

Relevant Statutory Provisions to be amended

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:
Section:	2	Heading:	Treason	Version Date: 30/06/1997

PART I

TREASON

- (1) A person commits treason if he-
- (a) kills, wounds or causes bodily harm to Her Majesty, or imprisons or restrains Her;
 - (b) forms an intention to do any such act as is mentioned in paragraph (a) and manifests such intention by an overt act;
 - (c) levies war against Her Majesty-
 - (i) with the intent to depose Her Majesty from the style, honour and royal name of the Crown of the United Kingdom or of any other of Her Majesty's dominions; or
 - (ii) in order by force or constraint to compel Her Majesty to change Her measures or counsels, or in order to put any force or constraint upon, or to intimidate or overawe, Parliament or the legislature of any British territory;
 - (d) instigates any foreigner with force to invade the United Kingdom or any British territory;
 - (e) assists by any means whatever any public enemy at war with Her Majesty; or
 - (f) conspires with any other person to do anything mentioned in paragraph (a) or (c).
- (2) Any person who commits treason shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life. (Amended 24 of 1993 s. 2)
[cf. 1351 c. 2 U.K.; 1795 c. 7 s. 1 U.K.; 1817 c. 6 s. 1 U.K.]

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:
Section:	6	Heading:	Incitement to mutiny	Version Date: 30/06/1997

PART II

OTHER OFFENCES AGAINST THE CROWN

- Any person who knowingly attempts-
- (a) to seduce any member of Her Majesty's forces from his duty and allegiance to Her Majesty; or (Amended 54 of 1992 s. 19; 20 of 1997 s. 25)
 - (b) to incite any such person-
 - (i) to commit an act of mutiny or any traitorous or mutinous act; or
 - (ii) to make or endeavour to make a mutinous assembly,
- shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.
[cf. 1797 c. 70 s. 1 U.K.]

Chapter:	521	Title:	OFFICIAL SECRETS ORDINANCE	Gazette Number:	
Section:	12	Heading:	Interpretation	Version Date:	30/06/1997

PART III

UNLAWFUL DISCLOSURE

(1) In this Part-

"armed forces" (武裝部隊) means the armed forces of the Crown;

"British national" (英國國民) means a British citizen, a British Overseas citizen, a British Dependent Territories citizen, a British National (Overseas) or a British protected person;

"defence" (防務) means-

- (a) the size, shape, organization, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces;
- (b) the weapons, stores or other equipment of the armed forces and the invention, development, production and operation of such equipment and research relating to it;
- (c) defence policy and strategy and military planning and intelligence;
- (d) plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war;

"disclose" and "disclosure" (披露), in relation to a document or other article, include parting with possession of it;

"Hong Kong permanent resident" (香港永久性居民) has the meaning assigned to that term by section 2(1) of the Immigration Ordinance (Cap 115);

"international relations" (國際關係) means the relations between States, between international organizations or between one or more States and one or more such organizations and includes-

- (a) any matter relating to a State other than the United Kingdom or to an international organization that is capable of affecting the relations of the United Kingdom with another State or with an international organization; and
- (b) any matter relating to the relations between the United Kingdom and Hong Kong or the external relations of Hong Kong;

"prescribed" (訂明) means prescribed by an order made by the Governor;

"public servant" (公務人員) means-

- (a) any person who holds an office of emolument under the Crown in right of the Government of Hong Kong, whether such office is permanent or temporary;
- (b) any person employed in the civil service of the Crown in right of the United Kingdom, including Her Majesty's Diplomatic Service and Her Majesty's Overseas Civil Service;
- (c) any member of the armed forces;
- (d) any person who is a member or employee of a prescribed body or a body of a prescribed class and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of members or employees of any such body;
- (e) any person who holds a prescribed office or who is an employee of such a person and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of such employees;

"State" (國家) includes the government of a State and any organ of its government;

"territory" (地區) means any territory, not being a State, outside Hong Kong.

(2) In this Part, "government contractor" (政府承辦商) means, subject to subsection (3), any person who is not a public servant but who provides, or is employed in the provision of, goods or services-

(a) for the purposes of the Crown in right of the Government of Hong Kong, of any of the services, forces or bodies mentioned in subsection (1) or of the holder of any office prescribed under subsection (1); or

(b) under an agreement or arrangement certified by the Governor as being an agreement or arrangement to which the Government of a territory, the Government of a State, other than the United Kingdom, or an international organization is a party or which is subordinate to, or made for the purposes of implementing, any such agreement or arrangement.

(3) Where an employee or a class of employees of any body, or of any holder of an office, is prescribed by an order made for the purposes of subsection (1), the following persons shall be deemed not to be a government contractor for the purposes of this Part-

(a) any employee of that body, or of the holder of that office, who is not prescribed or is not within the prescribed class of employees; and

(b) any person who does not provide, or is not employed in the provision of, goods or services for the purposes of the performance of those functions of the body or the holder of the office in connection with which the employee or prescribed class of employees is engaged.

(4) In this Part, "international organization" (國際組織) means, subject to subsections (5) and (6), an organization of which only States or States and territories are members and includes a reference to any organ of such an organization.

(5) In subsection (4) the reference to an international organization includes a reference to any such organization whether or not one of which only States or States and territories are members and includes a commercial organization.

(6) In determining for the purposes of this section whether only States or States and territories are members of an organization, any member that is itself an organization of which only States are members, or that is an organ of such an organization, shall be treated as a State.

(7) In this Part, "security or intelligence" (保安或情報) means the work of, or in support of, the security or intelligence services or any part of them, and references to information relating to security or intelligence include references to information held or transmitted by those services or by persons in support of them, or any part of them.

[cf. 1989 c. 6 ss. 1(9), 2(4), 3(5), 12 & 13 U.K.]

Chapter:	521	Title:	OFFICIAL SECRETS ORDINANCE	Gazette Number:	
Section:	18	Heading:	Information resulting from unauthorized disclosures or information entrusted in confidence	Version Date:	30/06/1997

Expanded Cross Reference:
13, 14, 15, 16, 17

- (1) A person who comes into possession of any information, document or other article in circumstances mentioned in subsection (2) commits an offence if he discloses it without lawful authority and knowing, or having reasonable cause to believe, that-
- (a) it is protected against disclosure by any of sections 13 to 17; and <*Note-Exp. x-Ref: Sections 13, 14, 15, 16, 17*>
 - (b) it has come into his possession as mentioned in subsection (2).
- (2) The circumstances referred to in subsection (1) are where any information, document or other article protected against disclosure by any of sections 13 to 17 has come into a person's possession as a result of it having been- <*Note-Exp. x-Ref:13, 14, 15, 16, 17*>
- (a) disclosed (whether to him or another) by a public servant or government contractor without lawful authority;
 - (b) entrusted to him by a public servant or government contractor on terms requiring it to be held in confidence or in circumstances in which the public servant or government contractor could reasonably expect that it would be so held; or
 - (c) disclosed (whether to him or another) without lawful authority by a person to whom it was entrusted as mentioned in paragraph (b).
- (3) In the case of information or a document or article protected against disclosure by sections 13 to 16, a person does not commit an offence under this section unless- <*Note-Exp. x-Ref:13, 14, 15, 16*>
- (a) the disclosure by him is damaging; and
 - (b) he makes it knowing, or having reasonable cause to believe, that it would be damaging.
- (4) The question whether a disclosure of information or of a document or other article is damaging shall be determined for the purposes of subsection (3) as it would be determined in relation to a disclosure of that information, document or article by a public servant in contravention of section 14, 15 or 16.
- (5) A person does not commit an offence under this section in respect of information or a document or other article that has come into his possession as a result of it having been disclosed-
- (a) as mentioned in subsection (2)(a) by a government contractor; or
 - (b) as mentioned in subsection (2)(c),
- unless that disclosure was by a British national or Hong Kong permanent resident or took place in Hong Kong.
- (6) For the purposes of this section, information or a document or article is protected against disclosure by any of sections 13 to 17 if- <*Note-Exp. x-Ref:13, 14, 15, 16, 17*>
- (a) it relates to security or intelligence, defence or international relations or is such as is mentioned in section 16(1)(b); or
 - (b) it is information or a document or article to which section 17 applies,
- and information or a document or article is protected against disclosure by sections 13 to 16 if it falls within paragraph (a). <*Note-Exp. x-Ref:13, 14, 15, 16*>
- (7) No person shall be convicted for both an offence under this section and an offence under any of sections 13 to 17 in relation to the disclosure by him of any information or document or other article. <*Note-Exp. x-Ref:13, 14, 15, 16, 17*>

[cf. 1989 c. 6 s. 5 U.K.]

Chapter:	151	Title:	SOCIETIES ORDINANCE	Gazette Number:	L.N. 320 of 1999
Section:	2	Heading:	Interpretation	Version Date:	01/01/2000

(1) In this Ordinance, unless the context otherwise requires-
"branch" (分支機構), in relation to a society, includes any society which is in any way subordinate to any

other society; (Added 28 of 1961 s. 2. Amended 118 of 1997 s. 3)

"connection" (聯繫), in relation to a society or a branch, that is a political body, includes the following circumstances-

- (a) if the society or the branch solicits or accepts financial contributions, financial sponsorships or financial support of any kind or loans, directly or indirectly, from a foreign political organization or a political organization of Taiwan;
- (b) if the society or the branch is affiliated directly or indirectly with a foreign political organization or a political organization of Taiwan;
- (c) if the society's or the branch's policies or any of them are determined directly or indirectly by a foreign political organization or a political organization of Taiwan; or
- (d) if a foreign political organization or a political organization of Taiwan directs, dictates, controls or participates, directly or indirectly, in the decision making process of the society or the branch; (Added 118 of 1997 s. 3)

"election" (選舉) means-

- (a) a general election or a by-election to elect members of the Legislative Council; or
- (b) an ordinary election or a by-election to elect members of a District Council; (Added 118 of 1997 s. 3. Amended 8 of 1999 s. 89; 48 of 1999 s. 48; 78 of 1999 s. 7)

"exempted society" (獲豁免社團) means a society exempted by the Societies Officer from registration under this Ordinance; (Added 118 of 1997 s. 3)

"foreign political organization" (外國政治性組織) includes-

- (a) a government of a foreign country or a political subdivision of a government of a foreign country;
- (b) an agent of a government of a foreign country or an agent of a political subdivision of the government of a foreign country; or
- (c) a political party in a foreign country or its agent; (Added 118 of 1997 s. 3. Amended 23 of 1998 s. 2)

"local society" (本地社團) means any society organized and established in Hong Kong or having its headquarters or chief place of business in Hong Kong, and includes any society deemed to be established in Hong Kong by virtue of section 2(2B) or 4; (Amended 36 of 1982 s. 2; 30 of 1988 s. 4; 75 of 1992 s. 3; 118 of 1997 s. 3)

"office-bearer" (幹事) of a society means any person who is the president, or vice-president, or secretary or treasurer of such society or any branch thereof, or who is a member of the committee or governing body of such society or any branch thereof, or who holds in such society or any branch thereof any office or position analogous to any of those mentioned above or in the case of a triad society, any person holding any rank or office in the triad society other than that of any ordinary member; (Amended 31 of 1957 s. 2; 28 of 1961 s. 2)

"performance of functions" (履行職能) includes the exercise of powers and the performance of duties; (Added 75 of 1992 s. 3)

"political body" (政治性團體) means-

- (a) a political party or an organization that purports to be a political party; or
- (b) an organization whose principal function or main object is to promote or prepare a candidate for an election; (Added 118 of 1997 s. 3)

"political organization of Taiwan" (台灣政治性組織) includes-

- (a) the administration of Taiwan or a political subdivision of the administration;
- (b) an agent of the administration of Taiwan or an agent of a political subdivision of the administration; or
- (c) a political party in Taiwan or its agent; (Added 118 of 1997 s. 3)

"Secretariat" (秘書處) means the Triad Renunciation Secretariat established by section 26BA; (Added 12 of 1991 s. 2)

"Societies Officer" (社團事務主任) means the Societies Officer and any Assistant Societies Officer

appointed in accordance with the provisions of section 3; (Added 75 of 1992 s. 3)

"society" (社團) means any club, company, partnership or association of persons, whatever the nature or objects, to which the provisions of this Ordinance apply; (Replaced 28 of 1961 s. 2)

"specified form" (指明的表格) means a form specified by the Societies Officer; (Added 118 of 1997 s. 3)

"triad ritual" (三合會儀式) means any ritual commonly used by triad societies, any ritual closely resembling any such ritual and any part of any such ritual; (Added 28 of 1961 s. 2)

"Tribunal" (審裁處) means the Triad Renunciation Tribunal established by section 26A. (Added 58 of 1988 s. 2)

(2) The provisions of this Ordinance shall not apply to any person listed in the Schedule. (Added 28 of 1961 s. 2. Amended 36 of 1982 s. 2; 75 of 1992 s. 3)

(2A) (Repealed 75 of 1992 s. 3)

(2B) This Ordinance applies to a society to which it otherwise would not apply under the Schedule by its being registered under the Business Registration Ordinance (Cap 310) if the Societies Officer gives written notice to the society that he is of the opinion that the society is not used solely for religious, charitable, social or recreational purposes. The society is taken to be established in Hong Kong on the date on which the notice is given. (Added 118 of 1997 s. 3)

(3) The Chief Executive in Council may by order amend the Schedule. (Added 28 of 1961 s. 2. Amended 13 of 1999 s. 3)

(4) In this Ordinance the expressions "public safety", "public order (ordre public)" and "the protection of rights and freedoms of others" are interpreted in the same way as under the International Covenant on Civil and Political Rights as applied to Hong Kong. "national security" (國家安全) means the safeguarding of the territorial integrity and the independence of the People's Republic of China. (Replaced 118 of 1997 s. 3)

(Amended 75 of 1992 s. 3)

Chapter:	1	Title:	INTERPRETATION AND GENERAL CLAUSES ORDINANCE	Gazette Number:	L.N. 106 of 2002
Section:	3	Heading:	Interpretation of words and expressions	Version Date:	01/07/2002

PART II

INTERPRETATION OF WORDS AND EXPRESSIONS

- "act" (作為), when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;
- "Administrative Appeals Board" (行政上訴委員會) means the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap 442); (Added 6 of 1994 s. 32)
- "adult" (成人、成年人)* means a person who has attained the age of 18 years; (Amended 32 of 1990 s. 6)
- "aircraft" (飛機、航空器) means any machine that can derive support in the atmosphere from the reactions of the air;
- "alien" (外籍人士) means a person other than a Chinese citizen; (Added 26 of 1998 s. 4)
- "amend" (修訂) includes repeal, add to or vary and the doing of all or any of such things simultaneously or by the same Ordinance or instrument; (Amended 89 of 1993 s. 3)
- "arrestable offence" (可逮捕的罪行) means an offence for which the sentence is fixed by law or for which a person may under or by virtue of any law be sentenced to imprisonment for a term exceeding 12 months, and an attempt to commit any such offence; (Added 30 of 1971 s. 2)
- "Basic Law" (《基本法》) means the Basic Law of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)
- "Chief Executive" (行政長官) means-
- the Chief Executive of the Hong Kong Special Administrative Region;
 - a person for the time being assuming the duties of the Chief Executive according to the provisions of Article 53 of the Basic Law; (Added 26 of 1998 s. 4)
- "Chief Executive in Council" (行政長官會同行政會議) means the Chief Executive acting after consultation with the Executive Council; (Added 26 of 1998 s. 4)
- "Chief Judge" (高等法院首席法官) means the Chief Judge of the High Court; (Added 26 of 1998 s. 4)
- "Chief Justice" (終審法院首席法官) means the Chief Justice of the Court of Final Appeal; (Added 26 of 1998 s. 4)
- "Chief Secretary for Administration" (政務司司長) means the Chief Secretary for Administration of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)
- "China" (中國) means the People's Republic of China; (Added 26 of 1998 s. 4)
- "Chinese citizen" and "Chinese national" (中國公民) mean a person who has Chinese nationality under the Nationality Law of the People's Republic of China in Schedule 4 to the Promulgation of National Laws 1997 (L.N. 379 of 1997); (Added 26 of 1998 s. 4)
- "Clerk to the Executive Council" (行政會議秘書) includes any person appointed by the Chief Executive to be Deputy Clerk to the Executive Council; (Added 26 of 1998 s. 4)

