

NEW TERRITORIES REGULATION ORDINANCE, 1910.

In exercise of the powers conferred by sections 6 and 6A of the New Territories Regulation Ordinance, 1910, the Governor in Council rescinds Government Notification No. 1409 published in the Gazette of 28th November, 1941, with effect from 16th September, 1949.



H. Hammett
Clerk of Councils.

COUNCIL CHAMBER,
4th October, 1949.



DEFENCES (FIRING AREAS) ORDINANCE, 1936.

Ordinance No. 1 of 1936.

In exercise of the powers conferred by section 10A of the Defences (Firing Areas) Ordinance, 1936, the Governor in Council amends the Schedules to the said Ordinance as follows:—

AMENDMENTS

1. The following additional Firing Area, to be known as Firing Area C, shall be added to the First Schedule, immediately after Firing Area B:—

(c) *FIRING AREA C*:—

The area included in this Firing Area comprises the greater part of the Castle Peak Peninsula and is bounded as follows:—

By a line from Latitude $22^{\circ} 24' 32''$, Longitude $113^{\circ} 54' 47''$ southwards to Latitude $22^{\circ} 23' 38''$ thence south south eastwards and east of NAM LONG to Latitude $22^{\circ} 22' 28''$, Longitude $113^{\circ} 55' 17''$, thence south eastwards to Latitude $22^{\circ} 22' 02''$, Longitude $113^{\circ} 55' 46''$, thence north eastwards to Latitude $22^{\circ} 22' 27''$, Longitude $113^{\circ} 56' 43''$, thence north north eastwards to Latitude $22^{\circ} 22' 51''$, Longitude $113^{\circ} 56' 51''$, thence north westwards to Latitude $22^{\circ} 23' 13''$, Longitude $113^{\circ} 56' 35''$, thence northwards to Latitude $22^{\circ} 23' 40''$, Longitude $113^{\circ} 56' 38''$, thence northwards to Latitude $22^{\circ} 25' 18''$, Longitude $113^{\circ} 57' 05''$, thence south westwards to Latitude $22^{\circ} 24' 25''$ Longitude $113^{\circ} 55' 30''$, thence westwards to starting point.

2. The Third Schedule is hereby rescinded and the following shall be substituted therefor as the Third Schedule:—

THIRD SCHEDULE

Firing Signals.

1. (1) Notice that firing is taking place in any Firing Area shall be given by the hoisting or display of the signals hereinafter mentioned.

Signals for day and night firing.

(2) Such signals, when firing by day, shall be displayed two hours before firing is due to commence.

(3) Such signals, when firing by night, shall be displayed two hours before sunset.

(4) In all cases signals shall remain displayed until firing has ceased, and shall then be hauled down or extinguished.

(5) The signals referred to in paragraph (1) above are—

(A) IN RESPECT OF FIRING BY DAY—

(a) for FIRING AREA A—

- (i) by a red flag flown at the gun site concerned;
- (ii) by a large red flag on the Range Target Towing Vessel. The display of this flag is a signal that the target is ready to be, or is being, fired at;
- (iii) by a red flag, with, below it, the International Code Flag "A" flown from Green Island Typhoon Signal Mast.

(b) for FIRING AREA B—

- (i) by a red flag flown at the gun site concerned;
- (ii) by a large red flag on the Range Towing Vessel. The display of this flag is a signal that the target is ready to be, or is being, fired at;
- (iii) by a red flag, with, below it, the International Code Flag "B", flown from a point on the main road nearest to each gun site and from the old Sai Kung Police Station Flag pole (map reference 671102) and from the old observation post, hill '163' (map reference 717003) and from such points as the District Commissioner, New Territories, may require on the following islands:—

- Bluff Island (map reference 765033),
- Town Island (map reference 778056),
- Urn Island (map reference 731101).

Firing by day.
Firing Area A.

Firing Area B.

(c) for FIRING AREA C—

Firing Area C.

- (i) by a red flag flown at each gun site;
- (ii) by a red flag flown at Castle Peak (map reference 314109) unless the District Commissioner, New Territories, gives permission to the Military Authorities to dispense with this flag;
- (iii) by a red flag flown from a launch patrolling the coast between TAP SIAK KOK (map reference 274097) and BLACK POINT (map reference 256129);
- (iv) by a red flag flown from a flag pole at a point between NAM LONG Village and the boundary of Firing Area C (map reference 284114);
- (v) by a red flag flown from such other position or positions as may be agreed upon, from time to time, by the District Commissioner, New Territories, and the Military Authorities.

(B) IN RESPECT OF FIRING BY NIGHT—

Firing by night.

(a) for FIRING AREAS A, B and C—

Firing Areas A, B and C.

- (i) by a red lamp hoisted at the gun site concerned;
- (ii) by such signals or warnings as may appear suitable and practicable to the District Commissioner, New Territories, and the Military Authorities.



Clerk of Councils.

COUNCIL CHAMBER,
11th October, 1949.

THE BUILDINGS ORDINANCE, 1935.
(Ordinance No. 18 of 1935).

The Governor-in-Council has been pleased to direct under Section 5 of the Buildings Ordinance, 1935, that the following name be added to the List of Authorized Architects published as Notification No. 794 in the Gazette of 26th August, 1949:—

Silva, José Francisco da



Alvario de Sá

Deputy Clerk of Councils.

COUNCIL CHAMBER,
17th October, 1949.



THE EMERGENCY REGULATIONS ORDINANCE, 1922.
REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the powers conferred by section 2 of the Emergency Regulations Ordinance, 1922, as amended by the Emergency Regulations (Amendment) Ordinance, 1949, and by the Emergency Regulations (Amendment) (No. 2) Ordinance, 1949, the Governor in Council hereby makes the following regulations:—

REGULATIONS.

1. These regulations may be cited as the Emergency (Anti-aircraft Gun Practice) Regulations, 1949. Citation.

2. In these regulations—

“aircraft” includes all balloons (whether fixed or free), kites, gliders, airships, aeroplanes, seaplanes, flying boats and other flying machines;

Interpretation.

“Commander” means the officer for the time being commanding the Royal Artillery, Hong Kong;

“gun site” includes any gun site on land within the Colony or any gun sited upon any vessel operating within the Colony or its territorial waters;

“practice” means anti-aircraft firing by guns or rocket projectiles from gun sites;

“vessel” and “ship” have the meanings respectively assigned to them in the Merchant Shipping Ordinance, 1899.

Ordinance No. 10 of 1899.

3. It shall be lawful for the Commander, subject to the provisions of this Ordinance, to order practice over the whole or any part of the Colony: Provided that when any person, vessel or aircraft is endangered by such practice all firing shall cease. Authorized firing.

4. The Commander shall—

(a) send to the persons mentioned in the Schedule—

Practice programmes and notices, etc.

(i) not less than seven days before the date on which a practice is to take place a provisional programme of practice together with all necessary charts and maps as may be required by them;

(ii) advance notice of actual practice two days before the date on which it is to take place;

(b) cause advance notice of actual practice to be given for two consecutive days to the members of the public by notifications in the English and Chinese languages in the local English and Chinese press respectively and by broadcasts in such languages;

(c) cause warnings to be given by such means as may practically be employed in land areas which are likely to be affected;

(d) arrange for the patrol of areas which are affected in order to ensure that vessels, ships, aircraft and persons are not exposed to unnecessary danger.

5. While practice is taking place—

(a) no person shall bring, take or suffer to remain in any area affected by such practice any vessel, aircraft or thing, except as provided in regulation 10;

(b) no vessel shall be employed in fishing in such area;

(c) no pleasure boat shall cruise in such area;

(d) no vessel shall anchor or remain anchored in or ground on the area;

(e) no aircraft shall alight on, remain in or travel in such area.

6. In the event of any vessel or aircraft being from any cause within any area affected by practice, it shall be the duty of the master or pilot or other person in charge thereof to use his utmost endeavours to pass out of the area without loss of time.

7. (1) No person shall trawl, dredge or search for or otherwise interfere with any practice bullet, shell or rocket projectile or portions thereof within any area affected by practice, or take, or retain, or be in possession of, any such practice bullet, shell or rocket projectile, or portions thereof, found within any such area.

(2) Any person who, when trawling, dredging, or in any manner whatsoever, shall come into possession of any such practice bullet, shell or rocket projectile or any portion thereof, within any area affected by practice, shall not retain it, but shall immediately return it in its existing condition, and without tampering with it, into the water.

Prohibitions in respect of areas affected by practice.

Duty of masters of vessels and pilots of aircraft.

Provisions relating to the recovery of projectiles.

(3) The provisions of this section shall not apply in cases of persons who recover any practice bullet, shell or rocket projectile or any portion thereof, under written instructions from the Commander.

8. (1) Any person doing anything prohibited by or otherwise contravening regulations 5, 6 and 7 hereof shall be deemed to commit an offence against these regulations.

Penalties.

(2) If any person commits an offence against these regulations he may be removed by any officer authorized by regulation 9 from any area affected by practice, and may be taken into custody without warrant, and on summary conviction shall be liable to a fine of two hundred and fifty dollars. Any vessel, aircraft or thing found in such area in contravention of these regulations may be removed by such officer as aforesaid and may be forfeited to the Government of Hong Kong on summary conviction of the person responsible for such contravention.

9. The following officers are hereby authorized to remove or take into custody without warrant any person contravening regulations 5, 6 and 7 hereof, or to remove any vessel, aircraft or thing found in any area affected by practice:—

Officers authorized to arrest or remove trespassers, etc.

(a) the officer in charge of patrolling any such area;

(b) the officer in charge of a gun site;

(c) any commissioned officer, warrant officer, or non-commissioned officer of His Majesty's Naval, Military or Air Forces;

(d) any person authorized in writing under the hand of the officer in charge of a gun site;

(e) any police officer.

10. These regulations shall not apply to—

Exemptions.

(a) any vessel or aircraft compelled to enter or unable to quit an area affected by practice by reason of the exigencies of navigation;

(b) any vessel employed in tending, placing or replacing mark buoys or other aids to navigation within such area;

(c) His Majesty's ships of war, His Majesty's aircraft, or any vessel or aircraft employed under Admiralty, War Office, or Air Council Authority or under the Government of Hong Kong.

Power of
Governor
to amend
Schedule.

11. The Governor in Council may amend the Schedule to these regulations in any manner whatsoever.


Arthur Hill
Deputy Clerk of Councils.

COUNCIL CHAMBER,
18th October, 1949.

SCHEDULE

LIST OF PERSONS TO BE SUPPLIED WITH
PROGRAMMES, CHARTS AND MAPS.

- The Colonial Secretary.
- The Director of Public Works.
- The Director of Marine.
- The Commissioner of Police.
- The Director, Civil Aviation.
- The District Commissioner, New Territories.
- The Secretary, Royal Hong Kong Yacht Club.
- The General Officer Commanding-in-Chief, Hong Kong.
- The Commodore in Charge, Hong Kong.
- The Air Officer Commanding, Hong Kong.

THE EMERGENCY REGULATIONS ORDINANCE, 1922.
REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the powers conferred by section 2 of the Emergency Regulations Ordinance, 1922, as amended by the Emergency Regulations (Amendment) Ordinance, 1949, and the Emergency Regulations (Amendment) (No. 2) Ordinance, 1949, the Governor in Council has made the following regulations:—

REGULATIONS.

1. These regulations may be cited as the Emergency (Royal Citation. Navy) Police Powers Regulations, 1949.

2. For the purpose of these regulations—
“appropriate law” includes—

Interpreta-
tion.

(a) the Merchant Shipping Ordinance, 1899, and any Ordinance
regulations made thereunder; No. 10 of
1899.

(b) the Immigrants Control Ordinance, 1949, and any Ordinance
regulations made thereunder; No. 4 of
1949.

(c) any regulations made under the Emergency Regula- Ordinance
tions Ordinance, 1922; and No. 5 of
1922.

(d) any enactment which the Governor may by notifica-
tion in the *Gazette* declare to be included in such expression;

“Commanding Officer” means a Commissioned Officer
or midshipman who at the time of the exercise of any power
hereby conferred is in command of one of the ships of war of
His Majesty or one of the ships of war maintained by the Colony;

“Commissioned Officer” means an officer holding a
commission in—

- (a) the Royal Navy; or
- (b) the Royal Naval Reserve; or
- (c) the Royal Naval Volunteer Reserve; or
- (d) the Naval Force;

“Naval Force” has the meaning from time to time
assigned to it by the Hong Kong Defence Force Ordinance, 1948,
or any enactment amending or substituted for the same.

Ordinance
No. 63 of
1948.

A reference to an Ordinance shall include any amendment
thereof from time to time in force.

Officers to have powers of a police officer.

3. A Commanding Officer and a Commissioned Officer during such time as he may be detailed for such duty by a Commanding Officer shall for the purpose of enforcing the appropriate law have all the powers vested in an Inspector of Police and in an Immigration Control Officer whether by virtue of the appropriate law or of any other law applicable to the Colony.

Commanding Officer may take appropriate measures to require vessel to stop.

4. For the purpose of requiring a vessel to stop a Commanding Officer may authorize the firing of a gun as a signal or may take such other measures as he may deem appropriate to indicate that such vessel is required to stop.

Commanding Officer may fire at vessel refusing to stop.

5. Where in exercise of any power conferred by these regulations a vessel (not being or having the status of a ship of war) has been lawfully required to stop and fails to do so a Commanding Officer, after taking such measures as may reasonably be taken to identify the ship under his command as one of His Majesty's ships of war or one of the ships of war maintained by the Colony, as the case may be, may compel such vessel to bring to by firing at her or by the use of such other force as he may deem appropriate.

