside of the tonnage deck to the top of the open floor or double bottom as the case may be shall be measured, deducting therefrom the average thickness of ceiling, if fitted, and one-third the round of beam. If the top of the double bottom falls from the middle plane of the ship, there shall be added to the depth the mean of the fall; if the top of the double bottom rises from the middle plane, a corresponding correction shall be deducted from the depth.

In ships of wooden construction the lower terminal point of the depth shall be the upper side of the floor timber at the inside of the limber strake, after deducting therefrom the average thickness of ceiling between the bilge planks and the limber strake.

- (b) If the depth so obtained does not exceed 16 feet at the amidship division of the total tonnage length, the depth at each point of division of the tonnage length, or of parts of that length as aforesaid, shall be divided into 4 equal parts; depths in excess of 16 feet shall be divided into 6 equal parts.
- (c) At the point of division between each of the parts obtained in accordance with sub-paragraph (b) the horizontal breadths to the inner face of the timber, frame or sparring as the case may be shall be measured. Numbering these breadths from the tonnage deck, the even numbered breadths shall be multiplied by 4 and the others, with the exception of the first and last, by 2; these products shall be added together, and to the sum there shall be added the first and last breadths; the quantity thus obtained shall be multiplied by one-third of the common interval between the breadths and the product shall be the transverse area in square feet.

(5) The transverse areas so obtained shall be numbered from the extreme forward point of measurement of the tonnage length, or of the parts thereof as the case may be; the even numbered areas shall be multiplied by 4 and the odd numbered areas, other than the first and last, by 2; these products shall be added together and to the sum there shall be added the area (if any) of the first and last, the quantity thus obtained shall be multiplied by one-third of the common interval between the areas; the product so obtained divided by 100 shall be the underdeck tonnage of the ship exclusive of the tonnage of space to be included therein pursuant to regulation 7(b) (appendages).

Between-deck space  
between the second  
deck and the upper  
deck.

2. (1) (a) Between-deck space between the second deck and the upper deck shall be measured for length in a straight line in the middle plane of the ship between the points at the forward and after ends of the space where the inner surface of the frames, timbers, ceiling or sparring as the case may be meets the middle plane of the ship at half the height between the upper surface of the deck and the underside of the deck over.
- (b) Where a break exists in the second deck or the upper deck the line of the deck shall be extended through the break parallel to the raised part of the break; and the tonnage of the between-deck space shall be measured in such a case by reference to the line of the deck so extended.
- (2) The length shall be divided into equal parts as provided in paragraph 1(3) of this Rule. At each of these points of division the horizontal breadth from the inner face of the frames, timbers or sparring as the case may be, shall be measured at half the height of the between-deck space.
- (3) These breadths shall be numbered from the stem, the stem being number 1. The even numbered breadths shall be multiplied by 4 and the odd numbered other than the first and last, by 2. The products shall be added together and the first and last breadths shall be added to the sum. The quantity thus obtained shall be multiplied by one-third of the common interval between the breadths, and the area thus obtained shall be multiplied by the mean height between the upper surface of the deck and the underside of the deck over. The product so obtained divided by 100 shall be the tonnage of the between-deck space.

3. Breaks in the upper deck shall be measured for length in a straight line in the middle plane of the ship between the extremities of the break at half the height of the break, terminal points at the stem or stern being taken as described in paragraph 2(1) of this Rule. The length so obtained shall be divided into 2 equal parts for lengths of 50 feet or less, 4 equal parts for lengths above 50 feet but not more than 225 feet and 6 equal parts for lengths over 225 feet. At each of the points of division the horizontal breadth at half the height of the break at the ship's side to the inner face of the frames, timbers or sparring as the case may be shall be measured. Numbering these breadths from the foremost terminal point, the even numbered breadths shall be multiplied by 4 and the odd numbered, other than the first and last, by 2. The products shall be added together and to the sum there shall be added the first and last breadths. The quantity thus obtained shall be multiplied by one-third of the common interval between the breadths. The area thus obtained shall be multiplied by the height of the break. The product divided by 100 shall be the tonnage of the break.

Breaks in the  
upper deck.

4. A poop, bridge or fore-castle shall be measured as follows—

Poop, bridge and  
fore-castle.

