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LAWS OF HONG KONG

PUBLIC ORDER ORDINANCE

CHAPTER 245



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CHAPTER 245
PUBLIC ORDER ORDINANCE

ARRANGEMENT OF SECTIONS

<i>Section</i>		<i>Page</i>
PART I		
PRELIMINARY		
1.	Short title	4
2.	Interpretation	4
PART II		
CONTROL OF ORGANIZATIONS		
3.	Power to prohibit flags, etc.	5
4.	Prohibition of uniforms in connection with political objects	6
5.	Prohibition of quasi-military organizations	6
PART III		
CONTROL OF MEETINGS, PROCESSIONS AND GATHERINGS		
6.	General powers of Commissioner of Police	7
7.	Regulation of public meetings	7
8.	Notification of public meetings	8
9.	Power of Commissioner of Police to prohibit notified public meeting	8
10.	Designated public areas	9
11.	General conditions applying to public meetings	9
12.	Compliance with safety requirements for public meetings in private premises	10
13.	Regulation of public processions... ..	10
14.	Cancellation and amendment of licence for public procession	11
15.	General condition of licence for public procession	12
16.	Appeals	12
17.	Police powers over meetings, processions and gatherings	12
17A.	Offences in relation to sections 6, 7, 8, 9, 11, 13, 14, 15 and 17	13
17B.	Disorder in public places	14
17C.	Prohibition of offensive weapons at public meetings and processions	15
17D.	Power of Commissioner of Police to prohibit public gatherings	15
17E.	Power of Governor in Council to prohibit public gatherings	16
17F.	Proof	16
17G.	Supplemental	17
PART IV		
UNLAWFUL ASSEMBLIES, RIOTS AND SIMILAR OFFENCES		
18.	Unlawful assembly	17
19.	Riot... ..	17
20.	Rioters demolishing buildings, etc.	18
21.	Rioters damaging buildings, machinery, etc.	18

<i>Section</i>	<i>Page</i>
22. Riotously preventing the sailing of ship, aircraft or train... ..	18
23. Forcible entry	18
24. Forcible detainer of premises	18
25. Fighting in public	19
26. Proposing violence at public gatherings	19

PART V

FALSE NEWS AND BOMB HOAXES

27. False news	19
28. Bomb hoaxes	19

PART VI

CONTROL OF PLACES, VESSELS, OFFENSIVE WEAPONS, ETC.

31. Curfew orders	20
32. Carrying offensive weapons during curfew	22
33. Possession of offensive weapon in public place	22
34. Power of Governor to prohibit the movement of vessels or aircraft	24
35. Detention of vessels and aircraft	24

PART VII

CLOSED AREAS

36. Closed areas	25
37. Permits to enter and leave closed area	25
38. Prohibition on entering or leaving closed area without permit	26
38A. General permission to enter or leave closed area	26
39. Power of arrest	27

PART VIII

SPECIAL CONSTABLES

40. Power of Governor to authorize appointment of special constables	28
41. Power of special constable	28
42. Special constable refusing to obey orders	28

PART IX

GENERAL

43. Security for good behaviour from suspected persons, etc.	28
44. Order to be made	28
45. Use of necessary force	30
46. Restriction on use of force	30
47. Offences by societies, etc.	30
48. [Repealed]	30
49. Power to require identification	30
50. Powers of members of certain auxiliary services and Her Majesty's forces	31
50A. Obstruction	31

<i>Section</i>	<i>Page</i>
51. Power of Governor to give directions	32
52. Delegation of powers	32
53. Indemnity to persons acting under Ordinance	32

CHAPTER 245

PUBLIC ORDER

To consolidate and amend the law relating to the maintenance of public order, the control of organizations, meetings, places, vessels and aircraft, unlawful assemblies and riots and matters incidental thereto or connected therewith.

[17 November 1967.]

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64 of 1967.

29 of 1969.

31 of 1970.

98 of 1970.

5 of 1971.

24 of 1972.

75 of 1972.

45 of 1973.

20 of 1975.

46 of 1977.

L.N. 147/77.

27 of 1978.

67 of 1980.

L.N. 30/82.

33 of 1983.

16 of 1987.

1 of 1989

73/90

PART I

PRELIMINARY

Short title.

1. This Ordinance may be cited as the Public Order Ordinance.

Interpretation.

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

“closed area” means any area or place declared to be a closed area by order under section 36;

“designated public area” means an area designated as a designated public area by the Governor under section 10; (*Added, 67 of 1980, s. 2*)

“meeting” means any gathering or assembly of persons convened or organized for the purpose of the discussion of issues or matters of interest or concern to the general public or a section thereof, or for the purpose of the expression of views on such issues or matters, and includes any gathering or assembly of persons whether or not previously convened or organized at which any person assumes or attempts to assume control or leadership thereof for any such purpose; but does not include any gathering or assembly of persons convened or organized exclusively—

(a) for social, recreational, cultural, academic, educational, religious or charitable purposes, or as a conference or seminar bona fide intended for the discussion of topics of a social, recreational, cultural, academic, educational, religious, charitable, professional, business or commercial character;

(b) for the purpose of a funeral;

(c) for the purposes of any public body; or

(d) for the purpose of carrying out any duty or exercising any power imposed or conferred by any Ordinance; (*Replaced, 67 of 1980, s. 2*)

- “offensive weapon” means any article made, or adapted for use, or suitable, for causing injury to the person, or intended by the person having it in his possession or under his control for such use by him or by some other person;
- “political organization” means any organization which has among its objects any political object or pursues any political purpose;
- “procession” means a procession organized as such for a common purpose; (*Added, 67 of 1980, s. 2*)
- “public gathering” means a public meeting, a public procession and any other meeting, gathering or assembly of 10 or more persons in any public place;
- “public meeting” means any meeting held or to be held in a public place;
- “public place” means any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place;
- “public procession” means any procession in, to or from a public place;
- “society” means any club, company, partnership, association or body of persons.

PART II

CONTROL OF ORGANIZATIONS

3. (1) Any police officer of or above the rank of inspector may—

Power to prohibit flags, etc.

- (a) prohibit the display at a public gathering of any flag, banner or other emblem;
- (b) prohibit the owner, tenant, occupier or person in charge of any premises or place, and the owner or person in charge of any vehicle, tramcar, train or vessel from permitting the display of any flag, banner or other emblem on or at the premises, place, vehicle, tramcar, train or vessel,

if such police officer reasonably believes that the display of any flag, banner or emblem is likely to cause or lead to a breach of the peace. (*Replaced, 31 of 1970, s. 3*)

(2) Where a prohibition is issued under subsection (1), any police officer may seize and detain any flag, banner or emblem, and may if reasonably necessary—

- (a) enter any premises or place; and
- (b) stop and board any vehicle, tramcar, train or vessel,

using such force as may be necessary for these purposes. (*Replaced, 31 of 1970, s. 3*)

(3) Any person who displays or permits the display of any flag, banner or other emblem in contravention of any prohibition issued under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

(4) No prosecution for an offence under this section shall be instituted without the consent of the Attorney General.

Prohibition of uniforms in connection with political objects.

4. (1) Any person who in any public place or at any public gathering wears any uniform signifying his association with any political organization or with the promotion of any political object shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 3 years.