"Clerk to the Legislative Council" (立法會秘書) means the Secretary General of the Legislative Council Secretariat appointed under section 15(1) of The Legislative Council Commission Ordinance (Cap 443) and includes the Deputy Secretary General and any Assistant Secretary General of the Legislative Council Secretariat; (Added 26 of 1998 s. 4)

"commencement" (生效日期), when used in relation to an Ordinance, or any part or provision thereof, means the date on which the Ordinance, part or provision came or comes into operation; (Replaced 39 of 1982 s. 2)

"committed for trial" (交付審判), when used in relation to a person, means-

- (a) committed to prison with a view to his being tried before the Court of First Instance; or
- (b) admitted to bail to appear and stand his trial before the Court of First Instance; (Added 26 of 1998 s. 4)

"common law" (普通法) means the common law in force in Hong Kong; (Added 26 of 1998 s. 4)

"consul" (領事) and "consular officer" (領事館官員) mean any person, including the head of a consular post, recognized by the competent authority of the receiving state as entrusted in that capacity with the exercise of consular functions;

"contravene" (違反) in relation to any requirement or condition prescribed in any Ordinance or in any grant, permit, licence, lease or authority granted under or by virtue of any Ordinance includes a failure to comply with that requirement or condition;

"counsel" (大律師) means a person admitted before the Court of First Instance to practise as counsel; (Added 26 of 1998 s. 4)

"court" (法院、法庭) means any court of the Hong Kong Special Administrative Region of competent jurisdiction; (Added 26 of 1998 s. 4)

"Court of Appeal" (上訴法庭) means the Court of Appeal of the High Court; (Added 26 of 1998 s. 4)

"Court of Final Appeal" (終審法院) means the Hong Kong Court of Final Appeal established by section 3 of the Hong Kong Court of Final Appeal Ordinance (Cap 484); (Added 79 of 1995 s. 50)

"Court of First Instance" (原訟法庭) means the Court of First Instance of the High Court; (Added 26 of 1998 s. 4)

"Crown lease" (官契) means any lease granted by the Crown before 1 July 1997, any instrument whereby the term of a Crown lease may have been extended or the provisions thereof varied and any agreement for a Crown lease; (Added 26 of 1998 s. 4)

"department" (部門), in relation to the Government, includes bureau; (Added 26 of 1998 s. 4)

"District Council" (區議會) has the meaning assigned to it by the District Councils Ordinance (Cap 547); (Replaced 8 of 1999 s. 89)

"District Court" (區域法院) means the District Court of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"District Judge" (區域法院法官) means a judge of the District Court; (Added 26 of 1998 s. 4)

"document" (文件) means any publication and any matter written, expressed or described upon any substance by means of letters, characters, figures or marks, or by more than one of these means;

"enactment" (成文法則) has the same meaning as Ordinance; (Added 26 of 1998 s. 4)

"Executive Council" (行政會議) means the Executive Council of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"export" (輸出、出口) means to take out or cause to be taken out of Hong Kong by air, land or water; (Added 26 of 1998 s. 4)

"Financial Secretary" (財政司司長) means the Financial Secretary of the Hong Kong Special Administrative Region and the Secretary for Financial Services and the Treasury; (Added 26 of 1998 s. 4. Amended L.N. 106 of 2002)

"financial year" (財政年度) means the period from 1 April in any year to 31 March in the immediately succeeding year, both days inclusive;

"foreign country" and "foreign state" (外國) mean a country or state other than the People's Republic of China; (Added 23 of 1998 s. 2)

"foreign currency" (外幣) means any currency other than Hong Kong currency; (Added 23 of 1998 s. 2)

"full age" (成年)* means the age of 18 years; (Added 32 of 1990 s. 6)

"Gazette" (憲報) means-

- (a) the Government of the Hong Kong Special Administrative Region Gazette and any supplement thereto;
- (b) the Gazette published by the Administration on or between 12 October 1945 and 1 May 1946;
- (c) the Government of the Hong Kong Special Administrative Region Gazette Extraordinary;
- (d) the Hong Kong Government Gazette and any supplement thereto published before 1 July 1997;
- (e) any Special Gazette or Gazette Extraordinary published before 1 July 1997; (Added 26 of 1998 s. 4)

"general holiday" and "public holiday" (公眾假期、公眾假日) mean any day which is a general holiday for the purposes of the General Holidays Ordinance (Cap 149); (Added 26 of 1998 s. 4. Amended 35 of 1998 s. 5)

"general revenue" (政府一般收入) means the general revenue of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"Government" (特區政府) means the Government of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"Government lease" (政府租契) means a lease of land granted by or on behalf of the Government, and includes-

- (a) an instrument whereby-
 - (i) the term of the lease has been extended; or
 - (ii) the provisions of the lease have been varied;
- (b) an agreement for such a lease; and
- (c) a Crown lease; (Added 26 of 1998 s. 4)

"Government Printer" (政府印務局) means-

- (a) the Government Printer of the Hong Kong Special Administrative Region and any other printer authorized by or on behalf of the Chief Executive to print any Ordinance or any other document of the Government;
- (b) in relation to any Ordinance or any other document printed before 1 July 1997, the Government Printer within the meaning of this section as in force immediately before that date; (Added 26 of 1998 s. 4)

"harbour" (海港) means the waters of Hong Kong within the boundaries specified in Schedule 3; (Added 26 of 1998 s. 4)

"health officer" (衛生主任) means-

- (a) the Director, Deputy Director and Assistant Director of Health;
- (b) any person appointed as a health officer by the Chief Executive; and
- (c) any person for the time being performing the duties of a health officer under any Ordinance; (Added 26 of 1998 s. 4)

"High Court" (高等法院) means the High Court of the Hong Kong Special Administrative Region established by section 3 of the High Court Ordinance (Cap 4); (Added 26 of 1998 s. 4)

"HKSAR" (特區) means the Hong Kong Special Administrative Region of the People's Republic of China; (Added 26 of 1998 s. 4)

"Hong Kong" (香港) means the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"Hong Kong permanent resident" and "permanent resident of the Hong Kong Special Administrative Region" (香港永久性居民、香港特別行政區永久性居民) mean a person who belongs to a class or description of persons specified in Schedule 1 to the Immigration Ordinance (Cap 115);

(Added 26 of 1998 s. 4)

"Hong Kong Special Administrative Region" (香港特別行政區) means the Hong Kong Special Administrative Region of the People's Republic of China, the geographical extent of which is the land and sea specified or referred to in Schedule 2; (Added 26 of 1998 s. 4)

"immovable property" (不動產) means-

- (a) land, whether covered by water or not;
- (b) any estate, right, interest or easement in or over any land; and
- (c) things attached to land or permanently fastened to anything attached to land;

"import" (輸入、進口) means to bring or cause to be brought into Hong Kong by air, land or water; (Added 26 of 1998 s. 4)

"infant" (幼年人) and "minor" (未成年人)* mean a person who has not attained the age of 18 years; (Amended 32 of 1990 s. 6)

"instrument" (文書) includes any publication in the Gazette having legal effect;

"Joint Declaration" (聯合聲明) means the Sino-British Joint Declaration on the Question of Hong Kong done at Beijing on 19 December 1984; (Added 26 of 1998 s. 4)

"judge" (法官) means the Chief Justice, a judge of the Court of Final Appeal, the Chief Judge, a Justice of Appeal, a judge of the Court of First Instance, a recorder of the Court of First Instance and a deputy judge of the Court of First Instance; (Added 26 of 1998 s. 4)

"judge of the Court of Final Appeal" (終審法院法官) means the Chief Justice, a permanent judge and a non-permanent judge of the Court of Final Appeal; (Added 79 of 1995 s. 50. Amended 26 of 1998 s. 37)

"justice" and "justice of the peace" (太平紳士) mean a person appointed to be a justice of the peace under the Justices of the Peace Ordinance (Cap 510); (Amended 47 of 1997 s. 10)

"Kowloon" (九龍) means the area specified in Schedule 4;

"Lands Tribunal" (土地審裁處) means the Lands Tribunal established under section 3 of the Lands Tribunal Ordinance (Cap 17); (Added 62 of 1974 s. 16)

"law" (法律、法例、法) means any law for the time being in force in, having legislative effect in, extending to, or applicable in, Hong Kong; (Added 26 of 1998 s. 4)

"Legislative Council" (立法會) means-

- (a) the Legislative Council of the Hong Kong Special Administrative Region;
- (b) the Provisional Legislative Council during its existence; (Added 26 of 1998 s. 4)

"magistrate" (裁判官) means any person appointed to be a permanent or special magistrate under the Magistrates Ordinance (Cap 227); (Replaced 47 of 1997 s. 10)

"master" (船長), when used with reference to a vessel, means the person (except a pilot) having for the time being command or charge of the vessel;

"medical practitioner" (醫生), "registered medical practitioner" (註冊醫生) and any words importing that a person is recognized by any Ordinance to be a medical practitioner in Hong Kong or a member of the medical profession in Hong Kong, mean a person duly registered as, or deemed to be registered as, a medical practitioner under the Medical Registration Ordinance (Cap 161);

"Ministry of Foreign Affairs" (外交部) means the Ministry of Foreign Affairs of the Central People's Government; (Added 26 of 1998 s. 4)

"month" (月) means calendar month;

"movable property" (動產) means property of every description except immovable property;

"national law applying in Hong Kong" (在香港實施的全國性法律) means a national law applied in Hong Kong pursuant to the provisions of Article 18 of the Basic Law; (Added 26 of 1998 s. 4)

"New Kowloon" (新九龍) means the area specified in Schedule 5;

"New Territories" (新界) means the area specified or referred to in Schedule 5A; (Added 26 of 1998 s. 4)

"oath" (誓言) and "affidavit" (誓章) include, in the case of persons allowed or required by law to affirm instead of swearing, affirmation; and "swear" (宣誓) in the like case includes affirm;

"occupy" (佔用) includes use, inhabit, be in possession of or enjoy the land or premises to which the word relates, otherwise than as a mere servant or for the mere purpose of the care, custody or charge thereof;

"offence" (罪、罪行、罪項、犯法行為) includes any crime and any contravention or other breach of, or failure to comply with, any provision of any law, for which a penalty is provided; (Added 26 of 1998 s. 4)

"official languages" (法定語文) means the English language and the Chinese language, and a reference to an "official language" shall be construed as a reference to the English language or the Chinese language as the case may be; (Added 18 of 1987 s. 2)

"order paper" (議事程序表), in relation to the Legislative Council, includes agenda; (Added 26 of 1998 s. 4)

"Ordinance" (條例) means-

- (a) any Ordinance enacted by the Legislative Council;
- (b) any Ordinance adopted by virtue of Article 160 of the Basic Law as a law of the Hong Kong Special Administrative Region;
- (c) any subsidiary legislation made under any such Ordinance except any such subsidiary legislation which has pursuant to Article 160 of the Basic Law been declared to be in contravention of the Basic Law; and
- (d) any provision or provisions of any such Ordinance or subsidiary legislation; (Added 26 of 1998 s. 4)

"People's Republic of China" (中華人民共和國) includes Taiwan, the Hong Kong Special Administrative Region and Macau; (Added 26 of 1998 s. 4)

"per cent" (釐、百分之), when used in relation to a rate of interest payable in any circumstances, means the rate of interest specified payable in respect of a year, unless it is expressly provided that it is payable in respect of any other period;

"person" (人、人士、個人、人物、人選) includes any public body and any body of persons, corporate or unincorporate, and this definition shall apply notwithstanding that the word "person" occurs in a provision creating or relating to an offence or for the recovery of any fine or compensation;

"pier" (碼頭) includes every quay, wharf or jetty of whatever description connected to and having direct access to the shore and used or intended to be used for the purposes of a pier, quay, wharf or jetty;

"police officer" (警務人員) and terms or expressions referring to ranks in the Hong Kong Police Force shall bear the meanings respectively assigned to them by the Police Force Ordinance (Cap 232); (Added 26 of 1998 s. 4)

"power" (權、權力) includes any privilege, authority and discretion;

"prescribed" (訂明) and "provided" (訂定), when used in or with reference to any Ordinance, mean prescribed or provided by that Ordinance or by subsidiary legislation made under that Ordinance;

"prison" (獄、監獄) means any place or building or portion of a building set apart for the purpose of a prison under any Ordinance relating to prisons;

"property" (財產) includes-

- (a) money, goods, choses in action and land; and
- (b) obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as defined in paragraph (a) of this definition;

"Provisional Legislative Council" (臨時立法會) means the Provisional Legislative Council of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"public" (公眾、公眾人士) includes any class of the public;

"publication" (刊物) means-

- (a) all written and printed matter;
- (b) any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;
- (c) anything whether of a similar nature to the foregoing or not, containing any visible representation, or by its form, shape, or in any manner, capable of producing, reproducing, representing or conveying words or ideas; and
- (d) every copy and reproduction of any publication as defined in paragraphs (a), (b) and (c) of this definition;

"public body" (公共機構) includes-

- (a) the Executive Council;
- (b) the Legislative Council;
- (c) (Repealed 78 of 1999 s. 7)
- (ca) any District Council; (Added 42 of 1981 s. 27. Amended 8 of 1999 s. 89)
- (cb) (Repealed 78 of 1999 s. 7)
- (d) any other urban, rural or municipal council;
- (e) any department of the Government; and
- (f) any undertaking by or of the Government;

"public office" (公職) means any office or employment the holding or discharging of which by a person would constitute that person a public officer;

"public officer" (公職人員) means any person holding an office of emolument under the Government, whether such office be permanent or temporary; (Added 26 of 1998 s. 4)

"public place" (公眾地方、公眾場所) means-

- (a) any public street or pier, or any public garden; and
- (b) any theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment or to which the public have or are permitted to have access;

"public seal" (公印) means the public seal of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"public servant" (公務員、公務人員) has the same meaning as public officer; (Added 26 of 1998 s. 4)

"registered" (登記、註冊), when used with reference to a document, means registered under the provisions of any law applicable to the registration of such a document;

"Registrar of the High Court" (高等法院司法常務官) means the Registrar of the High Court and any Deputy or Assistant Registrar of the High Court; (Added 26 of 1998 s. 4)

"regulations" (規例) has the same meaning as subsidiary legislation and subordinate legislation; (Added 26 of 1998 s. 4)

"repeal" (廢除) includes rescind, revoke, cancel or replace;

"road" (路、道路) has the same meaning as street; (Added 26 of 1998 s. 4)

"rules of court" (法院規則), when used in relation to any court, means rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of such court;

"Secretary for Justice" (律政司司長) means the Secretary for Justice of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"sell" (賣、售賣、出售) includes exchange and barter;

"ship" (船、船舶) includes every description of vessel used in navigation not exclusively propelled by oars;

"sign" (簽名、簽署) includes, in the case of a person unable to write, the affixing or making of a seal, mark, thumbprint or chop;

"sitting", in relation to the Legislative Council, includes meeting; (Added 26 of 1998 s. 4)

"solicitor" (律師) means a person admitted before the Court of First Instance to practise as a solicitor;
(Added 26 of 1998 s. 4)