Indemnity for persons acting in aid of a Commanding Officer or Commissioned Officer.

6. Every person acting in the aid or by the direction of a Commanding Officer or Commissioned Officer who is purporting to act in the exercise of any power conferred by these regulations shall be and is hereby indemnified and discharged from any indictment penalty action or other proceeding for so doing.

Alwin H. Bell

Deputy Clerk of Councils.

COUNCIL CHAMBER,
18th October, 1949.

Explanatory Note.

The physical control of the movement of vessels in colonial waters is exercised by the Marine Police who are at present inadequately equipped to exercise sufficient control outside the limits of the port of Victoria. Such control is necessary *inter alia* for the enforcement of enactments regulating merchant shipping and immigration control. The object of the present regulations is to confer upon a Commissioned Officer of the Royal Navy and of certain other naval forces or upon a midshipman if he is in command of the vessel, the powers vested by law in an Immigration Control Officer and in an Inspector of Police. As the exercise of these powers may render it necessary to stop and search vessels which may prove unwilling to comply an officer in command of a warship is authorized to fire at a vessel which fails to stop when lawfully required so to do.

THE EMERGENCY REGULATIONS ORDINANCE, 1922.

REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the powers conferred by section 2 of the Emergency Regulations Ordinance, 1922, as amended by the Emergency Regulations (Amendment) Ordinance, 1949, and by the Emergency Regulations (Amendment) (No. 2) Ordinance, 1949, the Governor in Council hereby makes the following regulations:—

REGULATIONS.

1. These regulations may be cited as the Emergency Citation. (Control of Ships and Aircraft) Regulations, 1949.

2. In these regulations—

“aircraft” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 to 1947;

“public interest” includes the interests of defence or of the preservation of public order, safety or health or of the provision or maintenance of supplies and services essential to the life of the community;

“ship” has the same meaning as in the Merchant Shipping Ordinance, 1899, but shall not include a ship or vessel belonging to His Majesty.

3. (1) The Governor, and any person acting on his behalf, may, if it appears to him to be necessary or expedient in the public interest so to do, give directions as respects any particular ship or aircraft, or any class of ships or aircraft—

(a) that no such ship or aircraft shall enter or leave the harbours and territorial waters of the Colony or the Colony, as the case may be, except with permission granted by him or such person as may be specified in the directions; or

(b) that any such ship or aircraft shall within such time as may be specified by any such directions leave the harbours and territorial waters of the Colony or the Colony.

(2) If any ship or aircraft enters or attempts to enter, or leaves or attempts to leave the harbours and territorial waters of the Colony or the Colony, as the case may be, in contravention

Interpretation.

10 & 11 Geo. 5, c. 80; 26 Geo. 5 & 1 Edw. 8, c. 44; 1 & 2 Geo. 6, c. 33; 10 & 11 Geo. 6, c. 18.

Ordinance No. 10 of 1899.

Entry and departure of ships and aircraft.

of any directions given under this regulation, the master of the ship or, as the case may be, the pilot of the aircraft, shall be guilty of an offence against these regulations.

(3) Any person acting on behalf of the Governor may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any directions given under this regulation relating to the ship or aircraft, or, where an offence against these regulations has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

Prohibition as to supply of fuel, victuals and necessaries, and the repair of ships and aircraft.

4. (1) The Governor may, if it appears to him to be necessary or expedient in the public interest, by order prohibit any ship or aircraft to take on board any fuel, victuals or necessaries or to effect any repairs, as may be specified in such order, whilst such ship is within the harbours and territorial waters of the Colony or whilst such aircraft is in the Colony.

Any such order under this regulation may be made so as to apply either to a particular ship or aircraft or to ships or aircraft of a particular class.

(2) Any person who acts in contravention of any order under this regulation by supplying or taking on board any ship or aircraft, against which such order has been made, any such fuel, victuals or necessaries, or by effecting any such repairs whilst such ship is within the harbours and territorial waters of the Colony or whilst such aircraft is in the Colony, or, if there is any contravention of such an order in the case of a ship or aircraft, the master of the ship or the pilot of the aircraft, as the case may be, and the person having the management thereof shall all be individually guilty of an offence against these regulations.

(3) Any person acting on behalf of the Governor may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order made under this regulation relating to the ship or aircraft, or, where an offence against these regulations has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

Offences by corporations.

5. Where a person convicted of an offence against these regulations is a body corporate, every person who, at the time 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.

6. (1) Any person who contravenes or fails to comply with any of these regulations, or any order made under these regulations or any direction given or requirement imposed under these regulations, shall be guilty of an offence against these regulations and 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 a magistrate to order to be forfeited to the Crown any ship or aircraft in respect of which such offence has been committed and upon the making of any such order of forfeiture the said ship or aircraft 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 ship or aircraft 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.

Deputy Clerk of Councils.

COUNCIL CHAMBER,
18th October, 1949.

Explanatory Note.

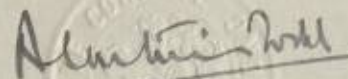
The regulations empower the Governor (or person acting on his behalf), if it appears to be necessary so to do in the public interest (as defined) to give directions prohibiting the entry or departure or the supply or repair of ships and aircraft. The regulations further provide for penalty by fine and imprisonment and by forfeiture of a ship or aircraft upon conviction of an offence committed by failure to comply with any such prohibition.

HONG KONG.

ORDINANCE No. 14 of 1946 (SUMMER TIME).

ORDER BY THE GOVERNOR IN COUNCIL
(Under Section 2(1) of the Ordinance).

It is hereby ordered that Summer Time shall cease to be observed as from 3.30 a.m. Standard Time on Sunday, the 30th October, 1949, and not on Sunday, the 6th November, 1949, as notified in Government Notification No. A. 59 published in the Gazette of the 25th March, 1949.



Deputy Clerk of Councils.

COUNCIL CHAMBER,
18th October, 1949.



HONG KONG

ORDINANCE No. 13 of 1935 [PUBLIC HEALTH (FOOD)].

In exercise of the powers conferred by Section 5 of the Public Health (Food) Ordinance, 1935, the Urban Council makes the following by-laws which shall be inserted in the Schedule to the said Ordinance, immediately after the by-laws for Restaurants, Food Canteens, etc. :—

RESTRICTIONS ON SALE, ETC. OF CERTAIN FOODSTUFFS FOR THE PREVENTION AND CONTROL OF DISEASE.

1. No person shall sell or offer or expose for sale the Chinese dishes known as "Yu Sang" (魚生) and "Yu Sang Chuk" (魚生粥) nor the jellies known as "Leung Fan" (涼粉), "Man Tau Lo" (饅頭糰) and "Tai Ts'oi Ko" (大菜糕).
Yu Sang,
Yu Sang
Chuk, etc.
2. Except under and in accordance with a permit issued by the Council, no person shall sell or offer or expose for sale ice-cream or any frozen or chilled confection or any non-aerated drinks in the preparation of which fruit juice or herbs (other than tea) are used.
Ice-cream,
fruit juice,
etc.
3. Except under and in accordance with a permit issued by the Council, which shall be conditional on production to the Council of a certificate of origin and safety from a competent authority approved by the Council, no person shall sell or offer or expose for sale any kind of bivalve mollusc, but such permission shall not be necessary in respect of bivalve molluscs contained in sealed tins which have been imported from Australia, Canada, New Zealand, the United Kingdom or the United States of America or from such other localities as the Council may from time to time approve.
Bivalve
mollusc.
4. Any permit granted under these by-laws shall be for such period not exceeding one year as the Council shall think fit and shall be in such form as the Council shall consider appropriate.
Period and
form of
permits.
5. No person shall, in any manner whatsoever, in the harbour of Hong Kong or in the harbour of Aberdeen or in Kwai Chung Bay, collect shell fish, including mussels, shrimps, prawns, lobsters and all other kinds of molluscs and crustaceans.
Collecting
shell fish.



Sale of shell fish.

6. No person shall sell or offer or expose for sale any shell fish collected or otherwise obtained from the harbour of Hong Kong or from the harbour of Aberdeen or from Kwai Chung Bay. For the purpose of this by-law "Shell-fish" includes mussels, shrimps, prawns, lobsters and all other kinds of molluscs and crustaceans.

For the purpose of this by-law :—

i. "Harbour of Hong Kong" means the Harbour of Victoria and includes the waters of the Colony within the following boundaries :

On the east—A straight line drawn from the westernmost extremity of Siu Chau Wan Point to the westernmost extremity of Ah Kung Ngam Point (sometimes known as Kung Am).

On the west—A straight line drawn from the westernmost point of the Island of Hong Kong to the westernmost point of Green Island, thence a straight line drawn from the westernmost point of Green Island to the westernmost point of Stonecutters Island, and thence a straight line drawn true north from the westernmost extremity of Stonecutters Island to the mainland.

ii. "Harbour of Aberdeen" means the whole of Aberdeen Bay within the boundaries represented by a straight line drawn northward from the westernmost point of Aplichau Island and the foreshores of Aberdeen Bay up to and including high water mark at spring tide.

and iii. "Kwai Chung Bay" means the area bounded on the west by a line drawn three hundred and thirty-six degrees from the western extremity of Stonecutters Island through Pillar Island to the eastern shore of Capsimun Pass and on the east by the mainland and the harbour.

Uncut fruit.

7. No person shall sell or offer or expose for sale any fresh fruit unless the same is whole, that is to say, uncut and unpeeled; provided that this by-law shall not apply in the case of peeled pumeloes if the inner skin is unbroken.

Inoculation against Cholera.

8. No person shall engage or be engaged in any business or trade wherein food, including milk products intended for consumption, either without cooking or without further cooking, is procured, prepared, handled, distributed or sold by such person unless proof of recent inoculation against cholera, to the satisfaction of a Health Officer, can be shown.

This by-law, however, shall not apply to persons engaged in the procuring, handling or sale of cooked foods, including milk products, if contained in the manufacturers original unbroken sealed containers.

For the purpose of this by-law "Milk products" includes "ice-cream" or any chilled or frozen preparation commonly known as ice-cream.

9. Any officer of the Sanitary Department or any police officer may seize any food which is or appears to be held in contravention of these by-laws and, if ordered so to do in writing by the Chairman of the Urban Council, may destroy it or so dispose of it as to prevent it being used as food for man; provided that, any person claiming anything seized under these by-laws may within 24 hours after such seizure, complain to a Magistrate who may either confirm or disallow such seizure wholly or in part, and may order to be paid by way of compensation such sum of money not exceeding the market value of the food seized as he may consider reasonable.

Authority to destroy.

Made by the Urban Council this 27th day of September, 1949.

N. B. M. Whitley
N. B. M. WHITLEY,
Secretary.

Approved by the Legislative Council this 19th day of October, 1949.

Alvin ...
Deputy Clerk of Councils.


MERCHANT SHIPPING ORDINANCE, 1899.

(No. 10 of 1899).

In exercise of the powers conferred by section 26 (1) (f) and section 46 of the Merchant Shipping Ordinance, 1899, the Governor in Council amends the regulations made under the said Ordinance set forth in Volume I of the Regulations of Hong Kong (1937 Edition) as follows:—

AMENDMENT.

Table N on pages 348-349 of the said Volume I is amended by deleting from the list of specified wharves in Victoria, the words "Tonnochy Road Pier".



Alister Hogg

Deputy Clerk of Councils.

COUNCIL CHAMBER,
20th October, 1949.

FERRIES ORDINANCE, 1917.

(No. 28 of 1917, section 5).

In exercise of the powers conferred by section 5 of the Ferries Ordinance, 1917, the Governor in Council amends the regulations under the heading "Excluded Ferries", set forth on pages 868 to 870 of Volume III of the Regulations of Hong Kong (1937 Edition) as follows:—

AMENDMENT.

On page 870 of the said Volume III, the following shall be added to the list of Excluded ferries at the end thereof:—

"The ferry named hereunder is excluded from the operation of the Ferries Ordinance, 1917, so long as—

(1) no exclusive and conflicting licence is granted under the said Ordinance; and

(2) such number of vessels be put into service on the ferry-run as will maintain a service and schedule approved by the Director of Marine; and

(3) all directions given by the Director of Marine as to ferry points or piers and the use and maintenance thereof are complied with; and


(4) only vessels licensed and approved for the purpose by the Director of Marine are employed; and

(5) the fares and charges at any time taken and made are approved by the Director of Marine:

Provided that notwithstanding the above prescribed conditions, the period of exclusion shall not continue beyond the 31st day of December, 1949, or such later date as the Governor in Council shall decide.

Excluded Ferry.

The ferry of the Hong Kong and Yaumati Ferry Company Limited between the Vehicular Ferry Pier at Jordan Road, Kowloon and the Tonnochy Road Pier at Wanchai."



Clerk of Councils.

COUNCIL CHAMBER,
20th October, 1949.

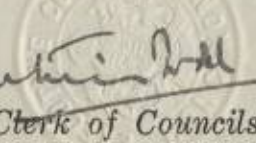


THE BUILDINGS ORDINANCE, 1935.

(Ordinance No. 18 of 1935)

The Governor-in-Council has been pleased to direct under Section 5 of the Buildings Ordinance, 1935, that the following name be added to the List of Authorized Architects published as Notification No. 794 in the Gazette of 26th August, 1949:—

de Molling, Jacques.


Alvin D. Hall
Deputy Clerk of Councils.