(2) The Commissioner of Police may, if he is satisfied that the wearing of any such uniform as aforesaid on any ceremonial, anniversary or other special occasion will not be likely to involve risk of public disorder, by order in writing permit the wearing of such uniform on that occasion either absolutely or subject to such conditions as he may specify in the order.

(3) Any person who contravenes any condition imposed by the Commissioner of Police under subsection (2) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$2,000 and to imprisonment for 12 months.

Prohibition of quasi-military organizations.

5. (1) If the members or adherents of any society are—

- (a) organized or trained or equipped for the purpose of enabling them to be employed in such a manner that such employment usurps, may usurp, tends to usurp or appears to usurp the functions of the police or the armed forces of the Crown; or
- (b) organized and trained or organized and equipped for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organized and either trained or equipped for that purpose,

then—

- (i) any person who is a member or adherent of such society shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 3 years; and
- (ii) any person who takes part in the control or management of such society, or in organizing or training or equipping as aforesaid any members or adherents of the society, shall be guilty of an offence and shall be liable on conviction on

indictment to imprisonment for 10 years and on summary conviction to a fine of \$5,000 and to imprisonment for 5 years.

(2) In any criminal proceedings under this section, proof of things done or of words spoken, written or published, whether or not in the presence of a party to the proceedings, by any person taking part in the control or management of a society or in organizing, training or equipping members or adherents of a society shall be admissible as evidence of the purposes for which, or the manner in which, members or adherents of the society (whether those persons or others) were organized or trained or equipped.

PART III

CONTROL OF MEETINGS, PROCESSIONS AND GATHERINGS

6. The Commissioner of Police may, if it appears to him to be necessary or expedient in the interests of public order so to do, in such manner as he may think fit by order—

General powers
of Commissioner
of Police.

(a) notwithstanding the issue of any permit under section 4(29) of the Summary Offences Ordinance, control and direct the extent to which music may be played, or to which music or human speech or any other sound may be amplified, broadcast, relayed, or otherwise reproduced by artificial means, in—

(Cap. 228.)

(i) public places; or

(ii) places other than public places if such music, human speech or sound is directed towards persons in public places;

(b) control and direct the conduct of all public gatherings and specify the route by which, and the time at which, any public procession may pass;

(c) for any of the purposes aforesaid, give or issue such orders as he may consider necessary or expedient.

7. (1) Subject to this Ordinance, a public meeting may take place if, but only if,—

Regulation of
public meetings.

(a) the Commissioner of Police is notified under section 8 of the intention to hold the meeting; and

(b) the holding of the meeting is not prohibited by the Commissioner of Police under section 9.

(2) This section shall not apply to—

(a) a meeting of not more than 30 persons;

(b) a meeting in private premises (whether or not the public or any section of the public are permitted to attend) if—

(i) the capacity of the premises does not exceed 200 persons; and

(ii) the attendance at the meeting does not exceed 200 persons or, where the capacity of the premises is less than 200 persons, the capacity thereof;

(c) a meeting in any school registered or provisionally registered or exempted under the Education Ordinance, or in any college registered under the Post Secondary Colleges Ordinance, or in any educational establishment established by any Ordinance, if—

(Cap. 279.)

(Cap. 320.)

(i) the meeting is organized or approved by an accredited society or similar body of such school, college or educational establishment; and

(ii) the meeting is held with the consent of the management of such school, college or educational establishment in accordance with the terms of that consent, whether or not the public or any section of the public are permitted to attend.

Notification of public meetings.

8. (1) For the purposes of section 7, notice of the intention to hold a public meeting shall be given in writing to the Commissioner of Police not less than 7 days (excluding Sundays and general holidays) prior to the date on which the meeting is intended to be held:

Provided that the Commissioner of Police may, if he thinks fit, accept shorter notice in any particular case.

(2) Notice under subsection (1) shall be given by being delivered in person by the person giving it or any person on his behalf to the officer in charge of a police station, and shall contain particulars of the following matters—

- (a) the name and address and telephone number of the person organizing the meeting and any society or organization promoting or connected with the holding of the meeting;
- (b) the purpose and subject-matter of the meeting;
- (c) the date, location, time of commencement and duration of the meeting;
- (d) the number and names of persons proposed as platform-speakers for the meeting;
- (e) the amplification devices, if any, intended to be used at the meeting;
- (f) the nature, form and contents of advertisements, printed matter, posters or banners intended for publication, distribution or display in respect of the meeting.

Power of Commissioner of Police to prohibit notified public meeting.

9. (1) Subject to this section, the Commissioner of Police may prohibit the holding of any public meeting notified under section 8(1) on any of the following grounds—

- (a) that the notice does not comply with section 8(2);
 - (b) that advertisements of the public meeting have been published, distributed or displayed in contravention of this Ordinance;
 - (c) that the holding of the public meeting is, in the opinion of the Commissioner, likely to prejudice the maintenance of public order or to be used for any unlawful purpose;
 - (d) that any person or society or organization connected or associated with the holding or conduct of the public meeting or, in the opinion of the Commissioner, likely to be concerned in the holding, convening, organizing, forming or conduct thereof, has been convicted of any offence under this Ordinance.
- (2) Notice of a prohibition under subsection (1) shall be given—
- (a) either orally or in writing, to the person or to one of the persons (if more than one) promoting, directing, organizing or managing the public meeting; or
 - (b) by publication, either orally or in writing, in such manner, or by posting a notice thereof in such place, as the Commissioner of Police may think fit.
- (3) The power conferred by subsection (1) shall not be exercised in respect of any public meeting notified under section 8 after the expiration of 4 days (excluding Sundays and general holidays) from the date on which the public meeting is so notified:

Provided that in the case of a public meeting in respect of which less than 7 days' notice (excluding Sundays and general holidays) is accepted under section 8(1), the power so conferred may be exercised at any time not later than 24 hours prior to the date on which such public meeting is intended to be held.

10. The Governor may by order designate any area as a designated public area for the purposes of this Part.

Designated public areas.

11. (1) The Governor in Council may by order prescribe general conditions in respect of the holding of public meetings, including conditions relating to any of the following matters—

General conditions applying to public meetings.

- (a) the maintenance of good order and public safety at any public meeting;
- (b) the location, time and duration of any public meeting;
- (c) the presentation of any stage performance or other entertainment at any public meeting;
- (d) the use of sound amplifiers or any amplified public-address system or similar devices at any public meeting;

- (e) the publication, distribution, display or use of any advertisement, printed-matter, banner, poster, notice or other device publicizing or otherwise relating to any public meeting or the purpose or subject-matter thereof;
- (f) the collection of money or the sale of badges at any public meeting;
- (g) the dispersal of the persons attending any public meeting at the conclusion thereof.

(2) Subject to subsection (1), the Commissioner of Police may impose additional conditions in respect of any public meeting notified under section 8 relating to the time at which such public meeting may be held and, in the case of a public meeting intended to be held in a place other than a designated public area, the conduct of such public meeting; and notice of any condition so imposed shall be given in writing to the person by whom such public meeting is so notified or any other person concerned in the holding, convening, organizing or forming thereof.

(3) References in this section to a public meeting shall not include references to a meeting referred to in section 7(2).

Compliance with safety requirements for public meetings in private premises.

