

(2) For the purposes of this regulation any pier, quay, or wharf and any godown in the immediate vicinity of any such pier, quay or wharf or of any harbour shall be deemed to be a place within the harbour.

Handling and conveyance of ammunition etc. within the harbours and territorial waters of the Colony.

64. (1) No restriction imposed by any enactment in relation to the harbours and territorial waters of the Colony shall apply—

(a) to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of His Majesty or under instructions given by the Governor; or

(b) to the conveyance of ammunition, explosives or inflammable substances in any vessel in the public interest;

but the Governor may by order make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances as aforesaid in any such area.

(2) Any reference in this regulation to shipping or to unshipping shall be construed as including a reference to putting on board seaplanes or to unloading from seaplanes, as the case may be.

Powers to stop and search vehicles including railway vehicles and tramways.

65. (1) The person driving, or in control of, any road vehicle in motion or any vessel in motion on water to which the public have access or on any inland navigation shall stop the vehicle or vessel on being required so to do by any police officer or by any member of His Majesty's regular forces, or of any local naval, military or air force, corps or reserve being in uniform.

(2) If—

(a) as respects any road vehicle being on a public highway or in a place to which the public have access; or

(b) as respects any vessel being in the territorial waters of the Colony; or

(c) upon the overtaking of a road vehicle or vessel on any occasion on which the person driving, or in control of the vehicle or vessel has been lawfully required to stop it but has failed to do so, any police officer or member of His Majesty's regular forces, or of any local naval, military or air force, corps or reserve has reasonable ground for suspecting that there is to be found in the vehicle or vessel evidence of the commission of an offence against these regulations, he may search the vehicle or vessel and may seize any article found therein

which he has reasonable ground for believing to be evidence of the commission of any such offence. The powers conferred by this sub-regulation shall be in addition to, and not in derogation of, the powers conferred by any other of these regulations.

(3) In this regulation "road vehicle" means any vehicle designed or adapted for use on roads or rails.

(4) If any person having the command of any vehicle or vessel fails to stop the same forthwith when called upon orally or by signal or by any other means whatsoever he shall be guilty of an offence against these regulations.

### PART VI.

#### *Possession or control of property, undertaking or employment.*

66. (1) A competent authority if it appears to that authority to be necessary or expedient in the public interest may take or authorize in writing the taking of possession of any land and may give such directions as appear to be necessary for the taking and maintaining possession of such land and for the eviction therefrom of any person who is, enters or remains thereon without the consent of the competent authority.

Taking possession of land.

(2) Without prejudice to the generality of the foregoing such directions may authorize any police officer to break open, enter forcibly and remain on any land the taking possession of which has been authorized by the competent authority and to evict forcibly from such land any persons that the competent authority may specify or any persons other than such persons as the competent authority may specify.

(3) Whether or not any specified direction has been given under the preceding sub-regulation a police officer may take such steps and use such force as appears to him to be reasonably necessary for securing compliance with any direction given under sub-regulation (1).

(4) While any land is in the possession of a competent authority by virtue of this regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any Ordinance or other instrument or otherwise), be used by, or under the authority of, the competent authority in the public interest, and the competent authority, so far as appears to it to be necessary or expedient in connection with the taking of possession or use of the land in pursuance of this sub-regulation—

(a) may do, or authorize persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest; and

(b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(5) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him in connection with the execution of this regulation) as may be so specified.

(6) A competent authority may, to such extent and subject to such restriction as it thinks proper, delegate all or any of its functions under this regulation to any specified person or class of person.

Requisition  
of property  
other than  
land.

**67.** (1) In this regulation the term "chattel" includes any substance, vehicle or animal and any launch, lighter, boat or other small craft, and any ship, vessel or aircraft but does not include currency, gold securities or negotiable instruments.

(2) A competent authority may, if it appears to him to be necessary or expedient so to do in the public interest, requisition any chattel, and may give such directions as appear to him to be necessary or expedient in connection with the requisition. Any person contravening any such direction shall be guilty of an offence against these regulations.

(3) Where any chattel is requisitioned, under this regulation, a competent authority may use or deal with or authorize the use or dealing with the chattel for such purposes and in such manner as he thinks expedient in the public interest, and may hold, or sell or otherwise dispose of, the chattel as if he were the owner thereof and as if the chattel were free from any mortgage, pledge, lien or other similar obligation, and, in a case where the chattel requisitioned is a vehicle, vessel, excavator, crane or agricultural machinery, may acquire it by serving on the owner thereof a notice stating that he has acquired it in pursuance of this regulation. When a notice of acquisition has been served, then, at the beginning of the day on which the notice is served—

(a) the vehicle, vessel, excavator, crane or agricultural machinery shall vest in the Government of Hong Kong free from any mortgage, pledge, lien or other similar obligation; and

(b) the period of the requisition thereof shall end.

(4) In any case in which the chattel requisitioned is a chattel other than a vehicle, vessel, excavator, crane or agricultural machinery such chattel shall as soon as possession thereof is taken in pursuance of this regulation, vest in the Government of Hong Kong free from any mortgage, pledge, lien or other similar obligation.

(5) Where the competent authority has issued his requisition in respect of any chattel, such chattel shall be furnished by the owner and the person having the possession, custody or control thereof to the competent authority or to such persons as he shall appoint for the purpose forthwith or (if such is the case) within such period as may be mentioned in the requisition. On any refusal or neglect to furnish such property in manner aforesaid, then the competent authority or others authorized by him in that behalf may seize (and if need be may enter premises by force for the purpose) the property requisitioned and may use the same in like manner as if it had been furnished in pursuance of the requisition. Payment for the same shall nevertheless be made in like manner as if the property had been duly furnished according to the requisition provided that the property specified in the requisition shall not be deemed to have been furnished except in so far as possession is taken by or by the direction of the competent authority.

(6) Where the Accountant-General is satisfied that any vehicle in respect of which a licence to keep has been granted has, in exercise of the powers conferred by this regulation, been acquired before the expiration of the period of the validity of such licence, the Accountant General may authorize the refund to the person who at the date of such acquisition was the owner of the vehicle of a proportionate part of the fee paid for such licence in respect of such part of the period of its validity as remained unexpired at the date aforesaid, if a claim for such refund is made to him in writing by such person not later than three months after the date when such vehicle was acquired as aforesaid.

**68.** (1) Any authorized officer and any person acting under the special authority of a competent authority may, in the public interest, do any work on any land or place anything in or over any land.

Power to  
do work on  
land.

(2) A competent authority, if it appears to him to be necessary or expedient so to do in the public interest, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person, other than an authorized officer, or any person acting under the special authority of a competent authority, shall, except with permission granted by or on behalf of a competent authority remove, alter or tamper with any work done or retained, or anything placed or retained in, on or over, any land in pursuance of this regulation.

(4) Any person who contravenes any provision of this regulation, or any order or direction thereunder, shall be guilty of an offence against these regulations.

(5) For the purposes of this regulation, the doing or retaining of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over the land and the removal from the land of anything so placed, demolished or pulled down.

Use of land by His Majesty's forces and police.

**69.** (1) Without prejudice to any other of these regulations, the Governor may by order authorize, subject to any restrictions or conditions imposed by the order, the use of any land specified therein for naval, military, air force or police force purposes, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the Governor to be necessary or expedient for the purposes thereof, provide—

(a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order; and

(b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(2) Any person who contravenes any order made under this regulation shall be guilty of an offence against these regulations.

Power to require storing, cooling etc., services.

**70.** (1) The Governor may by order require any person who carries on the business of storing, cooling, transporting or distributing goods of any description to afford similar services in relation to the storage, cooling, transport or distribution of goods

for the purpose of any of His Majesty's regular forces, or local naval, military or air force, corps or reserve, or the police force or any essential services.

(2) Any person who contravenes any order made under this regulation shall be guilty of an offence against these regulations.

**71.** (1) The Governor may by order require any company, authority or person supplying or authorized to supply water, light, heat or power, to supply water, light, heat or power to any building, premises or camp belonging to or used for the purposes of any of His Majesty's regular forces or local naval, military or air force, corps or reserve, or the police force or any essential services and to carry out such work and render such services in connection with such supply as may be directed by the Governor.

Power to require water and power services.

(2) Any person who contravenes any order made under this regulation shall be guilty of an offence against these regulations.

**72.** (1) A competent authority, so far as appears to that authority to be necessary in the public interest may, subject to any general or special instructions of the Governor, by order provide—

General control of industry.

(a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;

(b) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;

(c) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be prescribed by or under the order;

(d) for requiring persons carrying on, or employed in connexion with, any undertaking, to produce in such manner and to such person, as may be mentioned in such order or otherwise prescribed such books, accounts or other documents relating to the undertaking or to furnish to him such estimates, returns or information relating to the undertaking as may be mentioned in such order or otherwise prescribed;

(e) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates by persons authorized in that behalf by the competent authority with a view to securing compliance with the order;

and an order under this regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertakings, and so as to have effect either throughout the Colony or in any particular area therein.