The mean length thereof shall be measured at half the height between the upper surface of the deck and the underside of the deck over, terminal points at the stem and stern being taken as described in paragraph 2(1) of this Rule. The length so obtained shall be divided into 2 equal parts for lengths of 50 feet or under, 4 equal parts for lengths over 50 feet but not exceeding 225 feet, and 6 equal parts for lengths exceeding 225 feet. At each of the points of division the horizontal breadth shall be measured from the inner face of the frames, timbers or sparring as the case may be at half the height between the upper surface of the deck and the underside of the deck over. Numbering these breadths from the foremost terminal point, the even numbered breadths shall be multiplied by 4 and the odd numbered, other than the first and last, by 2. The products shall be added together and to the sum there shall be added the first and last breadths. The quantity thus obtained shall be multiplied by one-third of the common interval between the breadths, and the area thus obtained shall be multiplied by the mean height of the poop, bridge or fore-castle. The product divided by 100 shall be the tonnage of the poop, bridge or fore-castle.

5. Permanently closed-in spaces on or above the upper deck other than those dealt with in paragraph 4 shall be measured by ascertaining their mean length, breadth and height and the product of multiplying these dimensions together shall, when divided by 100, be the tonnage of the space.

Other permanently  
closed-in space  
on or above the  
upper deck.

6. (1) Propelling machinery space which extends to the ship's side and is situated below the upper deck shall be measured as follows—

Propelling  
machinery space.

The mean length shall be measured in each space at half the mean depth, which shall be measured in the middle plane of the ship from the underside of the deck forming the crown of the space to the top of the double bottom or open floors, allowance being made for ceiling if fitted; for amidship spaces 3 equally spaced breadths shall be used and for spaces abaft amidships 3 equally spaced breadths shall be used for lengths up to 30 feet, 5 equally spaced breadths for lengths over 30 feet to 50 feet and 7 equally spaced breadths for lengths over 50 feet, the breadths being measured from the inner face of the frames, timbers or sparring as the case may be at half the depth of the space at that point. The mean length, mean breadth and mean depth so ascertained shall be multiplied together and the product divided by 100 shall be the tonnage of the space.

(2) Propelling machinery space which does not extend to the ship's side and is situated below the upper deck shall be measured by ascertaining its mean length, mean breadth and mean depth, and the product of multiplying these dimensions together shall, when divided by 100 be the tonnage of the space.

Shaft bossings and appendages.

7. The tonnage of shaft bossings and other appendages referred to in regulation 7(b) shall be ascertained by measuring the internal cubic capacity of the space as accurately as practicable and dividing the result by 100.

## RULE II.

*Measurement of tonnage below the upper deck where measurement in accordance with Rule I is impracticable.*

1. The length of the ship shall be measured on the upper side of the upper deck from the inside of the outer plate or plank at the stem to the aft side of the stern-post, or to the fore side of the rudder stock where no stern-post is fitted. The extreme breadth of the ship shall be measured, excluding rubbers or fenders. The girth, from the upper edge of the upper deck at side on one side of the ship to the same point at the other side, shall be measured on the outside of the ship at the greatest breadth. To half the girth thus measured there shall be added half the aforesaid breadth. The square of the sum shall be multiplied by the aforesaid length. This product multiplied by .0017 in the case of ships built of wood and by .0018 in the case of other ships shall be the tonnage of the ship below the upper deck.

2. In any case in which the surveyor is satisfied that by reason of the size of the ship it is not reasonably practicable to measure its girth as provided in paragraph 1, such girth shall be ascertained by adding the aforesaid breadth of the ship to twice the depth of the ship from the top of the upper deck at the side of the ship to the bottom of the keel and multiplying this sum by 0.98.

## SECOND SCHEDULE.

[reg. 7.]

### LIMITATION OF HEIGHT OF OPEN FLOORS AND DOUBLE BOTTOMS, AND DEPTHS OF FRAMES AND SIDE BRACKETS, FOR PURPOSES OF MEASUREMENT OF UNDERDECK TONNAGE.

The provisions of this Schedule shall have effect for the purposes of the measurement of underdeck tonnage.

Open floors.