12. In respect of any public meeting held in private premises, it shall be the duty of the owner or occupier of the premises, and any person who organizes or assists in the organization of the meeting, to comply with any restriction or requirement imposed by or under any Ordinance relating to the safety of persons or the prevention of fire.

Regulation of public processions.

13. (1) Subject to this Ordinance, a public procession may take place if, but only if,—

- (a) the procession is authorized by a licence issued in writing by the Commissioner of Police under this section; and
 - (b) any conditions imposed by the Commissioner of Police under this section or by section 15 in respect of the procession are complied with.
- (2) This section shall not apply to—
- (a) any public procession which is not a procession on a public highway or thoroughfare or in a public park;
 - (b) any public procession consisting of not more than 20 persons;
 - (c) any public procession of a nature or description specified by the Commissioner of Police by notice in the *Gazette*.

(3) Application for a licence under this section shall be made to the Commissioner of Police not less than—

- (a) in the case of a public procession held solely for the purposes of a funeral at which the body is present, 24 hours prior to the forming of the procession; and

- (b) in any other case, 7 days prior to the date on which the procession is intended to take place:

Provided that the Commissioner of Police may, if he thinks fit in any particular case, accept an application which is made less than 7 days prior to such date.

(4) The Commissioner of Police may issue a licence under this section in respect of a public procession, in such form as he may determine, if he is satisfied that the public procession is not likely to prejudice the maintenance of public order or to be used for any unlawful purpose.

(5) A licence issued under this section in respect of any public procession shall be subject to such conditions relating to the forming, conduct, route, times of passing and dispersal of the procession as the Commissioner of Police may impose, and any condition so imposed shall be attached to the licence prior to the issue thereof.

(6) The Commissioner of Police may refuse to issue a licence under this section in respect of any public procession, except a public procession solely for the purposes of a funeral, if—

- (a) the applicant or any person or society associated directly or indirectly with the application or likely in the opinion of the Commissioner of Police to be concerned in the organizing, convening, forming or conduct of the public procession has, in relation to any public gathering, at any time contravened the provisions of this Ordinance or any other law or any condition of a licence issued under this Ordinance or any other law; or
- (b) the public procession has been advertised or otherwise publicized prior to the determination of the application.

(7) References in this section to conditions imposed by the Commissioner of Police include, unless the context otherwise requires, references to such conditions as amended under section 14.

14. (1) The Commissioner of Police may at any time, if it appears to him to be necessary or expedient in the interests of public order or for preventing the carrying out of any unlawful purpose so to do—

Cancellation and amendment of licence for public procession.

- (a) cancel any licence issued by him under section 13; or
- (b) amend the conditions of any such licence.
- (2) Notice of any such cancellation or amendment shall be given—
- (a) in writing to the licensee;
- (b) in writing to any other person concerned in the organizing, convening, forming or conduct of the public procession; or
- (c) by publication in such manner, or by posting in such place, as the Commissioner of Police may think fit.

General
condition of
licence for public
procession.

15. It shall be a condition of every licence issued under section 13 that the licensee shall be present at the public procession from the first assembly thereof to the final dispersal thereof, unless he is prevented from being so present by reason of illness or other unavoidable cause, and shall forthwith comply with any directions which may be given to him by any police officer for ensuring the due performance of and compliance with the conditions of the licence and the maintenance of public order throughout the period of assembly, conduct and dispersal of the public procession.

Appeals.

16. Any person aggrieved by a prohibition under section 9, or whose application for a licence under section 13 is refused, or whose licence is cancelled or amended under section 14, may appeal in writing to the Governor against such order or refusal or cancellation or amendment and the Governor may on any such appeal confirm, reverse or vary the decision appealed against.

Police powers
over meetings,
processions and
gatherings.

17. (1) Any police officer may prevent the holding of, stop or disperse—

(a) any public meeting which takes place in contravention of section 7 or in regard to which any condition prescribed or imposed under section 11 is being or has been contravened;

(b) any public procession which takes place in contravention of section 13 or in regard to which any condition imposed by or under section 13, 14 or 15 is being or has been contravened.

(2) Any police officer of or above the rank of inspector may—

(a) prevent the holding of, stop, disperse or vary the place or route of any public gathering, other than a public gathering exclusively for religious purposes, whether or not the public gathering is one to which section 7 or 13 applies; or

(b) stop or disperse any public gathering exclusively for religious purpose or any meeting convened or held in any premises or place which is not a public place or any gathering or procession whatsoever or wheresoever,

if he reasonably believes that the same is likely to cause or lead to a breach of the peace.

(3) For the purpose of exercising the powers conferred by subsections (1) and (2), respectively, a police officer and a police officer of or above the rank of inspector may give or issue such orders as he may consider necessary or expedient, and such police officer and any other police officer may—

(a) use such force as may be reasonably necessary to prevent the holding of, stop or disperse, as the case may be, the public meeting, public procession, public gathering or other meeting, gathering or procession; and

(b) enter any premises or place whatsoever in which any meeting is taking place or any persons are gathered.

(4) If a police officer of or above the rank of inspector has reason to believe that a public meeting or public procession is likely to take place or form in any public place in contravention of section 7 or 13, he may cause access to that public place and to any other public place adjacent thereto to be barred and to be closed to the public or to any person or class of persons for such time as may be necessary to prevent the public meeting or public procession taking place.

(5) The closure of any public place under subsection (4) shall be notified by means of notices exhibited, or physical barriers erected, at the places of access thereto, or by oral public announcement in the vicinity thereof, or in such other manner as the police officer aforesaid may think fit.

(6) Any police officer may use such force as may be reasonably necessary to prevent any person from entering or remaining in any public place to which access has been closed to him under this section.

17A. (1) Any person who—

- (a) refuses or wilfully neglects to obey any order given or issued under section 6 or 17(3); or
- (b) knowingly contravenes or suffers or permits any person so to contravene any condition prescribed or imposed by or under section 11, 13, 14 or 15 in respect of any public meeting or public procession; or
- (c) without the permission of any police officer on duty there, knowingly enters or remains in a public place to which access has been closed to him under section 17(4); or
- (d) publishes, distributes, displays, prints or circulates any advertisement, printed matter, banner, poster, notice or other device publicizing, or in any other manner advertises or publicizes, a public meeting (other than a meeting referred to in section 7(2)) which has not been notified under section 8 or is prohibited under section 9 or a public procession (other than a public procession referred to in section 13(2)) which is not licensed under section 13,

Offences in relation to sections 6, 7, 8, 9, 11, 13, 14, 15 and 17.

shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 12 months.

(2) Where—

- (a) any public meeting or public procession takes place in contravention of section 7 or 13;
- (b) 3 or more persons taking part in or forming part of a public gathering refuse or wilfully neglect to obey an order given or issued under section 6; or

- (c) 3 or more persons taking part in or forming part of a public meeting, public procession or public gathering, or other meeting, procession or gathering of persons refuse or wilfully neglect to obey an order given or issued under section 17(3),

the public meeting, public procession or public gathering, or other meeting, procession or gathering of persons, as the case may be, shall be an unauthorized assembly.