COUNCIL CHAMBER,
20th October, 1949.



HONG KONG DEFENCE FORCE ORDINANCE, 1948.

NOTICE.

(under section 15)

In exercise of the powers conferred by section 15 (1) of the Hong Kong Defence Force Ordinance, 1948, His Excellency the Governor in Council has directed that minimum rates of high cost of living allowance be fixed in manner specified in the Schedule hereto.

SCHEDULE.

The high cost of living allowances payable to Corporals, Lance Corporals and Privates of the army units of the Hong Kong Defence Force and to personnel of equivalent ranks in the Hong Kong Naval Force and the Hong Kong Air Force shall in no case be less than the Local Overseas Allowances payable at unaccommodated rates to members of His Majesty's regular forces of equivalent ranks while serving in Hong Kong.


Clerk of Councils.



COUNCIL CHAMBER,
8th November, 1949.

VEHICLE AND ROAD TRAFFIC ORDINANCE, 1947.
REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the powers conferred by section 3 of the Vehicle and Road Traffic Ordinance, 1947, the Governor in Council has made the following regulations:—

REGULATIONS.

1. These regulations may be cited as the Vehicle and Road Traffic (Motor Vehicles) (Direction Indicator) Regulations, 1949. Citation.
2. These regulations shall apply to all motor vehicles and shall come into force on such day as the Governor in Council shall notify in the Gazette. Applica-
tion.
3. In these regulations "direction indicator" means a device fitted to a motor vehicle for the purpose of intimating the intention of the driver to change the direction of the vehicle to the right or to the left. Definition.
4. Every direction indicator in the case of vehicles fitted with electric light equipment shall when in operation be in the form of an illuminated sign of amber colour of a minimum illuminated length of 6 inches and of a maximum illuminated breadth not exceeding one-fourth of the illuminated length, and the illuminated surface shall be visible from both the front and the rear of the vehicle. Illuminated
Indicators.
5. Every direction indicator in the case of vehicles not fitted with electric lighting equipment shall be in the form of a hand not less than 6 inches in length, presenting a white surface visible from both the front and the rear of the vehicle. Indicators
not
illuminated.
6. (1) A direction indicator intended to intimate a right-hand turn shall be fitted only on the right or offside, and a direction indicator intended to intimate a left-hand turn shall be fitted only on the left or near side of the vehicle and, except as hereinafter provided in regulation 7 hereof, every direction indicator shall be so designed and fitted that— Position of
Indicators.
 - (a) it is not more than 4 feet behind the base of the wind screen;
 - (b) it is not more than 6 feet 6 inches above the level of the ground;
 - (c) when in operation—
 - (i) it temporarily alters the outline of the vehicle to the extent of at least 6 inches measured horizontally;



(ii) the outermost point of the indicator shall be at least 6 inches further from the longitudinal axis of the vehicle than is the outermost point of the driver's cab or of the side of the body immediately behind the driver's seat; and

(iii) it remains steady;

(d) the driver of the vehicle when in his driving seat may be readily aware that it is operating correctly:

Provided that paragraph (1) (a) of this regulation shall not apply in the case of pillarless saloon motor cars if the direction indicator is not situated behind the widest part of the body.

(2) For the purposes of this regulation a pillarless saloon motor car means a motor car which is constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver and which has—

(a) an enclosed body with four doors; and

(b) no vertical dividing pillar between the doors on either side of the vehicle.

Additional
Indicators.

7. Additional direction indicators in the form specified in regulation 4 hereof may be fitted at the rear of any vehicle provided that—

(a) they are only used coincidentally with those fitted in accordance with the provisions of regulation 6 hereof; and

(b) they are visible at a reasonable distance from any point in the rear of the vehicle.

When
not in
operation.

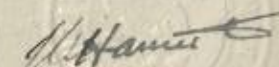
8. Every direction indicator shall be so fitted that when not in operation it will not be likely to mislead the driver of any other vehicle or any person controlling the traffic.

Nature of
illumina-
tion.

9. Every light shown by a direction indicator shall be diffused by means of frosted glass or other adequate means and shall be a steady light.

Direction
indicators
compulsory
on all motor
vehicles.

10. If any person uses on a road a motor vehicle without a direction indicator in accordance with these regulations he shall be guilty of an offence.

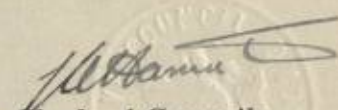

Clerk of Councils.

COUNCIL CHAMBER,
13th November, 1949.

THE BUILDINGS ORDINANCE, 1935.
(Ordinance No. 18 of 1935).

The Governor-in-Council has been pleased to direct under Section 5 of the Buildings Ordinance, 1935, that the following name be added to the List of Authorized Architects published as Notification No. 794 in the Gazette of 26th August, 1949:—

PANG, Dick Noe (彭濂奴)


Clerk of Councils.

COUNCIL CHAMBER,
15th November, 1949.

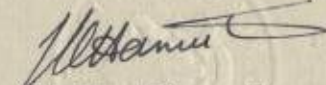
THE BUILDINGS ORDINANCE, 1935.

(Ordinance No. 18 of 1935).

The Governor-in-Council has been pleased to direct under Section 5 of the Buildings Ordinance, 1935, that the following names be added to the List of Authorized Architects published as Notification No. 794 in the Gazette of 26th August, 1949:—

KWAN Sung Sing (關頌聲)

CHU Pin (朱彬)



Clerk of Councils.


COUNCIL CHAMBER,
19th November, 1949.

THE BUILDINGS ORDINANCE, 1935.

(Ordinance No. 18 of 1935)

The Governor-in-Council has been pleased to direct under Section 5 of the Buildings Ordinance, 1935, that the following name be added to the List of Authorized Architects published as Notification No. 794 in the Gazette of 26th August, 1949:—

LOONG Shiu Kee (龍韶基)



Clerk of Councils.

COUNCIL CHAMBER,
19th November, 1949.

VEHICLE AND ROAD TRAFFIC ORDINANCE, 1947.

In exercise of the powers conferred by section 3 of the Vehicle and Road Traffic Ordinance, 1947, the Governor in Council hereby amends Government Notification No. A.304 published in Supplement No. 2 of the *Gazette* of 17th December, 1948, by the deletion of paragraph 2 thereof.


Clerk of Councils.

COUNCIL CHAMBER,
23rd November, 1949.

THE BUILDINGS ORDINANCE, 1935.

(Ordinance No. 18 of 1935).

The Governor-in-Council has been pleased to direct under Section 5 of the Buildings Ordinance, 1935, that the following name be added to the List of Authorized Architects published as Notification No. 794 in the Gazette of the 26th August, 1949:—

LEONG Yep (梁 葉)



Clerk of Councils.

COUNCIL CHAMBER,
24th November, 1949.

VEHICLE AND ROAD TRAFFIC ORDINANCE, 1947.

It is hereby notified that under regulation 2 of the Vehicle and Road Traffic (Motor Vehicles) (Direction Indicator) Regulations, 1949, the Governor in Council has appointed Saturday, the 1st July, 1950, as the date on which the said regulations shall come into force.




Clerk of Councils.



COUNCIL CHAMBER,
6th December, 1949.



PUBLIC HEALTH (SANITATION) ORDINANCE, 1935.
(ORDINANCE No. 15 of 1935).

In exercise of the powers conferred by section 4 of the Public Health (Sanitation) Ordinance, 1935, the Urban Council makes the following by-laws for Swimming Pools, which shall be inserted in Schedule A to the said Ordinance, immediately after the by-laws for Scavenging :—

BY-LAWS.

Swimming Pools.

1. In these by-laws "swimming pool" includes swimming bath or any pool or bath to which the public is admitted on payment of a fee or which is used by members of any educational institution or of any social club, association, or similar organization. Interpretation.
2. No person shall establish or maintain a swimming pool without a licence in that behalf from the Council. Licence.
3. Every such licence shall expire on 31st March and shall be for a period not exceeding one year. The licence fee for one year shall be \$100. No licence shall be transferable. Licence fee, etc.
4. (1) No licence shall be issued until the applicant satisfies the Council that the premises comply with the following requirements :— Structural requirements.
 - (a) The lined surfaces shall be light in colour, smooth, free from cracks, and shall be constructed either of glazed tiles, terrazo, precast polished blocks, or such other material as the Building Authority may approve and the number of joints shall be the minimum.
 - (b) Scum gutters shall be provided on all sides and shall be drained by means of outlets provided at intervals of not more than ten feet.
 - (c) Side-walks not less than four feet in width, paved with non-slip material approved by the Building Authority, shall be provided on all

sides adjacent to the pool and every side-wall shall be laid to fall away from the pool and drained to channels laid to falls.

- (d) Swimming pools intended for simultaneous use by both sexes shall be provided with separate dressing room accommodation, water closets, shower baths and foot baths for each sex and there shall be no means of direct access from the amenities provided for one sex to that provided for the other sex.
- (e) There shall be no means of access for bathers to or from the pool except by passing through a dressing room.
- (f) Water closet accommodation shall be not less than one water closet and one urinal for every twenty-five males and one water closet for every twenty-five females, calculated on the maximum numbers which the pool will accommodate allowing thirty square feet of superficial water area per person. Every water closet and urinal shall be so situated as to be available to bathers only of the sex for which it is intended.
- (g) Shower baths and foot baths shall be provided at the rate of one shower bath and one foot bath for every forty persons calculated in the manner prescribed in the preceding paragraph, and shall be so situated as to compel intending bathers to pass through a shower bath and a foot bath before entering the pool.
- (h) Separate entrances and accommodation shall be provided for spectators and there shall be no direct means of access from such accommodation to the pool.
- (i) Adequate water closet and urinal accommodation shall be provided for the use of spectators and such accommodation shall be separate from that provided for the use of bathers.
- (j) The floors of dressing rooms shall be of impervious materials easily accessible in all parts for the purpose of cleansing and shall be drained to the satisfaction of the Council. All corners between walls and floors shall be rounded off with cement mortar or other impervious material.

(2) It shall be lawful for the Council, in respect of any particular swimming pool, to waive the fulfilment of or modify the requirements of this by-law, if the Council is satisfied that compliance therewith is impracticable or that modification is required in respect of such swimming pool.

5. Pumps and filtration plants including filtering material and coagulants shall be to the satisfaction of the Council. Filtration.

6. (1) (a) When judged by bacterial tests, the water admitted into a swimming pool shall conform to the standard of purity adopted for the local public water, namely, B. Coli absent in 100 c.c. Requirements as to water.

(b) The water shall be purified by filtration, aeration and disinfection. If chlorination disinfection is used, there shall be present at all times in the water not less than 0.2 and not more than 0.5 parts per million of free chlorine and the pool shall be emptied and cleansed at least once in every three months.

(c) Whilst a swimming pool is in use by bathers the water shall be completely changed by circulation through the filters not less than once in every four hours in the case of a covered pool, and not less than once in every six hours in the case of an open pool.

(2) It shall be lawful for the Council, in respect of any particular swimming pool, to waive the fulfilment of or modify the requirements of this by-law, if the Council is satisfied that compliance therewith is impracticable or that modification is required in respect of such swimming pool.

7. No person shall spit in or near any swimming pool. Notices to this effect in English letters and in Chinese characters shall be conspicuously displayed to the satisfaction of the Council. No spitting.

8. No person shall enter any swimming pool while knowingly suffering from any cutaneous, infectious or contagious disease. Notices to this effect, in English letters and in Chinese characters, shall be conspicuously displayed to the satisfaction of the Council in all dressing rooms. Contagious, etc., diseases.

9. All towels and garments supplied for the use of bathers shall be thoroughly cleansed and sterilised before issue. Towels, etc.

Cleanliness. **10.** Premises shall at all times be kept in a cleanly condition.

Inspection of premises. **11.** Premises shall be open at all times to inspection by a Health Officer or Health Inspector and such inspection may include the taking of samples of water for the purpose of analysis.

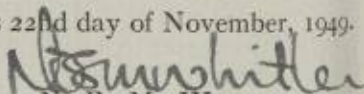
Closure, etc., of premises. **12.** If in the opinion of a Health Officer a swimming pool has become or is likely to become injurious to health by reason of any structural defect or want of repair or by reason of defective filtration or purification methods, the Council shall cause notice to be sent to the licensee requiring him to remedy such defects and to close the premises for such period as the Council shall think fit: Provided that if in the opinion of a Health Officer urgent reasons exist for the immediate closure of the premises then the licensee shall comply with the orders of such Health Officer.

Revocation or suspension of licence. **13.** The Council may revoke or suspend a licence for any swimming pool which is not controlled or maintained in accordance with these by-laws.

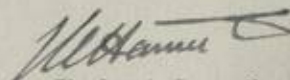
Hours, etc. **14.** The Council may in its discretion prescribe the hours for the opening and closing of any swimming bath and the maximum number of persons who may use any such swimming bath at any one time.

Navy, etc., pools. **15.** These by-laws shall not apply to any swimming pool owned or controlled by the Royal Navy, Army or Royal Air Force.

Made by the Urban Council this 22nd day of November, 1949.


N. B. M. WHITLEY,
Secretary.

Approved by the Legislative Council this 7th day of December, 1949.

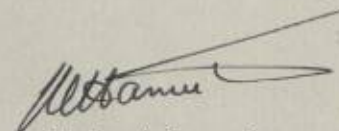

Clerk of Councils.

HONG KONG

Ordinance No. 25 of 1947. (Landlord and Tenant).