1. (1) Any part of an open floor, other than a floor in the main space for the propelling machinery of a ship, which is situated above the horizontal line hereinafter described shall be disregarded for the purposes of measurement of underdeck tonnage, which shall be measured accordingly by reference to the said line.

(2) The line above referred to shall be a line passing through a point in the middle plane of the ship at a height consisting of the maximum height of open floors applicable to a ship of the tonnage length of the ship undergoing measurement, ascertained by reference to columns A and B of Table I and corrected by the addition of a distance equal to the

rise of the moulded frame line at one quarter of the breadth of the ship between moulded frame lines at the said maximum height.

(3) The provisions of this paragraph shall also apply in the case of ships fitted with longitudinal floors and/or frames.

2. A double bottom, situated in any part of a ship other than the main space for the propelling machinery, which is of greater height than a height consisting of the maximum height of double bottom applicable to a ship of the tonnage length of the ship undergoing measurement, ascertained by reference to columns A and C of Table I and corrected by the addition of a distance equal to the rise of the moulded frame line at one quarter of the breadth of the ship between moulded frame lines at the said maximum height, shall be treated not as a double bottom but as an open floor of such height ascertained in accordance with the provisions of paragraph 1(2) of this Schedule as would be applicable in the case of a ship of the tonnage length of the ship undergoing measurement.

Double Bottoms

3. (1) The horizontal width of bilge brackets measured from the shell of the ship to the inboard toe of the bracket shall not—

Bilge brackets.

(a) if taken at the level of the top of an open floor, exceed the maximum height of open floor applicable to the ship obtained by reference to columns A and B of Table I;

(b) if taken at the level of the top of a double bottom, exceed the maximum height of double bottom applicable to the ship obtained by reference to columns A and C of that Table.

(2) In any case in which underdeck tonnage is measured by reference to a height ascertained and applied in accordance with the provisions of paragraphs 1 and 2 of this Schedule, the lowest breadth used in the measurement of underdeck tonnage area shall be the breadth between the inner sides of the shell of the ship taken at that height, less twice the maximum height of open floor applicable to the ship obtained by reference to columns A and B of Table I or twice the width of the bilge bracket whichever is the less.

4. The limitations imposed by the preceding three paragraphs are exclusive of an allowance for ceiling, if fitted.

Allowance for ceiling.

5. (1) Subject to sub-paragraph (2), the extent to which the depth of transverse or longitudinal ship side framing in the case of any ship, measured from its shell, exceeds the maximum depth of frame applicable to a ship of the registered breadth of the ship undergoing measurement ascertained by reference to Table II shall be disregarded and underdeck tonnage shall be measured accordingly by reference to the maximum depth of frame so ascertained.

Depth of frames.

(2) In the case of a ship in which alternate deep and shallow frames are fitted, the depth of frame used for purposes of measurement, measured from the shell of the ship, shall not exceed whichever is the lesser of the following dimensions—

(a) twice the depth of the shallow frame, or

(b) the maximum depth of frame applicable to the ship ascertained as aforesaid.

(3) The limitations imposed by sub-paragraphs (1) and (2) are exclusive of an allowance for sparring fitted on the toe of the frames.

TABLE I.

A TONNAGE LENGTH OF SHIP.	B MAXIMUM HEIGHT OF OPEN FLOORS.	C MAXIMUM HEIGHT OF DOUBLE BOTTOM.
The dimensions shown are to be increased by 50 per cent for the foremost 25 per cent and aftermost 15 per cent of the tonnage length of the ship.		
<i>in feet</i>	<i>in inches</i>	<i>in inches</i>
Not exceeding 60	23	34.5
80	24	36
100	25	37.5
120	26	39
140	27	40.5
160	28	42
180	29	43.5
200	30	45
220	31	46.5
240	32	48
260	33	49.5
280	34	51
300	35	52.5
320	36	54
340	37	55.5
360	38	57
380	39	58.5
400	40	60
420	41	61.5
440	42	63
460	43	64.5
480	44	66
500	45	67.5
520	46	69
540	47	70.5
560	48	72
580	49	73.5
600	50	75
620	51	76.5
640	52	78
660	53	79.5
680	54	81
700	55	82.5

In the case of ships of intermediate length, the maximum height of floors or double bottoms shall be obtained by interpolation, and in the case of ships exceeding 700 feet, by linear extrapolation.