(2) A competent authority may, if it appears to that authority to be necessary so to do in the public interest, make or give as respects any undertaking all or any orders or directions which might have been made or given under paragraph (a) of sub-regulation (1) of regulation 73 by an authority which is a competent authority for the purposes of this regulation, if the undertaking had been a production or distribution undertaking and had been declared under that sub-regulation to be a controlled undertaking and paragraphs (b) and (c) of that sub-regulation shall apply accordingly.

(3) Where the right to make charges in connexion with the carrying on of any undertaking with respect to which an order may be made under this regulation is limited by law, any order so made in relation to that undertaking may authorize the undertakers to make in that connexion charges in excess of, or in addition to, or otherwise varying from, those which they would otherwise be authorized to make.

(4) A competent authority, if it appears to that authority to be necessary so to do in the public interest, may, subject to any general or special instructions of the Governor, carry on the whole or any part of any existing undertaking, or authorize a person to carry on the whole or any part of any existing undertaking, in accordance with any instructions of the competent authority; and while by virtue of this sub-regulation a competent authority or a person so authorized is carrying on the whole or any part of an undertaking—

(a) the said authority or person shall be deemed to be acting as the agent of the undertakers, except that the undertakers shall not have any right to control the carrying on of the undertaking or part of the undertaking; and

(b) the undertakers shall not be bound, or, as the case may be, shall not in respect of such matters as may be specified by order of the competent authority be bound, by any obligation or limitation imposed on the undertakers by or by virtue of any Ordinance or other instrument determining their functions.

(5) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under this regulation to any specified persons or class of persons.

(6) For the avoidance of doubt, it is hereby declared that the powers conferred by this regulation may be exercised as respects any undertaking whether or not the undertaking has been declared to be a controlled undertaking and that sub-regulation (2) of this regulation authorizes the making of any such orders or the giving of any such directions as are therein mentioned in relation to any undertaking, notwithstanding that the undertaking is being carried on under sub-regulation (4) of this regulation by a person authorized in that behalf by the competent authority. The powers of regulating or prohibiting the movement of articles contained in sub-regulation (1) of this regulation shall include the power to regulate and prohibit the importation and exportation of articles into and out of the Colony.

(7) In this regulation—

(a) "essential work" means work appearing to the competent authority to be essential in the public interest; and

(b) "undertaking" means any public utility undertaking or any enterprise concerning industry, commerce, agriculture or any fishery, and "undertakers" in relation to any such enterprise means the persons by whom it is carried on;

and any reference in this regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals and also as including a reference to electricity.

73. (1) If the Governor is satisfied that in the public interest it is expedient that any production or distribution undertaking, or any class or description of such undertakings, should become subject to the provisions of this regulation, he may by order

Controlled  
under-  
takings.

declare that undertaking, or every undertaking of that class or description, to be a controlled undertaking, and thereupon the following provisions shall have effect as respects every undertaking to which the order relates—

(a) the undertakers shall carry on the undertaking in accordance with orders made or directions given by a competent authority, and such orders or directions may, in particular—

(i) require the undertakers to employ upon such work and for such period as may be specified in the order or directions, such persons, or such class or description of persons, or such number of persons, or such number of persons of such class or description, as may be so specified;

(ii) fix the price or remuneration to be paid for any articles produced or supplied or services rendered by the undertakers (whether to a competent authority or otherwise) in accordance with the order or directions;

(b) no obligation or limitation imposed on the undertakers by or by virtue of any Ordinance or other instrument determining their functions shall prevent or excuse the undertakers from complying with any such order or directions;

(c) with a view to ascertaining whether any such orders or directions with respect to an undertaking are complied with, any person authorized in that behalf by a competent authority may at any time enter and inspect any premises used or appropriated for the purposes of the undertaking.

(2) In this regulation—

(a) "article" includes electricity and any substance, vehicle or vessel;

(b) "undertaking" means any public utility undertaking or any enterprise concerning industry, commerce, agriculture or any fishery, and "undertakers" in relation to any such enterprise means the persons by whom it is carried on;

(c) "production or distribution undertaking" means an undertaking which, in the opinion of the competent authority, is or should be principally engaged upon the production distribution rendering or supply of articles or services required in the public interest.

74. (1) A competent authority may, subject to any general or special instructions of the Governor, direct any person in the Colony to perform such services therein as may be specified by the direction, being services which that person is, in the opinion of the authority, capable of performing.

Control of  
employ-  
ment.

(2) Any services required by a direction given under this regulation to be performed shall be performed upon such terms as to remuneration and conditions of service as the competent authority may, in accordance with the provisions of this regulation, direct :

Provided that in determining the terms upon which any such services are to be performed the authority shall have regard to any rates of salary, fees or wages for the performance of those services which appear to him to be usual, and, in particular, in the case of services usually rendered under a contract of service, shall have regard to any determination relating to the remuneration and conditions of service of persons employed in the district in the capacity and in the trade in which the person to whom the direction relates is to serve, being a determination contained in an agreement between organizations representative of employers and workers or in a decision of an arbitration board or other similar body or, in the absence of any such determination, shall have regard to the remuneration and conditions of service in practice prevailing among good employers in that trade in the district.

(3) Any directions given by a competent authority under this regulation may, in accordance with his instructions, be given on his behalf by any person duly authorized in writing by him.

(4) A competent authority may, subject to any general or special instructions of the Governor, by order make provision for regulating the engagement of workers by employers and the duration of their employment, and for giving effect to the foregoing provisions of this regulation, and may, in particular, provide by any such order—

(a) for requiring persons to register such particulars about themselves as may be prescribed by or under the order;

(b) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be prescribed by or under the order;

(c) for requiring persons carrying on, or employed in connexion with, any undertaking, to produce to such person as may be designated by or on behalf of the competent authority

or person specified in the order such books, accounts or other documents relating to the undertaking and to furnish such estimates, returns or information relating thereto as may be prescribed by or under the order;

(d) for any incidental and supplementary matters for which the competent authority thinks it expedient to provide, including, in particular, the entry and inspection of premises with a view to securing compliance with directions given under this regulation;

and any such provision may be made so as to relate either to persons or undertakings generally or to any particular person or undertaking or class or description of persons or undertakings.

Entry and inspection of land.

**75.** Any member of His Majesty's regular forces or local naval, military or air force, corps or reserve, or a police officer acting in the course of his duty as such, or any person authorized by a competent authority to act under this regulation on producing, if so required, some duly authenticated document showing his authority—

(a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these regulations;

(b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land; and

(c) may, for any purpose connected with the public interest pass (with or without animals or vehicles) over any land.

Derelict articles.

**76.** Whenever any person finds an article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, immediately before being lost or abandoned, it was used or intended to be used for the purposes of an armed force or was in the possession of a person who had it with him while serving with an armed force, the person so finding the article—

(a) shall forthwith report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to some member of His Majesty's regular forces or local naval, military or air force, corps or reserve on duty in the neighbourhood or to a police officer at a police station; and

(b) save as aforesaid, shall not remove or tamper with the article except with permission granted by the Commissioner of Police:

Provided that the Governor may by order direct that the obligations and restrictions imposed by this regulation shall not apply in relation to any such description of articles as may be specified in the order.

**77.** (1) With a view to preventing work in essential services being interrupted by trade disputes, the Governor may by order make provision—

Avoidance of strikes and lock-outs in essential services.

(a) for establishing a Board for the settlement of trade disputes, and for regulating the procedure of the Board;

(b) for prohibiting, subject to the provisions of the order, a strike or lockout in connection with any trade dispute;

(c) for any incidental and supplementary matters for which the Governor thinks it expedient for the purpose of the order to provide.

(2) In this regulation "trade dispute" means any dispute or difference between employers and workers, or between workers and workers connected with the employment or non-employment or the terms of the employment or with the conditions of labour of any person employed in an essential service.

(3) Any order made under this regulation may provide that contravention of any provision of such order shall be an offence against these regulations.

**78.** (1) Subject as hereinafter provided, the competent authority may require any space or accommodation in a British ship or aircraft to be placed at the disposal of the competent authority, and may give such directions as appear to the competent authority to be necessary or expedient in connection with any such requirement; and if any directions given under this sub-regulation with respect to any vessel or aircraft are contravened or not complied with, the master of the vessel or the pilot of the aircraft, as the case may be, and the person having the management thereof, shall each be guilty of an offence against this regulation: Provided that the preceding provisions of this regulation shall not authorize the doing of any thing in relation to a Dominion ship or aircraft.

