

**SAILORS HOME AND MISSION TO SEAFARERS
INCORPORATION ORDINANCE**

(Cap. 1042)

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Section 1

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To provide for the incorporation of the Sailors Home and Mission to Seafarers.

[8 August 1930]

(Amended 22 of 2018 s. 3)

1. Short title

This Ordinance may be cited as the Sailors Home and Mission to Seafarers Incorporation Ordinance.

(Amended 22 of 2018 s. 4)

1A. Interpretation

In this Ordinance—

former section 2(1) (原有第2(1)條) means section 2(1) of the Sailors Home and Missions to Seamen Incorporation Ordinance (Cap. 1042) that was in force immediately before the specified date;

specified date (指明日期) means the date on which the Sailors Home and Missions to Seamen Incorporation (Amendment) Ordinance 2018 (22 of 2018) comes into operation.

(Added 22 of 2018 s. 5)

2. Incorporation

- (1) On and after the specified date, the body corporate of the committee established under the former section 2(1) and known as “The Sailors Home and Missions to Seamen” immediately before that date is to be known as “The Sailors Home and Mission to Seafarers”, and in that name shall have perpetual succession and shall and may sue and be sued in

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all courts in Hong Kong and shall and may have and use a common seal. (*Amended 39 of 1989 s. 4*)

- (2) The committee shall be composed of the following—
- (a) the Archbishop of the Hong Kong Sheng Kung Hui; (*Replaced 22 of 2018 s. 6*)
 - (b) the person for the time being performing the duties of Director of Marine;
 - (c) a person nominated by Jardine Matheson Limited with power to such company to fill up any vacancy occurring from time to time; (*Replaced 22 of 2018 s. 6*)
 - (d) 2 persons who shall be nominated by The Hong Kong General Chamber of Commerce with power to such Chamber to fill up any vacancy occurring in any of such nominees from time to time;
 - (e) 2 persons nominated by The Mission to Seafarers with power to the same body to fill up any vacancy occurring in any of such nominees from time to time;
 - (f) a person nominated by Amalgamated Union of Seafarers, Hong Kong if the person is an elected officer for the time being of such union and such union continues to be a trade union duly registered under the Trade Unions Ordinance (Cap. 332), with power to such union to fill up any vacancy occurring from time to time; (*Replaced 22 of 2018 s. 6*)
 - (fa) a person nominated by Hong Kong Seamen's Union if the person is an elected officer for the time being of such union and such union continues to be a trade union duly registered under the Trade Unions Ordinance (Cap. 332), with power to such union to fill up any vacancy occurring from time to time; (*Added 22 of 2018 s. 6*)

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- (fb) a person nominated by Merchant Navy Officers' Guild—
Hong Kong if the person is an elected officer for the
time being of such guild and such guild continues to be
a trade union duly registered under the Trade Unions
Ordinance (Cap. 332), with power to such guild to fill
up any vacancy occurring from time to time; (*Added 22
of 2018 s. 6*)
- (g) such other persons, one of whom must be a partner of
PricewaterhouseCoopers Hong Kong nominated by it
to act as the honorary treasurer and secretary of the
corporation, not exceeding at any one time 5 in number
as may from time to time be co-opted by the other
members of the committee with power to the committee
to fill up any vacancy occurring from time to time in the
co-opted members.
- (3) The committee shall have such powers and duties and shall
hold such meetings as are specified in this Ordinance and in
the regulations made thereunder.
- (4) Despite the amendment of the former section 2(1), the
body corporate established under that section continues in
existence on and after the specified date. Accordingly, the
rights, obligations and liabilities of that body corporate are
not affected in any way by the change of the corporate name
effected by subsection (1). (*Added 22 of 2018 s. 6*)

*(Amended 33 of 1939; G.N. 840 of 1940 Supp. Schedule; 22 of
2018 s. 6)*

3. Appointment of members of committee

(For the saving and transitional provisions relating to the amendments
made by the Resolution of the Legislative Council (L.N. 130 of 2007), see
paragraph (12) of that Resolution.)