"State" ("國家") includes only-

- (a) the President of the People's Republic of China;
- (b) the Central People's Government;
- (c) the Government of the Hong Kong Special Administrative Region;
- (d) the Central Authorities of the People's Republic of China that exercise functions for which the Central People's Government has responsibility under the Basic Law;
- (e) subordinate organs of the Central People's Government that-
 - (i) on its behalf, exercise executive functions of the Central People's Government or functions for which the Central People's Government has responsibility under the Basic Law; and
 - (ii) do not exercise commercial functions, when acting within the scope of the delegated authority and the delegated functions of the subordinate organ concerned; and
- (f) subordinate organs of the Central Authorities of the People's Republic of China referred to in paragraph (d), that-
 - (i) on behalf of those Central Authorities, exercise executive functions of the Central People's Government or functions for which the Central People's Government has responsibility under the Basic Law; and
 - (ii) do not exercise commercial functions, when acting within the scope of the delegated authority and the delegated functions of the subordinate organ concerned; (Added 26 of 1998 s. 4)

"statutory declaration" (法定聲明), if made-

- (a) in Hong Kong, means a declaration under the repealed Statutory Declarations Ordinance or the Oaths and Declarations Ordinance (Cap 11);
- (b) in any other common law jurisdiction, means a declaration made before a justice of the peace, notary public, or other person having authority therein under any legal provision for the time being in force in the jurisdiction to take or receive a declaration;
- (c) in the mainland of the People's Republic of China, means a declaration made before a notary pursuant to his notarial functions;
- (d) in any other place, means a declaration made before a consul of the People's Republic of China or a person having authority under a statute for the time being in force in the place to take or receive a declaration; (Added 26 of 1998 s. 4)

"street" (街、街道) means-

- (a) any highway, street, road, bridge, thorough-fare, parade, square, court, alley, lane, bridle-way, footway, passage or tunnel; and
- (b) any open place, whether or not situate on land the subject of a Government lease, used or frequented by the public or to which the public have or are permitted to have access; (Added 26 of 1998 s. 4)

"subsidiary legislation" and "subordinate legislation" (附屬法例、附屬法規、附屬立法) mean any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any Ordinance and having legislative effect; (Added 26 of 1998 s. 4)

"summary conviction" (簡易程序定罪) means a summary conviction by a magistrate in accordance with the provisions of the Magistrates Ordinance (Cap 227);

"surname" (姓、姓氏) includes a clan or family name;

"treaty" (條約) means a treaty, convention or agreement made between states, and any protocol or declaration attached thereto or independent thereof but referring thereto; (Added 26 of 1998 s. 4)

"triable summarily" (可循簡易程序審訊) means triable by a magistrate, in accordance with the provisions of the Magistrates Ordinance (Cap 227);

"vessel" (船隻) means any ship or boat and any description of vessel used in navigation;

"waters of Hong Kong" and "Hong Kong waters" (香港水域) mean all waters, whether navigable or not, included in the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"weekday" and "week-day" (周日) mean any day other than a Sunday; (Added 68 of 1995 s. 15)

"words" (字、文字、語言文字) includes figures and symbols;

"writing" (書寫) and "printing" (印刷) include writing, printing, lithography, photography, typewriting and any other mode of representing words in a visible form;

"year" (年) means a year according to the Gregorian calendar;

"years of age" (歲、年歲、年齡) and words of like meaning, when used in reference to the age of any person, means years of age calculated from the date of birth. (Added 26 of 1998 s. 4)
(Amended 89 of 1993 s. 3; 26 of 1998 s. 4; 78 of 1999 s. 7)

* See also s. 6 of 32 of 1990.

Chapter:	89	Title:	PENSIONS ORDINANCE	Gazette Number:	63 of 1999
Section:	15	Heading:	Pension, gratuity or allowance may be cancelled, suspended or reduced on conviction, etc.	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 63 of 1999 s. 3

(1) Where-

- (a) an officer to whom a pension or allowance has been granted- (Amended L.N. 63 of 1992)
 - (i) is convicted of any offence in connection with the public service under the Government, being an offence which is certified by the Chief Executive to have been gravely injurious to Hong Kong or to be liable to lead to serious loss of confidence in the public service; (Amended 63 of 1999 s. 3)
 - (ii) is convicted of any offence under Part II of the Prevention of Bribery Ordinance (Cap 201), being an offence related to the person's previous public service under the Government; or
 - (iii) is convicted of treason under section 2 of the Crimes Ordinance (Cap 200); or
- (b) an officer is compulsorily retired in the exercise of disciplinary powers of punishment by the Government following a conviction of any offence referred to in paragraph (a),

the pension or allowance which has been granted to him may be cancelled, suspended or reduced, or he may not be granted a pension, gratuity or allowance, as the case may be.

(2) If after the retirement of an officer in circumstances in which he is eligible for a pension, gratuity or allowance but before the pension, gratuity or allowance is granted he is convicted and sentenced as specified in subsection (1)(a), any pension, gratuity or allowance eventually granted to him may be cancelled, suspended or reduced.

(3) Subject to section 15A, the power under subsection (1) or (2) to cancel, suspend, reduce or refuse to grant a pension, allowance or gratuity shall be exercisable by a designated officer. (Replaced 86 of 1988 s. 7)

(4) Where, under this section, a designated officer refuses to grant a pension, allowance or gratuity to an officer or person, a pension, allowance or gratuity, as the case may be, shall accordingly not be granted to that officer or person. (Replaced 86 of 1988 s. 7)

(5)-(7) (Repealed 86 of 1988 s. 7)

(Replaced 36 of 1987 s. 36)

Chapter:	98	Title:	POST OFFICE ORDINANCE	Gazette Number:	23 of 1998 s. 2
Section:	32	Heading:	Prohibited articles	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 23 of 1998 s. 2

- (1) No person shall post, tender for posting or send by post-
 - (a) any postal packet consisting of or containing anything which might expose postal officials to danger or which might soil or damage any other postal packet;
 - (b) any explosive, inflammable or dangerous substance;
 - (c) any animal or insect, live or dead, except as provided for in any regulations made under this Ordinance;
 - (d) (Repealed 34 of 1971 s. 3)
 - (e) any opium or any other drug to which the Dangerous Drugs Ordinance (Cap 134) applies; (Amended 33 of 1939; G.N. 840 of 1940 Supp. Schedule. See 2 of 1946 Schedule I Proc. No. 13)
 - (f) any obscene, immoral, indecent, offensive or libellous writing, picture or other thing;
 - (g) anything whatsoever of which the importation or circulation is forbidden in Hong Kong or in the country of destination (provided that such country is included in the Universal Postal Union); (Amended 1 of 1987 s. 8)
 - (h) any seditious publication within the meaning of any enactment relating to sedition; (Replaced 33 of 1939; G.N. 840 of 1940 Supp. Schedule)
 - (i) any postal packet which without lawful authority or excuse contains or bears any imitation or representation of any postage stamp; (Amended 23 of 1998 s. 2)
 - (j) any postal packet which purports to be prepaid with any postage stamp which in fact has been used or appears to have been used to prepay any other postal article;
 - (k) any imitation of any envelope, wrapper, card, form or document issued by any postal authority; (Amended 23 of 1998 s. 2)
 - (l) any postal packet bearing any imitation of any words, letters or other marks used by any postal authority; (Amended 23 of 1998 s. 2)
 - (m) any postal packet bearing without lawful authority any words, letters or other marks calculated to convey the impression that such postal packet has been sent on Her Majesty's service or on Government service; (Amended 80 of 1997 s. 39)
 - (n) any lottery ticket, document or other thing relating to an unlawful lottery, other than a lottery promoted, conducted or managed outside Hong Kong; or (Replaced 46 of 1992 s. 4. Amended 38 of 1994 s. 6)
 - (o) (Repealed 46 of 1992 s. 4)
 - (p) anything the sending of which by post is prohibited by any regulation made under this or any other Ordinance.

(2) No person shall post or tender for posting or send by post, in any particular kind of postal packet, anything if the sending of such thing by post in that kind of postal packet is prohibited by any regulation made under this Ordinance.

(3) The importation by post of anything which is prohibited to be sent by post is prohibited.

(4) (Repealed 1 of 1987 s. 5)

(5) If any postal packet received by the Post Office from outside Hong Kong for delivery in Hong Kong contains anything the sending of which by post is prohibited by or under this Ordinance, it shall be lawful for a magistrate, upon such notice to the addressee as he may think reasonable, to order that such thing be forfeited to the Crown, and anything so forfeited shall be dealt with in such way as the Governor may direct. (Amended 1 of 1987 s. 8)

(6) It shall be lawful for the Postmaster General to refuse to receive in the post or to refuse to forward anything which, by reason of its nature, contents or form or for any other reason, is not in accordance with any departmental rules made or adopted by him or any departmental practice followed in the Post Office.

[cf. 1908 c. 48 s. 63 U.K.]

Chapter:	99	Title:	PENSION BENEFITS ORDINANCE	Gazette Number:	63 of 1999
Section:	29	Heading:	Pension benefits may be cancelled, suspended or reduced on conviction, etc.	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 63 of 1999 s. 3

(1) Where an officer to whom pension has been granted-

(a) is convicted of any offence in connection with the public service under the Government, being an offence which is certified by the Chief Executive to have been gravely injurious to Hong Kong or to be liable to lead to serious loss of confidence in the public service; (Amended 63 of 1999 s. 3)

(b) is convicted of any offence under Part II of the Prevention of Bribery Ordinance (Cap 201), being an offence related to the person's previous public service under the Government; or

(c) is convicted of treason under section 2 of the Crimes Ordinance (Cap 200),

the pension may be cancelled, suspended or reduced.

(2) If after the retirement of an officer in circumstances in which he is eligible for pension benefits but before the pension benefits are granted he is convicted and sentenced as specified in subsection (1), any pension benefits eventually granted to him may be cancelled, suspended or reduced.

(3) Where an officer is compulsorily retired in the exercise of disciplinary powers of punishment by the Government following a conviction of any offence referred to in subsection (1), the deferred pension which may be granted to him may be cancelled, suspended or reduced, or he may not be granted a deferred pension.

(4) Subject to section 29A, the power under subsection (1), (2) or (3) to cancel, suspend, reduce or refuse to grant pension benefits shall be exercisable by a designated officer. (Replaced 86 of 1988 s. 4)

(5) Where, under this section, a designated officer refuses to grant a deferred pension to a person, a deferred pension shall accordingly not be granted to that person. (Replaced 86 of 1988 s. 4)

(6)-(8) (Repealed 86 of 1988 s. 4)

(Enacted 1987)

Chapter:	151	Title:	SOCIETIES ORDINANCE	Gazette Number:	118 of 1997 s. 2
		Heading:	Long title	Version Date:	01/07/1997

To provide for the registration of societies, for the prohibition of the operation of certain societies and for matters related thereto.

(Amended 75 of 1992 s. 2; 118 of 1997 s. 2)

[27 May 1949]

(Originally 28 of 1949 (Cap 151 1950))

Chapter:	151	Title:	SOCIETIES ORDINANCE	Gazette Number:	L.N. 320 of 1999
Section:	2	Heading:	Interpretation	Version Date:	01/01/2000

(1) In this Ordinance, unless the context otherwise requires-
"branch" (分支機構), in relation to a society, includes any society which is in any way subordinate to any other society; (Added 28 of 1961 s. 2. Amended 118 of 1997 s. 3)

"connection" (聯繫), in relation to a society or a branch, that is a political body, includes the following circumstances-

- (a) if the society or the branch solicits or accepts financial contributions, financial sponsorships or financial support of any kind or loans, directly or indirectly, from a foreign political organization or a political organization of Taiwan;
- (b) if the society or the branch is affiliated directly or indirectly with a foreign political organization or a political organization of Taiwan;
- (c) if the society's or the branch's policies or any of them are determined directly or indirectly by a foreign political organization or a political organization of Taiwan; or
- (d) if a foreign political organization or a political organization of Taiwan directs, dictates, controls or participates, directly or indirectly, in the decision making process of the society or the branch; (Added 118 of 1997 s. 3)

"election" (選舉) means-

- (a) a general election or a by-election to elect members of the Legislative Council; or
- (b) an ordinary election or a by-election to elect members of a District Council; (Added 118 of 1997 s. 3. Amended 8 of 1999 s. 89; 48 of 1999 s. 48; 78 of 1999 s. 7)

"exempted society" (獲豁免社團) means a society exempted by the Societies Officer from registration under this Ordinance; (Added 118 of 1997 s. 3)

"foreign political organization" (外國政治性組織) includes-

- (a) a government of a foreign country or a political subdivision of a government of a foreign country;

- (b) an agent of a government of a foreign country or an agent of a political subdivision of the government of a foreign country; or
- (c) a political party in a foreign country or its agent; (Added 118 of 1997 s. 3. Amended 23 of 1998 s. 2)

"local society" (本地社團) means any society organized and established in Hong Kong or having its headquarters or chief place of business in Hong Kong, and includes any society deemed to be established in Hong Kong by virtue of section 2(2B) or 4; (Amended 36 of 1982 s. 2; 30 of 1988 s. 4; 75 of 1992 s. 3; 118 of 1997 s. 3)

"office-bearer" (幹事) of a society means any person who is the president, or vice-president, or secretary or treasurer of such society or any branch thereof, or who is a member of the committee or governing body of such society or any branch thereof, or who holds in such society or any branch thereof any office or position analogous to any of those mentioned above or in the case of a triad society, any person holding any rank or office in the triad society other than that of any ordinary member; (Amended 31 of 1957 s. 2; 28 of 1961 s. 2)

"performance of functions" (履行職能) includes the exercise of powers and the performance of duties; (Added 75 of 1992 s. 3)

"political body" (政治性團體) means-

- (a) a political party or an organization that purports to be a political party; or
- (b) an organization whose principal function or main object is to promote or prepare a candidate for an election; (Added 118 of 1997 s. 3)

"political organization of Taiwan" (台灣政治性組織) includes-

- (a) the administration of Taiwan or a political subdivision of the administration;
- (b) an agent of the administration of Taiwan or an agent of a political subdivision of the administration; or
- (c) a political party in Taiwan or its agent; (Added 118 of 1997 s. 3)

"Secretariat" (秘書處) means the Triad Renunciation Secretariat established by section 26BA; (Added 12 of 1991 s. 2)

"Societies Officer" (社團事務主任) means the Societies Officer and any Assistant Societies Officer appointed in accordance with the provisions of section 3; (Added 75 of 1992 s. 3)

"society" (社團) means any club, company, partnership or association of persons, whatever the nature or objects, to which the provisions of this Ordinance apply; (Replaced 28 of 1961 s. 2)

"specified form" (指明的表格) means a form specified by the Societies Officer; (Added 118 of 1997 s. 3)

"triad ritual" (三合會儀式) means any ritual commonly used by triad societies, any ritual closely resembling any such ritual and any part of any such ritual; (Added 28 of 1961 s. 2)

"Tribunal" (審裁處) means the Triad Renunciation Tribunal established by section 26A. (Added 58 of 1988 s. 2)

(2) The provisions of this Ordinance shall not apply to any person listed in the Schedule. (Added 28 of 1961 s. 2. Amended 36 of 1982 s. 2; 75 of 1992 s. 3)

(2A) (Repealed 75 of 1992 s. 3)

(2B) This Ordinance applies to a society to which it otherwise would not apply under the Schedule by its being registered under the Business Registration Ordinance (Cap 310) if the Societies Officer gives written notice to the society that he is of the opinion that the society is not used solely for religious, charitable, social or recreational purposes. The society is taken to be established in Hong Kong on the date on which the notice is given. (Added 118 of 1997 s. 3)

(3) The Chief Executive in Council may by order amend the Schedule. (Added 28 of 1961 s. 2. Amended 13 of 1999 s. 3)

(4) In this Ordinance the expressions "public safety", "public order (ordre public)" and "the protection of rights and freedoms of others" are interpreted in the same way as under the International Covenant on Civil and Political Rights as applied to Hong Kong. "national security" (國家安全) means

the safeguarding of the territorial integrity and the independence of the People's Republic of China.
(Replaced 118 of 1997 s. 3)

(Amended 75 of 1992 s. 3)

Chapter: 151 Title: SOCIETIES ORDINANCE Gazette Number: 118 of 1997 s. 10

Section: 14A Heading: **Removing a society from the list** Version Date: 01/07/1997

(1) (Repealed 118 of 1997 s. 10)

(2) Where a registered society or an exempted society has subsequently become a person listed in the Schedule, the Societies Officer may, upon application in writing by the society, remove the society from the list kept under section 11.