*Resolution made and passed by the Legislative Council
under section 35 of the Landlord and Tenant
Ordinance, 1947, on the 7th December, 1949.*

Resolved pursuant to section 35 of the Landlord and Tenant Ordinance, 1947, that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1950.


Clerk of Councils.

7th December, 1949.

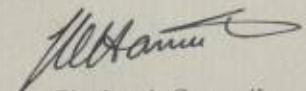
HONG KONG

ORDINANCE No. 16 OF 1949.

(Illegal Strikes and Lock-outs).

*Resolution made and passed by the Legislative Council
under section 8 of the Illegal Strikes and Lock-outs
Ordinance, 1949, on the 7th December, 1949.*

Resolved pursuant to section 8 of the Illegal Strikes and Lock-outs Ordinance, 1949 that the duration of the said Ordinance be extended for the term of one year with effect from the 1st January, 1950.


Clerk of Councils.

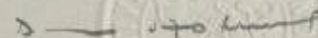
7th December, 1949.

MERCHANT SHIPPING ORDINANCE, 1899.

In exercise of the powers conferred by section 28 of the Merchant Shipping Ordinance, 1899, the Governor in Council hereby amends Table O (A) in the regulations made under the said Ordinance appearing on pages 350 to 352 of Volume I of the Regulations of Hong Kong (1937 Edition) as follows:—

AMENDMENT.

On page 351 of the said Volume I, regulation 7 in Table O (A) is amended by the deletion from the fourth line thereof of the words "before sunset next" and the substitution of the words "within two hours" therefor.



Acting Clerk of Councils.

COUNCIL CHAMBER,

19th December, 1949.

Note: The reason for this amendment is that it has been found that should any typhoon signal, other than No. 1, be hoisted after sunset, ships cannot be ordered away from non typhoon moorings until after sunset the following day, when by all probability, the typhoon has already struck the Colony and expended itself.

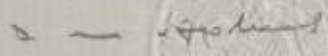
MERCHANT SHIPPING ORDINANCE, 1899.

In exercise of the powers conferred by section 28 of the Merchant Shipping Ordinance, 1899, the Governor in Council hereby amends Table O (B) in the regulations made under the said Ordinance, and published as Government Notification No. A168 in Supplement No. 2 of the *Gazette* of the 19th August, 1949, as follows:—

AMENDMENT.

In Table O (B), regulation (5), which relates to exemptions, is hereby amended by the addition of the following as subparagraph (d) thereof:—

“(d) cable ships of the Great Northern Telegraph Company Limited.”


Acting Clerk of Councils.

COUNCIL CHAMBER,
19th December, 1949.

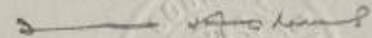
Note: The reason for this amendment is to exempt cable ships from the charges listed in Table O (B) which were designed chiefly to enable the Government to levy a charge on vessels using Hong Kong waters for lying-up purposes. The exemption is made on the grounds that cable ships are in full commission and at stand-by notice.

THE BUILDINGS ORDINANCE, 1935.

(Ordinance No. 18 of 1935)

The Governor-in-Council has been pleased to direct under Section 5 of the Buildings Ordinance, 1935, that the following name be added to the List of Authorized Architects published as Notification No. 794 in the Gazette of 26th August, 1949.

Blascheck, Alexander Charles.



Acting Clerk of Councils.

COUNCIL CHAMBER,
20th December, 1949.

TELECOMMUNICATION ORDINANCE, 1936.

REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the powers conferred by section 32 of the Telecommunication Ordinance, 1936, the Governor in Council makes the following amendments to the Radio-communication Regulations in the Schedule to the said Ordinance:—

AMENDMENTS.

1. Paragraph (f) of regulation 15 is hereby amended by the insertion of—

“An Air Radio Operator’s Endorsement \$10”
immediately after the words and figures—
“A 2nd Class Certificate \$20”.

2. There shall be added immediately after Form No. 8A, the following form as Form No. 8B:—

FORM NO. 8B.

Hong Kong Government

AIRCRAFT RADIO OPERATOR’S ENDORSEMENT

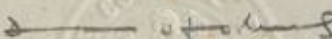
This is to certify that Mr.
has passed an examination in the following:—

- (1) “International Aeronautical Communication Regulations and Traffic Procedure,”
- (2) “Operation of Aircraft Radio Stations and Radio Apparatus.”

The holder of this certificate is, therefore, qualified to operate radio-telegraph and radio-telephone equipment on board aircraft registered in Hong Kong.

Postmaster General.

.....(date) ”



Acting Clerk of Councils.

COUNCIL CHAMBER,
20th December, 1949.



THE EMERGENCY REGULATIONS ORDINANCE, 1922.

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THE EMERGENCY REGULATIONS ORDINANCE, 1922.

REGULATIONS BY THE GOVERNOR IN COUNCIL.

In exercise of the powers conferred by section 2 of the Emergency Regulations Ordinance, 1922, as amended by the Emergency Regulations (Amendment) Ordinance, 1949, and by the Emergency Regulations (Amendment) (No. 2) Ordinance, 1949, the Governor in Council hereby makes the following regulations :—

REGULATIONS.

- 1. These regulations may be cited as the Emergency Citation. (Principal) Regulations, 1949.

PART I.

Introduction.

- 2. (1) In these regulations—

“aircraft” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 to 1947;

“arms” and “ammunition” shall have the respective meanings assigned to them by the Arms and Ammunition Ordinance, 1933;

“area” includes structure;

“Attorney General” includes Solicitor General;

“authorized guard” has the same meaning as in the Protected Places (Safety) Ordinance, 1946;

“closed area” means an area declared to be such under section 10 of the Public Order Ordinance, 1948;

“enemy” means any person or group of persons howsoever associated or organized who or which the Governor in Council by notification in the *Gazette* declares whether by a specific or general description to be an enemy and includes any person or group of persons whether so declared or not who or which has by any overt act manifested a seditious intention, or who or which seeks in any way to promote internal disorder:

General interpretation. 10 & 11 Geo. 5, c. 80; 26 Geo. 5 & 1 Edw. 8, c. 44; 1 & 2 Geo. 6, c. 33; 10 & 11 Geo. 6, c. 18.

Ordinance No. 2 of 1933.

Ordinance No. 16 of 1946.

Ordinance No. 59 of 1948.

Provided that a person shall not be deemed to be an enemy by reason only of his taking part in or peacefully persuading any other person to take part in a strike;

“essential service” means any undertaking, requirement of or service to the community which in the opinion of the Governor signified by notification in the *Gazette*, is of public utility or essential to the life of the community;

“explosive substance” includes all explosive and blasting explosives, and it shall also include sodium nitrate (Chilian nitrate), ammonium nitrate, nitro naphthalenes, nitro benzines, nitro toluenes, nitro glycerines, nitro glucoses, nitro celluloses and nitro phenols;

[cf. 1 Edw.
8 & 1 Geo.
6, c. 12,
s. 23.]

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any component part of any such weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

“land” includes land of any category or tenure whether covered by water or not and any erection, tree or other thing fixed thereto and any shed, barn or other structure which although affixed to land (which has been or is being requisitioned) in such a manner as to be removable therefrom a competent authority specifies is required for use in connection with such land;

“meeting” includes every assembly, entertainment, gathering, celebration, service and ceremony, whether open to the public or not, and every procession;

“newspaper” means any publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments, in relation to such news, intelligence, or occurrences, or to any other matter of public interest, printed for sale or free distribution at regular or irregular intervals and includes a supplement thereto;

“Ordinance” means the Emergency Regulations Ordinance, 1922;

Ordinance
No. 5 of
1922.

“pamphlet” means an unbound printed document of one or more pages or parts attached together and containing an exposition on some matter of current or topical or political interest;

“periodical publication” includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

“photograph” includes any photographic plate, photographic film or other sensitized article which has been or otherwise treated so as to record information, whether it has been developed or not;

“possession”, in relation to arms, ammunition and explosive substance means arms, ammunition and explosive substance found on the body, or in the custody or under the control, of any person; [cf. Ordinance No. 2 of 1933, s. 2.]

“postal packet” means a letter, post-card, reply post-card, newspaper, printed packet, pattern or sample packet or parcel, and every packet or article transmissible by post;

“printing” includes lithography, typewriting, photography, and all other modes of representing or reproducing words, figures, signs, pictures, maps, designs, illustrations and other like matter.

“printing press” includes every machine and apparatus used or intended to be used for the printing of any newspaper, book or pamphlet or for the printing, production or reproduction for gain or reward of any printed matter;

“protected place” has the same meaning as in the Protected Places (Safety) Ordinance, 1946;

Ordinance
No. 16 of
1946.

“public interest” includes the interests of defence or of the preservation of public order, safety or health or of the provision or maintenance of supplies and services essential to the life of the community;

“publication” includes all written or printed matter and every thing whether of a nature similar to printed matter or not, containing any visible representation, or, by its form, shape, or in any manner capable of suggesting words or ideas, and every copy and reproduction of any publication;

“publish” includes circulate, disperse and communicate;

“requisition” means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

“safeguard” means any authorized guard when on duty as an authorized guard or any member of His Majesty's Forces, or any member of any local naval, military, air force or

police force, corps or reserve, or special police officer or special constable posted for the purpose of protecting or preventing or controlling access to any area or premises or for the purpose of regulating traffic;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;

“seditious intention”, “seditious publications” and “seditious words” have the same meanings respectively as in the Sedition Ordinance, 1938;

Ordinance No. 13 of 1938.

“ship” and “vessel” have the same meanings respectively as in the Merchant Shipping Ordinance, 1899, but shall not include a ship or vessel belonging to His Majesty;

Ordinance No. 10 of 1899.

“special police officer” has the same meaning as in the Police Force Ordinance, 1948;

Ordinance No. 41 of 1948.

“supplies and services” includes any tangible or intangible requirement of the community;

“telegram” means any article on which there is recorded any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;

“unlawful publication” means any publication in relation to which an order under regulation 7 is in force, and any publication containing any matter in relation to which an order under regulation 6 is in force and any copy or portion of a newspaper or of any issue or number thereof printed or published in contravention of regulation 13 or containing matter which does not comply with regulation 14, and any document printed or published in contravention of regulation 15, and any publication containing matter not submitted for censorship as required by an order under regulation 16;

“wireless transmitting apparatus” means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and “wireless receiving apparatus” means apparatus for receiving communications or information made or given by the said means.

(2) Any reference in these regulations to the doing of any act shall include a reference to an act of commission or omission and, unless the context otherwise requires, shall include also a reference to the making of or failure to make any statement.

(3) Any reference in these regulations to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(4) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these regulations relating to wireless telegraphy, wireless telephony, or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(5) (a) No special form shall be required for the exercise by the Governor or by a competent authority of any power conferred by these regulations: Provided that the Governor may authorize the use of any form for the exercise of any such power and in such event such form with such adaptations and modifications as the circumstances of any particular case may require shall be valid and sufficient.

(b) Nothing in paragraph (a) of sub-regulation (5) of this regulation shall be deemed to imply that any power conferred by these regulations is required to be exercised or communicated in writing.

(6) The Interpretation Ordinance, 1911, save and except section 10 thereof, shall apply to the interpretation of these regulations, and of any orders or rules made thereunder, as it applies to the interpretation of an Ordinance.

Ordinance No. 31 of 1911.

3. (1) A competent authority shall be the person appointed by name or by office by the Governor in writing for the purposes of all or any of the regulations or for any of the purposes of any particular regulation in which such expression occurs, and any person so appointed is in these regulations referred to as the competent authority. Any such appointment may be made in respect of the whole or any part of the Colony. Any appointment shall be deemed to extend to the whole of the Colony unless otherwise expressed.

Competent authority.

(2) Where the holder of a designated office has been appointed to be the competent authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

4. An “authorized officer” means any police officer of or above the rank of sub-inspector, and also the following persons:—

Authorized officers.

(a) for the purposes of all or any of these regulations, any public officer authorized in that behalf by the Governor;

(b) for the purposes of all or any of these regulations, any person, or member of a class of persons, performing duties of a public nature, authorized in that behalf by the Governor;

(c) a person holding a commission in any of His Majesty's regular forces, or in any local naval, military or air force, corps or reserve.

PART II.

Censorship and Control of Publications and means of Communication.

Appoint-
ment of
censor and
censorship.

5. (1) The Governor may appoint a censor of postal packet and telegrams and such number of assistant and deputy assistant censors as he shall think fit, and the word "censor" in these regulations includes any assistant censor so appointed.

(2) The Governor may by warrant under his hand authorize the Postmaster General and any person in charge of cable and radio stations to detain and produce to the censor all postal packets and telegrams coming into their possession either for transmission or delivery.

(3) The censor, or any person authorized by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any postal packet or telegram of any description whatsoever which may be in course of, or intended for, transmission to, from or through the Colony.

(4) Any person who without lawful authority transmits any telegram at any place in the Colony or on any vessel or aircraft within the territorial waters thereof unless such telegram has first been passed for transmission by the censor is guilty of an offence against these regulations.

Prohibited
matter.

6. (1) A competent authority may by order prohibit generally or specially the publishing in publications of matter the publishing of which, in his opinion, would be, or be likely to be or become, prejudicial to the public interest.

(2) Any person who publishes any matter in contravention of an order under this regulation and the proprietor and editor of the publication in which it is published and the person who wrote, printed, drew or designed, the matter shall be guilty of an offence against these regulations.