Special powers as to ships and aircraft.

(2) Where, in respect of any ship or aircraft, there subsists between a person to whom this sub-regulation applies and any other person a charterparty or other contract under which

the first-mentioned person is entitled to possession of the ship or aircraft or has the right to have any articles carried in the ship or aircraft or to use any space or accommodation in the ship or aircraft, the competent authority may serve on the first-mentioned person, in any manner appearing to the competent authority to be convenient, a notice stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the competent authority; and in that event the contract shall, as regards any rights exercisable, or liabilities incurred, on or after the said date, have effect (subject to the provisions of the next following sub-regulation) as if the competent authority were a party to the contract instead of the person on whom the notice was served and as if for any reference in the contract to that person there were substituted a reference to the competent authority.

The persons to whom this sub-regulation applies are—

- (a) every British subject not being resident in a Dominion; and
- (b) every corporation incorporated under the law of—
  - (i) any part of the United Kingdom;
  - (ii) the Isle of Man or any of the Channel Islands;
  - (iii) any Colony or British protectorate administered by His Majesty's Government in the United Kingdom; or
  - (iv) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom or any territory administered by the government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

(3) The competent authority may at any time cancel a notice served under sub-regulation (2) of this regulation in respect of a contract, and thereupon the said sub-regulation shall, unless and until a further notice is served thereunder in respect of that contract, cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

Notice of any such cancellation shall be given as soon as may be by the competent authority in such manner as that authority thinks best for informing the person concerned.

(4) The competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under sub-regulations (1) to (3) of this regulation to any specified persons or class of persons.

79. (1) If the competent authority is satisfied—

(a) that it is necessary in the public interest that any particular work should be carried on in any particular premises or place; and

(b) that the carrying on of that work therein under the conditions necessitated by the requirements of the public interest is causing or may cause a nuisance;

the competent authority may by order provide for authorizing the carrying on of that work in those premises or that place notwithstanding that a nuisance may be caused thereby:

Provided that—

(i) before making any such order the competent authority shall take steps to ascertain whether arrangements cannot be made for the work to be carried on under such conditions as aforesaid, either in the premises or place in which it is being carried on or in some other premises or place, without causing a nuisance, and, if satisfied that such arrangements cannot be made, shall ascertain what means can be taken for minimising the nuisance; and

(ii) any such order shall specify the work and the premises or place to which it relates and shall be made subject to such conditions as the competent authority thinks best calculated to minimise the nuisance as far as is practicable without prejudicing the public interests.

(2) Where an order has been made under this regulation authorizing the carrying on of any work in any premises or place, no legal proceedings for the abatement or prohibition of any nuisance caused by the carrying on, while the order is in force, of that work in those premises or that place or for the recovery of damages in respect of such a nuisance (including proceedings for the enforcement of any undertaking given, or of any injunction or other order of a court granted or made, before the coming into operation of the order) shall be entertained by any court, but if upon representations made to any person appearing to the competent authority by which the order was made to be interested, the authority is satisfied that any condition imposed by the order is not being complied with, the authority shall send to the persons

Power to permit nuisances where necessary.

engaged in the work authorized by the order a notice requiring them to comply with that condition within such time as may be specified in the notice, and, if the requirements of the notice are not complied with to the satisfaction of the competent authority the authority shall revoke the order :

Provided that the provisions of this sub-regulation as to the duty of the competent authority in the event of any such condition not being complied with shall be without prejudice to the power of the competent authority to vary any such condition if the competent authority is satisfied that it is necessary so to do.

(3) If while any order by a competent authority under this regulation is in force, an application is made to the authority by persons appearing to the authority to be interested requesting that an inquiry into the extent of the nuisance, or the steps that might be taken to minimise it, should be held, the competent authority shall, unless the application appears to such authority to be frivolous, direct the holding of such an inquiry, and shall after receiving the report of the person appointed to hold the inquiry, consider whether or not the order should be varied or revoked.

(4) For the purposes of this regulation, proceedings for the enforcement of an express covenant not to commit nuisance or for the recovery of damages in respect of a breach of such a covenant shall be deemed to be proceedings for the abatement or prohibition of a nuisance or for the recovery of damages in respect of a nuisance, as the case may be.

(5) Nothing in this regulation shall affect any proceedings for the enforcement of an Ordinance.

Information as to storage facilities.

80. (1) With a view to obtaining information as to the accommodation and facilities available for the storage of articles in the public interest the Governor may, by order made as respects premises of any class situated in any area in the Colony, require the owners or occupiers of those premises to furnish to such authority, within such time, and in such form and manner, as may be specified in the order, such particulars with respect to the premises as may be so specified, and to notify that authority from time to time of any change in those particulars.

(2) The Governor may, to such extent and subject to such restrictions as he thinks proper, delegate his functions under this regulation to any specified persons or class of persons.

81. The Compensation (Defence) Regulations, 1940, and all orders, notices and appointments thereunder, shall have effect, in relation to things done under the powers conferred by these regulations, as though the said regulations had been amended on the coming into force of these regulations—

Application of Compensation (Defence) Regulations, 1940.

(a) by deleting in sub-regulation (1) of regulation 3 the words "during the period beginning with the twenty-fourth day of August, nineteen hundred and thirty-nine, and ending with such day as the Governor may by order declare to be the day on which the emergency comes to an end" and substituting therefor the words "at any time after the enactment of Part VI of the Emergency (Principal) Regulations, 1949."; and

(b) as if for the definition of "land" therein contained there had been substituted the definition of "land" contained in Part I of these regulations.

## PART VII.

### Miscellaneous Provisions.

82. (1) The competent authority, if he considers it desirable for the exercise of any of the powers under Part V and Part VI of these regulations that an inquiry should be held into any particular matter, may direct the holding of an inquiry into that matter by such person and at such place as the authority may determine. Inquiries.

(2) For the purposes of any inquiry held in pursuance of this regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence against these regulations.

Publicity  
of orders.

83. (1) When any order or rule is made or direction given, the Governor or other authority making such order or rule or giving such direction shall cause notice of the effect of it to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of it, and such orders, rule or direction shall have effect as soon as notice as aforesaid has been given, without publication in the *Gazette*.

(2) Without prejudice to any special provisions contained in these regulations, a notice to be served on any person for the purposes of any of these regulations may be served by leaving it at, or by sending it by post in a letter addressed to that person at, his last or usual place of abode or place of business.

Affixing of  
notices.

84. Any authorized officer may, for the purpose of these regulations, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by this regulation, enter any premises at any time; and where any authorized officer affixes a notice, or causes a notice to be displayed, in pursuance of this regulation, no person other than an authorized officer shall remove, alter, deface or obliterate the notice.

Admission  
of  
statements  
in evidence.

85. (1) When any person is charged with any offence against these regulations, any statement, whether such statement amounts to a confession or not or is oral or in writing, made at any time, whether before or after such person is charged and whether in the course of a police investigation or not and whether or not wholly or partly in answer to questions, by such person to or in the hearing of any police officer of or above the rank of Inspector shall, notwithstanding anything to the contrary contained in any law applicable to the Colony, be admissible at his trial in evidence and, if such person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Provided that no such statement shall be admissible or used as aforesaid—

(a) if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against such person, proceeding from a person in authority and sufficient in the opinion of the Court to give such person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceeding against him; or

(b) in the case of a statement made by such person after his arrest, unless the Court is satisfied that, before making such statement, a caution was administered to him in the following words or words to the like effect: "It is my duty to warn you that you are not obliged to say anything or to answer any question, but anything you say, whether in answer to a question or not, may be given in evidence at your trial".

(2) Notwithstanding anything to the contrary contained in any law applicable to the Colony a person accused of an offence to which sub-regulation (1) of this regulation applies shall not be bound to answer any questions relating to such case after any such caution as aforesaid has been administered to him.

(3) This regulation shall apply in relation to any person tried after the commencement of these regulations whether or not the proceedings against such person were instituted and whether or not the relevant statements were made, before such commencement.

86. Notwithstanding anything to the contrary contained in any law applicable to the Colony, a Court may order that the whole or any part of any trial before it for any offence against these regulations shall take place in a closed court if it is satisfied that it is expedient in the interests of justice or of public order, safety or security so to do.

Trials may  
be in  
camera.

87. (1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these regulations or otherwise) which the authority has reasonable grounds for believing to be evidence of the commission of an offence against these regulations, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this regulation in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this regulation is hereafter in this regulation referred to as "a retained article".

Disposal of  
articles in  
possession  
of  
executive  
authority.

(2) Where proceedings are taken in respect of an offence against these regulations, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court or magistrate by or before which or whom the alleged offender is tried may make an order—

(a) authorizing the destruction or disposal of the article; or

(b) authorizing the further retention of the article until such date as may be specified in the order;

and any such order authorizing the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of the Colony.