(3) Where an order prohibiting the operation or continued operation of a society or a branch has been published in the Gazette under section 8(2), the Societies Officer shall, as soon as practicable after the order comes into effect, remove the society or the branch from the list kept under section 11 but where subsequently, the order is revoked pursuant to an appeal under section 8(7), the Societies Officer shall as soon as practicable restore the society or the branch to the list.

(Added 75 of 1992 s. 7. Amended 118 of 1997 s. 10)

Chapter: 151 Title: SOCIETIES ORDINANCE Gazette Number:

Section: 21 Heading: **Persons allowing unlawful society on premises** Version Date: 30/06/1997

(1) Save as is proved in subsection (2), any person who knowingly allows a meeting of an unlawful society, or of members of an unlawful society, to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and shall be liable on conviction on indictment in the case of a first conviction for that offence, to a fine of \$50000 and to imprisonment for 12 months and in the case of a second or subsequent conviction for that offence, to a fine of \$100000 and to imprisonment for 2 years.

(2) Any person who knowingly allows a meeting of a triad society, or of members of a triad society, to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and shall be liable on conviction on indictment in the case of a first conviction for that offence, to a fine of \$100000 and to imprisonment for 3 years and in the case of a second or subsequent conviction for that offence, to a fine of \$200000 and to imprisonment for 5 years.

(Replaced 75 of 1992 s. 14)

Chapter: 151 Title: SOCIETIES ORDINANCE Gazette Number:
Section: 22 Heading: **Penalty for inciting, etc., a person to become a member of an unlawful society** Version Date: 30/06/1997

(1) Save as is provided in subsection (2), any person who incites, induces or invites another person to become a member of or assist in the management of an unlawful society and any person who uses any violence, threat or intimidation towards any other person in order to induce him to become a member or to assist in the management of an unlawful society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$50000 and to imprisonment for 2 years.

(2) Any person who incites, induces or invites another person to become a member of or assist in the management of a triad society and any person who uses any violence, threat or intimidation towards any other person in order to induce him to become a member or to assist in the management of a triad society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$250000 and to imprisonment for 5 years.

(Replaced 75 of 1992 s. 15)

Chapter: 151 Title: SOCIETIES ORDINANCE Gazette Number:
Section: 23 Heading: **Penalty for procuring subscription or aid for an unlawful society** Version Date: 30/06/1997

(1) Save as is provided in subsection (2), any person who procures or attempts to procure from any other person any subscription or aid for the purposes of an unlawful society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$50000 and to imprisonment for 2 years.

(2) Any person who procures or attempts to procure from any other person any subscription or aid for the purposes of a triad society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$250000 and to imprisonment for 5 years.

(Replaced 75 of 1992 s. 16)

Chapter:	151	Title:	SOCIETIES ORDINANCE	Gazette Number:	L.N. 90 of 2001
Schedule:		Heading:	SCHEDULE	Version Date:	01/06/2001

[section 2]

PERSONS TO WHICH THE ORDINANCE DOES NOT APPLY

- (1) Any company registered under the Companies Ordinance (Cap 32).
- (2) Any co-operative society registered under the Co-operative Societies Ordinance (Cap 33).
- (3) Any trade union or any trade union federation registered under the Trade Unions Ordinance (Cap 332). (Replaced L.N. 59 of 1964)
- (4) (a) An association the affairs of which are conducted wholly or partly in any school premises and which consists wholly or mainly of persons under the age of 21 years who are undergoing primary education or secondary education in any school.
(b) For the purposes of this item, "primary education" (小學教育), "school" (學校), "school premises" (校舍) and "secondary education" (中學教育) have the meanings assigned to them by section 3 of the Education Ordinance (Cap 279). (Replaced 8 of 2001 s. 30)
- (5) Any company or association constituted pursuant to or under any Ordinance or other legislation applicable to Hong Kong. (Replaced 13 of 1999 s. 3)
- (5A) Any company or association which was, immediately before the commencement of the Adaptation of Laws (No. 3) Ordinance 1999 (13 of 1999), a company or association constituted under Royal Charter, Royal Letters Patent or any Imperial Act and was, immediately before that commencement, a local society. (Added 13 of 1999 s. 3)
- (6) Any company, association or partnership formed for the sole purpose of carrying on any lawful business and registered under any other Ordinance. (Amended 71 of 1988 s. 2)
- (7) (Repealed 75 of 1992 s. 32)
- (8) Any Chinese temple registered under the Chinese Temples Ordinance (Cap 153).
- (9) Any credit union registered under the Credit Unions Ordinance (Cap 119). (Added L.N. 41 of 1970)
- (10) Any corporation registered under the Building Management Ordinance (Cap 344). (Added L.N. 107 of 1973. Amended 27 of 1993 s. 48)
- (11) Any association of owners or occupiers of premises which is approved for the purposes of this Ordinance by the Secretary for Home Affairs by notice in writing. (Added L.N. 107 of 1973. Amended L.N. 94 of 1974; L.N. 17 of 1982; L.N. 14 of 1983; L.N. 18 of 1983; L.N. 262 of 1989)
- (12) Any association or group of persons which-
 - (a) is formed for the sole purpose of recreation or training;
 - (b) conducts its activities wholly or largely in a Community or Youth Centre; and
 - (c) was formed with and continues to have the approval of the Director of Social Welfare. (Added L.N. 114 of 1974)
- (13) Any association of which-
 - (a) one or more of the directors, trustees or other office holders; or
 - (b) the committee or board or other body having the management of the association, is or are incorporated by any Ordinance. (Added L.N. 93 of 1975)
- (14) The operator of, and participants in, any chit fund, as defined in section 2 of the Chit-Fund Businesses (Prohibition) Ordinance (Cap 262), which complies with section 5(2) of that Ordinance. (Added L.N. 225 of 1975)
- (15) (Repealed 75 of 1992 s. 32)
- (16) An unincorporated trust-

- (a) of a public character established solely for charitable purposes; or
- (b) established solely for the purpose of engaging in a retirement scheme approved under section 87A of the Inland Revenue Ordinance (Cap 112). (Added 75 of 1992 s. 32)
(Added 28 of 1961 s. 19)

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	3	Heading:	Treasonable offences	Version Date:	30/06/1997

- (1) Any person who forms an intention to effect any of the following purposes, that is to say-
- (a) to depose Her Majesty from the style, honour and royal name of the Crown of the United Kingdom or of any other of Her Majesty's dominions;
 - (b) to levy war against Her Majesty within the United Kingdom or any British territory in order by force or constraint to compel Her Majesty to change Her measures or counsels, or in order to put any force or constraint upon, or to intimidate or overawe, Parliament or the legislature of any British territory; or
 - (c) to instigate any foreigner with force to invade the United Kingdom or any British territory, and manifests such intention by an overt act or by publishing any printing or writing, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life. [cf. 1848 c. 12 s. 3 U.K.]
- (2) It shall be no defence to a charge under this section that any act proved against the person charged amounts to treason under section 2; but no person convicted or acquitted of an offence under this section shall afterwards be prosecuted for treason under section 2 upon the same facts. [cf. 1848 c. 12 s. 7 U.K.]

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	4	Heading:	Limitations as to trial for treason, etc.	Version Date:	30/06/1997

- (1) A person shall not be prosecuted for any offence under section 2 or 3 unless the prosecution is commenced within 3 years after the offence is committed. [cf. 1695 c. 3 s. 6 U.K.]
- (2) This section does not apply to cases in which the overt act alleged is the killing of Her Majesty, or a direct attempt to endanger the life of Her Majesty. [cf. 1800 c. 93 s. 1 U.K.]
- (3) The procedure on trials for treason or misprision of treason shall be the same as the procedure on trials for murder. [cf. 1967 c. 58 s. 12(6) U.K.]

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	5	Heading:	Assaults on the Queen	Version Date:	30/06/1997

Any person who wilfully-

- (a) produces or has near Her Majesty any arms or destructive or dangerous thing with intent to use the same to injure Her Majesty;
- (b) with intent to alarm or to injure Her Majesty, or to provoke a breach of the peace or whereby a breach of the peace is likely to be caused-
 - (i) discharges, or points, aims or presents any arms at or near Her Majesty;
 - (ii) causes any explosive substance to explode near Her Majesty;
 - (iii) assaults Her Majesty; or
 - (iv) throws anything at or upon Her Majesty,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 7 years.
[cf. 1842 c. 51 s. 2 U.K.]

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	9	Heading:	Seditious intention	Version Date:	30/06/1997

(1) A seditious intention is an intention-

- (a) to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, or Her Heirs or Successors, or against the Government of Hong Kong, or the government of any other part of Her Majesty's dominions or of any territory under Her Majesty's protection as by law established; (Replaced 28 of 1938 s. 2)
- (b) to excite Her Majesty's subjects or inhabitants of Hong Kong to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Hong Kong as by law established; or
- (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Hong Kong; or
- (d) to raise discontent or disaffection amongst Her Majesty's subjects or inhabitants of Hong Kong; or
- (e) to promote feelings of ill-will and enmity between different classes of the population of Hong Kong; or
- (f) to incite persons to violence; or (Added 30 of 1970 s. 2)
- (g) to counsel disobedience to law or to any lawful order. (Added 30 of 1970 s. 2)

(2) An act, speech or publication is not seditious by reason only that it intends- (Amended 28 of 1938 s. 2)

- (a) to show that Her Majesty has been misled or mistaken in any of Her measures; or
- (b) to point out errors or defects in the government or constitution of Hong Kong as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or
- (c) to persuade Her Majesty's subjects or inhabitants of Hong Kong to attempt to procure by

- lawful means the alteration of any matter in Hong Kong as by law established; or
- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Hong Kong. (Amended 28 of 1938 s. 2)
- (3) (Repealed 74 of 1992 s. 2)

(13 of 1938 s. 3 incorporated)

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	10	Heading:	Offences	Version Date:	30/06/1997

- (1) Any person who-
- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention; or
 - (b) utters any seditious words; or
 - (c) prints, publishes, sells, offers for sale, distributes, displays or reproduces any seditious publication; or
 - (d) imports any seditious publication, unless he has no reason to believe that it is seditious,
- shall be guilty of an offence and shall be liable for a first offence to a fine of \$5000 and to imprisonment for 2 years, and for a subsequent offence to imprisonment for 3 years; and any seditious publication shall be forfeited to the Crown. (13 of 1938 s. 4 incorporated. Amended 22 of 1950 Schedule; 30 of 1970 s. 3)
- (2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and shall be liable for a first offence to a fine of \$2000 and to imprisonment for 1 year, and for a subsequent offence to imprisonment for 2 years; and such publication shall be forfeited to the Crown. (13 of 1938 s. 4 incorporated. Amended 22 of 1950 Schedule)
- (3) Where any person has been convicted of an offence under subsection (1) or (2) in respect of any seditious publication, the court may order the seizure and forfeiture of any copies of the seditious publication in the possession of-
- (a) the person convicted; or
 - (b) any other person named in the order, if the court is satisfied by evidence on oath that the copies are in the possession of the other person for the use of the person convicted. (60 of 1971 s. 19 incorporated) [cf. 1819 c. 8 ss. 1 & 2 U.K.]
- (4) Any copies seized under subsection (3) shall be disposed of as the court may direct; but no copies shall be destroyed until the expiration of the period within which an appeal may be lodged or, if an appeal is lodged, until the appeal has been finally determined or abandoned. (60 of 1971 s. 19 incorporated)
- (5) In this section-
- "seditious publication" (煽動刊物) means a publication having a seditious intention;
- "seditious words" (煽動文字) means words having a seditious intention. (13 of 1938 s. 2 incorporated)

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	11	Heading:	Legal proceedings	Version Date:	30/06/1997

(1) No prosecution for an offence under section 10 shall be begun except within 6 months after the offence is committed.

(2) No prosecution for an offence under section 10 shall be instituted without the written consent of the Attorney General.

(13 of 1938 s. 5 incorporated)

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	14	Heading:	Power to remove seditious publications	Version Date:	30/06/1997

(1) Any police officer or public officer may-

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

and remove therefrom or obliterate any seditious publication.

(2) Any police officer or public officer may-

- (a) break open any outer or inner door of any premises or place which he is empowered by this section to enter;
- (b) remove by force any person or thing obstructing any removal or obliteration which he is empowered by this section to make;
- (c) detain any vehicle, tramcar, train or vessel until any seditious publication has been removed or obliterated therefrom;
- (d) remove any person from any vehicle, tramcar, train or vessel while any seditious publication is removed or obliterated.

(3) Notwithstanding anything contained in subsection (1)(a), the powers conferred thereby shall, if the seditious publication is not visible from a public place, only be exercised-

- (a) with the prior permission of the occupier of the premises or place; or
- (b) under and in accordance with a warrant issued by a magistrate for such purpose.

(30 of 1970 s. 4 incorporated)

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	15	Heading:	Unlawful oaths to commit capital offences	Version Date:	30/06/1997

Any person who-

- (a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to commit an offence of murder, treason or piracy with violence; (Amended 24 of 1993 s. 3)
 - (b) takes any such oath or engagement, not being compelled to do so,
- shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.
[cf. 1812 c. 104 ss. 1 & 6 U.K.]

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	16	Heading:	Other unlawful oaths to commit offences	Version Date:	30/06/1997

Any person who-

- (a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the following ways, that is to say-
 - (i) to engage in any mutinous or seditious enterprise;
 - (ii) to commit any offence not punishable with death;
 - (iii) to provoke a breach of the peace;
 - (iv) to be of any association or society, formed for the purpose of doing any act mentioned in subparagraph (i), (ii) or (iii);
 - (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
 - (vi) not to inform or give evidence against any associate or other person;
 - (vii) not to reveal or discover any unlawful association or society or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or
 - (b) takes any such oath or engagement, not being compelled to do so,
- shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 7 years.
[cf. 1797 c. 123 ss. 1 & 5 U.K.]

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:	
Section:	17	Heading:	Compulsion in taking unlawful oaths	Version Date:	30/06/1997

It shall be no defence to a charge under section 15 or 16 that the person charged was compelled to take any oath or engagement mentioned therein, unless-

- (a) within 14 days after taking it; or

(b) if prevented by actual force or sickness, within 14 days after the termination of such prevention,
the person charged declares-

- (i) by information on oath before a magistrate; or
- (ii) if he is on actual service in Her Majesty's forces, either by such information or by informing his commanding officer,

of all he knows concerning the matter, including any person by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

[cf. 1797 c. 123 s. 2 U.K.; 1812 c. 104 s. 2 U.K.]

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:
Section:	12	Heading:	Evidence	Version Date: 30/06/1997

No person shall be convicted for an offence under section 10 on the uncorroborated testimony of one witness.

(13 of 1938 s. 6 incorporated)

Chapter:	200	Title:	CRIMES ORDINANCE	Gazette Number:
Section:	13	Heading:	Search warrant	Version Date: 30/06/1997

If a magistrate is satisfied by information on oath that there is reasonable cause to believe that an offence under section 10 has been or is about to be committed he may grant a search warrant authorizing any police officer to enter any premises or place named in the warrant, with such assistance as may be necessary, and if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place which the officer has reasonable ground for suspecting to be evidence of an offence under section 10.

