

Chapter:	83	STOWAWAYS ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To amend the law relating to stowaways, and the law relating to river steamers.

[1 August 1924]

(Originally 3 of 1924; 18 of 1895 (Cap 83 1950))

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Stowaways Ordinance.

Section:	2	Interpretation		30/06/1997
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In this Ordinance, unless the context otherwise requires-  
"owner" (船東) includes agent and charterer.

Section:	3	Offences	64 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 64 of 1999 s. 3

The following shall be deemed to be offences against this Ordinance-

- (a) being on board any ship in the waters of Hong Kong with intent to obtain a passage therein without the consent of the owner; and
- (b) arriving in the waters of Hong Kong on board any ship, having obtained a passage therein to Hong Kong without the consent of the owner.

(Amended 64 of 1999 s. 3)

Section:	4	Presumption	64 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 64 of 1999 s. 3

Any person who is found on board any ship between Hong Kong and the next port of call and who is unable to prove that he left Hong Kong on board the said ship with the consent of the owner shall be deemed to have been on board the said ship in the waters of Hong Kong with intent to obtain a passage therein without the consent of the owner.

(Amended 64 of 1999 s. 3)

Section:	5	Stowaways brought into the waters of Hong Kong in custody	64 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 64 of 1999 s. 3

Any person who, at some place outside Hong Kong and the waters thereof, obtains a passage on board any ship without the consent of the owner, and who is brought into the waters of Hong Kong on board the said ship in custody, shall, notwithstanding the fact of such custody, be deemed to have committed the offence specified in section 3(b), provided that such person was first detained in custody on board the said ship after leaving the last port of call before arrival in the waters of Hong Kong.

(Amended 64 of 1999 s. 3)

Section:	6	Onus		30/06/1997
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The onus of proving the consent of the owner shall lie upon the accused.

Section:	7	Arrest		30/06/1997
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Any person who has committed any offence against this Ordinance may be arrested without warrant by the master or any member of the crew of the ship on which the offence was committed.

Section:	8	Penalties		30/06/1997
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Any person who commits any offence against this Ordinance shall be liable on summary conviction to a fine of \$1000 and to imprisonment for 9 months.