TABLE II.

REGISTERED BREADTH. <i>in feet</i>	MAXIMUM DEPTH OF FRAME. <i>in inches</i>
Not exceeding 20	14
30	16
40	18
50	20
60	22
70	25
80	28
90	31
100 and above	34

In the case of ships of intermediate breadths, the maximum depth of frame shall be obtained by interpolation.

## THIRD SCHEDULE.

[regs. 13 &amp; 14.]

## TONNAGE MARK.

1. Save as otherwise provided in paragraph 2, the tonnage mark shall consist as shown in Figure 1 of a horizontal line 15 inches long and 1 inch wide upon which shall be placed for identification purposes an inverted equilateral triangle, each side of which is 12 inches long and 1 inch wide, having its apex on the mid-point of the horizontal line.

2. In the case of a ship intended to operate in fresh or tropical waters as defined in the Load Line Rules (not being a ship on which tonnage marks have been placed in accordance with regulation 13), an additional horizontal line may on the application of the owner of the ship be placed above the tonnage mark described in paragraph 1 at a distance of one forty-eighth (1/48th) of the moulded draught to that tonnage mark. This additional line shall be 9 inches long and 1 inch wide measured from a 1 inch wide vertical line (shown marked "W" in Figure 1) at the after end of, and perpendicular to, that tonnage mark. In such a case, at all such times as the ship so marked is operating in fresh or tropical waters as aforesaid, this additional line shall be taken to be the tonnage mark in lieu of that described in paragraph 1.

3. The lines and triangle above mentioned shall be painted in white or yellow on a dark ground or in black on a light ground, and carefully cut in, centre punched or welded on the sides of the ship. They shall be so kept and maintained as to be plainly visible at all times save when submerged.

FIGURE 1.

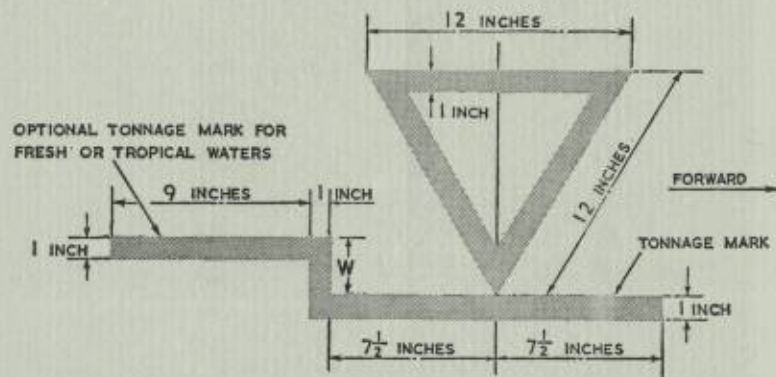
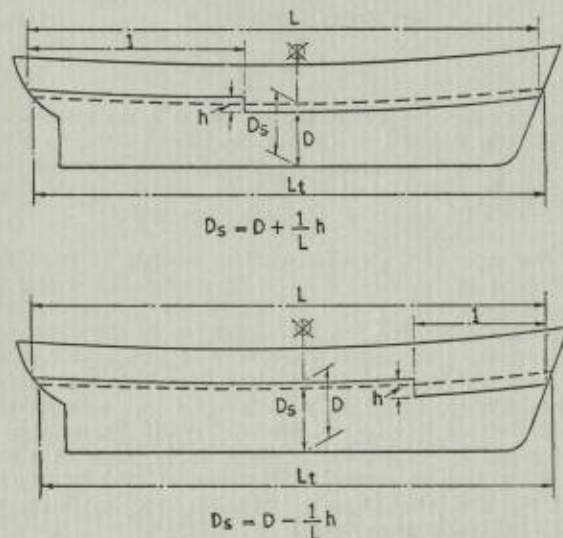


FIGURE 2.

THIS SKETCH ILLUSTRATES HOW THE EQUIVALENT SECOND DECK SHOULD BE DETERMINED, BASED ON EQUAL LONGITUDINAL AREAS.



## FOURTH SCHEDULE.

[regs. 13 &amp; 14.]