(13 of 1938 s. 7 incorporated)

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	L.N. 362 of 1997; 25 of 1998
Section:	9	Heading:	Rules and orders as to practice and procedure	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2

(1) Rules and orders regulating the practice and procedure under this Ordinance shall be made by the Criminal Procedure Rules Committee, which shall consist of-

- (a) the Chief Justice, who shall be chairman;
- (b) a Justice of Appeal appointed by the Chief Justice;
- (c) a judge of the Court of First Instance appointed by the Chief Justice; (Amended 25 of 1998 s. 2)
- (d) the Secretary for Justice or a legal officer nominated by him; (Amended L.N. 362 of 1997)
- (e) the Director of Legal Aid or a legal aid officer nominated by him;
- (f) a barrister nominated by the Hong Kong Bar Association;
- (g) a solicitor nominated by The Law Society of Hong Kong;
- (h) the Registrar, or a Deputy Registrar appointed by the Chief Justice, who shall be secretary. (Replaced 13 of 1995 s. 23)

(1A) Rules and orders made by the Rules Committee shall not have effect until approved by the Legislative Council and published in the Gazette. (Added 13 of 1995 s. 23)

(2) Such rules and orders may provide for the times for or within which documents must be filed or notices given, the duties of the various officers of the court, the manner in which cases and arguments are to be presented, and generally for the better carrying out of the provisions of this Ordinance. (Amended 24 of 1950 Schedule; 15 of 1969 s. 2; 13 of 1995 s. 23)

(3) Subject to the provisions of this Ordinance and to such rules and orders and any other enactment (including any enactment relating to juries) applicable thereto, the practice and procedure in all criminal causes and matters (including trials for treason or misprision of treason) shall be, as nearly as possible, the same as the practice and procedure from time to time and for the time being in force for similar cases in England.

(4) The Rules Committee may, by notice in the Gazette, specify forms for use under this Ordinance, and such forms shall be adhered to with such variations and additions as may be necessary. (Added 13 of 1995 s. 23)

(Replaced 5 of 1933 s. 2)

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	
Section:	9G	Heading:	An accused person may be refused bail in particular circumstances	Version Date:	30/06/1997

(1) The court need not admit an accused person to bail if it appears to the court that there are substantial grounds for believing, whether or not an admission were to be subject to conditions under section 9D(2), that the accused person would-

- (a) fail to surrender to custody as the court may appoint; or
 - (b) commit an offence while on bail; or
 - (c) interfere with a witness or pervert or obstruct the course of justice.
- (2) The court in forming an opinion under subsection (1) may have regard to-
- (a) the nature and seriousness of the alleged offence and, in the event of conviction, the manner in which the accused person is likely to be dealt with;
 - (b) the behaviour, demeanour and conduct of the accused person;
 - (c) the background, associations, employment, occupation, home environment, community ties and financial position of the accused person;
 - (d) the health, physical and mental condition and age of the accused person;
 - (e) the history of any previous admissions to bail of the accused person;
 - (f) the character, antecedents and previous convictions, if any, of the accused person;
 - (g) the nature and weight of the evidence of the commission of the alleged offence by the accused person;
 - (h) any other thing that appears to the court to be relevant.

(3) An accused person need not be admitted to bail if it appears to the court that he should be detained in custody for-

- (a) if he has attained the age of 18 years, his own protection; or
 - (b) if he has not attained the age of 18 years, his own protection, safety or welfare; or
 - (c) the purpose of further inquiry relating to the determining of the question of whether he should be admitted to bail.
- (4) An accused person need not be admitted to bail if-
- (a) he is detained in custody-
 - (i) under a sentence of any court; or
 - (ii) for or in connection with a charge of failing to surrender to custody under section 9L; or
 - (b) the court is satisfied that-
 - (i) he has previously failed to comply with any condition of bail imposed under section 9D; or
 - (ii) any other court dealing with him in the same proceedings is or has been so satisfied.

(5) An accused person need not be admitted to bail if he is the subject of a hospital order for the time being in force.

(6) An accused person need not be admitted to bail if he is the subject of an order made under section 109B (suspended sentence) for the time being in force and he is before the court under section 109D or 109E.

(7) An accused person need not be admitted to bail if he is the subject of a deportation order for the time being in force made under section 20 of the Immigration Ordinance (Cap 115).

(8) An accused person need not be admitted to bail if he is before the court under section 5 or 6 of the Probation of Offenders Ordinance (Cap 298) (breach of probation order; or commission of further offence).

(9) An accused person need not be admitted to bail if he is before the court under section 8 or 9 of

the Community Service Orders Ordinance (Cap 378) (breach of community service order; or commission of further offence).

(10) An accused person charged with-

(a) murder; or

(b) treason under section 2 of the Crimes Ordinance (Cap 200),

shall be admitted to bail only upon the order of a judge.

(11) If at any hearing the court refuses to admit an accused person to bail the court shall, at each subsequent hearing while the accused remains in custody, consider the question of whether or not he ought to be admitted to bail and-

(a) on the first occasion after that upon which the court first refused to so admit, the court shall hear any argument as to fact or law put to it in support of his admission to bail, whether or not it has previously heard that argument;

(b) on the second or any subsequent occasion after that upon which the court first refused to so admit, the court need not hear any argument as to fact or law put to it in support of his admission to bail, if it has previously heard that argument.

(Added 56 of 1994 s. 2)

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	L.N. 362 of 1997
Section:	10A	Heading:	Service of documents in transferred proceedings	Version Date:	01/07/1997

(1) Where pursuant to an order for transfer made under section 77A of the District Court Ordinance (Cap 336) (in this section referred to as an "order of transfer") any proceedings stand transferred to the court for trial under subsection (6) of that section and where the Secretary for Justice has instituted proceedings pursuant to section 14(1)(aa), he shall, not more than 21 days after an indictment is preferred against the accused person, but subject to subsection (2), deliver to the Registrar and, unless they have already been served, serve on the accused person- (Amended L.N. 362 of 1997)

- (a) a copy of the indictment;
- (b) copies of the statements of those witnesses whom the prosecution intends to call at the trial;
- (c) copies of all documentary exhibits; and
- (d) a list of the exhibits.

(2) Where the Secretary for Justice considers that it will not be practicable to comply with the requirements in subsection (1) within the period specified in that subsection, he may apply- (Amended L.N. 362 of 1997)

- (a) upon the making of the order of transfer, to the District Court judge who makes the order; or
 - (b) at least 21 days before the date fixed for trial, to a judge,
- for an extension of that period, and the District Court judge or the judge, as the case may be, may, if he is satisfied that the accused person is not prejudiced thereby, grant such extension as he considers reasonable.

(3) A statement of a witness referred to in subsection (1)(b) shall-

- (a) be signed by the person making it;
- (b) contain a declaration by the witness to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that wilfully making a statement which he knows to be false or does not believe to be true may render him liable for a criminal prosecution;
- (c) if in a language other than English, be accompanied by an English translation and, if in a language other than Chinese, by a Chinese translation;
- (d) if made by a person under 21, give his age; and
- (e) purport to have been read over to the person who made the statement in the language used by that person in making the statement or to have been read by that person.

(4) A documentary exhibit referred to in subsection (1)(c) shall, if written in a language other than English, be accompanied by an English translation certified under section 27 of the Evidence Ordinance (Cap 8) and, if written in a language other than Chinese, be accompanied by a Chinese translation, unless on an application made in the District Court the District Judge or, on an application made in the court, the judge, directs otherwise on cause shown.

(5) An exhibit which is mentioned in a list of exhibits referred to in subsection (1)(d) shall be clearly identified in a statement of a witness referred to in subsection (1)(b) and the accused person or his counsel or solicitor shall be given reasonable opportunity to examine such exhibit.

(6) Failure to comply with any requirement in subsection (3), (4) or (5) shall not render the service of any documents under subsection (1) or (2) ineffective unless the judge is satisfied that the accused person is prejudiced by such failure.

(Added 59 of 1992 s. 3)

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	
Section:	14A	Heading:	*Trial of offences	Version	30/06/1997
				Date:	

- (1) Where any provision in any Ordinance creates, or results in the creation of, an offence, the offence shall be triable summarily only, unless-
- (a) the offence is declared to be treason;
 - (b) the words "upon indictment" or "on indictment" appear; or (Amended L.N. 54 of 1989)
 - (c) (Repealed 50 of 1991 s. 4(1))
 - (d) the offence is transferred to the District Court in accordance with Part IV of the Magistrates Ordinance (Cap 227). (Added 16 of 1970 Schedule)
- (2) Where any provision in any Ordinance creates, or results in the creation of, an offence and-
- (a) the offence is declared to be treason; or
 - (b) subject to subsection (4), the words "upon indictment" or "on indictment" appear,
- the offence shall be triable only upon indictment.
- (3) (Repealed 50 of 1991 s. 4(1))
- (4) Where any provision in any Ordinance creates, or results in the creation of, an offence and the offence is declared to be triable either summarily or upon indictment or to be punishable on summary conviction or on indictment, the offence shall be triable either on indictment or summarily.
- (5) Nothing in this section shall affect-
- (a) the powers conferred upon a magistrate by the Magistrates Ordinance (Cap 227) or by any other law to try an indictable offence summarily; or
 - (b) the powers conferred upon the District Court by any law to try indictable offences.
(Amended 50 of 1991 s. 4(1))

* This provision previously appeared in s. 89 of Cap 1. By virtue of 89 of 1993 s. 27, it was re-enacted as s. 14A of this Ordinance.

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	
Section:	51	Heading:	Trial of offences	Version	30/06/1997
				Date:	

- (1) If a person is arraigned on an indictment-
- (a) he shall in all cases be entitled to make a plea of not guilty in addition to any special plea;
 - (b) he may plead not guilty to the offence specifically charged in the indictment but guilty to another offence of which he might be found guilty on that indictment;
 - (c) if he stands mute of malice, or will not answer directly to the indictment, the court may order a plea of not guilty to be entered on his behalf, and he shall then be treated as having pleaded not guilty. (Amended 24 of 1993 s. 8)
- (2) If on the trial of any information, charge or indictment for any offence other than treason it is proved that the accused is not guilty of that offence but the allegations in the information, charge or

indictment amount to or include, whether expressly or by implication, an allegation of another offence falling within the jurisdiction of the court of trial, he may be found guilty of that other offence or of an offence of which he could be found guilty on an information, charge or indictment specifically charging that other offence.

(3) For the purposes of subsection (2) any allegation of an offence shall be taken as including an allegation of attempting to commit that offence; and where a person is charged with attempting to commit an offence or with any assault or other act preliminary to an offence but not with the completed offence, then he may be convicted of the offence charged notwithstanding that he is shown to be guilty of the completed offence.

(4) Where a person arraigned on an indictment pleads not guilty of an offence charged in the indictment but guilty of some other offence of which he might be found guilty on that charge, and he is convicted on that plea of guilty without trial for the offence of which he has pleaded not guilty then, whether or not the 2 offences are separately charged in distinct counts, his conviction of the one offence shall be an acquittal of the other.

(5) Any power to bring proceedings for an offence by criminal information is abolished.

(6) Subsections (1) and (2) shall apply to an indictment containing more than one count as if each count were a separate indictment.

(7) In subsection (2), "court of trial" (主審法院) includes the District Court and a magistrate.
(Added 34 of 1972 s. 8)

(Replaced 5 of 1971 s. 5)
[cf. 1967 c. 58 s. 6 U.K.]

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	L.N. 362 of 1997
Section:	65F	Heading:	Transfer of proceedings	Version Date:	01/07/1997

Transfer of proceedings

(1) Where an indictment is preferred against an accused person and before he is arraigned, the Secretary for Justice may apply to the court for an order that the proceedings against the accused person be transferred before a magistrate to be dealt with summarily or to be transferred to the District Court.
(Amended L.N. 440 of 1993; L.N. 362 of 1997)

(2) Any application under subsection (1) shall be made to a judge by way of motion, notice of which shall be supported by an affidavit showing the grounds on which the application is made.

(3) A copy of the notice of motion and the affidavit shall be served on the accused person not less than 21 days before the date named in the notice for hearing the motion, unless the judge otherwise directs.

(4) On an application being made under subsection (1), the judge may, if he considers it fit having regard to the interests of justice, make an order allowing the application (in this section and section 65G referred to as an "order of transfer"), or refuse the application and may in either case make such order as to costs as he considers appropriate.

(5) Where an order of transfer is made the judge shall appoint a date on which the accused person is required to appear or be brought before a magistrate or the District Court as may be applicable.

(6) The date appointed under subsection (5) shall not be earlier than 21 days from the date of the order of transfer.

(7) (a) Upon making an order of transfer to the District Court, the judge shall say to the accused person-

"I must warn you that at your trial you may not be permitted to give evidence of an alibi or call witnesses in support of an alibi unless you have earlier given particulars of the alibi and of the witnesses. You may give those particulars now to this court or to the prosecutor not less than 10 days prior to the commencement of your trial.",

or words to that effect and if it appears to the judge that the accused person may not understand the meaning of the word "alibi", he shall explain it to him. (Amended 13 of 1995 s. 49)

- (b) If the accused person is not present in court upon the making of an order to transfer to the District Court the clerk of the court shall forward to the accused person by registered post written notice, in the English and Chinese languages, of the warning required by paragraph (a). (Added 13 of 1995 s. 49)

(8) Where the judge has given the warning required by subsection (7)(a) or the clerk of the court has forwarded to the accused person written notice under subsection (7)(b), the clerk of the court shall give the accused person written notice of the provisions of section 75A of the District Court Ordinance (Cap 336). (Amended 13 of 1995 s. 49)

(8A) The written notices required by subsections (7) and (8) shall be sent to the accused person not less than 28 days before the date set for trial. (Added 13 of 1995 s. 49)

(9) Where an application is made under subsection (1), the entire proceedings before the court shall be stayed until the application is disposed of unless the judge otherwise orders in respect of any matter.

(10) At the time of making an order of transfer, the judge may remand the accused person in custody or on bail as he may consider appropriate.

(11) Unless the judge otherwise orders in respect of any matter, an order of transfer shall operate to terminate the proceedings before the court.

(12) An order of transfer shall not be subject to appeal.

(13) This section shall not apply in relation to any proceedings which stand transferred to the court pursuant to section 77A of the District Court Ordinance (Cap 336).

(14) Where apart from this subsection the court does not have jurisdiction to hear and determine an application made under subsection (1), this subsection shall confer such jurisdiction.

(Added 59 of 1992 s. 8)

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	L.N. 362 of 1997
Section:	91	Heading:	Penalties for concealing offences	Version Date:	01/07/1997

(1) If a person has committed an arrestable offence, any other person who, knowing or believing that the offence or some other arrestable offence has been committed, and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or agrees to accept for not disclosing that information any consideration shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 2 years.

(2) If a person causes any wasteful employment of the police by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any person or property, or tending to show that he has information material to any police inquiry he shall be guilty of an offence and shall be liable on conviction to a fine of \$2000 and to imprisonment for 6 months.

(3) No prosecution shall be instituted for an offence under subsection (1) except with the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)

(4) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

(5) (Repealed 50 of 1991 s. 4)

(Replaced 5 of 1971 s. 7)
[cf. 1967 c. 58 s. 5 U.K.]

Chapter:	221	Title:	CRIMINAL PROCEDURE ORDINANCE	Gazette Number:	
Section:	100	Heading:	Abolition of presumption of coercion of married woman by husband	Version Date:	30/06/1997

Coercion by husband

Any presumption of law that an offence committed by a wife in the presence of her husband is committed under the coercion of the husband is hereby abolished, but on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

(Added 17 of 1930 s. 9)
[cf. 1925 c. 86 s. 47 U.K.]

