

**L.N. 148 of 2024**

**Marine Safety (Alcohol and Drugs) (Notice to Appear before Magistrate) Notice**

(Made by the Director of Marine under section 37(8) of the Marine Safety (Alcohol and Drugs) Ordinance (Cap. 649))

**1. Commencement**

This Notice comes into operation on the day on which section 37 of the Marine Safety (Alcohol and Drugs) Ordinance (Cap. 649) comes into operation.

**2. Form prescribed for purposes of section 37 of Ordinance**

The form of the notice that may be served under section 37(1) of the Ordinance is prescribed in the Schedule.

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## Schedule

[s. 2]

### Form Prescribed for purposes of Section 37 of Ordinance

#### MARINE SAFETY (ALCOHOL AND DRUGS) ORDINANCE (CAP. 649)

#### Notice to appear before magistrate in respect of offences (Section 37)

《海上安全(酒精及藥物)條例》(第 649 章)  
就罪行到裁判官席前應訊的通知(第 37 條)

To: (a) \_\_\_\_\_, vessel (b) \_\_\_\_\_'s  
(c) \_\_\_\_\_

致: (a) \_\_\_\_\_ (屬船隻(b) \_\_\_\_\_  
的(c) \_\_\_\_\_)

I, (d) \_\_\_\_\_, (e) \_\_\_\_\_ (being an  
authorized officer), have reason to suspect that you on the \_\_\_\_\_ day  
of \_\_\_\_\_ (month) \_\_\_\_\_ (year) at about \_\_\_\_\_ a.m./p.m.\*  
(f) \_\_\_\_\_ at/in\* (g) \_\_\_\_\_ in  
the waters of Hong Kong, and by doing so committed an offence(s) under  
section(s) (h) \_\_\_\_\_ of the Marine Safety (Alcohol and Drugs) Ordinance  
(Cap. 649), the particulars of which are set out below/overleaf\*:

\_\_\_\_\_ (particulars of the section(s)).

本人 (d) \_\_\_\_\_, (e) \_\_\_\_\_ (屬獲授權人員), 有理由懷疑你於 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日大約上午/下午\*  
\_\_\_\_\_ 時 \_\_\_\_\_ 分, 在香港水域內的 (g) \_\_\_\_\_  
之處/之內\*(f) \_\_\_\_\_, 因而干犯《海上安全(酒精及藥物)條例》(第 649 章)第 (h) \_\_\_\_\_ 條所訂罪行, 而上述條文的詳

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情列明如下／在後頁列明\*：\_\_\_\_\_ (條文詳情)。

2. Under section 37 of the Marine Safety (Alcohol and Drugs) Ordinance (Cap. 649), I serve on you this notice requiring you to appear on the \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_ (year) at \_\_\_\_\_ a.m./p.m.\* at the Magistrates' Court at \_\_\_\_\_ before a magistrate as may then be there, to answer to the alleged offence(s) and to be dealt with according to law.

2. 根據《海上安全(酒精及藥物)條例》(第649章)第37條，本人向你送達本通知，規定你在\_\_\_\_\_年\_\_\_\_\_月\_\_\_\_\_日上午／下午\* \_\_\_\_\_時\_\_\_\_\_分到\_\_\_\_\_的裁判法院屆時出席的裁判官席前，就所指稱的罪行作出答辯，並按照法律接受處理。

Dated this \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

日期：\_\_\_\_\_年\_\_\_\_\_月\_\_\_\_\_日

\_\_\_\_\_  
(Signature of the authorized officer  
serving this notice)

(送達本通知的獲授權人員的簽名)

Rank \_\_\_\_\_

職級 \_\_\_\_\_

**WARNING:** If you fail to appear at the time and place mentioned in paragraph 2 of this notice—

- (a) the magistrate may issue a warrant for your arrest; and
- (b) you may be ordered to pay the costs of the warrant of not more than \$400 in addition to any other penalty which on conviction may be imposed on you.

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**警告：**如你沒有按本通知第 2 段所述的時間及地點出庭 ——

- (a) 裁判官可發出手令將你逮捕；及
- (b) 除一經定罪後可被處以的其他刑罰外，你亦可被命令須就上述手令繳付不超過 \$400 的訟費。

This notice was served by me at \_\_\_\_\_  
(location) on the \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_ (year) at  
\_\_\_\_\_ a.m./p.m.\* by handing this notice personally to \_\_\_\_\_  
who claimed in \_\_\_\_\_ (language) to be vessel \_\_\_\_\_'s  
\_\_\_\_\_ and who appeared to understand the contents of this notice.

本通知已於 \_\_\_\_\_ 年 \_\_\_\_\_ 月 \_\_\_\_\_ 日上午 / 下午\* \_\_\_\_\_ 時  
\_\_\_\_\_ 分由本人送達 \_\_\_\_\_ (地點)，  
並由本人以面交方式交給 \_\_\_\_\_，該人以  
\_\_\_\_\_ (語文) 聲稱為船隻 \_\_\_\_\_ 的 \_\_\_\_\_，並  
看似明白本通知的內容。

\_\_\_\_\_  
(Signature of the authorized officer  
serving this notice)

(送達本通知的獲授權人員的簽名)

Rank \_\_\_\_\_

職級 \_\_\_\_\_

Date \_\_\_\_\_

日期 \_\_\_\_\_

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**Particulars of section(s) of Ordinance contravened**

**本條例中遭違反的條文的詳情**

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\*delete whichever is not applicable.

\*將不適用者刪去。

Notes:

附註：

- (a) insert the full name of the person alleged to have committed an offence(s);
- (b) insert the name of the vessel which the person is on board;
- (c) insert the capacity of the person in respect of the vessel;
- (d) insert the full name of the authorized officer serving this notice;
- (e) insert the rank of the authorized officer;
- (f) insert the particulars of the alleged offence(s);

- (a) 填寫被指稱干犯了罪行的人的全名；
- (b) 填寫上述的人所在的船隻的名稱；
- (c) 填寫上述的人就上述船隻所屬的身分；
- (d) 填寫送達本通知的獲授權人員的全名；
- (e) 填寫上述獲授權人員的職級；
- (f) 填寫所指稱的罪行的詳情；

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- (g) insert the place at which the alleged offence(s) was/were committed;
- (h) insert the section number(s) of the Ordinance alleged to have been contravened.

- (g) 填寫所指稱的罪行發生的地點；
- (h) 填寫本條例中被指稱遭違反的條文的編號。

*This notice is to be completed in duplicate.*

本通知須一式兩份填寫。

*The original of this notice is to be served on the person alleged to have committed an offence(s) personally or by handing this notice personally to the senior officer on board the vessel or the person appearing to be in charge or command of the vessel at the time of service.*

本通知的正本須面交送達被指稱干犯了罪行的人，或藉面交有關船隻上的高級船員或在送達時看來是掌管或指揮該船隻的人而送達該被指稱干犯了罪行的人。

WONG Sai-fat  
Director of Marine

15 October 2024

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### **Explanatory Note**

This Notice prescribes the form of the notice to appear before a magistrate in respect of offences under the Marine Safety (Alcohol and Drugs) Ordinance (Cap. 649).