(3) Where any public meeting, public procession or public gathering, or other meeting, procession or gathering of persons, is an unauthorized assembly by virtue of subsection (2)—

- (a) every person who, without lawful authority or reasonable excuse, knowingly takes or continues to take part in or forms or continues to form part of any such unauthorized assembly; and

(b) every person who—

(i) holds, convenes, organizes, forms or collects, or assists or is concerned in the holding, convening, organizing, forming or collecting of, any public meeting or public procession referred to in subsection (2)(a); or

(ii) continues or attempts to continue to hold or conduct, or to direct otherwise than for the purpose of securing obedience to an order given or issued under section 6 or 17(3), any public gathering such as is referred to in subsection (2)(b), or any public meeting, public procession or public gathering, or other meeting, procession or gathering of persons, referred to in subsection (2)(c), after the same has become an unauthorized assembly as aforesaid,

shall be guilty of an offence and shall be liable—

- (i) on conviction on indictment, to imprisonment for 5 years; and
 (ii) on summary conviction, to a fine of \$5,000 and to imprisonment for 3 years.

(4) Where in any prosecution for an offence under subsection (1)(b) or (c) or subsection (3)(a) it is alleged that the person charged with the offence did or omitted to do any act knowingly, his state of mind as so alleged shall in the absence of proof to the contrary be presumed.

Disorder in
public places.

17B. (1) Any person who at any public gathering acts in a disorderly manner for the purpose of preventing the transaction of the business for which the public gathering was called together or incites others so to act shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 12 months.

(2) Any person who in any public place behaves in a noisy or disorderly manner, or uses, or distributes or displays any writing containing, threatening, abusive or insulting words, with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be caused, shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 12 months.

17C. (1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any offensive weapon, without lawful authority or reasonable excuse, shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 2 years.

Prohibition of offensive weapons at public meetings and processions.

(2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is on duty as—

- (a) a police officer;
- (b) a member of the Royal Hong Kong Auxiliary Police Force when the Force or the part of the Force to which such member belongs, or such member, has been called out under section 16(1) or (2) of the Royal Hong Kong Auxiliary Police Force Ordinance;
- (c) a member of the Fire Services Department;
- (d) a public officer;
- (e) a member of Her Majesty's forces;
- (f) an officer or member of the Royal Hong Kong Regiment when on active service under the Royal Hong Kong Regiment Ordinance;
- (g) an officer or member of the Royal Hong Kong Auxiliary Air Force when on active service under the Royal Hong Kong Auxiliary Air Force Ordinance; or
- (h) an officer of the Independent Commission Against Corruption established under the Independent Commission Against Corruption Ordinance.

(Cap. 233.)

(Cap. 199.)

(Cap. 198.)

(Cap. 204.)

(3) Where any person is convicted of an offence under subsection (1), the court may make an order for the forfeiture of any offensive weapon in respect of which the offence was committed.

17D. (1) The Commissioner of Police may, if it appears to him to be necessary or expedient in the interests of public order so to do, prohibit the holding or continuance of a public gathering in any area, premises or place or on any particular day.

Power of Commissioner of Police to prohibit public gatherings.

(2) Notice of a prohibition under subsection (1) shall be given—

- (a) either orally or in writing, to the person or to one of the persons (if more than one) promoting, directing, organizing or managing the public gathering; or

(b) by publication, either orally or in writing, in such manner, or by posting a notice thereof in such place, as the Commissioner of Police may think fit.

(3) Any person who, after notice of a prohibition under subsection (1) has been given, takes part in the promotion, direction, organization or management of a public gathering which is held or continued in contravention of a prohibition under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 3 years.

(4) Any police officer may give or issue such orders and use such force as may be reasonably necessary to prevent the holding or continuance of a public gathering the holding or continuance of which has been prohibited under subsection (1) and to disperse any gathering of persons thereat.

(5) Any person who refuses or wilfully neglects to obey any order given or issued under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 12 months.

Power of
Governor in
Council to
prohibit public
gatherings.

17E. (1) The Governor in Council may, if he is satisfied that, by reason of particular circumstances existing in Hong Kong or in any part thereof, it is necessary for the prevention of serious public disorder to prohibit the holding of public gatherings in Hong Kong or any part thereof, prohibit the holding in Hong Kong or any part thereof of all public gatherings, or of any class of public gatherings, for such period not exceeding 3 months as may be specified.

(2) Any person who—

(a) takes part in the promotion, direction, organization or management of a public gathering which is held or intended to be held in contravention of a prohibition under this section; or

(b) takes part in or attends, or incites any other person to take part in or attend, any such public gathering,

shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 3 years.

Proof.

17F. A certificate purporting to be under the hand of the Commissioner of Police specifying—

(a) the terms and date of any order given under section 6 or prohibition under section 9;

(b) any conditions imposed under section 11(2);

(c) the terms, date and conditions of any licence issued under section 13;

(d) the terms, date and the manner of service of any notice given under section 14(2);

- (e) the terms, date and method of giving notice of any prohibition made or order given or issued under section 17D(1) or (4),

shall be prima facie evidence of such matter contained in such certificate in all legal proceedings.

17G. This Part shall be construed as being in addition to and not in derogation of the provisions of any Ordinance, and nothing in this Part relating to any matter shall affect the liability of any person to comply with any provision of any Ordinance in respect of the same matter.

Supplemental.

(Part III replaced, 67 of 1980, s. 3)

PART IV

UNLAWFUL ASSEMBLIES, RIOTS AND SIMILAR OFFENCES

18. (1) When 3 or more persons, assembled together, conduct themselves in a disorderly, intimidating, insulting or provocative manner intended or likely to cause any person reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such conduct provoke other persons to commit a breach of the peace, they are an unlawful assembly. *(Amended, 31 of 1970, s. 11)*

Unlawful assembly.

(2) It is immaterial that the original assembly was lawful if being assembled, they conduct themselves in such a manner as aforesaid.

(3) Any person who takes part in an assembly which is an unlawful assembly by virtue of subsection (1) shall be guilty of the offence of unlawful assembly and shall be liable— *(Amended, 31 of 1970, s. 11)*

- (a) on conviction on indictment, to imprisonment for 5 years; and
- (b) on summary conviction, to a fine of \$5,000 and to imprisonment for 3 years.

19. (1) When any person taking part in an assembly which is an unlawful assembly by virtue of section 18(1) commits a breach of the peace, the assembly is a riot and the persons assembled are riotously assembled. *(Amended, 31 of 1970, s. 12)*

Riot.

(2) Any person who takes part in a riot shall be guilty of the offence of riot and shall be liable—

- (a) on conviction on indictment, to imprisonment for 10 years; and
- (b) on summary conviction, to a fine of \$5,000 and to imprisonment for 5 years.

Rioters
demolishing
buildings, etc.

20. (1) Any person taking part in a riot who unlawfully pulls down or destroys or begins to pull down or destroy any motor vehicle, tramcar, aircraft, vessel, building, railway, machinery or structure shall be guilty of an offence and shall be liable—

(a) on conviction on indictment, to imprisonment for 14 years; and

(b) on summary conviction, to imprisonment for 5 years.

(2) A person may be convicted of an offence under this section whether or not he has been charged with or convicted of any other offence under this Part.

Rioters
damaging
buildings,
machinery, etc.

21. (1) Any person taking part in a riot who unlawfully damages any of the things specified in section 20 shall be guilty of an offence and shall be liable—

(a) on conviction on indictment, to imprisonment for 10 years; and

(b) on summary conviction, to imprisonment for 5 years.