7. (1) A competent authority may by order prohibit the importation or exportation, or the printing or publishing of any particular publication or of any publication of a particular kind or character, the importation, exportation, printing or publishing of which, in his opinion, would be, or would be likely to be or become, prejudicial to the public interest. Such prohibition shall be deemed to extend to any copy or portion of such publication.

Prohibited
publicat-
tions.
[cf.
Ordinance
No. 14 of
1938.]

(2) Whenever the publication affected by an order made under sub-regulation (1) of this regulation is a periodical publication the order shall be deemed to extend to any future issue of such publication but shall not unless the same or a subsequent order so provides be deemed to extend to any past issue of such publication.

(3) Any person who contravenes any order under this regulation and the proprietor and editor of the publication in relation to which the contravention occurs, and any person (unless in the opinion of the Court he ought fairly to be excused) who has in his possession or control or in premises of which he is the occupier, any publication prohibited under this regulation or who posts, delivers or receives any such publication, shall be guilty of an offence against these regulations.

8. A competent authority shall have power to detain, open and examine or to direct the detention, opening and examination of—

General
power of
examina-
tion, etc.

(a) all postal packets and telegrams; and

(b) all printed or written matter and all packages, articles and things subject to examination by the postal or customs authorities which may contain any printed or written matter, and to withhold from delivery or destroy any postal packet or telegram or any printed or written matter which contains anything which the competent authority considers to be, or to be likely to be or become, prejudicial to the public interest and the competent authority and any authorized officer acting by general or special arrangement with him, shall have all such powers as are necessary or appropriate for the carrying out of all such measures.

9. (1) Any officer authorized generally or specially in that behalf by or on behalf of the Postmaster General may require the sender of a postal packet, at the time of submitting the packet to a post office, to expose the contents of the

Examina-
tion, etc.
of postal
packets.

packet to such officer and, after the contents have been examined to close the packet in the presence of such officer and hand it over to such officer forthwith.

(2) Any person who contravenes any such requirements shall be guilty of an offence against these regulations, and, in addition, the officer may refuse to accept the postal packet for posting.

(3) The Postmaster General or any officer authorized generally or specially in that behalf by him or on his behalf may direct that a postal packet shall not be accepted for posting if he is of opinion that the acceptance of the packet might endanger life or property.

Restrictions on despatch and distribution of certain articles.

10. (1) The Governor, or any person to whom the Governor has under sub-regulation (3) of this regulation given authority to exercise any of his functions under this regulation, may make provision by order that postal packets of any such description as may be specified in the order shall not be despatched by post from the Colony to any destination outside the Colony, or distributed in the Colony where such postal packets are received in the Colony, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this sub-regulation, any such order may, in relation to any description of postal packets, direct that no postal packet of that description shall be so despatched or distributed as aforesaid otherwise than under the authority and in accordance with the terms of a permit granted by such authority or person as may be specified in the order.

(2) The Governor, or any person to whom the Governor has under sub-regulation (3) of this regulation given authority to exercise any of his functions under this regulation, may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation, photograph or other article whatsoever recording information shall be sent or conveyed from the Colony to any destination outside the Colony otherwise than by post, or conveyed into the Colony otherwise than by post, and, without prejudice to the preceding provisions of this sub-regulation, any such order may—

(a) be made with respect to all such articles as aforesaid or any class or description thereof;

(b) direct, in relation to all or any of the articles to which it applies, that no such article, and no package capable of containing such an article, shall be sent or conveyed as aforesaid, or consigned for the purpose of being so sent or conveyed, otherwise than under the authority and in accordance with the terms of a permit granted by such authority or person as may be specified in the order.

(3) The Governor may, to such extent and subject to such restrictions as he thinks proper, authorize any specified person or class of persons to exercise all or any of his powers under sub-regulations (1) and (2) of this regulation.

(4) No person shall have in his possession any article for the purpose of sending or conveying it in contravention of an order made under this regulation.

(5) Any person who contravenes this regulation shall be guilty of an offence against these regulations.

11. (1) Any person who, on any occasion, is about to leave the Colony or arrives in the Colony (which person is hereinafter in this sub-regulation called "the traveller") shall, if on that occasion he is required so to do by an authorized officer—

Censorship on travellers.

(a) declare whether or not he has with him any article with respect to which an order under sub-regulation (2) of regulation 10 is in force;

(b) produce any such article as aforesaid which he has with him, and an authorized officer, or any person acting under his direction, may examine or search any article which the traveller has with him for the purpose of ascertaining whether he is conveying or has in his possession any such article as to which such order as aforesaid applies, and if an authorized officer has reasonable ground for suspecting that the traveller has about his person any such article as to which such order as aforesaid applies, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which an authorized officer has reasonable ground for suspecting that it is an article to which such order as aforesaid applies: Provided that no female shall be searched in pursuance of this regulation except by a female.

(2) Where any person is about to leave the Colony or arrives in the Colony in or accompanied by any vehicle or other means of transport or in any ship or aircraft, any authorized

officer, or any person acting under his directions, may enter the vehicle or other means of transport or ship or aircraft for the purpose of exercising the powers conferred on him by sub-regulation (1) of this regulation, and may also examine or search the vehicle or other means of transport or ship or aircraft for the purpose of ascertaining whether there is thereon any article with respect to which an order under sub-regulation (2) of regulation 10 is in force.

(3) Where at any place in the Colony any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a traveller, the provisions of sub-regulation (1) of this regulation shall apply in relation to the person so found as they apply in relation to a traveller.

Examination of consignments.

12. (1) If there is in force an order under sub-regulation (2) of regulation 10, any authorized officer, or any person acting under his directions, may examine or search any articles consigned from the Colony or from a place outside the Colony to a destination in the Colony, for the purpose of ascertaining whether any article to which such order applies is being sent or conveyed and may seize any article found upon such examination or search, being an article as to which the authorized officer has reasonable ground for suspecting that it is an article to which an order as aforesaid applies.

(2) Any authorized officer, or any person acting under his directions, may enter any vehicle or other means of transport or go on board any ship or aircraft for the purpose of exercising the powers conferred on him by sub-regulation (1) of this regulation in relation to any articles in or on the vehicle or other means of transport or on board the ship or aircraft.

Newspaper permits.

13. (1) The Governor may by order require that with such exemptions as may be specified in such order no newspaper shall be printed or published unless the proprietor thereof shall have obtained a permit under the hand of a competent authority.

(2) The competent authority, in his discretion and without assigning any reason therefor, may grant or refuse any such permit and may attach conditions thereto and may at any time suspend or revoke any such permit or vary or delete any conditions attached to the permit or attach new conditions thereto.

(3) Any person who contravenes this regulation or the conditions of any permit thereunder and the proprietor and editor of the newspaper in relation to which the contravention occurs shall be guilty of an offence against these regulations.

14. (1) A competent authority may order, in writing, any newspaper to publish any matter contained in an official communication issued for the information of the public and it shall be the duty of the editor, printer and publisher to publish, if required so to do, either—

Official communications.

(a) the original text of the communication, as submitted ;or

(b) a text which shall contain all the material facts stated in the communication.

(2) If the provisions of this regulation are contravened, the editor, printer, and publisher of the newspaper shall each be guilty of an offence against these regulations.

15. (1) The Governor may by order require that no notice, illustration, placard, advertisement, proclamation, pamphlet or other like document containing matter specified in such order (whether in the form of an article or statement of facts or otherwise) shall be printed or published in the Colony unless a permit has first been obtained under the hand of a competent authority: Provided that this regulation shall not apply in relation to any matter contained in a newspaper in respect of which a permit or exemption is in force under regulation 13.

Publication of certain matters.

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

16. (1) A competent authority may by order require the proprietor, editor, printer or publisher of any publication, or the proprietor or manager of any printing press or printing business, or the author of, or any person about to print or publish, any matter, to submit to such competent authority before printing or publishing any matter intended for printing or publishing.

Power to require submission of matter for censorship before publication.

(2) Any such order may be given either generally or in respect of any particular subject or class of subject, and, in the case of a publication published at regular or irregular intervals, may be given in respect of any particular issue or class of issues or of all issues for a specified period.

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

Censorship not to be disclosed.

17. (1) The printer or publisher of any publication shall not, without the written permission of a competent authority—

(a) print or publish any statement to the effect, or from which it may be inferred, that any alteration, addition, or omission has been made by order of a competent authority in any matter submitted to him;

(b) print or publish any matter which has been submitted to a competent authority in such a way as to show or suggest that any alteration, addition or omission has been made by order of a competent authority;

(c) print or publish any statement to the effect that publicity of such matter has been forbidden.

(2) Any person who contravenes this regulation and the proprietor, publisher and editor of the publication in question shall be guilty of an offence against these regulations.

Seizure and detention.

18. Without prejudice to any other provision of these regulations, any authorized officer may seize and detain any unlawful publication which comes into his hands.

Action against printing presses, etc. responsible for contravention.

19. (1) Without prejudice to any other provision of these regulations, a competent authority may by order—

(a) direct the forfeiture to the Government of Hong Kong of any printing press or other instrument or apparatus used for the printing of any unlawful publication and thereupon such printing press, instrument or apparatus may be seized by any authorized officer; or

(b) for such period as may be specified in the order, prohibit the operation—

(i) by any person whatsoever of any printing press, instrument or apparatus used as aforesaid;

(ii) by the proprietor of any printing press, instrument or apparatus used as aforesaid of that or any other printing press, instrument or apparatus designed for printing.

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

Search, etc.

20. If a competent authority has reasonable cause to suspect that any premises are being used for the purpose of the printing or publishing of any matter in contravention of this Part or of

any order thereunder, or for the purpose of the printing or publishing of any matter the publication of which is, or is likely to be or become, prejudicial to the public interest or that there is in any premises any press, instrument or apparatus liable to forfeiture under regulation 19, he may by written order authorize any authorized officer to enter and search such premises and thereupon such officer and any person acting by his directions may at any time, and if necessary by force, enter and search the premises and any person, animal, vehicle or other thing found therein and any person, animal, vehicle or other thing found leaving the premises (provided that a female person shall be searched only by a female) and may seize and impound any unlawful publication, and any publication containing matter the publishing of which, is, or is likely to be or become, prejudicial to the public interest and any printing press, apparatus or instrument which such officer suspects to have been used for the printing of any such publication and any printing press, apparatus or instrument liable to forfeiture under regulation 19: Provided that any printing press, apparatus or instrument seized as aforesaid (unless already liable to forfeiture under regulation 19) shall not be forfeited except by order of the competent authority.

21. (1) The Governor may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such competent authority or person as may be specified in the order, have in his possession or under his control—

Wireless telegraphy, etc.

(a) Any apparatus of such description as may be specified in the order, being a type of apparatus which is designed to be used as wireless transmitting apparatus or which in the opinion of the Governor is readily adaptable for the purpose of being so used.

(b) Any article of such description as may be specified in the order which in the opinion of the Governor is capable of forming a part of or facilitating the use of any apparatus specified by an order hereunder: Provided that in any proceedings in which the defendant is charged with having in his possession or under his control an article specified by an order hereunder it shall be a defence for the defendant to prove that such specified article had not formed and was not intended to form part of any apparatus specified by an order hereunder and had not been and was not intended to be employed in order to facilitate the use of any apparatus specified by an order hereunder.

Ordinance
No. 18 of
1936.

(2) Nothing in any order made under sub-regulation (1) shall restrict the doing of anything by any servant of the Crown acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the Telecommunication Ordinance, 1936, authorizing the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of sub-regulation (1) against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of an apparatus in respect of which such a licence was then in force.

(3) In any proceedings arising out of a contravention of sub-regulation (1) of this regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) A competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus; and if any apparatus is used in contravention of an order under this sub-regulation, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated or, where the apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be guilty of an offence against these regulations:

Provided that, in any proceedings which, by virtue of this sub-regulation, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(5) An authorized officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under sub-regulation (4) of this regulation relating

to the ship or aircraft, or, where a contravention of such an order has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(6) The Governor in Council or the Governor, as the case may be, in his discretion may refuse to grant a licence under the Telecommunication Ordinance, 1936, and may revoke at any time a licence granted under such Ordinance.

Ordinance
No. 18 of
1936.

22. No person shall knowingly—

(a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television; or

Inter-
ference
with
telegraphic
commu-
nications.

(b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Provided that this regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or authorized officer acting in the course of his duty as such.

23. (1) Subject as hereinafter provided no person shall make any signal in such circumstances as to show that the signal—

Signalling.

(a) is intended to be received by a person on board a vessel at sea or an aircraft in flight; or

(b) is made for a purpose prejudicial to the public interest:

Provided that the preceding provisions of this regulation shall not restrict the making of any signal by any servant of His Majesty or police officer acting in the course of his duty as such, the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of an enemy, or in a manner prejudicial to the public interest, or the making of any signal with permission granted by or on behalf of a competent authority.

(2) Any person convicted of the offence of making a signal in such circumstances as show that the signal is made for a purpose prejudicial to the public interest shall be guilty of an offence against these regulations and liable on conviction thereof on indictment to a fine of ten thousand dollars and to imprisonment for fourteen years.

(3) If the Governor has reasonable cause to believe that it is necessary or expedient so to do with a view to preventing the making of signals for purposes prejudicial to the public interest, he may by order published in the *Gazette* prohibit or restrict the flying over any area of balloons (whether fixed or free) or kites generally, or of balloons or kites of any description specified in the order.