Chapter:	221D	Title:	LEGAL AID IN CRIMINAL CASES RULES	Gazette Number:	79 of 1995 s. 50
Rule:	13	Heading:	Legal aid in capital cases	Version Date:	01/07/1997

- (1) Notwithstanding anything contained in this Part, where a person-
 - (a) is committed for trial upon a charge of murder, treason or piracy with violence;
 - (b) is convicted of a charge of murder, treason or piracy with violence and proposes to appeal therefrom; or
 - (c) wishes to oppose an appeal to, or an application for leave to appeal to, the Court of Final Appeal in proceedings involving a charge of murder, treason or piracy with violence, (L.N. 122 of 1982; 79 of 1995 s. 50)

the Director may, having considered the financial resources of the accused person or appellant, grant him a legal aid certificate or an appeal aid certificate, as the case may require, and shall do so if his financial resources do not exceed the relevant amounts specified in rule 4. (L.N. 199 of 1992; L.N. 182 of 1993)

- (2) The powers of the Director under sub-paragraphs (a) and (b) of paragraph (1) may be exercised by a judge or, in the case of an appeal to the Court of Appeal, by the court or a judge thereof, and the court or judge, if it or he thinks fit, may by order exempt the accused person or appellant from the requirements of Part III. (L.N. 122 of 1982)

(3) Upon granting a legal aid certificate or an appeal aid certificate under this rule, the Court of Appeal, the judge or the Director shall assign a solicitor and 1 or 2 counsel, one of whom may be leading counsel, as it or he may think fit, to represent the accused person or appellant.

Chapter:	227	Title:	MAGISTRATES ORDINANCE	Gazette Number:	25 of 1998 s. 2
Schedule:	2	Heading:		Version Date:	01/07/1997

Remarks:
Amendments retroactively made-see 25 of 1998 s. 2

[sections 91 & 92]
(Amended 30 of 1958 s. 12)

PART I

1. Any offence which is punishable with death.
2. Any offence (except an offence against section 10 or 12 of the Theft Ordinance (Cap 210), or an offence against Part VIII of the Crimes Ordinance (Cap 200)) which is punishable with imprisonment for life. (Amended 30 of 1958 Schedule; 58 of 1967 s. 4; 21 of 1970 s. 35; 91 of 1970 s. 6; 48 of 1972 s. 4)
3. Any offence against section 21 or 22 of the Crimes Ordinance (Cap 200).
4. Misprision of treason.
5. Any offence against Part I or Part II of the Crimes Ordinance (Cap 200). (Amended 25 of 1998 s. 2)
6. Blasphemy and offences against religion.
7. Composing, printing or publishing blasphemous, seditious or defamatory libels, except as provided by section 16 of the Defamation Ordinance (Cap 21).
8. Genocide and any conspiracy or incitement to commit genocide. (Added 52 of 1969 s. 4)
9. Torture. (Added 11 of 1993 s. 9)

PART II

1. Perjury and subornation of perjury.
2. Making or suborning any other person to make a false oath punishable as perjury. (Amended 50 of 1991 s. 4)
3. Any offence against the provisions of the laws relating to bankrupts.

4. Bigamy.
5. Bribery. (Replaced 24 of 1950 Schedule)
6. (Repealed 48 of 1972 s. 4)
7. An offence against section 22(1) of the Theft Ordinance (Cap 210). (Replaced 21 of 1970 s. 35)

PART III

[section 88]

1. Any offence which is punishable with death.
2. Any offence which is punishable with imprisonment for life except an offence against section 37C, 37D, 37O or 37P of the Immigration Ordinance (Cap 115), an offence against section 53 or 123 of the Crimes Ordinance (Cap 200), an offence against Part VIII of the Crimes Ordinance (Cap 200), an offence against section 4 or 6 of the Dangerous Drugs Ordinance (Cap 134), an offence against section 10 or 12 of the Theft Ordinance (Cap 210), section 17, 28 or 29 of the Offences against the Person Ordinance (Cap 212) or section 16, 17 or 18 of the Firearms and Ammunition Ordinance (Cap 238). (Replaced 49 of 1965 s. 21. Amended L.N. 165 of 1967; 41 of 1968 s. 59; 21 of 1970 s. 35; 48 of 1972 s. 4; 25 of 1978 s. 6; 59 of 1980 s. 2; 68 of 1981 s. 56; 59 of 1984 s. 7; 52 of 1992 s. 11)
3. Any offence against section 21 or 22 of the Crimes Ordinance (Cap 200).
4. Misprision of treason.
5. Any offence against Part I or Part II of the Crimes Ordinance (Cap 200). (Amended 25 of 1998 s. 2)
6. Blasphemy and offences against religion.
7. Composing, printing or publishing blasphemous, seditious or defamatory libels.
8. Genocide and any conspiracy or incitement to commit genocide. (Added 52 of 1969 s. 4)
(Part III added 2 of 1953 s. 4)
(Second Schedule replaced 24 of 1949 Schedule)

Chapter:	279	Title:	EDUCATION ORDINANCE	Gazette Number:	118 OF 1997 s. 21
Section:	31	Heading:	Grounds for cancellation of registration of manager	Version Date:	01/07/1997

- (1) The Director may cancel the registration of a manager of a school-
 - (a) if the person has been an office-bearer, as defined in section 2 of the Societies Ordinance (Cap 151), of any society or a branch which has had its registration or exemption from registration cancelled under section 5D, or its operation or continued operation prohibited by the Secretary for Security under section 8 of that Ordinance; (Amended 118 of 1997 s. 21)
 - (b) on any ground specified in section 30(1)(a) to (e) which applies to the manager, whether or not such ground existed at the time when he was registered as a manager of the school;
 - (c) if it appears to the Director that the person-
 - (i) has ceased to be a manager;
 - (ii) cannot perform satisfactorily or is not performing satisfactorily the duties of a manager;
 - (d) if the person has contravened any provision of this Ordinance;
 - (e) if it appears to the Director that-
 - (i) any school of which the person is registered as a manager is not being managed satisfactorily;
 - (ii) in any school of which the person is registered as a manager, the education of the pupils is not being promoted in a proper manner; or
 - (iii) any pupil of a school of which the person is registered as a manager is not under proper supervision or control while on the school premises; or
 - (f) if the manager was so registered by reason of a special interest in the school which has subsequently ceased. (Replaced 42 of 1993 s. 15)
- (2) The Director shall cancel the registration of a manager of a school-
 - (a) if it appears to him that the manager is no longer acceptable as a manager of the school to the majority of the management committee; or
 - (b) at the written request of the manager.
- (3) (Repealed 42 of 1993 s. 15)

Chapter:	401	Title:	PENSION BENEFITS (JUDICIAL OFFICERS) ORDINANCE	Gazette Number:	26 of 1999
Section:	31	Heading:	Pension benefits may be cancelled, suspended or reduced on conviction, etc.	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 26 of 1999 s. 3

- (1) Where an officer to whom a pension has been granted-
 - (a) is convicted of an offence in connection with public service under the Government, and that offence is certified by the Chief Executive to have been gravely injurious to Hong Kong or to be liable to lead to serious loss of confidence in the public service; (Amended 26 of 1999 s. 3)
 - (b) is convicted of an offence under Part II of the Prevention of Bribery Ordinance (Cap 201), and that offence is related to the person's previous public service under the Government; or

(c) is convicted of treason under section 2 of the Crimes Ordinance (Cap 200), the pension may be cancelled, suspended or reduced.

(2) If after the retirement of an officer in circumstances in which he is eligible for pension benefits but before the pension benefits are granted he is convicted as specified in subsection (1), and sentenced, any pension benefits eventually granted to him may be cancelled, suspended or reduced.

(3) Where an officer is compulsorily retired in the exercise of disciplinary powers following a conviction of any offence referred to in subsection (1), the deferred pension which may be granted to him may be cancelled, suspended or reduced, or he may not be granted a deferred pension.

(4) For the purposes of subsections (1), (2) and (3), a designated officer may, subject to section 32, determine-

- (a) whether pension benefits shall be cancelled, suspended or reduced, or shall not be granted, as the case may be;
- (b) the date from which pension benefits shall be cancelled, suspended or reduced; and
- (c) in the case of a reduction in pension benefits, the amount of the reduction not exceeding 25% of the pension benefits.

(Enacted 1988)

Chapter:	455	Title:	ORGANIZED AND SERIOUS CRIMES ORDINANCE	Gazette Number:	25 of 1998 s. 2
Section:	5	Heading:	Authority for search	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

- (1) An authorized officer may, for the purpose of an investigation into-
 - (a) an organized crime;
 - (b) the proceeds of organized crime of any person who has committed or is suspected of having committed an organized crime;
 - (c) the proceeds of a specified offence of any person who has committed, or is suspected of having committed, that specified offence,

apply to the Court of First Instance or the District Court for a warrant under this section in relation to specified premises. (Amended 25 of 1998 s. 2)

(2) On such application the court may issue a warrant authorizing an authorized officer to enter and search the premises if it is satisfied-

- (a) that a requirement imposed under section 3(6) in relation to material on the premises has not been complied with; or
 - (b) that an order made under section 4 in relation to material on the premises has not been complied with; or
 - (c) that the conditions in subsection (3)(a), (c) and (d) or subsection (3)(b), (c) and (d) are fulfilled; or
 - (d) that the conditions in subsection (4)(a), (c) and (d) or subsection (4)(b), (c) and (d) are fulfilled.
- (3) The conditions referred to in subsection (2)(c) are-
 - (a) where the investigation is into an organized crime, that there are reasonable grounds for suspecting that the organized crime has been committed;
 - (b) where the investigation is into the proceeds of organized crime or a specified offence of a person-

- (i) that the person has committed an organized crime or that specified offence, or that there are reasonable grounds for suspecting that he has committed an organized crime or that specified offence; and
 - (ii) that there are reasonable grounds for suspecting that the person has benefited from organized crime or that specified offence;
 - (c) that the conditions in section 4(4)(c) and (d) are fulfilled in relation to any material on the premises;
 - (d) that it would not be appropriate to make an order under that section in relation to the material because-
 - (i) it is not practicable to communicate with any person entitled to produce the material; or
 - (ii) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises on which the material is situated; or
 - (iii) the investigation for the purposes of which the application is made might be seriously prejudiced unless an authorized officer could secure immediate access to the material.
- (4) The conditions referred to in subsection (2)(d) are-
- (a) where the investigation is into an organized crime, that there are reasonable grounds for suspecting that the organized crime has been committed;
 - (b) where the investigation is into the proceeds of organized crime or a specified offence of a person-
 - (i) that the person has committed an organized crime or that specified offence, or that there are reasonable grounds for suspecting that he has committed an organized crime or that specified offence; and
 - (ii) that there are reasonable grounds for suspecting that the person has benefited from organized crime or that specified offence;
 - (c) that there are reasonable grounds for suspecting that there is on the premises material which is likely to be relevant to the investigation for the purpose of which the application is made, but that the material cannot at the time of the application be particularized;
 - (d) that-
 - (i) it is not practicable to communicate with any person entitled to grant entry to the premises; or
 - (ii) entry to the premises will not be granted unless a warrant is produced; or
 - (iii) the investigation for the purposes of which the application is made might be seriously prejudiced unless an authorized officer arriving at the premises could secure immediate entry to them.
- (5) Where an authorized officer has entered premises in the execution of a warrant issued under this section, he may seize and retain any material, other than items subject to legal privilege, which is likely to be relevant to the investigation for the purpose of which the warrant was issued.
- (6) Any person who hinders or obstructs an authorized officer in the execution of a warrant issued under this section commits an offence and is liable-
- (a) on conviction upon indictment to a fine of \$250000 and to imprisonment for 2 years; or
 - (b) on summary conviction to a fine at level 5 and to imprisonment for 6 months.
- (7) An authorized officer may photograph or make copies of any material seized under this section.
- (8) Notwithstanding section 83 of the Interpretation and General Clauses Ordinance (Cap 1), but subject to this section, a warrant may be issued under this section authorizing entry to premises for the purpose of searching for or seizing material which is known or suspected to be journalistic material.
- (Added 88 of 1995 s. 6)

(Enacted 1994)
[cf. 1986 c. 32 s. 28 U.K.]

Chapter:	455	Title:	ORGANIZED AND SERIOUS CRIMES ORDINANCE	Gazette Number:	L.N. 145 of 2002
Schedule:	1	Heading:	OFFENCES RELEVANT TO DEFINITIONS OF "ORGANIZED CRIME" AND "SPECIFIED OFFENCE"	Version Date:	01/01/2003

[sections 2, 8 & 31]
(Amended 26 of 2002 s. 3)

Common law offences

1. murder
2. kidnapping
3. false imprisonment
4. conspiracy to pervert the course of justice

Statutory offences

	Offence	Description*
5.	Import and Export Ordinance (Cap 60) section 6A section 6C section 6D(1) and (2) section 6E section 18	import or export of strategic commodities import of certain prohibited articles export of certain prohibited articles carriage, etc. of prescribed articles in Hong Kong waters importing or exporting unmanifested cargo
6.	Immigration Ordinance (Cap 115) section 37D(1) section 38(4) section 42(1) and (2)	arranging passage to Hong Kong of unauthorized entrants carrying an illegal immigrant false statements, forgery of documents and use and possession of forged documents
7.	Dangerous Drugs Ordinance (Cap 134) section 4(1) section 4A(1) section 6(1)	trafficking in dangerous drugs trafficking in purported dangerous drugs manufacturing a dangerous drug
8.	Gambling Ordinance (Cap 148) section 5 section 7(1)	operating, managing or controlling gambling establishment bookmaking
9.	Societies Ordinance (Cap 151) section 19 section 21 section 22	penalties on an office-bearer, etc. of an unlawful society allowing a meeting of an unlawful society to be held on premises inciting etc., a person to become a member of an unlawful society
10.	Money Lenders Ordinance (Cap 163) section 24(1)	lending money at an excessive interest rate
11.	Crimes Ordinance (Cap 200) section 24 section 25 section 53 section 54 section 55 section 60 section 61 section 71 section 75(1) section 98(1) section 100(1) section 105	threatening a person with intent assaulting with intent to cause certain acts to be done or omitted causing explosion likely to endanger life or property attempt to cause explosion, or making or keeping explosive with intent to endanger life or property making or possession of explosive destroying or damaging property threats to destroy or damage property forgery possessing a false instrument with intent counterfeiting notes and coins with intent custody or control of counterfeit notes and coins with intent importation and exportation of counterfeit notes and coins

	section 118	rape
	section 119	procurement of person by threats
	section 120	procurement of person by false pretences
	section 129	trafficking to or from Hong Kong in persons
	section 130	control over person for purpose of unlawful sexual act or prostitution
	section 131	causing prostitution of person
	section 134	detention of person for unlawful sexual act or in vice establishment
	section 137	living on earnings of prostitution
	section 139	keeping a vice establishment
12.	Theft Ordinance (Cap 210)	
	section 9	theft
	section 10	robbery
	section 11(1)	burglary
	section 16A	fraud (Added 45 of 1999 s. 6)
	section 17	obtaining property by deception
	section 18	obtaining a pecuniary advantage by deception
	section 18D	procuring false entry in certain records
	section 19	false accounting
	section 23(1) and (4)	blackmail
	section 24(1)	handling stolen goods
13.	Offences against the Person Ordinance (Cap 212)	
	section 17	shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm
14.	Firearms and Ammunition Ordinance (Cap 238)	
	section 13	possession of arms or ammunition without licence
	section 14	dealing in arms or ammunition without a licence
14A.	Trade Descriptions Ordinance (Cap 362)	
	section 9(1) and (2)	offences in respect of infringement of trade mark rights
	section 12 (provided that for the purpose of this Ordinance, an offence under section 12 of the Trade Descriptions Ordinance does not include an offence relating only to false trade description)	import or export of goods bearing forged trade mark
	section 22 (provided that for the purpose of this Ordinance, "offence under this Ordinance" referred to in section 22 of the Trade Descriptions Ordinance only means an offence under-	
	(a) section 9(1) or (2) of that Ordinance; or	being accessory to certain offences committed outside Hong Kong (Added L.N. 11 of 2000)

- (b) section 12 of that Ordinance, excluding any offence relating only to false trade description)
15. Drug Trafficking (Recovery of Proceeds) Ordinance (Cap 405) section 25(1) dealing with property known or believed to represent proceeds of drug trafficking (Replaced 26 of 2002 s. 3)
 16. Organized and Serious Crimes Ordinance (Cap 455) section 25(1) dealing with property known or believed to represent proceeds of indictable offence (Replaced 26 of 2002 s. 3)
 17. Weapons of Mass Destruction (Control of Provision of Services) Ordinance (Cap 526) section 4 providing services that assist the development, production, acquisition or stockpiling of weapons of mass destruction (Added 90 of 1997 s. 15)
 18. Copyright Ordinance (Cap 528) section 118(1), (4) and (8) (provided that for the purpose of this Ordinance, "infringing copy" referred to in section 118(1) and (4) of the Copyright Ordinance does not include a copy of a work which is an infringing copy by virtue only of section 35(3) of that Ordinance) offences relating to making or dealing with infringing copies
 section 120(1), (2), (3) and (4) (provided that for the purpose of this Ordinance, "infringing copy" referred to in section 120(1) and (3) of the Copyright Ordinance does not include a copy of a work which is an infringing copy by virtue only of section 35(3) of that Ordinance) offences relating to making infringing copies outside Hong Kong (Added L.N. 11 of 2000)

* Note: The short description of offences in this Schedule is for ease of reference only.