(2) A person may be convicted of an offence under this section whether or not he has been charged with or convicted of any other offence under this Part.

Riotously
preventing the
sailing of ship,
aircraft or train.

22. (1) Any person taking part in a riot who unlawfully and with force prevents, hinders or obstructs, or attempts to prevent, hinder or obstruct, the loading or unloading, or the movement, of any motor vehicle, tramcar, aircraft, train or vessel, or unlawfully and with force boards, or attempts to board, any motor vehicle, tramcar, aircraft, train or vessel with intent to do so, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 3 years.

(2) A person may be convicted of an offence under this section whether or not he has been charged with or convicted of any other offence under this Part.

Forcible entry.

23. (1) Any person who enters on any premises in a violent manner, whether or not he is entitled to enter thereon and whether such violence consists in actual force applied to any other person or in threats or in breaking open any building or in collecting an unusual number of people, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

(2) Nothing in this section shall make it an offence for a person to enter upon his own premises if they are in his possession or in the custody of his servant or agent. (*Replaced, 31 of 1970, s. 13*)

Forcible detainer
of premises.

24. Any person who, being in unlawful possession of premises, holds possession of them, in a manner likely to cause a breach of the peace or to cause any person reasonably to fear that a breach of the

peace may occur, against a person entitled by law to the possession of the premises shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

25. Any person who takes part in an unlawful fight in a public place shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 12 months.
(Amended, 31 of 1970, s. 14)

Fighting in public.

26. Any person who, without lawful authority, at any public gathering makes any statement, or behaves in a manner, which is intended or which he knows or ought to know is likely to incite or induce any person— (Amended, 31 of 1970, s. 15)

Proposing violence at public gatherings.

- (a) to kill or do physical injury to any person or to any class or community of persons;
- (b) to destroy or do any damage to any property; or
- (c) to deprive any person by force or fear of the possession or use of any property either permanently or temporarily,

shall be guilty of an offence and shall be liable—

- (i) on conviction on indictment, to imprisonment for 5 years; and
- (ii) on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

PART V

FALSE NEWS AND BOMB HOAXES

27. (1) Any person who publishes false news which is likely to cause alarm to the public or a section thereof or disturb public order shall be guilty of an offence and shall be liable—

False news.

- (a) on conviction on indictment, to a fine of \$100,000 and to imprisonment for 2 years; and
- (b) on summary conviction, to a fine of \$30,000 and to imprisonment for 6 months.

(2) It shall be a defence to a charge under subsection (1) for the person charged to prove that he had reasonable grounds for believing that the news to which the charge relates was true.

(3) No prosecution for an offence under this section shall be commenced without the consent of the Attorney General.

10-1989 s 2

28. (1) Any person who—

Bomb hoaxes.
1977 c. 45, s. 51.

- (a) places any article or substance in any place whatever; or
- (b) dispatches any article or substance by post, rail, sea, air or any other means whatever of sending things from one place to another,

with the intention of inducing some other person to believe that it is likely to explode or ignite and thereby cause personal injury or damage to property shall be guilty of an offence.

(2) Any person who communicates any information which he knows or believes to be false to another person with the intention of inducing him or any other person to believe that a bomb or other article, substance or thing liable to explode or ignite is present in any place or location whatever shall be guilty of an offence.

(3) For a person to be guilty of an offence under subsection (1) or (2) it shall not be necessary for him to have any particular person in mind as the person in whom he intends to induce the belief mentioned in those subsections.

(4) Any person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine of \$50,000 and to imprisonment for 3 years; and
- (b) on conviction on indictment, to a fine of \$150,000 and to imprisonment for 5 years.

(Part V replaced, 16 of 1987, s. 2)

PART VI

CONTROL OF PLACES, VESSELS, OFFENSIVE WEAPONS, ETC.

Curfew orders.

31. (1) The Governor may, if he is satisfied that it is necessary in the interests of public order so to do, by order (hereinafter referred to as a curfew order) direct that, within such area and during such hours as may be specified in the curfew order, every person, or, as the case may be, every member of any class of persons specified in the curfew order, shall, save under and in accordance with a permit issued by the Commissioner of Police under subsection (2), remain indoors.

- (2) (a) The Commissioner of Police may issue to any person a permit for the purposes of subsection (1).
- (b) A permit issued under this subsection shall be subject to such conditions as the Commissioner of Police thinks fit, and may be cancelled by the Commissioner of Police at any time.
- (c) Upon cancellation of a permit under paragraph (b), the Commissioner of Police shall serve on the permit holder, either personally or by registered post, notice in writing of the cancellation, and upon receipt of the notice the permit holder shall forthwith surrender his permit. *(Added, 31 of 1970, s. 20)*

(2A) The Commissioner of Police may delegate to any public officer or the person for the time being holding any office designated

by him to exercise the powers conferred by subsection (2); and the reference in subsection (1) to a permit issued by the Commissioner of Police shall be construed accordingly. (*Added, 67 of 1980, s. 5*)

(3) A curfew order shall—

- (a) come into force at such time as may be specified therein or, if no time is so specified, immediately upon the making thereof by the Governor;
- (b) be published in the *Gazette* as soon as may be reasonably practicable after the making thereof; and
- (c) remain in force for the period specified therein or until earlier cancelled by the Governor in accordance with subsection (4).

(4) The Governor may vary or cancel a curfew order by order which shall come into force and be published in like manner as that provided in subsection (3) for a curfew order.

(5) Any person who contravenes—

- (a) any of the provisions of a curfew order; or
- (b) any condition to which a permit issued under subsection (2) is subject,

shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

(6) The following persons shall, notwithstanding the provisions of this section, not be subject to or obliged to comply with any of the provisions of a curfew order when on duty or proceeding to or from duty—

- (a) a police officer;
- (b) a member of the Royal Hong Kong Auxiliary Police Force when the Force, or the part of the Force to which such member belongs, or such member, has been called out under section 16(1) or (2) of the Royal Hong Kong Auxiliary Police Force Ordinance; (*Amended, 29 of 1969, s. 2*)
- (c) a member of the Fire Services Department;
- (d) a member of the Correctional Services Department; (*Amended, L.N. 30/82*)
- (e) a member of the Customs and Excise Service; (*Amended, 46 of 1977, s. 18*)
- (f) a member of Her Majesty's forces;
- (g) an officer or member of the Royal Hong Kong Regiment when on active service under the Royal Hong Kong Regiment Ordinance; (*Replaced, 98 of 1970, Schedule*)

(Cap. 233.)

(Cap. 199.)

(Cap. 198.)

(h) an officer or member of the Royal Hong Kong Auxiliary Air Force when on active service under the Royal Hong Kong Auxiliary Air Force Ordinance; (*Added, 98 of 1970, Schedule*)

(i) any person in possession of a valid warrant signed by the Secretary for Security and certifying that such person is engaged on essential duties; (*Amended, 24 of 1972, s. 4 and L.N. 147/77*)

(j) any servant of the Crown, other than a public officer, in possession of a permit issued by the Commissioner of Police for the purposes of this paragraph;

(Cap. 197, sub. leg.)