(4) If the Governor has reasonable cause to believe that it is expedient in the public interest so to do, he may—

(a) by directions prohibit any person specified in the directions; or

(b) by order published in the *Gazette* prohibit all persons in any area specified in the order, with such exceptions, if any, as may be so specified;

from having in his or their possession or under his or their control any specified apparatus or class of apparatus, being apparatus or class of apparatus which appears to the Governor to be capable of transmitting signals which would or might afford assistance to an enemy or be prejudicial to the public interest or to be readily adaptable for that purpose :

Provided that nothing in any order made under this sub-regulation shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such.

(5) If a competent authority has reasonable cause to believe that there is in any premises apparatus capable of transmitting signals which is being or has been used in such a manner that whether intentionally or unintentionally, assistance might thereby be afforded to an enemy, or prejudice caused to the public interest, he or any authorized officer may enter the premises and may require to be taken any steps reasonably necessary to prevent the apparatus from being so used, or may, if necessary, himself take such steps as aforesaid.

For the purposes of these regulations the expression "premises" in this sub-regulation includes vehicles.

24. (1) Subject to the provisions of this regulation no person shall, except with permission granted by or on behalf of a competent authority, knowingly have in his possession, or knowingly send by post, or otherwise to any destination within or outside the Colony—

(a) any instructions for utilising any means of secretly conveying, receiving or recording information;

(b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or

(c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in paragraph (a) of sub-regulation (1) of this regulation shall, if requested by or on behalf of a competent authority so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by a competent authority so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in sub-regulations (2) and (3) of this regulation shall be taken to prevent the prosecution of any person in respect of a contravention of sub-regulation (1) of this regulation.

(5) Any person convicted of an offence against sub-regulation (1) of this regulation shall be guilty of an offence against these regulations and 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 fourteen years.

(6) In this regulation the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but sub-regulation (1) of this regulation shall not apply—

(a) to the possession of—

(i) any code or cipher the use of which is approved by a competent authority; or

(ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used; or

Means of secret communications.

(b) to the use, in accordance with conditions imposed by or on behalf of a competent authority, of any such code or cipher as is mentioned in paragraph (a) of this sub-regulation,

and shall not restrict the doing of anything by any servant of His Majesty or police officer acting in the course of his duty as such.

Posting placards, etc.

25. Any person who posts or distributes any placard, circular or other document in writing containing any incitement to violence or counselling disobedience to the law or to any lawful order or likely to lead to any breach of the peace shall be guilty of an offence against these regulations.

Publications may be prohibited.

26. A competent authority may by order prohibit the printing, sale, issue and circulation of any document in writing which, in his opinion, contains any incitement to violence or counsels disobedience to the law or to any lawful order or is calculated or likely to lead to a breach of the peace or to promote feelings of ill-will or hostility between different races or classes of the population.

Dissemination of false reports.

27. (1) Any person who by word of mouth or in writing or in any newspaper, periodical, book, circular or other printed publication spreads false reports or make false statements likely to cause public alarm or despondency shall be guilty of an offence against these regulations.

(2) It shall be no defence to a prosecution under this regulation for the person accused to show that he did not know that the report or statement was false unless he also shows that he took all reasonable steps open to him to verify the accuracy of such report or statement.

Power to prohibit publication of names of witnesses, etc.

28. A court may at any time order that no person shall publish the name, address or photograph of any witness in any case tried or about to be tried before it, or any evidence or any other thing likely to lead to the identification of any such witness. Any person who acts in contravention of any such order shall be guilty of an offence against these regulations.

PART III.

Arrest, Detention, Exclusion and Deportation.

Arrest and power to detain suspected persons.

29. (1) Any police officer of or above the rank of corporal may without warrant arrest any person whom he has reasonable cause to believe to be a person ordered to be detained under

regulation 31 hereof and may, subject to the provisions of regulation 40 detain him pending enquiries whether his detention has been so ordered.

(2) Any member of His Majesty's regular forces or of any local naval, military or air force, corps or reserve who, while acting in the course of his duty has reasonable cause to believe that any person has committed an offence against these regulations may, subject to the provisions of regulation 40 apprehend and detain such person.

(3) If any person, upon being questioned by a police officer or by a member of His Majesty's regular forces or of any local naval, military or air force, corps or reserve acting in the course of his duty as such, fails to satisfy the police officer or member of His Majesty's regular forces or of any local naval, military or air force, corps or reserve, as to his identity or as to the purposes for which he is in the place where he is found, and if the police officer or member of His Majesty's regular forces or local naval, military or air force, corps or reserve has reasonable cause to believe that that person is about to commit an offence against these regulations or has acted or is about to act in any manner prejudicial to the public interest, he may, subject to the provisions of regulation 40 apprehend and detain such person.

30. (1) Any police officer may without warrant arrest any person in respect of whom he has reason to believe that there are grounds which would justify his detention under regulation 31 hereof. Any such person may be detained for a period not exceeding fourteen days pending a decision as to whether an order for his detention under the said regulation 31 should be made.

Arrest of persons suspected of being liable to detention.

(2) Any person detained under the powers conferred by this regulation shall be deemed to be in lawful custody and may be detained in any prison, or in any police station, or in any other similar place authorized generally or specially by the Colonial Secretary.

31. (1) The Colonial Secretary may by order under his hand direct that any person named in such order shall be detained for any period not exceeding one year in such place of detention as may be specified by the Colonial Secretary in the order.

Power to order detention.

(2) For the purpose of this regulation there shall be one or more Committees of Review. The Chairman and members of any such Committee shall be appointed by the Governor. The Chairman and one other member of the Committee shall constitute a quorum.

(3) The functions of any such Committee shall be to consider, and make recommendations to the Colonial Secretary with respect to any objections against any order under sub-regulation (1) of this regulation which are duly made to the Committee by the person to whom the order relates.

(4) The Governor may make rules as to the manner in which objections against such an order as aforesaid may be made to such a Committee of Review, and such rules shall contain provisions for enabling any person in respect of whom an order is made under this regulation to make objections against the order either in person or with the leave of such Committee of Review by counsel, solicitor or agent; and every such person shall be informed of his right to make objections under this regulation.

(5) All questions in any Committee shall be determined by a majority of votes of the chairman and of any member present and voting. In case of an equality of votes the chairman shall have a casting vote.

(6) The Colonial Secretary or any person authorized by him in that behalf may by order direct the removal from any place of detention to another place of detention to be specified in such order of any person or persons detained under any order made under sub-regulation (1) of this regulation.

(7) Any person in the course of removal from one place of detention to another under sub-regulation (6) of this regulation shall be deemed to be in lawful custody.

(8) Where an order is made under this regulation against a person to whom an order under regulation 37 or regulation 38 is in force, the order under this regulation shall be deemed to replace such order.

(9) The Colonial Secretary may give orders or directions as to the internal management of and otherwise in connection with any place of detention specified in any order made under sub-regulation (1) or sub-regulation (6) of this regulation, and as to the discipline of persons detained therein.

(10) Orders made under sub-regulation (1) of this regulation may be cancelled by the Colonial Secretary or by any person authorized in that behalf by the Colonial Secretary by notification in the *Gazette*.

32. (1) The Governor in Council may order any person detained under sub-regulation (1) of regulation 31 hereof to leave and remain out of the Colony :

Detained person may be ordered to leave the Colony.

Provided that no such order shall be made against—

(a) any British subject born in the Colony; or

(b) any person until he has had sufficient opportunity of making an objection against the order of detention to a Committee under the provisions of sub-regulation (4) of regulation 31 hereof, and such objection, if made, has been duly heard and reported on by the Committee.

For the purposes of this sub-regulation a person detained under sub-regulation (1) of regulation 31 hereof shall be deemed to have had sufficient opportunity of making an objection against the order of detention if a period of seven clear days has elapsed after he has been informed of his right to lodge such objection.

(2) Where any person has been ordered to leave and remain out of the Colony under sub-regulation (1) of this regulation, such order may include all the dependants of such person and the provisions of sub-regulations (3), (4), (5), (6) and (7) of this regulation shall apply to such dependants accordingly.

In this sub-regulation "dependant" means—

(a) wife;

(b) dependent husband;

(c) dependent parents and grandparents;

(d) sons under the age of sixteen years; and

(e) unmarried daughters under the age of eighteen years,

and "dependent" used in connection with "husband", "parents" and "grandparents" means wholly or mainly maintained by the wife, son or daughter, or grandson or granddaughter, as the case may be.

(3) Any person who has been ordered to leave and remain out of the Colony under sub-regulation (1) of this regulation may—

(a) be detained in custody in such place or places as the Colonial Secretary, or any person authorized by him in that behalf, may direct, for such period, as may be necessary for the purpose of making arrangements for such person to leave the Colony;

(b) be conducted across the frontier or placed on board a ship by any member of His Majesty's regular forces, or local naval, military or air force, corps or reserve, or by any police officer, or Immigration Officer, Deputy Immigration Officers and Immigration Control Officers, and may be lawfully detained on board so long as such ship is within the territorial waters of the Colony.

(4) An order for detention made under sub-regulation (1) of regulation 31 hereof in respect of a person who has been ordered to leave and remain out of the Colony under this regulation shall be suspended for the purpose of carrying out such order.

(5) Any person ordered to leave and remain out of the Federation of Malaya or the Colony of Singapore under any regulation or other enactment corresponding to this regulation in force in the Colony shall be deemed to have been ordered to leave and remain out of the Colony under this regulation and the provisions of this regulation shall apply to any such person accordingly, and any such person brought in custody to the Colony may be taken charge of by any police officer, Immigration Officer, Deputy Immigration Officers or Immigration Control Officers and may be detained in custody in such place or places as the Colonial Secretary, or any person authorized by him in that behalf, may direct, until he can conveniently be conducted across the frontier or placed on board a ship, and any such person may be lawfully detained on board so long as such ship is within the territorial waters of the Colony.

(6) Any person who has left the Colony in pursuance of an order made or deemed to have been made under this regulation who returns to or enters the Colony shall be guilty of an offence and shall on summary conviction be liable to imprisonment for three years, and, whether or not a prosecution under this sub-regulation has been instituted against him, may be detained in custody and conducted across the frontier or placed on board a ship under the original order made, or deemed to have been made, against him under this regulation.

(7) Any person ordered, or deemed to have been ordered, to leave and remain out of the Colony shall, while detained or in the custody of a member of His Majesty's regular forces, or local naval, military or air force, corps or reserve, or any police officer, or Immigration Officer, Deputy Immigration Officers or Immigration Control Officers, be deemed to be in lawful custody.

(8) Any order made against any person under sub-regulation (1) of this regulation shall be in writing, signed under the hand of the Clerk of Councils.

33. (1) In this regulation, "residents" includes any person found residing in any village, area or district, when effect is given to an order of detention made under sub-regulation (2) of this regulation.

Inhabitants of certain areas may be ordered to leave the Colony.

(2) In any case where the Governor has reasonable cause to believe that the residents, or any portion thereof, in any village, area or district—

(a) have aided and abetted or have consorted with or harboured any person whom they knew or had reasonable cause to believe to be a person who had recently acted or was acting in a manner prejudicial to the public interest; or

(b) have suppressed or combined to suppress evidence of the commission of any offence against regulation 116 and regulation 118 hereof; or

(c) have persistently failed to give information to a member of His Majesty's regular forces or local naval, military or air force, corps or reserve or to a police officer of the presence in such village, area or district of any person who had recently acted or was acting in a manner prejudicial to the public interest;

he may, by order under his hand, direct that the residents of such village, area or district or any portion thereof shall be detained in custody.

(3) The Governor may exempt any person or class of persons from the operation of any order made under sub-regulation (2) of this regulation.

(4) Where an order has been made under sub-regulation (2) of this regulation, the Governor in Council may order the persons subject to such order to leave and remain out of the Colony: Provided that no such order shall apply to any British subject born in the Colony.

(5) Where, after an order under sub-regulation (2) of this regulation has been made, any person whether exempted under sub-regulation (3) of this regulation or not is found residing in any village, area or district to which such order refers, without the written authority of the police officer in charge of such village, district or area, the Colonial Secretary may, by order under his hand, direct that such person be detained in custody and the provisions of this regulation shall then apply to such person.

(6) The Governor in Council may exempt any person or class of persons from the operation of any order made under sub-regulation (4) of this regulation and thereupon any order made under sub-regulation (2) of this regulation shall, in respect of such person or class of persons, cease to have effect and such person or class of persons shall immediately be released.

(7) Any person who is the subject of any order made under this regulation may—

(a) be detained in custody in such place or places as the Colonial Secretary, or any person authorized by him in that behalf, may direct for such period as may be necessary for the purpose of making arrangements for such person to leave the Colony;

(b) be conducted across the frontier or placed on board a ship by any member of His Majesty's regular forces, or local naval, military or air force, corps or reserve, or by any police officer, or Immigration Officer, Deputy Immigration Officers or Immigration Control Officers and may be lawfully detained on board so long as such ship is within the territorial waters of the Colony.

(8) Any person who has left the Colony in pursuance of an order made under this regulation and who returns to or enters the Colony shall be guilty of an offence and shall on summary conviction be liable to imprisonment for three years, and, whether or not a prosecution under this sub-regulation has been instituted against him, may be detained in custody and conducted across the frontier or placed on board a ship under the original order made under this regulation.

(9) Any person ordered to leave and remain out of the Colony shall, while detained or in custody of a member of His Majesty's regular forces, or local naval, military or air force, corps or reserve, or of a police officer, or Immigration Officer, Deputy Immigration Officers, or Immigration Control Officers, be deemed to be in lawful custody.