(3) Without prejudice to the operation of sub-regulation (2) of this regulation, a magistrate upon complaint made in respect of a retained article by an executive authority, may, after giving to the person (if any) claiming, or appearing to the magistrate, to be the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorized by sub-regulation (2) of this regulation.

(4) A magistrate shall not make an order under this regulation unless he is satisfied that it is necessary or expedient so to do in the public interest.

(5) Where an order is made under this regulation authorizing the further retention of an article, sub-regulation (1) of this regulation shall, in relation to that article, have effect as if the period first mentioned in that sub-regulation were a period ending on the date until which the article is authorized by the order to be retained; and the making by a magistrate of such an order in respect of any article shall not be taken to preclude him or any other magistrate or the Supreme Court from subsequently exercising, in relation to that article, any jurisdiction conferred on such court or magistrate by sub-regulation (2) or sub-regulation (3) of this regulation.

(6) Where, in the course of any proceedings for an offence, an order is made under sub-regulation (2) of this regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under sub-regulation (3) of this regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to the Supreme Court, and for the purposes of this sub-regulation and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this regulation authorizing the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceeding in which the order is made.

(9) Subject to the preceding provisions of this regulation, section 43 of the Magistrate Ordinance, 1932, shall apply to any article coming into the possession of an executive authority which the authority has reasonable ground for believing to be evidence of the commission of an offence against these regulations as it applies to property coming into the possession of the police in the circumstances mentioned in that section, and, in relation to any such article, shall have effect as if the reference in that section to the police included a reference to an executive authority (whether a police officer or not).

(10) For the purposes of this regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(11) For the purposes of this regulation, any authority, police officer or other person whatsoever having functions in connexion with the execution of these regulations shall be deemed to be an executive authority.

(12) Nothing in this regulation shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this regulation.

**88.** (1) A competent authority may cause to be served upon the occupier of any premises a written notice (hereinafter referred to as "a billeting notice"), requiring the occupier of those premises to furnish therein, until further notice or during such period as may be specified in the billeting notice, according as that notice may direct, accommodation (by way of lodging or food or both, and either with or without attendance, according as the notice may direct) for such number of persons as may be so specified, being either persons in the service of the Crown or other persons in respect of whom the competent authority shall have received the direction of the Governor requiring that such accommodation shall be found for such other persons. Every billeting notice must,

Ordinance  
No. 41  
of 1932.

Billeting.

in order to be of any effect for the purposes of this regulation, define the persons for whom accommodation is required by the notice.

(2) The lodging or food to be furnished in accordance with a billeting notice, and the price to be paid in respect of any accommodation so furnished in any premises shall be such, and shall be paid to the occupier of the premises by such authority, as may be determined by order of the Governor.

(3) If the occupier of any premises feels aggrieved by the requirements of any billeting notice, he may, within fourteen days from the beginning of the day on which the notice is served on him, complain to a magistrate, and thereupon the magistrate, if satisfied that the furnishing of accommodation in accordance with the notice would otherwise impose an undue burden upon the occupier, may by order annul the notice or direct that it shall have effect subject to such modifications as may be specified in the order.

(4) Any person who contravenes any notice served under this regulation shall be guilty of an offence against these regulations.

Postal services.

**89.** The Governor, if it appears to him to be necessary or expedient so to do in the public interest, may by order direct the closing of all or any Post Offices, or the suspension of all or any services provided by the postal administration at all or any Post Offices.

Orders for the opening or closing of premises.

**90.** (1) The Governor may by order—

(a) if it appears to him to be necessary or expedient so to do in the public interest, require that the proprietors and managers of shops or businesses generally, or any class of shops or businesses, or of any specified shops or businesses, which he may have reason to believe to have been closed in pursuance of any organized or general closure of business shall, either throughout the Colony or any portion thereof, open and carry on business as usual;

(b) if it appears to him to be necessary or expedient so to do in the public interest require the occupiers of premises of any specified class or description or of any specified premises throughout the Colony or any portion thereof, to close and keep the same closed for such period as may be specified, together with any gates or other openings leading thereto.

(2) Any person who contravenes any order under this regulation shall be guilty of an offence against these regulations.

**91.** The Governor may, if he considers it necessary or expedient in the public interest by order prohibit—

Power to prohibit the sale, purchase or use of wireless receiving apparatuses.

(a) the sale and purchase of any wireless receiving apparatus to and by such persons, as may be specified in such order;

(b) the use of such apparatuses either generally or at such places or by such persons, as may be specified in such order;

(c) the receiving of broadcasts emitting from any area or station, as may be specified in such order.

**92.** (1) The Governor may by order make provision for restricting the use of the telephone service to such persons or classes of persons as he may think fit or for regulating or imposing conditions on the use of telephone service, and any such order may further make provision for the enforcement thereof by authorizing the removal or disconnection of telephone lines or apparatus and of the entry on property for that purpose or otherwise.

Telephone service.

(2) Any person who shall contravene any order made under sub-regulation (1) or any condition imposed by any such order shall be guilty of an offence against these regulations.

**93.** (1) The Commissioner of Police may direct the owner or person having the control or management of any establishment—

Display of certain notices by certain establishments.

(a) to display for such period as may be specified by the Commissioner of Police, in a conspicuous place on or by the door of or entrance to such establishment, an "out of Bounds" notice of such wording in such language and in lettering of such size as may be so specified, indicating that the premises are out of bounds to all or any members of all or any of His Majesty's regular forces, or local naval, military or air force, corps or reserve and the Police Force; or

(b) to remove and keep removed, for such period as may be specified by the Commissioner of Police, any notice which may be displayed on or near the premises of such establishment and indicating or tending to indicate that the premises are in bounds to all or any members of all or any of His Majesty's regular forces or local naval, military or air force, corps or reserve and the Police Force.

(2) Any person who contravenes a direction given under sub-regulation (1) shall be guilty of an offence against these regulations.

(3) In this regulation "establishment" means any hotel, boarding house, pension, hostel, hospice, lodging-house, restaurant, cafe, coffee-house, tea-room, bar, buffet, club, canteen or other similar place where lodging is supplied or food or drink is prepared for sale or sold for human consumption.

Prohibition etc. of sale of intoxicating liquor.

94. (1) The Governor may by order prohibit, restrict, or regulate the sale of intoxicating liquor to members of His Majesty's regular forces, or any local naval, military or air force, corps or reserve and the Police Force and, without prejudice to the generality of this power, any such order may be made as respects—

(a) the sale of any description of intoxicating liquor or of intoxicating liquor generally;

(b) the sale for consumption on premises or for consumption off premises;

(c) the sale at licensed premises generally or at licensed premises in any specified area or at any specified licensed premises;

(d) the sale to members of His Majesty's regular forces or any local naval, military or air force, corps or reserve and the Police Force generally or to any class of members of His Majesty's Forces and the Police Force;

(e) the sale in any combination of such circumstances.

(2) Any person who contravenes any order under this regulation shall be guilty of an offence against these regulations.

Identification.

95. Every person shall, when required so to do by any member of His Majesty's regular forces, or any local naval, military or air force, corps or reserve or any police officer acting in the course of his duty as such, give his correct name and address and produce such papers, if any, in his possession by which he can be identified to such member of His Majesty's regular forces, or local naval, military or air force, corps or reserve, or any police officer; and if he shall fail so to do he shall be guilty of an offence against these regulations.

96. (1) Any person shall, on being directed by or on behalf of a competent authority so to do, furnish or produce to such authority or person as may be specified in the direction, any such information or article in his possession as may be so specified, being information or an article which the person giving the direction considers to be necessary or expedient in the public interest to obtain or examine, and if any person contravenes any such direction, he shall be guilty of an offence against these regulations.

Power to obtain information.

(2) A competent authority, any person authorized by him in that behalf, and any person having the custody of an article produced for examination in accordance with the provision of sub-regulation (1), may for the purposes of such examination open any vessel, box, crate, wrapper or other container in which the article may be: Provided that, where practicable, a container so opened shall be closed again after such examination and a mark shall be affixed thereto denoting that it has been opened for examination.

97. If any person—

False statements.

(a) under any of the provisions of these regulations, or any order made under any of these regulations, makes any statements, or furnishes any information, recklessly or without belief in its truth; or

(b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these regulations to make; or

(c) in any application for a licence, permit or authorization required by any of these regulations or any order made under any of these regulations, makes such a statement or furnishes any such information as aforesaid, or describes any article or goods incorrectly, insufficiently or in such a manner as to conceal or disguise the true nature or purpose thereof;

(d) in any receipt which he is required by or under any of these regulations or any order made thereunder to give for money, makes such a statement as aforesaid;

he shall be guilty of an offence against that regulation.