(k) a member of the Essential Services Corps in possession of an identity card issued under the Essential Services Corps (Identity Cards) Regulations; (*Added, 24 of 1972, s. 4*)

(l) a member of the Immigration Service; and (*Added, 24 of 1972, s. 4*)

(m) an employee of the Ministry of Defence in possession of a valid Army Department Pass. (*Added, 24 of 1972, s. 4*)

(7) Whenever the Governor considers it necessary, a curfew order may provide that subsection (6) shall not apply in the case of that curfew order with respect to such of the persons specified in that subsection as may be prescribed by the curfew order.

Carrying
offensive
weapons during
curfew.

32. (1) Any person who, without lawful authority or reasonable excuse, carries or has in his possession in any area in which a curfew order is in force and during the hours during which the curfew imposed thereby is operative any offensive weapon shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 3 years. (*Amended, 31 of 1970, s. 21*)

(2) A person shall not be convicted of an offence under this section if he proves to the satisfaction of the court that he carried or had in his possession the offensive weapon—

(a) solely for domestic or defensive purposes within enclosed premises which he was lawfully occupying or in which he was lawfully present; or

(b) with the authority of his employer and solely for domestic or defensive purposes within enclosed premises in the lawful occupation of his employer.

(3) Where any person is convicted of an offence under subsection (1), the court may make an order for the forfeiture of any offensive weapon in respect of which the offence was committed.

Possession of
offensive weapon
in public place.

33. (1) Any person who, without lawful authority or reasonable excuse, has with him in any public place any offensive weapon shall be guilty of an offence and shall be sentenced, on summary conviction or conviction on indictment, in the manner specified in subsection (2). (*Amended, 27 of 1978, s. 2*)

(2) A person convicted of an offence under subsection (1) shall—

(a) if under the age of 14 years, be dealt with in accordance with the provisions of the Juvenile Offenders Ordinance;

(Cap. 226.)

(b) if he is not less than 14 years of age and has not attained 17 years of age, be sentenced—

> (i) ~~to imprisonment for not less than 6 months nor more than 3 years;~~

(ii) to a detention order under the provisions of the Detention Centres Ordinance, but subject to the provisions of that Ordinance;

(Cap. 239.)

(iii) ~~to be caned, in accordance with the provisions of the Corporal Punishment Ordinance; or~~

(Cap. 222.)

(iv) subject to the provisions of the Training Centres Ordinance, to detention in a training centre under that Ordinance; (*Replaced, 27 of 1978, s. 2*)

(Cap. 280.)

(c) if he is not less than 17 years of age and has not attained 25 years of age, be sentenced—

> (i) ~~to imprisonment for not less than 6 months nor more than 3 years;~~

(ii) to a detention order under the provisions of the Detention Centres Ordinance, but subject to the provisions of that Ordinance; ~~or~~

(iii) ~~to be caned, in accordance with the provisions of the Corporal Punishment Ordinance;~~

73/9052

(d) if of the age of 25 years or more, be sentenced—

(i) to imprisonment for not less than 6 months nor more than 3 years; or

(ii) to be caned, in accordance with the provisions of the Corporal Punishment Ordinance. (*Amended, 67 of 1980, s. 6*)

73/9052

(2A) Notwithstanding subsection (2), the court may, in relation to a person convicted of an offence under this section, exercise the powers conferred by section 45 of the Mental Health Ordinance and for the purposes of that section an offence under this section is for the avoidance of doubt declared not to be an offence for which the sentence is fixed by law. (*Added, 27 of 1978, s. 2*)

(Cap. 136.)

(3) Where any person, other than a person under the age of 14 years, is charged with an offence under this section, it shall not be open to the court to exercise either the powers conferred by section 36 of the Magistrates Ordinance or the powers conferred by section 3 of the Probation of Offenders Ordinance.

(Cap. 227.)

(Cap. 298.)

(4) Where a person who is not less than 14 years of age and under 16 years of age is convicted of an offence under this section, section 11(2) of the Juvenile Offenders Ordinance shall not apply in relation to such person.

(Cap. 226.)

(5) No prosecution for an offence under this section shall be instituted without the consent of the Attorney General, but this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for any such offence, or the remand in custody or on bail of a person charged with any such offence.

(6) Any police officer may stop and search any person in a public place in order to ascertain whether or not that person has been guilty of an offence against this section.

(7) Where a person is convicted of an offence under subsection (1), the court may make an order for the forfeiture of any offensive weapon in respect of which the offence was committed.

(8) In this section "public place" includes a common part of any premises notwithstanding that the public or a section of the public are not entitled or permitted to have access to such common part or such premises. (*Added, 20 of 1975, s. 2*)

(*Replaced, 45 of 1973, s. 2*)

Power of
Governor to
prohibit the
movement of
vessels or
aircraft.

34. (1) The Governor may, if he is satisfied that it is necessary in the interests of public order so to do, by order prohibit or control the landing, taking off or movement of any aircraft or class of aircraft or the movement or anchorage of any vessel or the use of any waters in Hong Kong by all vessels or any vessel or class of vessel during such hours and for such a period and subject to such conditions as may be specified in the order.

(2) Any person who contravenes any provision of any order made under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years.

(3) Any police officer or any public officer may take such steps and use such force as may be necessary to secure compliance with any order made under subsection (1).

Detention of
vessels and
aircraft.

35. (1) The Governor may, if he is satisfied that it is necessary in the interests of public order so to do, give such orders as may appear to him to be necessary for the detention of any vessel or aircraft, or any class of vessel or aircraft, and for the detention of any of the persons on board the vessel or aircraft so far as this may be necessary to ensure the detention of the vessel or aircraft.

(2) Any person detained in accordance with an order issued under subsection (1) shall be deemed to be in lawful custody.

(3) Any police officer or any public officer may, in relation to any vessel or aircraft, or any persons on board, take such steps and use such force as may be necessary to secure compliance with any order made under subsection (1).

(4) The Governor may give orders for the release of any vessel, aircraft or person detained under this section, and for the departure thereof from Hong Kong.

(5) In this section, "person on board" means any person who is or was on board the vessel or aircraft—

- (a) at the time of its arrival in Hong Kong; or
- (b) at the time of its detention under this section; or
- (c) at any time between the time of its arrival or detention and its final departure from Hong Kong.

(6) This section shall be in addition to and not in derogation of any other law in relation to deportation or expulsion of persons from Hong Kong.

PART VII

CLOSED AREAS

36. (1) The Governor may by order declare any area or place to be a closed area.

Closed areas.

(2) An order made under subsection (1) shall come into force at such time as may be specified therein or, if no time is so specified, immediately upon the making thereof by the Governor and shall be published in the *Gazette* as soon as may be reasonably practicable after the making thereof.

(3) The Commissioner of Police and such other person as may be authorized in any order made under subsection (1) may cause a closed area to be closed by the erection of barriers or otherwise.

(Replaced, 31 of 1970, s. 22)

37. (1) In the case of a closed area which is an area or place occupied by Her Majesty's forces or for other purposes of the Crown in right of Her Majesty's government in the United Kingdom, the Commander British Forces or any commissioned officer in Her Majesty's forces authorized by him for the purposes of this subsection may issue to any person a permit allowing such person to enter and leave the closed area.

Permits to enter and leave closed area.