(Enacted 1994)

Chapter:	475A	Title:	POST-RELEASE SUPERVISION OF PRISONERS REGULATION	Gazette Number:	
Schedule:	1	Heading:	SPECIFIED OFFENCES	Version Date:	30/06/1997

[section 2]

Common law offences

1. murder
2. manslaughter

Statutory offences

	Offence	Description*
3.	Societies Ordinance (Cap 151)	
	section 19(1), (2)	being or claiming to be an office-bearer of an unlawful society
	section 20(2)	being or professing to be a member of triad society
	section 21(1), (2)	allowing unlawful society in building
	section 22(1), (2)	inciting, etc., a person to become a member of an unlawful society
	section 23(1), (2)	procuring a subscription or aid for an unlawful society
	section 24	contravention of an order made on a previous conviction under section 19 or 20 of the Societies Ordinance (Cap 151)
	section 25	contravention of a prohibition order under section 8 of the Societies Ordinance (Cap 151)
4.	Crimes Ordinance (Cap 200)	
	section 24	threatening injury etc. with intent
	section 25	assault with intent to cause certain acts to be done or omitted
	section 47, 48	incest
	section 53	causing an explosion likely to endanger life or property
	section 54	acting with intent to cause an explosion, or making or keeping explosive with intent to endanger life or property
	section 55	making or possession of explosive
	section 60	criminal damage and arson
	section 61	threats to destroy or damage property (L.N. 495 of 1996)
	section 62	possessing anything with intent to destroy or damage property (L.N. 495 of 1996)
	section 118	rape
	section 118A	non-consensual buggery
	section 118B	assault with intent to commit buggery
	section 118C	homosexual buggery with or by a man under 21
	section 118D	buggery with a girl under 21
	section 118E	buggery with a defective (L.N. 495 of 1996)
	section 118F	homosexual buggery committed otherwise than in private (L.N. 495 of 1996)
	section 118J	gross indecency by a man with another man
	section 118L	bestiality
	section 121	administering drugs to obtain or facilitate an unlawful sexual act
	section 122	indecent assault
	section 123	unlawful intercourse with a girl under 13
	section 124	unlawful intercourse with a girl under 16
	section 125	unlawful intercourse with a female defective
	section 135	causing or encouraging prostitution of, etc., a girl or boy under 16
	section 137	living on the earnings of prostitution

	section 146		indecent conduct towards a child under 16
	section 148		(Repealed L.N. 495 of 1996)
5.	Theft Ordinance (Cap 210)		
	section 10		robbery
	section 12		aggravated burglary
	section 23(1), (3)		blackmail
	section 23(4)		possession of blackmail letter or writing
6.	Offences against the Person Ordinance (Cap 212)		
	section 5		conspiring or soliciting, etc., to commit murder
	section 10		administering poison or wounding with intent to murder
	section 11		destroying or damaging a building with intent to murder
	section 13		attempting to administer poison, or shooting, or attempting to shoot or drown, etc., with intent to murder
	section 14		attempting to commit murder by means not otherwise specified
	section 15		sending a letter threatening to murder
	section 17		wounding, shooting, etc., with intent
	section 19		wounding or inflicting grievous bodily harm
	section 22		administering poison, etc., so as to endanger life or inflict grievous bodily harm endangered
	section 26		exposing a child whereby its life is endangered (L.N. 495 of 1996)
	section 27		ill-treatment or neglect of child or young person by those in charge
	section 28		causing bodily injury by gunpowder, etc.
	section 29		causing gunpowder to explode, etc., or throwing corrosive fluid, with intent to do grievous bodily harm
	section 30		placing gunpowder near building, etc., with intent to do bodily harm
	section 39		assault occasioning actual bodily harm
	section 42		forcible taking or detention of person, with intent to sell him or her
	section 43		stealing child under 14 years
	section 47B		child destruction
	section 47C		infanticide
7.	Public Order Ordinance (Cap 245)		
	section 17C		possession of offensive weapon at public meeting or procession
	section 28(1), (2)		causing a bomb hoax
	section 33		possession of offensive weapon in a public place

* Note: The short description of offences in this Schedule is for ease of reference only.

(Enacted 1996)

Chapter:	521	Title:	OFFICIAL SECRETS ORDINANCE	Gazette Number:	
Section:	12	Heading:	Interpretation	Version Date:	30/06/1997

PART III

UNLAWFUL DISCLOSURE

(1) In this Part-

"armed forces" (武裝部隊) means the armed forces of the Crown;

"British national" (英國國民) means a British citizen, a British Overseas citizen, a British Dependent Territories citizen, a British National (Overseas) or a British protected person;

"defence" (防務) means-

- (a) the size, shape, organization, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces;
- (b) the weapons, stores or other equipment of the armed forces and the invention, development, production and operation of such equipment and research relating to it;
- (c) defence policy and strategy and military planning and intelligence;
- (d) plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war;

"disclose" and "disclosure" (披露), in relation to a document or other article, include parting with possession of it;

"Hong Kong permanent resident" (香港永久性居民) has the meaning assigned to that term by section 2(1) of the Immigration Ordinance (Cap 115);

"international relations" (國際關係) means the relations between States, between international organizations or between one or more States and one or more such organizations and includes-

- (a) any matter relating to a State other than the United Kingdom or to an international organization that is capable of affecting the relations of the United Kingdom with another State or with an international organization; and
- (b) any matter relating to the relations between the United Kingdom and Hong Kong or the external relations of Hong Kong;

"prescribed" (訂明) means prescribed by an order made by the Governor;

"public servant" (公務人員) means-

- (a) any person who holds an office of emolument under the Crown in right of the Government of Hong Kong, whether such office is permanent or temporary;
- (b) any person employed in the civil service of the Crown in right of the United Kingdom, including Her Majesty's Diplomatic Service and Her Majesty's Overseas Civil Service;
- (c) any member of the armed forces;
- (d) any person who is a member or employee of a prescribed body or a body of a prescribed class and either is prescribed for the purposes of this paragraph or belongs to a prescribed class of members or employees of any such body;
- (e) any person who holds a prescribed office or who is an employee of such a person and

either is prescribed for the purposes of this paragraph or belongs to a prescribed class of such employees;

"State" (國家) includes the government of a State and any organ of its government;

"territory" (地區) means any territory, not being a State, outside Hong Kong.

(2) In this Part, "government contractor" (政府承辦商) means, subject to subsection (3), any person who is not a public servant but who provides, or is employed in the provision of, goods or services-

(a) for the purposes of the Crown in right of the Government of Hong Kong, of any of the services, forces or bodies mentioned in subsection (1) or of the holder of any office prescribed under subsection (1); or

(b) under an agreement or arrangement certified by the Governor as being an agreement or arrangement to which the Government of a territory, the Government of a State, other than the United Kingdom, or an international organization is a party or which is subordinate to, or made for the purposes of implementing, any such agreement or arrangement.

(3) Where an employee or a class of employees of any body, or of any holder of an office, is prescribed by an order made for the purposes of subsection (1), the following persons shall be deemed not to be a government contractor for the purposes of this Part-

(a) any employee of that body, or of the holder of that office, who is not prescribed or is not within the prescribed class of employees; and

(b) any person who does not provide, or is not employed in the provision of, goods or services for the purposes of the performance of those functions of the body or the holder of the office in connection with which the employee or prescribed class of employees is engaged.

(4) In this Part, "international organization" (國際組織) means, subject to subsections (5) and (6), an organization of which only States or States and territories are members and includes a reference to any organ of such an organization.

(5) In subsection (4) the reference to an international organization includes a reference to any such organization whether or not one of which only States or States and territories are members and includes a commercial organization.

(6) In determining for the purposes of this section whether only States or States and territories are members of an organization, any member that is itself an organization of which only States are members, or that is an organ of such an organization, shall be treated as a State.

(7) In this Part, "security or intelligence" (保安或情報) means the work of, or in support of, the security or intelligence services or any part of them, and references to information relating to security or intelligence include references to information held or transmitted by those services or by persons in support of them, or any part of them.

[cf. 1989 c. 6 ss. 1(9), 2(4), 3(5), 12 & 13 U.K.]

Chapter:	521	Title:	OFFICIAL SECRETS ORDINANCE	Gazette Number:	
Section:	18	Heading:	Information resulting from unauthorized disclosures or information entrusted in confidence	Version Date:	30/06/1997

Expanded Cross Reference:
13, 14, 15, 16, 17

(1) A person who comes into possession of any information, document or other article in circumstances mentioned in subsection (2) commits an offence if he discloses it without lawful authority and knowing, or having reasonable cause to believe, that-

(a) it is protected against disclosure by any of sections 13 to 17; and <*Note-Exp. x-Ref: Sections 13, 14, 15, 16, 17*>

(b) it has come into his possession as mentioned in subsection (2).

(2) The circumstances referred to in subsection (1) are where any information, document or other article protected against disclosure by any of sections 13 to 17 has come into a person's possession as a result of it having been- <*Note-Exp. x-Ref:13, 14, 15, 16, 17*>

(a) disclosed (whether to him or another) by a public servant or government contractor without lawful authority;

(b) entrusted to him by a public servant or government contractor on terms requiring it to be held in confidence or in circumstances in which the public servant or government contractor could reasonably expect that it would be so held; or

(c) disclosed (whether to him or another) without lawful authority by a person to whom it was entrusted as mentioned in paragraph (b).

(3) In the case of information or a document or article protected against disclosure by sections 13 to 16, a person does not commit an offence under this section unless- <*Note-Exp. x-Ref:13, 14, 15, 16*>

(a) the disclosure by him is damaging; and

(b) he makes it knowing, or having reasonable cause to believe, that it would be damaging.

(4) The question whether a disclosure of information or of a document or other article is damaging shall be determined for the purposes of subsection (3) as it would be determined in relation to a disclosure of that information, document or article by a public servant in contravention of section 14, 15 or 16.

(5) A person does not commit an offence under this section in respect of information or a document or other article that has come into his possession as a result of it having been disclosed-

(a) as mentioned in subsection (2)(a) by a government contractor; or

(b) as mentioned in subsection (2)(c),

unless that disclosure was by a British national or Hong Kong permanent resident or took place in Hong Kong.

(6) For the purposes of this section, information or a document or article is protected against disclosure by any of sections 13 to 17 if- <*Note-Exp. x-Ref:13, 14, 15, 16, 17*>

(a) it relates to security or intelligence, defence or international relations or is such as is mentioned in section 16(1)(b); or

(b) it is information or a document or article to which section 17 applies,

and information or a document or article is protected against disclosure by sections 13 to 16 if it falls within paragraph (a). <*Note-Exp. x-Ref:13, 14, 15, 16*>

(7) No person shall be convicted for both an offence under this section and an offence under any of sections 13 to 17 in relation to the disclosure by him of any information or document or other article. <*Note-Exp. x-Ref:13, 14, 15, 16, 17*>

[cf. 1989 c. 6 s. 5 U.K.]

Chapter:	521	Title:	OFFICIAL SECRETS ORDINANCE	Gazette Number:	
Section:	20	Heading:	Information entrusted in confidence to territories, States or international organizations	Version Date:	30/06/1997

Expanded Cross Reference:
13,14,15,16,17,18

(1) A person who comes into possession of any information, document or other article in circumstances mentioned in subsection (2) commits an offence if he makes a damaging disclosure of it knowing, or having reasonable cause to believe, that-

- (a) it has been communicated in confidence as mentioned in subsection (2)(a);
- (b) it has come into his possession as mentioned in subsection (2)(b); and
- (c) its disclosure would be damaging.

(2) The circumstances referred to in subsection (1) are where any information, document or other article relating to security or intelligence, defence or international relations-

- (a) has been communicated in confidence by or on behalf of the Government of the United Kingdom or Hong Kong to a territory or State or an international organization; and
- (b) has come into a person's possession as a result of it having been disclosed (whether to him or another) without the authority of that territory, State or organization or, in the case of an organization, of a member of it.

(3) A person does not commit an offence under subsection (1) if the information, document or article-

- (a) is disclosed by him with lawful authority; or
- (b) has previously been made available to the public with the authority of the territory, State or organization concerned or, in the case of an organization, of a member of it.

(4) For the purposes of this section, the question whether a disclosure is damaging shall be determined as it would be determined in relation to a disclosure of the information, document or article in question by a public servant in contravention of section 14, 15 or 16.

(5) For the purposes of this section, information or a document or article is communicated in confidence if it is communicated-

- (a) on terms requiring it to be held in confidence; or
- (b) in circumstances in which the person communicating it could reasonably expect that it would be so held.

(6) No person shall be convicted for both an offence under this section and an offence under any of sections 13 to 18 in relation to the disclosure by him of any information or document or other article.

<*Note-Exp. x-Ref: Sections 13,14,15,16,17,18*>

[cf. 1989 c. 6 s. 6 U.K.]