98. Any person in custody on suspicion of having committed an offence against these regulations, and any person convicted of an offence against these regulations, may, without prejudice to any other powers in that behalf, be photographed, measured, and examined, and may have his fingers and thumb

Identification of persons in custody.

prints taken, by any police officer or in the case of the examination of a woman by a woman under the direction of a police officer. The photographs to be taken may include a photograph of the full face, a photograph of the true profile and a full-length photograph. The measurements to be taken may include height when standing and the size and relative position of every scar and distinctive mark upon any part of the body. The examination to be made shall be any examination necessary for the purpose of detecting any such scar and distinctive mark as aforesaid. The finger and thumb prints to be taken may be of the external filament of the fingers and thumbs, or both the fingers and the thumbs, of either or both hands. A photograph taken in pursuance of this regulation shall not be published except for the purpose of tracing the person concerned, or shown to any person other than a police officer or an officer of the Government of Hong Kong or a member of His Majesty's regular forces, or local naval, military or air force, corps or reserve acting in the course of his duty as such, or a person authorized to see it by any of the aforesaid person so acting.

Powers of entry and search of premises, places, vehicles, vessels or aircraft.

**99.** (1) Any authorized officer may enter or board any premises, place, vehicle, vessel or aircraft at any time, being premises or a place, vehicle, vessel or aircraft which he may have reason to suspect of being used, or having recently been used, for any purpose prejudicial to the public interest or in which he may suspect that there is any article, goods, document or thing liable to seizure under these regulations, and may search any such premises, place, vehicle, vessel or aircraft and any person therein or leaving the same.

(2) No woman shall be searched under this regulation except by a woman.

Special constables.

**100.** (1) The Governor may by order authorize the enrolment of any number of special constables for the purposes of these regulations in the manner provided in the Peace Preservation Ordinance, 1886, and the provisions of that Ordinance, with such modifications as may be necessary, shall apply to such enrolment.

Ordinance No. 10 of 1886.

(2) Every person enrolled or appointed as a special constable as from the date of his enrolment or appointment and until such enrolment or appointment shall be cancelled or determined by the Governor or some person authorized by the Governor, shall be deemed to have had and he shall have all the powers, privileges, protection and immunities mentioned or referred to in section 3 of the Peace Preservation Ordinance, 1886, but with the like exception as to pay and pension or other reward.

(3) Every such special constable shall while so enrolled or appointed be subject to the orders of the Governor, the Commissioner of Police or any officer of Police of or above the rank of Sub-Inspector and any other person authorized by the Governor or the Commissioner of Police to act in that behalf.

(4) Every such special constable shall from the date of his enrolment or appointment be deemed to have been subject to punishment, as mentioned in section 5 of the Peace Preservation Ordinance, 1886, for refusal or neglect, without reasonable excuse, to serve or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office.

**101.** No person who obtains any information by virtue of these regulations shall, otherwise than in connexion with the execution of these regulations or of an order, rule or by-law made under these regulations, disclose that information except with permission granted by the Governor.

Restriction on disclosing information.

**102.** (1) Any person claiming to be the holder of any licence or permit granted or issued for the purposes of any of these regulations shall, on demand made in that behalf by any police officer or by any authorized officer, produce the licence or permit, as the case may be, to the person making the demand.

Licences, permits, etc.

(2) Any licence or permit granted for the purposes of any of these regulations may contain such conditions as the authority or person granting it may think necessary or expedient and such licence or permit may be revoked by him at any time.

**103.** There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of these regulations, or any order made under any of these regulations, such fee as the Governor may by order determine.

Fees for licences, etc.

**104.** Where any work is done in the exercise of powers conferred by any of these regulations, then, if and so far as the work was work which, apart from the provisions of these regulations, some person was under a duty to do or might have been required to do but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connexion with the doing of the said work shall be a debt due from that person to the Crown.

Recovery of expenses.

Power of Governor to order use of prisoners for certain purposes.

Ordinance No. 38 of 1932.

**105.** (1) Without prejudice to the provisions of the Prisons Ordinance, 1932, and the rules made thereunder, the Governor may, if he considers it necessary or expedient in the public interest, order the employment and use, anywhere outside the prison, of prisoners in such health and sanitary services as he may specify in writing.

(2) For the better carrying out of the provisions of sub-regulation (1), the Governor may order—

(a) that such prisoners be secured either singly or together in such manner and by such means as may be necessary in order to prevent their escape from legal custody;

(b) that such prisoners be employed under the control of prison officers or such persons as the Governor may specify (hereinafter called "specified guards"). Prisoners so employed shall be deemed to be in the legal custody of such specified guards, who shall exercise over such prisoners all the powers, duties, privileges and functions of prison officers including the use of lethal weapons against any prisoner escaping or attempting to escape from legal custody: Provided that resort shall not be had to the use of any such weapons unless a specified guard has reasonable grounds to believe that he cannot otherwise prevent the escape.

Powers to disperse assemblies.

**106.** (1) Whenever any order has been made by the Governor applying this regulation to the Colony or any part thereof any assembly or meeting of five or more persons in any place in the Colony or in any part thereof, as the case may be, may be ordered to disperse by any authorized officer.

(2) Any such authorized officer may use such force as may be necessary to disperse any such assembly.

Revocation and variations of orders, etc.

**107.** Any power conferred by any of these regulations to make any order or regulations shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or regulations.

Powers of Governor.

**108.** The powers conferred by these regulations shall be in addition to and not in derogation of any other rights or powers vested in the Governor, or conferred by law on any authority or person.

PART VIII.

*Special Offences and penalties.*

**109.** (1) Any person who, not being a member of His Majesty's regular forces or local naval, military or air force, corps or reserve or of the Police Force acting in the course of his duty as such—

Injury to property.

(a) injures, or does any act calculated to injure or prevent the proper use or working of, any public building, railway, canal, bridge, road, tramway, vehicle, telegraphic or telephone line or wireless apparatus, cable or plant, mine, shop, factory, waterworks, electrical generating station, or any works or plant used or adapted for use for the production supply, storage, or transport of food, fuel, munitions, water, light, heat, or power; or

(b) approaches, or is in the neighbourhood of, or enters, any such place or property as aforesaid with intent to do injury thereto,

shall be guilty of an offence against these regulations unless he proves that he was acting by lawful authority or on a lawful occasion.

(2) For the purposes of paragraph (b) of sub-regulation (1), a person shall be deemed to have the intent to do injury as described in the said sub-regulation if by reason of his being in possession of any explosive or incendiary article or lethal weapon or dangerous missile, or otherwise from the circumstances of the case, or his conduct, the Court is of opinion that his purpose was to do such injury.

**110.** Any person who shall—

Interference with His Majesty's Force, etc.

(a) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's regular forces or any local naval, military or air force, corps or reserve or of the Police Force or the carrying on of their work by persons engaged in the performance of essential services; or

(b) do, in relation to any person whom he knows to be a member of His Majesty's regular forces or any local naval, military or air force, corps or reserve, or of the Police Force or to be a person engaged in the performance of essential services, any act with intent thereby to render him incapable

of efficiently performing his duties as such or, as the case may be, efficiently carrying on his work as a person so engaged, shall be guilty of an offence against these regulations.

Misleading acts and misrepresentation.

**111.** (1) Any person who shall—

(a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of the Crown, or of a foreign Government, or as a member of the Police Force or of a fire brigade, or in the service, or on behalf of, an undertaking engaged in the performance of essential services; or

(b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, the Crown, or has or has not been classified, selected or appropriated on behalf of the Crown for any particular purpose; or

(c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the public interest; or

(d) make any alarm signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorized by or on behalf of the Governor, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal; or

(e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the public interest,

shall be guilty of an offence against these regulations.

(2) In this regulation the expression "alarm signal" means any signal authorized by or on behalf of the Governor to be used for any purpose connected with the public interest.

Obstruction.

**112.** Any person who obstructs any member of His Majesty's regular forces or any local naval, military or air force, corps or reserve or any police officer acting in the course of his duty as

such, or any person exercising any powers or performing any duties conferred or imposed on him by these regulations or any orders, directions, requirements or notices thereunder or otherwise discharging any lawful functions in connection with the public interest shall be guilty of an offence against these regulations.

**113.** (1) Any person who, without lawful authority or reasonable excuse, the burden of proof of which shall lie upon him, shall—

Unlawful possession of and dealing with arms, etc., belonging to military or police forces.