## POSITION OF TONNAGE MARKS.

1. The tonnage mark shall be placed on each side of the ship at a distance below the line where the underside of the second deck stringer plate meets the ship's side plating amidships, or below the line equivalent to that line as shown in Figure 2 in cases where the deck is stepped, to be ascertained by reference to the Tonnage Mark Table at the end of this Schedule.

2. In that Table—

(1) the length  $L_t$  in column A is the distance in feet on the second deck between the points at the forward and after ends of the deck where the underside of the deck or line of continuation thereof meets the inner surface of the frames, ceiling or sparring as the case may be in the middle plane of the ship, using an equivalent length in cases where the deck is stepped as shown in Figure 2;

(2) the depth  $D_s$  is the depth in feet amidships from the top of the keel to the point at which the underside of the second deck stringer plate meets the ship's side plating, using an equivalent depth as shown in Figure 2 in cases where the deck is stepped;

(3) the figures at the top of columns B to J represent the ratio  $L_t/D_s$  and the figures below in each column represent distances in inches from the line where the underside of the second deck stringer plate meets the ship's side plating amidships (or, in cases where the deck is stepped, from the equivalent line thereto as shown in Figure 2) to the point at which the upper edge of the tonnage mark is to be placed.

3. In the case of any ship of intermediate length or having an intermediate  $L_t/D_s$  ratio, the relevant distance to be applied shall be obtained by interpolation, and in other cases where necessary by linear extrapolation.

4. The effective relevant distance calculated by reference to the Tonnage Mark Table to be applied in the case of any ship shall be corrected to the nearest half-inch.

5. In the case of a ship to which load lines have been assigned the tonnage marks shall, subject to the provisions of regulation 13 be placed in a position ascertained in accordance with the foregoing provisions of this Schedule with the apex of the identification triangle at a distance of 21 inches horizontally aft of the centre line of the load line disc:

Provided—

- (i) that in cases in which a timber load line has been assigned to the ship such distance shall be 42 inches;
- (ii) that in no case shall the tonnage marks be placed above the deepest load line to which the ship may be loaded, no account being taken for this purpose of timber load lines.

6. In the case of a ship to which load lines have not been assigned the tonnage marks shall be placed in a position ascertained in accordance with the foregoing provisions of this Schedule with the apex of the identification triangle at the middle of the length  $L_t$ . In every such case the line of the upper deck shall be shown by a deck line corresponding in form to that required by the Load Line Rules and placed centrally to a vertical line bisecting the identification triangle of the tonnage mark.

TONNAGE MARK TABLE.