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- (1) For the purposes of the nomination mentioned in section 2(2)(c), a certificate from a director or the company secretary of Jardine Matheson Limited that a person has been nominated a member of the committee is sufficient. *(Replaced 22 of 2018 s. 7)*
- (1A) For the purposes of the nomination mentioned in section 2(2)(d) and (e), a certificate from the chairperson or the chief executive officer of The Hong Kong General Chamber of Commerce and a certificate from a member of the board of trustees or the secretary general of The Mission to Seafarers respectively that a person has been nominated a member of the committee is sufficient. *(Added 22 of 2018 s. 7)*
- (1B) For the purposes of the nomination mentioned in section 2(2)(f), (fa) and (fb), a certificate from the chairperson of Amalgamated Union of Seafarers, Hong Kong, Hong Kong Seamen's Union or Merchant Navy Officers' Guild—Hong Kong respectively that a person has been nominated a member of the committee is sufficient. *(Added 22 of 2018 s. 7)*
- (1C) For the purposes of the nomination of the honorary treasurer and secretary mentioned in section 2(2)(g), a certificate from the senior partner of PricewaterhouseCoopers Hong Kong that a person has been nominated a member of the committee is sufficient. *(Added 22 of 2018 s. 7)*
- (2) The certificate of the Secretary for Transport and Housing that any person was at the date of the certificate or had been at some previous specified date a member of the committee shall for all purposes be conclusive evidence of that fact. *(Amended 39 of 1989 s. 5; L.N. 362 of 1997; L.N. 125 of 2004; L.N. 130 of 2007)*

4. Objects of corporation

- (1) The corporation shall carry on the work and objects

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heretofore carried on both by the trustees of the Sailors Home and by The Missions to Seamen in Hong Kong before the establishment of the body corporate under the former section 2(1), which, as regards the trustees of the Sailors Home, are the care of officers and men of the Mercantile Marine irrespective of their religion and also the provision of a suitable institute or home for the seafaring classes and officers and men aforesaid, and as regards The Missions to Seamen in Hong Kong are the provision of an institute for and the spiritual welfare of the seafaring classes and in pursuance of such work and objects the use of every means consistent with the principles and accepted practice of the Hong Kong Sheng Kung Hui; and the corporation shall continue to carry on such work and objects.

- (2) The corporation shall promote the spiritual moral and physical well-being of seafarers and their families at home and overseas and in pursuance of such objects the corporation may use any means consistent with the principles and accepted practice of the Hong Kong Sheng Kung Hui.

(Replaced 39 of 1989 s. 2. Amended 22 of 2018 s. 8)

4A. Powers of corporation

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

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- (2) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, pledge, demise, reassign, transfer or otherwise dispose of whether for valuable consideration or by way of gift or donation or otherwise any lands, buildings, messuages, tenements, mortgages, debentures, funds, moneys, stocks, shares or securities, or other goods and chattels, which are for the time being vested in or belonging to the corporation, and may use and disburse the funds income principal and other moneys belonging to the corporation in pursuance of the objects of the corporation in such manner and upon such terms as the corporation may think fit.

(Added 39 of 1989 s. 3)

5. Execution of documents

All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of 3 members of the committee and shall be signed by 3 members.

6. Power to make regulations

The corporation may, subject to the approval of the Chief Executive in Council, by a resolution passed by the majority of the committee, by regulation provide, from time to time as may in its discretion seem desirable, for the administration of the corporation and the management of the premises and property of whatever description thereof, with the exception that regulation 11 and that part of regulation 13 which relates to the chaplain shall not in any way be altered except with the consent of The Mission to Seafarers.

(Amended 22 of 2018 s. 9)

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7. *(Repealed 22 of 2018 s. 10)*

8. Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

(Amended 22 of 2018 s. 11)