(a) detain, buy, exchange or receive, from any member of His Majesty's regular forces or local naval, military or air force, corps or reserve or of the Police Force or from any deserter from any such forces or from any person acting for or on behalf of any of the persons aforesaid; or

(b) solicit or entice any of the said persons to sell, make away with, or dispose of; or

(c) be employed by any of the said persons, knowing him to belong to one or other of such forces or to be a deserter from any of such forces, to sell, make away with, or dispose of; or

(d) detain, sell, exchange, hand over, make away with, receive or have in his possession,

any arms, ammunition, explosives, clothing, accoutrements, medals or other appointments, furnished for the use of any of the said forces or any chattel being the property of His Majesty's Government in the United Kingdom or the Government of Hong Kong or any Department of either of such Governments, or any chattel which has been in the supply of, or which has been imported into the Colony, for the use of, the Navy, Army or Air Force Institutes, shall be guilty of an offence against these regulations.

**114.** Any person who shall escape from any custody in which he is lawfully held shall be guilty of an offence against these regulations.

Escape from custody.

**115.** (1) The Governor may, if he considers it in the public interest so to do, by order prohibit the manufacture, sale, use, display or possession of any flag, banner, badge, emblem, device, uniform or distinctive dress.

Prohibition of uniforms, emblems, etc.

(2) Any person contravening any provision of an order made under this regulation shall be guilty of an offence against these regulations.

(3) Any article in respect of which an offence has been committed under this regulation may be seized and destroyed or otherwise dealt with as the Governor may direct, whether or not the identity of the offender is known and whether or not any prosecution has been commenced in respect of the offence.

Possession and carrying of arms, ammunition, and explosive substance.

**116.** (1) Any person who without lawful authority is in possession of arms, ammunition or explosive substance in such quantities or in such circumstances as to lead a reasonable man to infer that he is trafficking therein or intends to use them himself or intends them to be used by others shall be guilty of an offence against these regulations and shall on conviction on indictment be liable to imprisonment for life.

(2) Any person who without lawful authority carries arms, ammunition or explosive substance shall be guilty of an offence against these regulations and shall on conviction on indictment be liable to imprisonment for life :

Provided that no person shall be convicted of an offence against this regulation if the evidence of his having committed such offence consists solely of evidence that a search of his person discovered the presence of arms, ammunition or explosive substance thereon.

Offensive weapons.

**117.** Any person who carries or has in his possession or under his control any offensive weapon or any instrument capable of being used as an offensive weapon, not being a fire-arm, in circumstances which raise a reasonable presumption that he has used or intends or is about to use such weapon or instrument for any unlawful purpose shall be guilty of an offence and shall be liable to imprisonment for ten years.

Consorting with person carrying or having possession of arms, ammunition or explosive substance.

**118.** (1) Any person who consorts with or is found in the company of another person who without lawful authority is carrying or has in his possession arms, ammunition or explosive substance in circumstances which raise a reasonable presumption that he intends to or is about to act with, or has recently acted with, such other person in a manner prejudicial to the public interest, shall be guilty of an offence and shall be liable to imprisonment for ten years.

(2) Where, in any prosecution for an offence under this regulation, it is established to the satisfaction of the Court that the accused person was consorting with or in the company of any person carrying or having possession of any arms, ammunition or explosive substance, it shall be presumed, until the contrary

is proved, that such last mentioned person was carrying or in possession of such arms, ammunition or explosive substance without lawful authority.

**119.** (1) Any person who, knowing or having reasonable cause to believe that another person without lawful authority is carrying or has in his possession any arms, ammunition or explosive substance, fails to report the same to a police officer at the earliest possible opportunity, shall be guilty of an offence against these regulations.

Failure to report offence of carrying or possessing arms, ammunition or explosive substance.

(2) Where any person is charged with an offence against sub-regulation (1) of this regulation, the burden of proving that there was no opportunity of making a report to a police officer, or that such a report was, in fact, made at the earliest possible opportunity, shall lie on the accused.

**120.** (1) Any person who consorts with or harbours any other person whom he knows or has reasonable grounds for believing to be a person who intends to or is about to act or who has recently acted in a manner prejudicial to the public interest, shall be guilty of an offence against these regulations.

Consorting with or harbouring persons wearing unauthorized uniforms, etc.

(2) For the purposes of this regulation the fact that a person is wearing an unauthorized uniform shall be deemed to constitute reasonable grounds for believing that he intends to act in a manner prejudicial to the public interest.

(3) For the purposes of this regulation—

“harbour” includes the supplying a person with shelter, food, drink, money, clothes, or means of conveyance, or assisting a person in any way to evade apprehension ;

“unauthorized uniform” means any uniform prohibited by order under regulation 115 hereof or under section 3 of the Public Order Ordinance, 1948.

Ordinance No. 59 of 1948.

**121.** Any person who is drunk, or who behaves in a disorderly manner, while carrying a fire-arm shall be guilty of an offence and shall be liable to a fine of one thousand dollars and to imprisonment for six months.

Carrying a fire-arm while drunk or disorderly.

**122.** (1) The Governor may by order—

Fire-arms, etc.

(a) prohibit, restrict or regulate the buying, selling or otherwise dealing in arms, ammunition or explosive substance in the Colony or in any area of the Colony specified in the order ;

Buysy Regs (1948<sup>3</sup>)

Death Sentence  
on Persons Carrying Firearms  
or Hand grenades.

scr 7568745.

1/19 | 2706 / Series -

scr. 7/3231/56.

6/3231/59

(b) direct all persons having in their possession or custody in the area specified in the order any arms, ammunition or explosive substance to keep the same in places approved in accordance with the order;

Ordinance No. 2 of 1933.

(c) cancel or suspend any licence issued under section 3 of the Arms and Ammunition Ordinance, 1933, or any licence to carry or use a firearm issued under that Ordinance or direct that any such licence shall have effect subject to such conditions as may be specified in the order.

(2) Any person who contravenes any order made under sub-regulation (1) shall be guilty of an offence against these regulations.

Prohibition of explosive substances.

**123.** No person shall manufacture any explosive substance except under and in accordance with the terms and conditions of a permit granted by the Commissioner of Police, and if any person manufactures any explosive substance in contravention of this prohibition, he shall be guilty of an offence against these regulations.

Certain offences in closed, protected, damaged or evacuated areas to be punishable with life imprisonment.

**124.** If in any closed area or protected place or in any area which at any time after the coming into force of these regulations has been destroyed or damaged by any means whatsoever or subjected to an attack by the enemy or of which any evacuation has been or shall be ordered under section 11 of the Public Order Ordinance, 1948, any person—

Ordinance No. 59 of 1948.

(a) commits any offence punishable under sub-sections (2) and (3) of section 40 of the Larceny Ordinance, 1935, or

Ordinance No. 32 of 1935.

(b) steals any article from any premises destroyed or damaged or vacated for the purpose of complying with such an evacuation order as aforesaid or any article left exposed or unprotected in consequence of such destruction; or

Ordinance No. 6 of 1865.

(c) commits an offence against any provision of the Malicious Damage Ordinance, 1865; or

(d) endeavours to force a safeguard;

shall be guilty of an offence against these regulations and shall on conviction on indictment be liable to imprisonment for life.

Interference with and damage to communications, etc.

**125.** Any person who, not being a member of His Majesty's regular forces or any local naval, military or air force, corps or reserve or a police officer or an authorized officer acting in the course of his duty as such—

(a) interferes with the working or use of any harbour, railway, tramway, waterway, road, track, power station, transmission line or any works or plant used or adapted for use for the production, supply, storage or transport of water or fuel;

(b) damages or interferes with any material or property forming part of, or connected with, any harbour, railway, tramway, waterway, road, track, power station or transmission line, or forming part of, or connected with, any works or plant used or adapted for use for the production, supply, storage or transport of water or fuel;

(c) damages or interferes with any telegraph or telephone line or apparatus or any wireless telegraph or telephone installation or any other means of communication; or

(d) damages or interferes with any aircraft, aircraft material, aerodrome, landing ground or mooring; or

(e) does any act or is guilty of any omission calculated to obstruct or to endanger the safety of any vessel, aircraft, vehicle, locomotive or railway train;

shall be guilty of an offence against these regulations unless he proves that he was acting by lawful authority or on a lawful occasion.

**126.** (1) The Governor in Council shall have power by order to proscribe any organization in the Colony which, in the opinion of the Governor in Council, is an organization which has among its aims, or is being used for, the spread of sedition or the promotion of a general strike, or of disorder of any kind, within the Colony.

Power of Governor in Council to proscribe organization.

(2) Any person who shall do any act in furtherance of the objects of any such proscribed organization shall be guilty of an offence against these regulations.

(3) Any person who shall without lawful authority or excuse have in his possession any badge, ticket or document, or any other thing whatsoever, which purports to have been, or which appears to have been, issued by any such proscribed organization, whether before or after such proscription, or which purports to be, or which appears to be, or which appears to be intended as, evidence of membership of, or any authority from, or any association with, any such proscribed organization shall be guilty of an offence against these regulations.