A Lt/Ds	B 12	C 13	D 14	E 15	F 16	G 17	H 18	I 19	J 20
Length Lt in feet	Distances in inches								
220 and under	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
230	3.2	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
240	4.7	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
250	6.3	3.3	2.0	2.0	2.0	2.0	2.0	2.0	2.0
260	8.0	4.8	2.1	2.0	2.0	2.0	2.0	2.0	2.0
270	9.9	6.4	3.5	2.0	2.0	2.0	2.0	2.0	2.0
280	11.8	8.1	4.9	2.1	2.0	2.0	2.0	2.0	2.0
290	13.9	9.9	6.5	3.5	2.0	2.0	2.0	2.0	2.0
300	16.0	11.7	8.1	4.9	2.1	2.0	2.0	2.0	2.0
310	18.3	13.7	9.8	6.4	3.5	2.0	2.0	2.0	2.0
320	20.7	15.8	11.7	8.1	4.9	2.1	2.0	2.0	2.0
330	23.2	18.0	13.6	9.8	6.4	3.5	2.0	2.0	2.0
340	25.9	20.4	15.7	11.6	8.1	4.9	2.1	2.0	2.0
350	28.7	22.9	17.9	13.6	9.8	6.5	3.6	2.0	2.0
360	31.7	25.5	20.2	15.7	11.7	8.2	5.0	2.2	2.0
370	34.7	28.3	22.7	17.9	13.6	9.9	6.6	3.7	2.0
380	38.0	31.1	25.3	20.2	15.7	11.8	8.3	5.2	2.4
390	41.3	34.1	27.9	22.6	17.9	13.8	10.1	6.8	3.8
400	44.8	37.2	30.7	25.0	20.1	15.8	11.9	8.4	5.3
410	48.2	40.3	33.5	27.7	22.6	18.1	14.0	10.4	7.2
420	51.5	43.4	36.4	30.4	25.2	20.6	16.4	12.7	9.4
430	54.8	46.5	39.4	33.3	27.9	23.2	19.0	15.2	11.8
440	58.4	49.9	42.6	36.4	30.9	26.0	21.7	17.8	14.4
450	62.1	53.4	46.0	39.6	33.9	29.0	24.6	20.6	17.1
460	65.9	57.0	49.5	42.9	37.1	32.1	27.6	23.5	19.9
470	69.8	60.7	53.0	46.3	40.4	35.2	30.6	26.5	22.8
480	73.7	64.4	56.5	49.7	43.7	38.4	33.7	29.5	25.7
490	77.5	68.1	60.0	53.0	46.9	41.5	36.7	32.4	28.5
500	81.2	71.6	63.4	56.2	50.0	44.5	39.6	35.2	31.2
510	84.9	75.1	66.7	59.4	53.0	47.4	42.4	37.9	33.9
520	88.4	78.4	69.9	62.4	55.9	50.2	45.1	40.5	36.4
530	91.8	81.6	72.9	65.3	58.7	52.9	47.7	43.0	38.8
540	95.2	84.8	75.9	68.1	61.4	55.5	50.2	45.4	41.2
550	98.4	87.8	78.8	70.9	64.0	58.0	52.6	47.8	43.4
560	101.6	90.8	81.6	73.6	66.6	60.5	55.0	50.1	45.6
570	104.8	93.8	84.4	76.3	69.2	62.9	57.3	52.3	47.8
580	107.9	96.8	87.2	78.9	71.7	65.3	59.6	54.5	49.9
590	111.0	99.7	90.0	81.5	74.2	67.7	61.9	56.7	52.0
600	114.0	102.5	92.6	84.0	76.5	69.9	64.0	58.8	54.0
610	117.0	105.3	95.2	86.5	78.9	72.1	66.2	60.8	56.0
620	120.0	108.0	97.8	88.9	81.2	74.4	68.3	62.8	58.0
630	122.9	110.7	100.4	91.3	83.5	76.6	70.4	64.8	59.9
640	125.7	113.4	102.9	93.7	85.8	78.7	72.4	66.8	61.7
650	128.6	116.1	105.4	96.1	88.0	80.8	74.4	68.7	63.6
660	131.4	118.7	107.8	98.3	90.1	82.8	76.3	70.6	65.3
670	134.2	121.2	110.2	100.6	92.2	84.8	78.3	72.4	67.1
680	136.9	123.8	112.6	102.9	94.3	86.8	80.2	74.2	68.9
690	139.6	126.3	115.0	105.1	96.4	88.8	82.1	76.0	70.6
700	142.3	128.8	117.3	107.3	98.5	90.8	83.9	77.8	72.3
710	144.9	131.3	119.6	109.4	100.5	92.7	85.7	79.5	73.9
720	147.5	133.7	121.8	111.5	102.5	94.6	87.5	81.2	75.5

A Lt/Ds	B 12	C 13	D 14	E 15	F 16	G 17	H 18	I 19	J 20
Length Lt in feet	Distances in inches								
730	150.1	136.1	124.0	113.6	104.5	96.5	89.3	82.9	77.1
740	152.7	138.5	126.2	115.7	106.5	98.3	91.1	84.5	78.7
750	155.3	140.8	128.5	117.8	108.4	100.1	92.8	86.1	80.3
760	157.8	143.1	130.6	119.7	110.3	101.9	94.4	87.8	81.7
770	160.2	145.4	132.7	121.7	112.1	103.6	96.0	89.3	83.2
780	162.6	147.6	134.8	123.7	113.9	105.3	97.6	90.8	84.7
790	165.1	149.9	136.9	125.6	115.7	107.0	99.2	92.3	86.1
800	167.5	152.1	138.9	127.4	117.4	108.6	100.8	93.8	87.4

*Clerk of Councils.*

COUNCIL CHAMBER,  
27th February 1968.