(2) In the case of any closed area, other than a closed area referred to in subsection (1), a permit may be issued—

- (a) by the Commissioner of Police; or
- (b) by such authority or person as may be specified for that purpose by the Governor in any order made under section 36,

to any person allowing that person to enter or leave the closed area. *(Replaced, 31 of 1970, s. 23)*

(2A) The Commissioner of Police may delegate to any public officer or the person for the time being holding any office designated by him to exercise the power to issue a permit conferred by subsection (2)(a); and the reference in subsection (3) to a permit

issued under subsection (2) shall be construed accordingly. (*Added, 67 of 1980, s. 7*)

(3) A permit issued under subsection (1) or (2) shall be subject to such conditions as the person by whom it is issued thinks fit, and may be cancelled by such person at any time.

(4) Upon cancellation of a permit under this section, the person cancelling the permit shall serve on the permit holder, either personally or by registered post, notice in writing of the cancellation, and upon receipt of the notice the permit holder shall forthwith surrender his permit. (*Added, 31 of 1970, s. 23*)

Prohibition on entering or leaving closed area without permit.

38. (1) Subject to subsection (2), any person who—

- (a) enters or leaves a closed area save under and in accordance with a permit issued under section 37; or
- (b) contravenes any condition to which any such permit is subject,

shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years. (*Amended, 33 of 1983, s. 2*)

(2) In the case of a closed area other than a closed area referred to in section 37(1), subsection (1)(a) shall not apply—

- (a) to the following persons when on duty or proceeding to or from duty—
 - (i) a police officer;
 - (ii) a member of the Royal Hong Kong Auxiliary Police Force as constituted under the Royal Hong Kong Auxiliary Police Force Ordinance;
 - (iii) a member of Her Majesty's forces;
 - (iv) an officer or member of the Royal Hong Kong Regiment as constituted under the Royal Hong Kong Regiment Ordinance; and
 - (v) an officer or member of the Royal Hong Kong Auxiliary Air Force as constituted under the Royal Hong Kong Auxiliary Air Force Ordinance; and
- (b) if the closed area is one in respect of which a notice is published under section 38A(1), to any person to whom the notice applies and who complies with the terms thereof. (*Added, 33 of 1983, s. 2*)

(Cap. 233.)

(Cap. 199.)

(Cap. 198.)

General permission to enter or leave closed area.

38A. (1) The Commissioner of Police may, in relation to any closed area in respect of which he is empowered under section 37(2)(a) to issue a permit, by notice published in the *Gazette* grant permission to persons of any class or category specified in the notice

to enter or leave the closed area during such times and subject to such exceptions, conditions or restrictions as are specified in the notice.

(2) Notwithstanding anything in subsection (1), the Commissioner of Police or any person authorized by him in writing in that behalf may, by notice in writing served upon any person either personally or by registered post, except that person from the application to him of a notice under subsection (1).

(Added, 33 of 1983, s. 3)

39. (1) Without prejudice to the provisions of this Ordinance or of any other law, any member of Her Majesty's forces, or any guard, may arrest—

Power of arrest.

- (a) any person whom he finds in a closed area if he has reason to suspect that such person has committed or is about to commit any offence;
- (b) any person whom he finds committing any offence in a closed area;
- (c) any person whom he finds attempting to enter a closed area if he has reason to suspect that such person is not permitted or authorized under this Part to so enter,
(Replaced, 33 of 1983, s. 3)

and may use such force as may be necessary for the purpose.
(Replaced, 31 of 1970, s. 24)

(2) Any person arrested under subsection (1) shall be delivered into the custody of a police officer as soon as practicable.

(3) Any police officer of or above the rank of inspector, with the assistance of such other police officers as may be necessary, may—

- (a) detain any person who is in a closed area without permission or authority for such time as may be necessary to ensure his orderly removal therefrom; and
 - (b) remove therefrom any person who is in a closed area without permission or authority. *(Added, 31 of 1970, s. 24)*
- (4) In this section, "guard" means—
- (a) any member of the Essential Services Corps;
 - (b) any person appointed to guard a closed area by the Governor or the Commander British Forces; and
 - (c) any person appointed to guard a closed area by such authority or person as may be specified for that purpose by the Governor in any order made under section 36.
(Added, 31 of 1970, s. 24)

PART VIII

SPECIAL CONSTABLES

Power of Governor to authorize appointment of special constables.

40. The Governor may at any time by order authorize the Commissioner of Police to appoint in writing any person who is willing so to act as a special constable for such period as may be specified in such order by the Governor.

(Amended, 31 of 1970, s. 25)

Power of special constable.

41. (1) A person appointed as a special constable shall, when acting as such, have the same duties, powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer.

(2) A special constable shall comply with all such orders as may be given to him by the Commissioner of Police.

(3) Nothing in this section shall entitle a special constable to any pay, pension or other reward.

Special constable refusing to obey orders.

42. Any special constable who, without reasonable excuse, neglects or refuses to obey such orders as may be given to him for the performance of the duties of his office under section 41(2) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1,000 and to imprisonment for 2 months.

PART IX

GENERAL

Security for good behaviour from suspected persons, etc.

43. If a magistrate is satisfied that—

- (a) any person is attempting to conceal his presence in Hong Kong with a view to committing an offence;
- (b) there is in Hong Kong a person who cannot give a satisfactory account of himself;
- (c) any person has, either orally or in writing, disseminated or attempted to disseminate, or has in any way abetted the dissemination of, any seditious matter, that is to say, any matter the publication of which is punishable under section 10 of the Crimes Ordinance; or
- (d) any person has committed, or is about to commit or attempt to commit, any act calculated to interfere with the administration of the law or with the maintenance of law and order,

(Cap. 200.)

the magistrate may, in accordance with section 44, require such person to show cause why he should not be ordered to execute a bond with sureties for his good behaviour for a period not exceeding 2 years.

Order to be made.

44. (1) When a person is required to show cause under section 43, the magistrate shall set forth in writing the order proposed to be made (hereinafter in subsections (2), (4), (6) and (7) referred to as the proposed order) in which shall be stated—

- (a) the substance of the information received;

- (b) the amount of the bond to be executed;
- (c) the date of commencement and expiry of bond;
- (d) the number, character and class of sureties, if any, required. (*Replaced, 31 of 1970, s. 26*)

(2) If a person required to show cause under section 43 is present in court, the proposed order shall be read over to him, and, if necessary, the substance of it explained. (*Amended, 31 of 1970, s. 26*)

(3) If a person required to show cause under section 43 is not in court, the magistrate shall bring him before the court by summons or by warrant as he deems appropriate in the circumstances of the case.

(4) A summons or warrant issued under subsection (3) shall be accompanied by a copy of the proposed order and such copy shall be delivered by the officer executing the process. (*Amended, 31 of 1970, s. 26*)

(5) When a person appears or is brought before a court in accordance with subsection (3), the magistrate shall inquire into the truth of the information as far as is practicable in the manner prescribed for summary trials, except that no charge need be framed. (*Amended, 31 of 1970, s. 26*)

(6) If the magistrate is satisfied that it is necessary for the maintenance of the peace or of good behaviour, as the case may be, that the person named in the proposed order should execute a bond with or without sureties, he shall make an order accordingly. (*Amended, 31 of 1970, s. 26*)

(7) If the magistrate is satisfied that it is not necessary to execute a bond, the person named in the proposed order shall be discharged from the inquiry. (*Amended, 31 of 1970, s. 26*)

(8) A bond executed under this section by a person to keep the peace or be of good behaviour, as the case may be, shall be deemed to be broken by the commission of any offence punishable with imprisonment. (*Amended, 31 of 1970, s. 26*)

(9) A magistrate may, in his discretion, refuse to accept any person offered as surety for good behaviour.

(10) If any person ordered to give security does not give such security on or before the date of the commencement of such security, he shall be committed to prison until the expiration of such term as the magistrate may direct or until he shall furnish such security to the magistrate who made the order:

Provided that the period of imprisonment for failure to give security shall not exceed the period for which security is ordered to be given.

(11) Any person so imprisoned may be released by an order made by a magistrate if such magistrate considers he may be released without hazard to the community or any person.

(12) Any surety for peaceable conduct or good behaviour may apply to a magistrate to cancel any bond executed under this section. In such a case, the magistrate shall call for fresh security for the unexpired term and if not forthcoming shall order imprisonment in accordance with subsection (10). (*Amended, 31 of 1970, s. 26*)

Use of necessary force.

45. Without prejudice to any other powers conferred by this Ordinance, any police officer may use such force as may be necessary—

- (a) to prevent the commission or continuance of any offence under this Ordinance;
- (b) to arrest any person committing or reasonably suspected of being about to commit or of having committed any offence under this Ordinance; or
- (c) to overcome any resistance to the exercise of any of the powers conferred by this Ordinance.

Restriction on use of force.

46. (1) Whenever in this Ordinance it is provided that such force as may be necessary may be used for any purpose, the degree of force which may be so used shall not be greater than is reasonably necessary for that purpose.

(2) Nothing in this section shall derogate from the lawful right of any person to use force in the defence of person or property.

(3) Any person who uses such force as may be necessary for any purpose, in accordance with the provisions of this Ordinance, shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused injury or death to any person or damage to or loss of any property.

Offences by societies, etc.

47. Where any offence under this Ordinance is committed by any society, every person charged with, or concerned or acting in, the control of management of the affairs or activities of such society shall be guilty of that offence and liable to be punished accordingly, unless it is proved by such person that, through no act or omission on his part, he was not aware that the offence was being or was intended or about to be committed, or that he took all reasonable steps to prevent its commission.

48. [*Repealed, 5 of 1971, s. 13*]

Power to require identification.

49. A member of Her Majesty's forces acting in the course of his duty and a police officer, for the purpose of preventing or detecting any offence, may require any person to give his correct name and address and produce any paper in his possession by which he can be identified, and any person who fails to comply with any such requirement shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1,000 and to imprisonment for 6 months.

(*Replaced, 31 of 1970, s. 27*)

50. (1) Without prejudice to the provisions of this Ordinance or of any other law, a member of the Royal Hong Kong Auxiliary Police Force on duty, and while proceeding to and from duty, when the Force or the part of the Force to which such member belongs, or such member, has been called out under section 16(1) or (2) of the Royal Hong Kong Auxiliary Police Force Ordinance shall have the same duties, powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer of equivalent rank. (*Amended, 29 of 1969, s. 2*)

Powers of members of certain auxiliary services and Her Majesty's forces.

(Cap. 233.)

(2) (a) An officer or member of the Royal Hong Kong Regiment on duty, or while proceeding to or from duty, when on active service under the Royal Hong Kong Regiment Ordinance or an officer or member of the Royal Hong Kong Auxiliary Air Force on duty, or while proceeding to or from duty, when on active service under the Royal Hong Kong Auxiliary Air Force Ordinance shall have the same power of arrest as is conferred on a police officer by section 50 of the Police Force Ordinance and may use such force as may be necessary for that purpose.

(Cap. 199.)

(Cap. 198.)

(Cap. 232.)

(b) Whenever the Governor so directs, an officer or member of the Royal Hong Kong Regiment on duty, or while proceeding to or from duty, when on active service under the Royal Hong Kong Regiment Ordinance or an officer or member of the Royal Hong Kong Auxiliary Air Force on duty, or while proceeding to or from duty, when on active service under the Royal Hong Kong Auxiliary Air Force Ordinance shall have the same powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer of equivalent rank. (*Replaced, 98 of 1970, Schedule*)

(Cap. 199.)

(Cap. 198.)

(3) Without prejudice to the provisions of this Ordinance or of any other law, any member of Her Majesty's forces acting in aid of the civil power shall have the same powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer.

(4) Without prejudice to the provisions of this Ordinance or of any other law, any commissioned officer in Her Majesty's forces acting in aid of the civil power shall have the powers conferred by section 17(2), (3) and (4) on a police officer of or above the rank of inspector. (*Amended, 31 of 1970, s. 28 and 67 of 1980, s. 8*)

(5) A certificate purporting to be signed by the Chief Secretary and stating that a member of Her Majesty's forces was, at the time specified therein, acting in aid of the civil power shall be conclusive evidence thereof in all proceedings and for all purposes.

50A. Any person who obstructs—

Obstruction.

(a) any member of Her Majesty's forces;

- (b) any officer or member of the Royal Hong Kong Regiment or the Royal Hong Kong Auxiliary Air Force; or (*Replaced, 98 of 1970, Schedule*)
- (c) any other person,

exercising any powers or performing any duties conferred or imposed on him by this Ordinance or by any orders, directions, requirements or notices made thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1,000 and to imprisonment for 6 months.

(*Added, 31 of 1970, s. 29*)

Power of
Governor to give
directions.

51. (1) The Governor may give such directions as he thinks fit with respect to the exercise or performance by the Commissioner of Police or any other police officer of the powers, functions or duties conferred or imposed on him by or under this Ordinance, either generally or in any particular case.

(2) The Commissioner of Police and any other police officer shall, in the exercise or performance of such powers, functions or duties, comply with any directions given by the Governor under subsection (1).

Delegation of
powers.

52. The Commissioner of Police may—

- (a) delegate to any police officer of the rank of inspector or above any of the powers conferred on him by section 4, 6, 9, 11, 13 or 14; and (*Amended, 67 of 1980, s. 9*)
- (b) delegate to any police officer of the rank of superintendent or above any of the powers conferred on him by any other provision of this Ordinance.

(*Amended, 33 of 1983, s. 5*)

Indemnity to
persons acting
under Ordinance.

53. Without prejudice to the provisions of section 46, no person acting in good faith under the provisions of this Ordinance shall be liable in damages or otherwise for any act done by him in pursuance or exercise of any obligation, duty or power imposed or conferred, or reasonably supposed to be imposed or conferred, on him by this Ordinance, if done in good faith, and done or purported to be done in the execution of his duty or for the public safety or for the defence of Hong Kong or for the enforcement of discipline or otherwise in the public interest, if such person be a person holding office under or employed in the service of the Crown in any capacity, whether naval, military, air force or civil, or be an officer or member of the Royal Hong Kong Regiment or the Royal Hong Kong Auxiliary Air Force or a member of the Royal Hong Kong Auxiliary Police Force acting as such or be a person acting under the authority of a person so holding office or so employed or such an officer or member.

(*Amended, 29 of 1969, s. 2 and 98 of 1970, Schedule*)