(4) Any person who does any act in furtherance of the spread of sedition or the promotion of a general strike, or of disorder of any kind, within the Colony shall be guilty of an offence against these regulations.

(5) It shall be lawful for any police officer to seize anything whatsoever which may appear to belong to, or to be connected with, or to be intended to be used for the purpose of, any proscribed organization, and it shall be lawful for a magistrate, upon such notice (if any) as he shall think fit, to order any such thing to be forfeited. Anything so forfeited shall be disposed of in such manner as the Commissioner of Police may direct.

Meetings.

**127.** (1) The Commissioner of Police, if satisfied, with respect to any area in this Colony, that the holding of any meeting or of any class of meetings in that area would be likely to cause a disturbance of public order or interfere with the provision or maintenance of supplies and services essential to the life of the community, may by order prohibit, for such period as may be specified in the order, the holding in that area of any meeting or meetings of that class, as the case may be.

(2) Any police officer or member of His Majesty's regular forces or local naval, military or air force, corps or reserve may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made or directions given under this regulation.

(3) Any person who organises, conducts, or takes part in any meeting the holding of which has been prohibited by an order under this regulation shall be guilty of an offence against these regulations.

(4) It shall not be necessary to publish in the *Gazette* an order under this regulation but publication of such order shall be made by such means as in the opinion of the Commissioner of Police will, in the circumstances prevailing, most effectively give publicity to any such order.

Trespassing and loitering.

**128.** (1) No person shall—  
(a) trespass on, or on premises in the vicinity of, any premises to which this regulation applies; or  
(b) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service or trespass on any premises in the vicinity of any such vehicle, vessel or aircraft;

and any person acting in contravention of this regulation or being found on any vehicle, vessel or aircraft on any occasion on which he had entered or boarded it in contravention of this regulation shall be guilty of an offence against these regulations and, without prejudice to any proceedings which might be taken against him, he may be searched by any member of His Majesty's regular forces or any local naval, military or air force, corps or reserve or by any police officer and may be removed by such member or officer from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) Any person who shall, for any purpose prejudicial to the public interest be in, or in the vicinity of, any premises to which this regulation applies, or any such vehicle, vessel or aircraft as aforesaid, shall be guilty of an offence against these regulations; and where, in any proceedings taken against a person by virtue of this sub-regulation it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of such person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for any such purpose.

(3) Any person who loiters in the vicinity of any premises to which this regulation applies, or any such vehicle, vessel or aircraft as aforesaid, and who continues to loiter in that vicinity after having been requested by a member of His Majesty's regular forces or any local naval, military or air force, corps or reserve or a police officer to leave it, shall be guilty of an offence against these regulations, and may be searched by any such member.

(4) Nothing in this regulation shall authorize the search of a woman except by a woman.

(5) The premises to which this regulation applies are premises used or appropriated—

(a) for any of the purposes of His Majesty's service; or

(b) for the performance of any essential service.

**129.** (1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in His Majesty's service or in the performance of essential services, or to impair the usefulness of any works, structure or premises used or intended to be used as aforesaid: Sabotage.

Provided that a person shall not be guilty of an offence against this regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

(2) The preceding provisions of this regulation shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as they apply in relation to the doing of any act by a person.

(3) Any person convicted on indictment of an offence against this regulation shall be liable to a fine of ten thousand dollars and to imprisonment for ten years.

**130.** (1) Any person who—

(a) endeavours to seduce from his duty any member of His Majesty's regular forces or of any local naval, military or air force, corps or reserve or any person engaged in the performance of essential services or to cause among such persons disaffection likely to lead to breaches of their duty; or

(b) endeavours, whether orally or otherwise, to influence public opinion (whether in the Colony or elsewhere) in a manner likely to be prejudicial to the public interest; or

(c) does any act, or has any article in his possession, with a view to making, or facilitating the making of, any such endeavour;

shall be guilty of an offence against these regulations.

(2) A prosecution for an offence under this regulation shall not be instituted except with the consent of the Attorney General.

**131.** Where a person convicted of an offence against any of these regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

**132.** If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a licence or permit granted or issued for the purposes of any of these regulations, or makes or has in his possession any document so

Seduction from duty, disaffection and propaganda.

Offences by corporations.

Alteration and improper use of licences and permits.

closely resembling such a licence or permit as to be calculated to deceive, he shall be guilty of an offence against these regulations.

**133.** A provision which constitutes or results in the constitution of an offence shall be deemed to include a provision that an attempt to commit or the doing of any act preparatory to the commission of such offence shall itself constitute an offence which may be dealt with and punished in like manner as if the offence had been committed: Provided that if any offence is punishable with death an attempt to commit or the doing of any act preparatory to the commission of such an offence shall not be punishable with any greater punishment than life imprisonment.

**134.** Nothing in these regulations shall affect the liability of any person to trial and punishment for any offence otherwise than in accordance with these regulations:

Provided that no person shall be punished twice for the same act or omission.

**135.** For the avoidance of doubt it is hereby declared that, where possession of any property or thing, or possession thereof in specified circumstances, is an offence against these regulations, the obtaining of possession, or the obtaining of possession in those circumstances, of that property or thing shall also constitute that offence.

**136.** (1) Any person who contravenes or fails to comply with any of these regulations, or any order or rule made under any of these regulations or any direction given or requirement imposed under any of these regulations, shall be guilty of an offence against these regulations; and, subject to any special provisions contained in these regulations, a person guilty of an offence against any of these regulations shall—

(a) on summary conviction, be liable to a fine of five thousand dollars and to imprisonment for two years; or

(b) on conviction on indictment, be liable to a fine of ten thousand dollars and to imprisonment for five years.

(2) Where any offence against these regulations shall have been committed, whether any person shall have been convicted in respect thereof or not, it shall be lawful for the Court or Magistrate to order to be forfeited to the Crown any article

Attempt to commit an offence to be deemed an offence.

Liability for offences.

Obtaining possession, where possession is an offence.

General penalties.

in respect of which such offence has been committed and upon the making of any such order of forfeiture the said article shall become the property of the Crown free from all rights of any person. Before making any such order the Court or Magistrate shall give to any person claiming or appearing to the Court or Magistrate to be the owner of or otherwise interested in such article an opportunity of being heard:

Provided that it shall be lawful for the Governor in his absolute discretion to give effect to any claim for relief from such forfeiture where such claim is established to his satisfaction on equitable, moral or other grounds.

### PART IX

#### *Commencement.*

137. (1) These regulations shall not come into operation save and except at the time and in the manner hereinafter mentioned.

(2) The Governor may by order notification of which shall be given in the *Gazette* declare that these regulations or such part or parts thereof or such regulations or regulation as he may by such order specify shall come into operation and upon publication of such notification in the *Gazette* the regulations or such part or parts thereof or such regulations or regulation as may be specified shall come into operation.

(3) It shall be lawful for the Governor in making any such declaration as aforesaid—

(a) if the declaration relates to the whole of these regulations to declare that any part or parts thereof or any regulation or sub-regulation shall not come into operation; and

(b) if the declaration relates to any part or parts thereof to declare that any regulation or sub-regulation included in such part or parts shall not come into operation; and

(c) if the declaration relates to any regulation to declare that any sub-regulation thereof shall not come into operation.

### PART X

#### *Repeal.*

Repeal.

138. The regulations made under section 2 of the Ordinance and specified in the Schedule to these regulations shall be and are hereby repealed.

### SCHEDULE.

Regulations made under section 2 of the Emergency Regulations Ordinance, 1922, and published in the Gazette as:—

Government Notification No. 775 of the 7th October, 1938

Government Notification No. 794 of the 12th October, 1938

Government Notification No. 798 of the 14th October, 1938

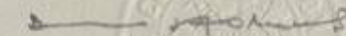
Government Notification No. 288 of the 14th April, 1939

Government Notification No. 324 of the 21st April, 1939

Government Notification No. 622 of the 4th August, 1939

Government Notification No. 743 of the 29th June, 1940

Government Notification No. 994 of the 6th September, 1940.



*Acting Clerk of Councils.*

COUNCIL CHAMBER,  
28th December, 1949.

### EXPLANATORY NOTE.

1. Emergency powers are at present conferred by a number of regulations made under the Emergency Regulations Ordinance, 1922, and by Defence Regulations, 1940, in force for special purposes. It is desirable to provide more comprehensive emergency powers and to re-define the purposes for which they may be used. This has been effected by the Emergency (Principal) Regulations, 1949, which repeal a number of similar regulations made prior to the Pacific War under the Emergency Regulations Ordinance, 1922.

2. Special attention is invited to Part IX of such Regulations which provides (regulation 137) that the Regulations shall *not* come into operation until the Governor by Order so declares and which, alternatively, empowers the Governor to bring into force such of the Regulations as may from time to time be required.