*Explanatory Note.*

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

These regulations are made under the Merchant Shipping Act 1965 as extended to Hong Kong. They replace with minor amendments the provisions of the Merchant Shipping Acts relating to tonnage measurement which are repealed by that Act, and give effect to a recommendation of the Inter-Governmental Maritime Consultative Organization regarding the treatment for tonnage measurement purposes of the shelter deck and certain other spaces on board ship.

The principal changes are—

(1) Shelter deck ships have hitherto been allocated reduced tonnages by virtue of openings in the shelter deck known as tonnage openings. Provision is made for the allocation of alternative tonnages or in certain circumstances, if the owners so desire, permanently reduced tonnages. When alternative tonnages are allocated the submersion or non-submersion of a tonnage mark on the side of the ship will indicate which tonnage is to be applied. The effect of these provisions will be to enable tonnage openings to be permanently closed for reasons of safety without prejudicing the reduced tonnage of the ship.

(2) Certain spaces occupied by goods are exempted from measurement under section 85 of the Merchant Shipping Act 1894 notwithstanding that they are not included in the register tonnage of the ship.

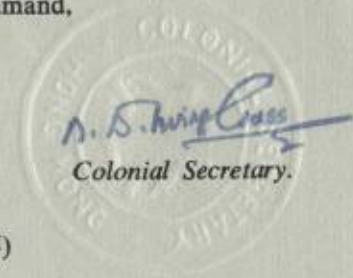
(Secretariat GR 7/5691/61)

LEGAL AID (AMENDMENT) ORDINANCE 1968.  
(No. 9 of 1968).

**LEGAL AID (AMENDMENT) ORDINANCE 1968  
(COMMENCEMENT) NOTICE 1968.**

In exercise of the powers conferred by section 1 of the Legal Aid (Amendment) Ordinance 1968, the Governor hereby appoints the 1st day of March 1968 as the day on which the said Ordinance shall come into operation.

By Command,



26th February 1968.

(Secretariat GR 9/3221/49III)

EXPORTATION (COTTON MANUFACTURES)  
REGULATIONS.

(Chapter 50).

**EXPORTATION (COTTON MANUFACTURES)  
(AMENDMENT OF SCHEDULE) ORDER 1968.**

In exercise of the powers conferred by regulation 6 of the Exportation (Cotton Manufactures) Regulations, the Director of Commerce and Industry has made the following order—

1. This order may be cited as the Exportation (Cotton Manufactures) (Amendment of Schedule) Order 1968. Citation.

2. The Schedule to the principal regulations is amended in item 1 by deleting "other than" in the third column. Amendment of Schedule.  
(Cap. 50, sub. leg.)

Made this 21st day of February 1968.

T. SORBY.

*Director of Commerce and Industry.*

(Secretariat ECON. 15/3231/61)

*T Sorby*

20

**STATUTES  
OF  
THE CHINESE UNIVERSITY OF HONG KONG.**

**ARRANGEMENT OF STATUTES.**

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**THE CHINESE UNIVERSITY OF HONG KONG  
ORDINANCE.**

**(Chapter 1109).**

In exercise of the powers conferred by section 20 of The Chinese University of Hong Kong Ordinance, the Council of The Chinese University of Hong Kong has made the following Statutes—

**STATUTE 1.**

INTERPRETATION.

In these Statutes, unless the context otherwise requires—

“Ordinance” means The Chinese University of Hong Kong Ordinance.

**STATUTE 2.**

CONGREGATIONS.

1. The time, place and procedure of the Congregations of the whole University shall be determined by the Chancellor.
2. The Chancellor, or in his absence, the Vice-Chancellor, shall preside at Congregations.
3. At least one Congregation shall be held in each academic year.

**STATUTE 3.**

MEMBERS OF THE UNIVERSITY.

The members of the University shall be—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Pro-Vice-Chancellor;
- (d) the Treasurer;
- (e) the Presidents and the Vice-Presidents of the Colleges;
- (f) the members of the Council;
- (g) the members of the Senate;
- (h) the Appointed Teachers and Recognized Lecturers of the University;
- (i) the Librarian and Registrar of the University;

- (j) such other members of the staff of the University and of the several Colleges as the Council may from time to time determine;
- (k) Emeriti and Honorary and Research Professors;
- (l) the graduates and such other persons as are entitled in accordance with the provisions of paragraph 3 of Statute 13 to have their names placed upon the Convocation roll;
- (m) the students.