Chapter:	472	Title:	HONG KONG ARTS DEVELOPMENT COUNCIL ORDINANCE	Gazette Number:	L.N. 82 of 2000
Section:	3	Heading:	Establishment of the Council	Version Date:	01/06/2000

Remarks:
Adaptation amendments retroactively made - see 59 of 2000 s. 3

PART II

ESTABLISHMENT OF THE HONG KONG ARTS DEVELOPMENT COUNCIL

- (1) There is established a body corporate called the Hong Kong Arts Development Council.
- (2) The Council may sue and be sued.
- (3) The Council shall consist of-
 - (a) a Chairman, a Vice-chairman and not more than 22 other members, each of whom shall be appointed by the Chief Executive for a term not exceeding 3 years; (Amended 9 of 2000 s. 2; 59 of 2000 s. 3)
 - (b)-(c) (Repealed 78 of 1999 s. 7)
 - (d) the Secretary for Home Affairs or his representative; (Amended L.N. 372 of 1996; L.N. 362 of 1997; L.N. 192 of 1998; L.N. 206 of 1998; 9 of 2000 s. 2)
 - (e) the Director of Education or his representative; and (Amended 9 of 2000 s. 2)
 - (f) the Director of Leisure and Cultural Services or his representative. (Added 9 of 2000 s. 2)
- (4) The other members referred to in subsection (3)(a) may include up to 10 persons nominated by organizations or groups of organizations specified under subsection (5), and each such organization or group of organizations may nominate for this purpose not more than 1 person for each of the interests represented by that organization or group of organizations, and each such person shall, in the opinion of the Chief Executive, be experienced in the interest for which he has been nominated. (Amended 9 of 2000 s. 2; 59 of 2000 s. 3)
- (5) The Chief Executive may by notice in the Gazette specify for the purposes of subsection (4) up to 10 organizations or groups of organizations each of which shall, in the opinion of the Chief Executive, be representative of one or more of the following interests- (Amended 9 of 2000 s. 2; 59 of 2000 s. 3)
 - (a) literary arts;
 - (b) music;
 - (c) dance;
 - (d) drama;
 - (e) visual arts;
 - (f) film arts;
 - (g) arts administration;
 - (h) arts education;
 - (i) arts criticism; (Amended 9 of 2000 s. 2)
 - (j) Chinese opera (Xiqu). (Added 9 of 2000 s. 2)
- (6) The following persons are not eligible for appointment by the Chief Executive under subsection (3)(a) or nomination under subsection (4)- (Amended 59 of 2000 s. 3)
 - (a) a person who holds an established or non-established office, as defined in section 2(1) of the Pension Benefits Ordinance (Cap 99);
 - (b) a person who holds a judicial office as defined in section 2 of the Public Service Commission Ordinance (Cap 93);
 - (c) the Chairman of the Public Service Commissioner;

- (d) the Commissioner, Deputy Commissioner and officers of the Independent Commission Against Corruption;
- (e) the Commissioner for Administrative Complaints and his staff;
- (f) a person who is employed by The Legislative Council Commission; (Amended 78 of 1999 s. 7)
- (g) a person who is serving as an officer or member of any armed forces;
- (h) a person who is a salaried functionary of a government, whether central or local, of any place outside Hong Kong;
- (i) a person who is an undischarged bankrupt or, within the previous 5 years, has either obtained his discharge in bankruptcy or has entered into a composition with his creditors, in either case without paying his creditors in full;
- (j) a person who is the subject of a decision under the Mental Health Ordinance (Cap 136) that he is of unsound mind and incapable of managing himself and his affairs and who has not subsequently under that Ordinance been found to have ceased to be of unsound mind;
- (k) a person who has in Hong Kong or any other territory or country been sentenced to death or imprisonment (by whatever name called) for a term exceeding 3 months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted or received a free pardon;
- (l) without prejudice to paragraph (k), a person who has, where the appointment is to be made or is made within 10 years after the date of conviction, been convicted-
 - (i) of any offence in Hong Kong or in any other territory or country and sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or (Replaced 10 of 2000 s. 47)
 - (iii) of any offence under the Prevention of Bribery Ordinance (Cap 201); and
- (m) a person who has been convicted of treason.

(7) The members of the Council are the governing body of the Council and shall, in the name of the Council, manage the affairs of the Council and exercise the powers conferred on the Council under this Ordinance.

(8) The Schedule applies with respect to the Council and its members and the Chief Executive may by order amend the Schedule. (Amended 59 of 2000 s. 3)

(9) The Council is not a servant or agent of the Government and does not have the status, immunities or privileges of the Government.

(10) Notice of appointments under subsection (3) and any order under subsection (8) shall be published in the Gazette.

(Enacted 1995)

Chapter:	542	Title:	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number:	L.N. 55 of 2000
Section:	39	Heading:	When person is disqualified from being nominated as a candidate and from being elected as a Member	Version Date:	03/03/2000

(1) A person is disqualified from being nominated as a candidate at an election, and from being elected as a Member, if the person-

- (a) is-
 - (i) a judicial officer; or
 - (ii) a prescribed public officer; or
 - (iii) an officer of the Legislative Council or a member of staff of The Legislative Council Commission; or (Amended 48 of 1999 s. 24)
- (b) has, in Hong Kong or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have been substituted for the sentence; or
 - (ii) received a free pardon; or
- (c) has been convicted of treason; or
- (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
- (e) without limiting paragraph (b), where the election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted-
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)
- (f) is-
 - (i) ineligible to be a candidate, or to be elected as a Member, at the election; or
 - (ii) disqualified from being a candidate, or from being elected as a Member, at the election,
because of the operation of this or any other law; or
- (g) is a representative or salaried functionary of a government of a place outside Hong Kong; or
- (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national or local level; or
- (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a composition with the person's creditors or a voluntary arrangement, in either case without paying the creditors in full.

(2) A person is also disqualified from being nominated as a candidate at an election if, in accordance with the Mental Health Ordinance (Cap 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person's unsoundness of mind has ceased.

(3) A person is also disqualified from being elected as a Member if, in accordance with the Mental Health Ordinance (Cap 136), the Court has found the person to be of unsound mind and incapable of managing himself or herself and his or her affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person's unsoundness of mind has ceased.

(4) A person is also disqualified from being elected as a Member for a functional constituency if, since the close of nominations, the person has ceased to have a substantial connection with the constituency.

(5) In this section-

"judicial officer" (司法人員) means the holder of a judicial office, as defined in section 2 of the Public Service Commission Ordinance (Cap 93);

"prescribed public officer" (訂明的公職人員) means any of the following-

- (a) the Chairman of the Public Service Commission;
- (b) the Commissioner and Deputy Commissioner of the Independent Commission Against Corruption and the holder of any other office under the Independent Commission Against Corruption Ordinance (Cap 204);
- (c) The Ombudsman and the holder of any appointment under section 6 of The Ombudsman Ordinance (Cap 397);
- (d) a member of the Electoral Affairs Commission;
- (e) the chief executive of the Monetary Authority and any member of the senior management of that Authority, including divisional heads, executive directors, managers and counsel employed by that Authority;
- (ea) the Privacy Commissioner for Personal Data and any person employed or engaged by him or her under the Personal Data (Privacy) Ordinance (Cap 486); (Added 48 of 1999 s. 24)
- (eb) the Chairperson of the Equal Opportunities Commission and any person employed or whose services are engaged by the Commission under the Sex Discrimination Ordinance (Cap 480); (Added 48 of 1999 s. 24)
- (f) any person holding an office, whether permanent or temporary, in a Government department or bureau and employed in the department or bureau.

Chapter:	542	Title:	LEGISLATIVE COUNCIL ORDINANCE	Gazette Number:	L.N. 55 of 2000
Section:	40	Heading:	What requirements are to be complied with by persons nominated as candidates	Version Date:	03/03/2000

(1) A person is not validly nominated as a candidate for an election for a constituency, or by the Election Committee, unless-

- (a) a deposit has, in the manner prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541), been lodged by or on behalf of the person with the Returning Officer concerned; and
- (b) the nomination form includes or is accompanied by-
 - (i) a declaration to the effect that the person will uphold the Basic Law and pledge allegiance to the Hong Kong Special Administrative Region; and
 - (ii) a declaration as to the person's nationality and as to whether or not the person has a right of abode in a country other than the People's Republic of China; and
 - (iii) a promissory oath given by the person to the effect that, if elected, he or she will not do anything during his or her term of office that results in his or her- (Amended 48 of 1999 s. 25)
 - (A) becoming-
 - (I) a prescribed public officer within the meaning of section 39(5); or
 - (II) an officer of the Legislative Council or a member of staff of The Legislative Council Commission; (Amended 48 of 1999 s. 25)
 - (B) being sentenced to death in Hong Kong or any other place;
 - (C) being convicted of treason;
 - (D) being convicted-

- (I) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (II) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (III) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); (Replaced 10 of 2000 s. 47)
 - (E) being disqualified from being elected as a Member at an election because of the operation of this or any other law;
 - (F) becoming a representative or salaried functionary of a government of a place outside Hong Kong;
 - (G) becoming a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national or local level;
 - (H) becoming a member of the armed forces of the Central People's Government or any other country or territory; or
 - (I) in the case of a Member elected for a functional constituency, ceasing to have a substantial connection with the constituency.
- (2) The person must sign the declarations.
- (3) The deposit is to be of such an amount as is prescribed by the regulations for the purposes of this section.

Chapter:	547	Title:	DISTRICT COUNCILS ORDINANCE	Gazette Number:	33 of 2002
Section:	14	Heading:	Disqualification of appointed members	Version Date:	27/12/2002

- (1) A person is disqualified for appointment and from holding office as an appointed member, if the person-
- (a) is-
 - (i) a judicial officer; or
 - (ii) a prescribed public officer; or
 - (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon; or
 - (c) has been convicted of treason; or
 - (d) without limiting paragraph (b), where the term of office is to begin within 5 years after the date of the person's conviction, has been convicted, or is convicted after the beginning of the term of office-
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iv) of any offence prescribed by regulations in force under the Electoral Affairs

Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)

- (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
- (f) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (g) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) with the person's creditors, in either case without paying the creditors in full. (Amended 33 of 2002 s. 5)

(2) An appointed member is also disqualified from holding office if the person is found under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs. (Amended 33 of 2002 s. 5)

(3) Subsection (2) does not prevent a person from being eligible for appointment as a member if subsequently it is found under the Mental Health Ordinance (Cap 136) that the person has become capable of managing and administering his or her property and affairs. (Amended 33 of 2002 s. 5)

(4) Subject to subsection (6), an appointed member is also disqualified from holding office for the remainder of that member's term of office if the member does not attend meetings of the District Council for 4 consecutive months ("disqualifying period") without obtaining the consent of the Council before the end of that period.

(5) The disqualifying period under subsection (4) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.

(6) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.

(7) An appointed member is also disqualified from holding office if the person was not eligible for appointment as a member under section 12.

Chapter:	547	Title:	DISTRICT COUNCILS ORDINANCE	Gazette Number:	33 of 2002
Section:	19	Heading:	Disqualification of ex officio members	Version Date:	27/12/2002

(1) A person who is a Chairman of a Rural Committee is disqualified from holding office as an ex officio member, if the person-

- (a) is-
 - (i) a judicial officer; or
 - (ii) a prescribed public officer; or
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon; or
- (c) has been convicted of treason; or
- (d) without limiting paragraph (b), where the term of office is to begin within 5 years after the date of the person's conviction, has been convicted, or is convicted after the beginning of the term of office-
 - (i) in Hong Kong or any other place, of an offence for which the person has been

sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or

- (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)
- (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
- (f) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (g) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) with the person's creditors, in either case without paying the creditors in full. (Amended 33 of 2002 s. 6)

(2) An ex officio member is also disqualified from holding office if the person is found under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs. (Amended 33 of 2002 s. 6)

(3) Subsection (2) does not prevent a person from holding office as an ex officio member if subsequently it is found under the Mental Health Ordinance (Cap 136) that the person has become capable of managing and administering his or her property and affairs. (Amended 33 of 2002 s. 6)

(4) Subject to subsection (6), an ex officio member is also disqualified from holding office until the members elected at the next ordinary election commence their term of office if the member does not attend meetings of the District Council for 4 consecutive months ("disqualifying period") without obtaining the consent of the Council before the end of that period.

(5) The disqualifying period under subsection (4) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.

(6) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.

Chapter:	547	Title:	DISTRICT COUNCILS ORDINANCE	Gazette Number:	33 of 2002
Section:	21	Heading:	When person is disqualified from being nominated as a candidate and from being elected as an elected member	Version Date:	27/12/2002

(1) A person is disqualified from being nominated as a candidate at an election, and from being elected as an elected member, if the person-

- (a) is-
 - (i) a judicial officer; or
 - (ii) a prescribed public officer; or
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by

- whatever name called) and has not either-
- (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon; or
 - (c) has been convicted of treason; or
 - (d) on the date of nomination, or of the election, is serving a sentence of imprisonment; or
 - (e) without limiting paragraph (b), where the election is to be held or is held within 5 years after the date of the person's conviction, is or has been convicted-
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)
 - (f) is ineligible to be a candidate or to be elected as an elected member because of the operation of this Ordinance or any other law; or
 - (g) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
 - (h) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
 - (i) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) with the person's creditors, in either case without paying the creditors in full. (Amended 33 of 2002 s. 7)

(2) A person is also disqualified from being nominated as a candidate at an election if the person is found under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection is eligible for nomination as a candidate if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs. (Amended 33 of 2002 s. 7)

(3) A person is also disqualified from being elected as an elected member if the person is found under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs, but a person disqualified under this subsection ceases to be disqualified if, under that Ordinance, it is subsequently found that the person has become capable of managing and administering his or her property and affairs. (Amended 33 of 2002 s. 7)

Chapter:	547	Title:	DISTRICT COUNCILS ORDINANCE	Gazette Number:	33 of 2002
Section:	24	Heading:	Disqualification of elected members	Version Date:	27/12/2002

- (1) An elected member is disqualified from holding office if the member-
 - (a) becomes-
 - (i) a judicial officer; or

- (ii) a prescribed public officer; or
- (b) has, in Hong Kong, or any other place, been sentenced to death or imprisonment (by whatever name called) and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon; or
- (c) has been convicted of treason; or
- (d) without limiting paragraph (b), after being elected, is convicted-
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine; or
 - (ii) of having engaged in corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554); or
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iv) of any offence prescribed by regulations in force under the Electoral Affairs Commission Ordinance (Cap 541); or (Replaced 10 of 2000 s. 47)
- (e) is a representative or a salaried functionary of the government of a place outside Hong Kong; or
- (f) is a member of any national, regional or municipal legislature, assembly or council of any place outside Hong Kong, other than a people's congress or people's consultative body of the People's Republic of China, whether established at the national level or local level; or
- (g) is an undischarged bankrupt or, within the previous 5 years, has either obtained a discharge in bankruptcy or has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) with the person's creditors, in either case without paying the creditors in full. (Amended 33 of 2002 s. 8)

(2) Subsection (1)(d) does not prevent a person from being eligible to be a candidate at an election to be held 5 years after the disqualification.

(3) An elected member is also disqualified from holding office if the person is found under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs. (Amended 33 of 2002 s. 8)

(4) Subsection (3) does not prevent a person from being eligible to be a candidate at an election if subsequently it is found under the Mental Health Ordinance (Cap 136) that the person has become capable of managing and administering his or her property and affairs. (Amended 33 of 2002 s. 8)

(5) Subject to subsection (7), an elected member is also disqualified from holding office for the remainder of that member's term of office if the member does not attend meetings of the District Council for 4 consecutive months ("disqualifying period") without obtaining the consent of the Council before the end of that period.

(6) The disqualifying period under subsection (5) begins on the day next following the date of the meeting of the Council at which the member is first absent without consent.

(7) If during the disqualifying period no meetings are held or only one meeting is held, that period is extended to end immediately after the 3rd consecutive meeting from which the member is absent.

(8) An elected member is also disqualified from holding office if the person was not eligible to be nominated as a candidate under section 20.

Chapter:	569	Title:	CHIEF EXECUTIVE ELECTION ORDINANCE	Gazette Number:	L.N. 187 of 2001
Section:	14	Heading:	Disqualification from being nominated	Version Date:	21/09/2001

Without prejudice to section 13(1)(c) of the Electoral Affairs Commission Ordinance (Cap 541), a person is disqualified from being nominated as a candidate if-

- (a) he is the Chief Executive and holds the office of the Chief Executive for the second consecutive term;
- (b) he is a judicial officer as defined by section 2 of the Judicial Officers Recommendation Commission Ordinance (Cap 92);
- (c) he is a prescribed public officer;
- (d) he is adjudged bankrupt under the Bankruptcy Ordinance (Cap 6) and has not been discharged under section 30A or 30B of that Ordinance;
- (e) he holds a passport or similar travel document other than-
 - (i) a Hong Kong Special Administrative Region Passport issued under the Hong Kong Special Administrative Region Passports Ordinance (Cap 539);
 - (ii) a certificate of identity within the meaning of the Immigration Ordinance (Cap 115);
 - or
 - (iii) any entry permit issued by an authority in any part of the People's Republic of China which authorizes its holder to enter any part of the People's Republic of China;
- (f) he has, in Hong Kong or any other place, been sentenced to death and has not either-
 - (i) served the sentence or undergone such other punishment as a competent authority may have substituted for the sentence; or
 - (ii) received a free pardon;
- (g) he has been convicted of treason;
- (h) he has been convicted-
 - (i) in Hong Kong or any other place, of an offence for which the person has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;
 - (ii) of having engaged in corrupt conduct or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554);
 - (iii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap 201); or
 - (iv) of any offence prescribed by the EAC Regulations made for the purposes of this paragraph,
within the 5 years before the date of nomination; or
- (i) he is found for the time being under the Mental Health Ordinance (Cap 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs.