

## Comparison of emergency powers under the National Security (Legislative Provisions) Bill and existing Ordinances

National Security (Legislative Provisions) Bill	Police Force Ordinance (Cap. 232) s. 10	Firearms and Ammunition Ordinance (Cap. 238) s. 40	Crimes Ordinance (Cap. 200) s. 152	Gambling Ordinance (Cap. 148) s. 23 and s. 23A
<p>A police officer at the rank of chief superintendent* or above reasonably believes that -</p> <p>(a) an offence of treason, subversion, secession, sedition or handling seditious publication has been committed or is being committed;</p> <p>(b) anything which is likely to be or likely to contain evidence of substantial value to the investigation of the offence is in any premises, place or conveyance; and</p> <p>(c) unless immediate action is taken, such evidence would be lost and the investigation of the offence would be seriously prejudiced as a result,</p> <p>he may issue an authorization for entry, search and seizure.</p>	<p>Section 10 provide that the duties of the police force shall be, <i>inter alia</i>, to take lawful measures for preventing and detecting crimes and offences; and executing such other duties as may by law be imposed on a police officer.</p> <p>Administrative authorizations to search, which the police are duty bound to execute, are available under a number of ordinances, including Firearms and Ammunition Ordinance, Crimes Ordinance, and Gambling Ordinance.</p>	<p>A police officer at the rank of superintendent or above may issue authorization for entry, search and seizure if he is satisfied (a) that there is reasonable ground for suspecting that an offence under the Ordinance has been, is being or is about to be committed; (b) that the exercise of the power is necessary; (c) there would be delay in obtaining a warrant from a magistrate; <i>and</i> (d) the delay may defeat the purposes of the entry.</p>	<p>A police officer at the rank of superintendent or above may issue authorization for entry, search and seizure if he has reason to suspect that an offence under Part XII (sexual and related offences) of the Ordinance has been or is being committed in or in respect of or in connection with any premises or place or any vessel.</p>	<p>A police officer at the rank of superintendent or above may issue authorization for entry, search and seizure if he reasonably suspects that any premises or place are or is a gambling establishment, or one of the specified offences of bookmaking is being committed or has been committed in or in relation to the premises or place.</p>

\* The rank is raised to assistant commissioner in the proposed Committee Stage Amendments to the Bill on 3 June 2003.