**STATUTE 4.**

THE CHANCELLOR.

1. The Chancellor, when present, shall preside at Congregations of the University.
2. The Chancellor shall be entitled—
  - (a) to call for information in regard to any matter relating to the welfare of the University from the Vice-Chancellor and the Chairman of the Council, whose duty it shall be to provide such information; and
  - (b) on the receipt of such information to recommend to the Council such action as he deems proper.

**STATUTE 5.**

THE VICE-CHANCELLOR.

1. The Vice-Chancellor other than the first Vice-Chancellor shall be appointed by the Council after receiving the advice of a committee established by the Council and composed of the Chairman of the Council, the President of each of the Colleges, two members nominated by the Council from among its number and two members nominated by the Senate from among its number.
2. The Vice-Chancellor shall hold office for such period and on such terms as may be determined by the Council.
3. The Vice-Chancellor shall—
  - (a) have the right and duty to advise the Council on any matter affecting the policy, finance and administration of the University;
  - (b) be generally responsible to the Council for the maintenance of the efficiency and good order of the University and for ensuring the proper enforcement of the Statutes, decrees and regulations;

- (c) be responsible for the discipline of every student outside the College to which he belongs and shall report to the Senate at its next meeting if he has suspended or expelled any student;
- (d) present an annual report to the Convocation on the state of the University;
- (e) have power to appoint a person to discharge the functions and duties of the Pro-Vice-Chancellor, a Dean of a Faculty, a Director of University Studies, the Registrar, or the Librarian during a temporary vacancy in any such appointment or during the temporary absence or inability of the holder of any such appointment;
- (f) have power in case of emergency to appoint external examiners.

#### STATUTE 6.

##### THE PRO-VICE-CHANCELLOR.

1. The Pro-Vice-Chancellor other than the first Pro-Vice-Chancellor shall be appointed by the Council, after consultation with the Vice-Chancellor, from among the Presidents of the Colleges who shall normally hold this office in rotation.
2. The Pro-Vice-Chancellor shall hold office for two years.

#### STATUTE 7.

##### THE TREASURER.

The Treasurer shall be appointed by the Council and shall hold office for three years, and may be re-appointed and when he is re-appointed he shall hold office for a further period or periods of three years.

#### STATUTE 8.

##### THE REGISTRAR AND THE LIBRARIAN.

1. The Registrar—
  - (a) shall be appointed by the Council on the recommendation of a Board of Advisers on such terms and conditions as may be determined by the Council;
  - (b) shall be Secretary of the Council, the Senate, the Convocation, the Faculties and the Boards of Studies and shall cause minutes of their proceedings to be kept;

- (c) shall be responsible for the custody of the University seal and for affixing it to documents in accordance with the directions given by the Council in the exercise of its powers under the Ordinance and these Statutes;
  - (d) shall be custodian of the records of the University;
  - (e) shall discharge such other duties as are specified in the Ordinance and Statutes and such other duties as may be determined by the Council.
2. The Librarian shall be appointed by the Council on the recommendation of a Board of Advisers on such terms and conditions as may be determined by the Council, and shall have such duties as the Council shall determine after consultation with the Senate.

#### STATUTE 9.

##### THE COUNCIL.

1. The nominated and elected members of the Council shall hold office for three years from the date of their nomination or election and shall be eligible for re-nomination or re-election provided that members elected under provisions of paragraphs (e) and (g) of section 11 of the Ordinance shall cease to be members of the Council if they cease to be members of the Board of Governors or of the Senate respectively which elected them.
2. Should a nominated or elected member of the Council die or resign during his period of membership, the body which nominated or elected him shall duly nominate or elect, as the case may be, a successor whose membership of the Council shall be for the unexpired period of membership of his predecessor.
3. Members of the Council whose membership derives from the provisions of paragraphs (b), (c), (d) and (f) of section 11 of the Ordinance shall remain members of the Council for so long as they hold the office or appointment by reason of which they became members of the Council.
4. The Council shall elect from among its members a Vice-Chairman who shall hold office for a period of two years. A retiring Vice-Chairman may be re-elected.