(10) Any order or exemption under sub-regulation (4) or sub-regulation (6) of this regulation shall be signified under the hand of the Clerk of Councils.

Declaration of special areas and duties of persons therein.

34. (1) If, as respects any area, it appears to the Commissioner of Police to be necessary or expedient that special precautions should be taken to prevent malicious injury to persons or property, he may, by order, declare such area to be a special

area for the purposes of these regulations. Any area in relation to which an order made under this regulation is in force is hereinafter called a "special area".

(2) It shall be the duty of any person in a special area to stop and submit to search by an officer when called upon so to do, and if any such person fails to stop when challenged or called upon to stop by an officer, he may be arrested and searched, by force if necessary, and such force may, if such officer considers such action necessary to effect the arrest, extend to the use of lethal weapons.

(3) For the purposes of this regulation "officer" means any police officer or any member of His Majesty's regular forces or of any local naval, military or air force, corps or reserve.

35. (1) Notwithstanding anything to the contrary contained in any enactment, it shall be lawful for any officer in order—

Use of lethal weapons in effecting arrests.

(a) to effect the arrest of any person whom he has, in all the circumstances of the case, reasonable cause to believe to have committed an offence against regulations 110, 116, 118, 120; or

(b) to overcome forcible resistance offered by any person to such arrest; or

(c) to prevent the escape from arrest or the rescue of any person arrested as aforesaid;

to use such force as, in the circumstances of the case, may be reasonably necessary, which force may extend to the use of lethal weapons.

(2) Before any lethal weapon may be used to effect the arrest of a person an officer shall call upon him, in a loud voice, to stop and the person so called upon shall be given a reasonable chance to stop and submit to arrest.

(3) Any person arrested for any of the offences mentioned in sub-regulation (1) of this regulation shall, as soon as possible after his arrest, be clearly warned by an officer of his liability to be shot at if he endeavours to escape from custody.

(4) For the purposes of this regulation "officer" means any police officer or any member of His Majesty's regular forces or of any local naval, military or air force, corps or reserve, or any authorized guard.

(5) Any act or thing done before the coming into force of this regulation which would have been lawfully done if this regulation had been in force, shall be deemed to have been lawfully done under this regulation.

Transfer of persons in custody.

36. Any person lawfully in the custody of the police, whether under these regulations or under an order of any Court or otherwise howsoever may, for the purpose of safe custody, if the Colonial Secretary by warrant so direct, and notwithstanding any order of a Court, be detained in or transferred to or from any prison or any police station, police lock-up or any other similar place authorized generally or specially by the Colonial Secretary in that behalf until dealt with in due course of law.

Restriction orders.

37. (1) The Commissioner of Police, or any person authorized by him in that behalf, may make, in relation to any person, an order for all or any of the following purposes, that is to say—

(a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in the Colony as may be so specified;

(b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order;

(c) prohibiting or restricting the possession of or use of that person of any specified articles;

(d) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or the propagation of opinions.

(2) If any person against whom an order has been made as aforesaid contravenes the terms of such order, he shall be guilty of an offence against these regulations.

Special supervision.

38. (1) The Commissioner of Police, or any person authorized by him in that behalf, may by order direct that any person shall be placed under special supervision for any period not exceeding one year.

(2) Any person placed under special supervision by order as aforesaid shall be subject to all or any of the restrictions as the Commissioner of Police, or any person authorized by him in that behalf, may direct, that is to say—

(a) he shall be required to reside within the limits of any area as may be specified in the order;

(b) he shall not be permitted to transfer his residence to any other part of the area, or to any other area without the written authority of the police officer in charge of such area;

(c) he shall not leave the area or village within which he resides without the written authority of the police officer in charge of such area or village;

(d) he shall at all times keep the police officer in charge of the area in which he resides notified of the house or the place in which he resides;

(e) he shall, wherever called upon so to do by the police officer in charge of the area in which he resides, present himself at the nearest police station;

(f) he shall remain within the doors of his residence from one hour after sunset until sunrise, and may be visited at his residence at any time by a police officer.

(3) Any person in respect of whom an order has been made under sub-regulation (1) and sub-regulation (2) of this regulation may be arrested 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 and conveyed to the area in which he should be.

(4) If any person against whom an order has been made as aforesaid contravenes the terms of such order or of this regulation, he shall be guilty of an offence against these regulations.

39. When an order under this Part has been made against any public officer, the Governor may order the dismissal or suspension of such officer, and the stoppage of his salary and allowances in whole or in part during the period for which the order is in force. Any order so made shall take effect as from the date upon which it is made, but it shall be reported to and require the confirmation of the Secretary of State.

Power of Governor to order dismissal and stoppage of salary of public officer.

40. (1) No person arrested or detained under the powers conferred by regulation 29 shall be detained for a period exceeding 24 hours except with the authority of a police officer of the rank of sub-inspector or above or subject as provided by sub-regulation (2) for a period exceeding forty-eight hours in all and it shall be the

Further detention after arrest or detention under regulation 29.

duty of the person effecting arrest or detention under regulation 29 to report such arrest or detention to a police officer of the rank of sub-inspector or above with all convenient speed.

(2) Whenever any person has been arrested by a police officer under section 49 of the Police Force Ordinance, 1948, because such person has been reasonably suspected of being guilty of an offence against these regulations or has been arrested or detained pursuant to the provisions of regulation 29 or of sub-regulation (1) of this regulation it shall be lawful for a police officer of the rank of Superintendent of Police or above if he is satisfied that the necessary inquiries cannot be completed within a period of forty-eight hours from the time such person was first arrested or detained, to authorize the further detention of the person detained for an additional period not exceeding seven days but he shall, on giving any such authorization, forthwith report the circumstances to the Commissioner of Police.

(3) Any person detained under regulation 29 shall during the first 24 hours of his detention be deemed to be in lawful custody wherever detained and thereafter shall be deemed to be in lawful custody if detained in accordance with the provisions of this regulation in any prison or in any police station or in any similar place authorized generally or specially by the Colonial Secretary or if he is in the course of being taken to or transferred from any such prison, station or place.

Power to seize weapon.

41. (1) Any authorized officer may without warrant—
(a) enter and search any premises;
(b) stop and search any vessel, vehicle or individual, whether in a public place or not,

if he suspects that any offensive weapon of any nature whatsoever or anything which can be adapted or used as an offensive weapon is likely to be found on such premises or individual or in such vessel or vehicle, and may seize any weapon or thing so found.

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

PART IV

Control of harbours, ports and territorial waters of the Colony and movements of vessels and aircraft.

General control of navigation.

42. (1) The Governor may by order make provision as to the places in or to which vessels may be or go, and generally for regulating the movements, navigation, pilotage, anchorage,

mooring, berthing and lighting of vessels within the harbours and territorial waters of the Colony, and any order made under this regulation is hereafter in these regulations referred to as "a navigation order."

(2) If, in the case of any vessel, a navigation order is contravened or not complied with, the master of the vessel shall be guilty of an offence against these regulations.

(3) An authorized officer may, in relation to any vessel, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the vessel, or, where an offence against this regulation has occurred in the case of the vessel, for enabling proceedings in respect of the offence to be effectually taken.

(4) This regulation shall apply in relation to seaplanes on the surface of the water as those provisions apply in relation to vessels, and seaplanes taking off from, or alighting on, the water shall be deemed, for the purpose of this regulation, to be on the surface of the water while in contact therewith.

43. (1) Except under permission granted by the Governor— Control of lighthouses, etc.

(a) no light, buoy, beacon or other apparatus used in the Colony for the purpose of aiding navigation in or on the water, shall be discontinued, altered or removed; and

(b) no variation shall be made in the mode of exhibiting or operating any such light, buoy, beacon or other apparatus.

(2) The Governor, and any person acting on his behalf, may, if it appears to him to be necessary in the public interest so to do, give directions for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If this regulation, or any direction given under this regulation, is contravened or not complied with in the case of any light, buoy, beacon or other apparatus, the person responsible for the maintenance of the light, buoy, beacon or apparatus, as the case may be, shall be guilty of an offence against these regulations; and, in the case of a failure to comply with any such

direction as aforesaid requiring the removal, alteration or concealment of any light, buoy, beacon or other apparatus, the Governor may (without prejudice to any proceedings which may be taken in respect of the offence) cause to be done all such work as may be necessary for securing compliance with the direction.

Power to exclude British ships from particular areas.

44. (1) The Governor may, if it appears to him to be necessary or expedient so to do for the purpose of facilitating the protection of shipping or in the public interest, by order require any British ship to leave, or to keep away from, any area specified in the order, and any such order may make provision for such incidental and supplementary matters as appear to the Governor to be necessary or expedient.

(2) If in the case of any British ship an order under this regulation is contravened or not complied with, the master of the ship and the person having the management thereof shall each be guilty of an offence against these regulations.

(3) Any person acting on behalf of the Governor may, in relation to any ship, take such steps and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the ship, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Measures for safety of vessels in the waters of the Colony.

45. (1) Any person authorized by the Governor to act under this regulation (hereafter in this regulation referred to as "a competent authority") may give directions to the owner or master of any vessel which is for the time being within the harbours and territorial waters of the Colony requiring him—

(a) to take such steps as may be specified in the directions for the purpose of securing that, while the vessel remains within the harbours and territorial waters of the Colony, fires occurring in the vessel as the result of hostile attack will be immediately detected and combated;

(b) to secure that, while the vessel remains within the harbours and territorial waters of the Colony, either at all times or during such periods as may be so specified—

(i) in a case where the vessel is equipped with a gun or other instrument or device capable of being used to defend the vessel against hostile attack, that the gun, instrument or device will be manned; and

(ii) in a case where the vessel is a ship propelled by mechanical power, that she is capable of being moved under her own power immediately when ordered to do so;

(c) for the purpose of taking such steps or securing such matters as aforesaid, to secure that such number of persons, or such number of persons of such class or description, as may be so specified, shall be on board the vessel, either at all times while she remains within the harbours and territorial waters of the Colony or during such periods while she so remains as may be so specified;

(d) to do or not to do such other things as may appear to a competent authority to be necessary or expedient to do or not to do for the purpose of securing the safety of the vessel or preventing her endangering other vessels or property within the harbours and territorial waters of the Colony in the event of hostile attack.

(2) A competent authority may give directions to the owner or master of any such vessel as aforesaid requiring him—

(a) to secure that, while the vessel remains within the harbours and territorial waters of the Colony, such precautions, as may be specified in the directions will be taken, either at all times or during such periods as may be so specified, to guard against attempts to interfere with or damage the vessel, or any part thereof, or anything therein;

(b) for the purpose of securing such matters as aforesaid, to secure that such number of persons, or such number of persons of such class or description, as may be so specified, shall be on board the vessel, either at all times while she remains within the harbours and territorial waters of the Colony or during such periods while she so remains as may be so specified.

(3) Where, to give effect to arrangements made for complying with directions given under either of the preceding sub-regulations as respects a vessel remaining within the harbours and territorial waters of the Colony, a person (not being a member of the crew of the vessel) has been engaged or required to perform duties on board the vessel, then, if he fails to perform those duties, he shall be guilty of an offence against these regulations.

(4) Any person acting on behalf of the Governor may, in relation to any vessel, take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with any directions under this regulation relating

to a vessel, or, where an offence against this regulation has occurred in the case of a vessel for enabling proceedings in respect of the offence to be effectually taken.

(5) The cost of taking any steps under the last foregoing sub-regulation in relation to a vessel for securing compliance with directions under this regulation shall be a debt due from the owner of the vessel to the Crown, and without prejudice to any other remedy may be recovered by the Government of Hong Kong as a civil debt.

(6) In this regulation the expression "owner", in relation to a vessel, includes the person having the management of the vessel.

Control over visitors to ships.

46. (1) Any person authorized by the Governor to act under this regulation may, by directions given to the master of any ship which is for the time being within the harbours and territorial waters of the Colony, prohibit any person going on board the ship without the consent in writing of the person so authorized so long as the ship remains within the harbours and territorial waters of the Colony, or during such periods while she so remains as may be specified in the directions.

(2) Any such directions may be given either generally with respect to all persons, not being officers or members of the crew of the ship or police officers or public servants acting in the course of their duty as such, or with respect to any particular person or class or description of persons.

(3) If any person goes on board a ship in contravention of directions given under this regulation, the master of the ship shall be guilty of an offence against these regulations.

Measure for safety of British ships.

47. (1) Subject as hereinafter provided the Governor may, if it appears to him to be necessary or expedient for the safety of British ships and of persons on board such ships so to do, make provision by order—

(a) for securing that any British ship to which the order applies shall not, except under permission granted by or on behalf of the Governor, proceed to sea unless such requirements in respect of the alteration of the structure or external appearance of the ship, and in respect of the equipping of the ship with any particular apparatus, contrivance or appliance, as may be contained in the order has been complied with;

(b) for securing the proper maintenance and efficient use of any apparatus, contrivance or appliance with which any such ship is equipped in pursuance of the order.

(c) for prescribing the wireless telegraph services to be maintained, and the number, grade and qualifications of operators and watchers to be carried, in connection with the operation of any wireless telegraph installation provided in any such ship, whether in pursuance of the order or otherwise;

(d) for any incidental and supplementary matters for which it appears to the Governor to be necessary or expedient for the purposes of the order to provide;

and an order under this regulation may be made so as to apply either to a particular British ship or to British ships of a particular class, and so as to apply to any such ship or ships either wherever it or they may be or while in such waters, or engaged on such voyage, as may be specified in the order, but shall not apply to any Dominion ship.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this regulation, the master of the ship and the person having the management thereof shall each be guilty of an offence against these regulations.