3. It is also to be noted that nearly all of the Regulations are enabling in nature *i.e.* they do not, of themselves, impose immediate duties or prohibitions. For this reason actual operation of powers afforded by the Regulations will, even after they are brought into force, be dependent on the making of Orders or the exercise of discretions by the Governor or the respective authorities named in or appointed under the Regulations as and when necessity occurs and only to the extent that necessity requires.

4. The regulations have been divided into parts and placed under headings to assist reference and application of them but it has not been possible in all cases to adhere rigidly to this principle. A list, which is attached to this Note, should serve to assist authorities who have duties to perform under the Regulations and the general public. It suffices, for the purpose of this Note, to invite particular attention only to specific provisions of the Regulations, as follows:—

PART I.—*Introduction.*

5. Regulation 2 contains definitions usually found in similar regulations. Attention, however, is drawn to the definitions of—

- “area”;
- “Attorney General”;
- “enemy”;
- “explosive substance”;
- “newspaper”;
- “pamphlet”;
- “safeguard”;
- “supplies and services”;
- “unlawful publication”.

PART II.—*Censorship and Control of Publications and means of Communication.*

6. Regulation 7 empowers a competent authority to prohibit not only the importation or exportation, or the printing or publishing of any particular publication but also any publication of a particular kind or character. It is of interest to note that as regards a “periodical publication”, the prohibition extends to future issues only unless the order prohibiting the same or a subsequent order states otherwise.

7. Regulations 8 and 9 contain wide powers of examination of postal packets, telegrams, printed or written matter and packages.

8. Regulations 11 and 12 provide powers for censorship on travellers and the examination of consignments.

9. Regulations 13 to 20 have been designed to provide for greater control (necessary in emergency) of newspapers, printers, publishers and owners of printing presses.

10. Regulations 25 to 27 contain provision designed to minimize breaches of the peace, and the dissemination of false reports.

11. Regulation 28 is designed to prevent the intimidation of witnesses.

PART III.—*Arrest, Detention, Exclusion and Deportation.*

12. Regulations 29 to 41 provide measures in aid of internal security of the Colony. Regulation 31 gives the Colonial Secretary wide powers of detention, but provides a safeguard in that a person detained may object to a Committee of Review against the detention order made against him.

13. Regulation 33 empowers the Governor, in certain circumstances, to order the inhabitants of certain areas to be detained and to leave and remain out of the Colony. The power of expulsion, however, cannot be exercised against a British subject born in the Colony. Regulation 39 has been inserted to expedite disciplinary action against any public officer against whom an order under this Part has been made.

14. Regulation 37 vests the Commissioner of Police with powers to impose restrictions against persons in respect of various matters and things and by Regulation 38 he may by order direct that a person be placed under supervision for any period not exceeding one year.

PART IV.—*Control of harbours, ports and territorial waters of the Colony etc.*

15. Regulations 42 to 56 provide powers necessary in emergency in regard to harbours, ports and territorial waters. In particular Regulation 50 deals with the entry of as well as with the departure of ships and aircraft.

16. Past experience has proved that it may be necessary, in certain circumstances, to refuse fuel, victuals or necessaries or the facility to effect repairs to ships and aircraft whilst in the Colony. Regulation 51 has been drafted to empower the Governor in the interest of public order and essential services to prohibit any such ship or aircraft to refuel, from taking in supplies or effecting repairs.

PART V.—*Transport.*

17. Regulation 59 empowers the immobilisation of mechanically propelled vessels and vehicles.

PART VI.—*Possession or control of property, undertaking or employment.*

18. Regulations 66 and 67 provide powers for the requisitioning of land and chattels. With regard to the requisitioning of chattels it should be noted that (Regulation 67) chattels other than vehicles, vessels, excavators, cranes or agricultural machinery become, as soon as possession is taken in pursuance of the Regulation, the property of the Government of Hong Kong. On the other hand vehicles, vessels, excavators, cranes or agricultural machinery remain on hire and, in order to acquire any one of them, notice of acquisition has to be served.

19. Under regulation 79 a competent authority may by order sanction the commission of a nuisance and in such event a private complainant is deprived of his ordinary legal remedies but may apply for a variation or revocation of the order made.

PART VII.—*Miscellaneous Provisions.*

20. Regulation 91 provides powers to deal with the danger to security which can be presented by wireless broadcasting.

21. Regulation 105 enables prisoners to be employed in an emergency in the maintenance of health and sanitary services.

PART VIII.—*Special offences and penalties.*

22. Regulations 116, 118 and 120 provide special powers to combat violence and terrorism. Regulation 123 is to be noted. It contains a complete prohibition of the manufacture of explosive substance (as defined) except under a permit granted by the Commissioner of Police.

AUTHORITY TO EXERCISE POWERS.	UNDER THE PROVISIONS OF THE EMERGENCY (PRINCIPAL) REGULATIONS, 1949, SHOWN HEREUNDER.
Governor in Council.	Regulations 21, 32, 33, 83, 87, 107, 108, 126.
The Governor.	Regulations 3, 5, 10, 13, 15, 21, 23, 31, 33, 39, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 55, 56, 57, 58, 59, 60, 61, 62, 64, 69, 70, 71, 72, 73, 74, 76, 77, 80, 83, 87, 88, 89, 90, 91, 92, 94, 100, 101, 103, 105, 106, 107, 108, 111, 115, 122.
Court.	Regulations 28, 83, 86, 87, 107, 108, 136.
Colonial Secretary.	Regulations 30, 31, 32, 33, 36, 40, 83, 87, 107, 108.
Attorney General.	Regulation 130.
Commissioner of Police.	Regulations 34, 37, 38, 76, 83, 87, 93, 107, 108, 123, 126, 127.
Postmaster General.	Regulations 5, 9, 83, 87, 107, 108.
Censor.	Regulations 5, 83, 87, 107, 108.
Competent Authority.	Regulations 6, 7, 8, 13, 14, 15, 16, 17, 19, 20, 21, 23, 24, 26, 45, 52, 54, 63, 66, 67, 68, 72, 73, 74, 75, 78, 79, 82, 83, 87, 88, 96, 107, 108.
Clerk of Councils.	Regulations 32, 33, 83, 108.
Accountant-General.	Regulation 67.
Authorized Officers.	Regulations 8, 11, 12, 18, 20, 21, 23, 41, 42, 52, 63, 68, 83, 84, 87, 99, 102, 106, 107, 108.
Police Officer, Member of H.M. Forces and/or Immigration Officer.	Regulations 29, 30, 32, 33, 34, 35, 38, 40, 65, 66, 75, 76, 83, 87, 95, 98, 102, 107, 108, 126, 127, 128.

IMMIGRANTS CONTROL ORDINANCE, 1949.

REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the powers conferred upon him by section 34 of the Immigrants Control Ordinance, 1949, and of all other powers thereunto him enabling His Excellency the Governor in Council has made the following regulations:—

REGULATIONS

Citation. **1.** These regulations may be cited as the Immigrants Control (Amendment) (No. 2) Regulations, 1949, and shall be read as one with the Immigrants Control Regulations, 1949, hereinafter referred to as the principal regulations.

G.N. A. 53.  
Gaz. Suppl.  
No. 2 of  
18.3.49.

Revocation and replacement of regulation 15 of the principal regulations. **2.** Regulation 15 of the principal regulations is hereby revoked and replaced as follows:—

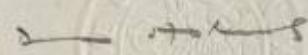
“Exemptions. **15.** (1) Consuls de Carriere duly accredited to the Government of Hong Kong are exempted from the provisions of sections 24 and 25 of the Ordinance.

(2) Citizens of the Chinese Republic, if of Chinese race and if entering or leaving the Colony from or to a destination in such Republic, are exempted from the provisions of sections 18, 24 and 25 of the Ordinance:

Provided that—

(a) such persons be not wholly or partially attired in uniform; and

(b) such persons are not entering or leaving the Colony from or to Hainan or Taiwan.”

  
Acting Clerk of Councils.

COUNCIL CHAMBER,  
28th December, 1949.

*Explanatory Note.*

Regulation 15 of the Immigrants Control Regulations, 1949, provided for exemptions from the provisions of sections 4, 18, 24, 25 and 28 of the Immigrants Control Ordinance in regard to citizens of the Chinese Republic of Chinese race, entering or leaving the Colony, from or to a destination in such Republic or in Macau.

2. The above regulations amend regulation 15 so as to make section 4 of the Ordinance relating to points of entry to the Colony applicable to all persons and to make all the provisions of the Ordinance applicable to Chinese seamen and Chinese attired wholly or partially in uniform and also to persons entering or leaving the Colony, from or to Hainan or Taiwan.

D. 15. No 8/39

PUBLIC RECORDS OFFICE  
OF HONG KONG  
H.K.R.S. No. 31

29, 30