(3) Any person acting on behalf of the Governor may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the ship, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

48. (1) The Governor, if it appears to him to be necessary or expedient in the public interest may, as respects any class of British ships other than Dominion ships, make provision by order—

Employment in British ships and aircraft.

(a) for securing that, subject to any exemptions for which provision may be made by the order, any such class of persons as may be specified in the order shall not be employed on board ships to which the order applies;

(b) for prohibiting the employment of any persons or class of persons on board such ships unless they are holders of certificates of identity issued in such form and manner as may be prescribed by the order, and for determining the circumstances in which certificates of identity may be granted and revoked under the order;

and an order under this regulation may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified in the order, and so as to restrict the employment of persons on such ships as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be so specified.

(2) The preceding provisions of this regulation shall apply in relation to aircraft as they apply in relation to ships.

Employment outside the Colony of agents for ships and aircraft.

49. (1) The Governor, with a view to preventing the employment outside this Colony, in connection with the management of British ships, of persons whom he has reasonable cause to believe to be of hostile origin or associations or to have been recently concerned in acts prejudicial to the public interest, may by order direct that, as from such date as may be specified in the order, the owner, manager or charterer of any British ship, being a person resident in this Colony, shall not employ in any foreign country or territory, in connection with the management of the ship, any person other than a person approved for the purpose by the Governor; and an order under this regulation may be made so as to apply either generally or to employment in all foreign countries or territories, or to employment in such foreign countries or territories, or such class of foreign countries or territories, as may be specified in the order.

(2) The preceding provisions of this regulation shall apply in relation to aircraft as they apply in relation to ships.

Entry and departure of ships and aircraft.

50. (1) The Governor, and any person acting on his behalf, may, if it appears to him to be necessary or expedient in the public interest so to do, give directions, as respects any particular ship or aircraft, or any class of ships or aircraft—

(a) that no such ship or aircraft shall enter or leave the harbours and territorial waters of the Colony or the Colony, as the case may be, except with permission granted by him or such person as may be specified in the directions; or

(b) that any such ship or aircraft shall within such time as may be specified by any such directions leave the harbours and territorial waters of the Colony or the Colony.

(2) If any ship or aircraft enters or attempts to enter, or leaves or attempts to leave the harbours and territorial waters of the Colony or the Colony, as the case may be, in contravention

of any directions given under this regulation, the master of the ship or, as the case may be, the pilot of the aircraft, shall be guilty of an offence against these regulations.

(3) Any person acting on behalf of the Governor may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any directions given under this regulation relating to the ship or aircraft, or, where an offence against this regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

51. (1) The Governor may, if it appears to him to be necessary or expedient in the public interest by order prohibit any ship or aircraft to take on board any fuel, victuals or necessaries or to effect any repairs, as may be specified in such order, whilst such ship is within the harbours and territorial waters of the Colony or whilst such aircraft is in the Colony.

Prohibition as to supply of fuel, victuals and necessaries, and the repair of ships and aircraft.

Any such order under this regulation may be made so as to apply either to a particular ship or aircraft or to ships or aircraft of a particular class.

(2) Any person who acts in contravention of any order under this regulation by supplying or taking on board any ship or aircraft, against which such order has been made, any such fuel, victuals or necessaries, or by effecting any such repairs whilst such ship is within the harbours and territorial waters of the Colony or whilst such aircraft is in the Colony, or, if there is any contravention of such an order in the case of a ship or aircraft, the master of the ship or the pilot of the aircraft, as the case may be, and the person having the management thereof shall all be individually guilty of an offence against these regulations.

(3) Any person acting on behalf of the Governor may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order made under this regulation relating to the ship or aircraft, or, where an offence against this regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

52. (1) No person lawfully engaged to serve on board any ship to which this regulation applies shall—

Desertion from ships, etc.

(a) neglect or refuse without reasonable cause to join his ship or to proceed to sea on his ship; or

(b) desert or be absent without leave from his ship; or

(c) be absent without leave from his duty at any time.

(2) Nothing in this sub-regulation shall be taken to prejudice the provisions of paragraphs (a) and (b) of sub-section (5) of section 9 of the Merchant Shipping Ordinance, 1899, relating to forfeiture of effects or wages for desertion or absence without leave.

(3) Where an authorized officer has reasonable cause to believe that any person has contravened the provisions of sub-regulation (1) of this regulation, that person may be conveyed on board his ship by or under the directions of that officer.

(4) For the purpose of the last foregoing sub-regulation "authorized officer" shall be deemed to include, in addition to the persons mentioned in regulation 4 hereof, the master of the ship, any mate of the ship, the person having the management of the ship, any police officer, and the Director of Marine, the Assistant Director of Marine (Port Control), any Senior Marine Officer or any Marine Officer.

(5) In relation to ships to which this regulation applies, sub-regulations (3) and (4) shall have effect in substitution for the provisions of paragraphs (a) and (b) of sub-section (1) of section 9 of the Merchant Shipping Ordinance, 1899, in the case of a British ship and a ship belonging to a subject of a foreign country to which section 238 of the Merchant Shipping Act, 1894, for the time being applies, respectively.

(6) No person lawfully engaged to serve on board any ship to which this regulation applies shall—

(a) join his ship, or be whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of the ship is thereby impeded;

(b) continually and wilfully disobey lawful commands or continually and wilfully neglect his duty;

(c) assault the master or any mate or certified engineer of his ship; or

(d) wilfully damage his ship or embezzle or wilfully damage any of her stores or cargo.

Ordinance
No. 10 of
1899.

57 & 58
Vict. c. 60.

Nothing in this sub-regulation shall be taken to prejudice the provisions of paragraphs (c), (d), (e), (f), (g) and (h) of sub-section (5) of section 9 of the Merchant Shipping Ordinance, 1899, relating to forfeiture of wages for wilful damage to a ship or embezzlement of, or wilful damage to, any of her stores or cargo.

Ordinance
No. 10 of
1899.

(7) The ships to which this regulation applies are—

(a) every ship belonging to His Majesty or the Government of any British possession and every ship, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty or the Government of any British possession; and

(b) every ship in respect of which there is for the time being in force a licence granted in pursuance of an order made under regulation 53 hereof.

(8) In any proceedings for an offence against this regulation, a certificate of the competent authority that at a particular time a ship was one to which this regulation applies shall be evidence of that fact.

53. (1) Without prejudice to any navigation order, the Governor, with a view to securing that British ships are used in such manner only as may be considered expedient in the public interest may by order provide that a British ship shall not proceed to sea from any port (whether within or outside this Colony) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to—

Control of
trade by
sea.

(a) the trades in which the ship may be engaged, and the voyages which may be undertaken by the ship;

(b) the class of cargoes or passengers which may be carried in the ship; and

(c) the hiring of the ship, and the terms upon which cargoes or passengers may be carried in the ship;

and may also contain such provisions with respect to incidental and supplementary matters as appear to the Governor to be necessary or expedient for the purposes of the order.

Any provisions of an order under this sub-regulation may be so framed so as to apply to any specified class of British ships, and so as to apply to any such ships either wherever they

may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order, but nothing in such an order shall apply to any Dominion ship.

(2) Without prejudice to any navigation order or to the preceding provisions of this regulation, any person acting on behalf of the Governor, or any such authority, or person as may be designated by the Governor for the purposes of this sub-regulation, may give such directions with respect to any particular ship—

(a) for determining the place in the Colony to which the ship may go, or the position within any such place at which the ship may lie; and

(b) for determining the class of goods or passengers which may be put off or taken on board the ship at any particular place in the Colony;

as the Governor or the said authority or person, as the case may be, considers necessary or expedient in the public interest.

(3) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty of an offence against this regulation.

(4) Any person acting on behalf of the Governor may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the ship, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Control of agreements for use or hire of, or carriage of goods in, ships.

54. (1) The competent authority may by order direct that, subject to the provisions of the order, no person shall enter into or offer to enter into an agreement for the use or hire of a ship of any such class as may be specified in the order or for the carriage of goods in any such ship.

(2) Notwithstanding any thing in regulation 136 hereof where it is proved that an offer made by any person in contravention of an order under the preceding sub-regulation has been followed by an agreement so made by him in pursuance of that offer, those transactions together shall be taken to constitute a single offence.

55. Where a British ship (not being a Dominion ship) is acquired, chartered or requisitioned by or on behalf of the Government of Hong Kong and the employment or engagement in that ship of the master or any member of the crew would, but for this regulation, be terminated by the acquisition, charter or requisition, then, unless in any case the Governor or any person on his behalf otherwise directs, the employment or engagement shall not be terminated thereby, but the agreement under which the master or member of the crew is employed or engaged shall have effect, as respects the period during which the ship is owned, chartered or requisitioned by or on behalf of the Government of Hong Kong, as if it were an agreement made with the said Government for service in that ship: Provided that nothing in this regulation shall be construed as affecting the expiration, by effluxion of time, of any such agreement.

Effect of requisition etc., on agreements for service in ships.

56. In the public interest the Governor may, by order, regulate or prohibit, either absolutely or subject to such conditions as may be contained in the order, the navigation of all or any descriptions of aircraft over the Colony or any portion thereof, or the territorial waters adjacent thereto and may by order provide for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, flying school or landing ground, or any class or description thereof.

Regulation or prohibition of the navigation of aircraft over the Colony.

PART V.

Transport.

57. The Governor, if he considers it necessary or expedient in the public interest may by order provide for the stopping up, restriction of the use of or diversion of any highway, and for prohibiting or restricting the exercise of any right of way or the use of the territorial waters of the Colony or any part thereof.

Control of highways and territorial waters.

58. Without prejudice to any other of these regulations, the Governor may by order provide for the regulation of traffic on highways, and, without prejudice to the generality of the power aforesaid, any such order may in particular provide—

Traffic on highways.

(a) for determining the routes to be followed by any particular class of vehicles proceeding on highways, either generally or in such circumstances as may be determined by or in accordance with the order;

(b) for prohibiting or regulating the use of vehicles or any class of vehicles on highways or the use by vehicles of specified roads or classes of roads, either generally or in such circumstances as may be so specified;

and may be made so as to apply either generally or to any specified area, and may make different provision for different parts of the area to which the order applies.

Control of mechanically propelled vessels or vehicles.

59. The Governor may by order provide for requiring mechanically propelled vessels or vehicles, or any such class of mechanically propelled vessels or vehicles as may be specified in the order, to be rendered incapable of use by unauthorized persons during such periods or occasions as may be specified; and any such order may contain provisions with respect to the method by which such vessels or vehicles are to be rendered incapable of use as aforesaid.

Control of fuel etc. required for mechanically propelled vessels or vehicles.

60. (1) The Governor may by order provide for regulating the supply and storage of any substances and articles capable of being used as fuel or lubricants for mechanically propelled vessels or vehicles or otherwise in connexion with such vessels or vehicles, with a view to preventing supplies thereof being available for use in any manner prejudicial to the public interest and any such order may, in particular, provide for prohibiting the supply and storage of such substances and articles as aforesaid elsewhere than in such places and under such conditions as may be approved by such authorities or persons as may be specified in the order.

(2) Any order under this regulation may be made so as to apply either generally or to a particular area, and may provide for any incidental or supplementary matters for which the Governor thinks it is expedient for the purposes of the order to provide, including, in particular, the entry and inspection of premises to which the order relates and the taking of such steps as may be expedient with a view to securing compliance with the order.

Maintenance of highways.

61. (1) Where any person is under a duty to improve or maintain a highway, the Governor may give such directions with respect to the manner in which that duty is to be performed as he thinks necessary in the public interest.

Directions under this sub-regulation shall apply in relation to any bridge over or under a highway, and to any tunnel in the course of a highway, as they apply in relation to a highway.

(2) If any directions given under this regulation are not complied with by the person to whom they are given, then (without prejudice to any proceedings which may be taken in respect of the offence) the Governor may cause to be done all such work as may be necessary for securing compliance with the directions.

62. (1) Without prejudice to any navigation order, the Governor, if it appears to him to be necessary or expedient so to do in the public interest, may make provision by order—

Control of traffic within the harbours and territorial waters of the Colony.

(a) for prohibiting or restricting the shipping or unshipping of articles or persons, or any specified class of articles or persons, at any place within the harbours and territorial waters of the Colony or at any pier, quay, wharf or any place bordering thereon;

(b) generally for regulating, facilitating or expediting the traffic at any such place;

and an order under this regulation may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) The reference in this regulation to shipping or unshipping shall be construed as including a reference to embarking or putting on board seaplanes or disembarking or unloading from seaplanes.

63. (1) A competent authority may, if it appears to him to be necessary for the purpose of preventing or avoiding any undue congestion of traffic at any place within the harbours and territorial waters of the Colony or upon railway premises cause to be removed from any such place or premises, and to be kept at such place in the Colony as he thinks proper, any goods at such place or on the premises which are not removed therefrom with reasonable despatch by or on behalf of the consignee, after reasonable notice in writing to the consignee to remove the goods shall have been given. Such competent authority may make provision by order—

Congestion of traffic within the harbours and territorial waters of the Colony and on railways.

(a) for carrying into effect the provisions of this regulation;

(b) for making charges in respect of the removal and storage elsewhere of any goods, coming within the provisions of this regulation and an order under this regulation may contain such incidental and supplementary provisions as appear to such competent authority to be necessary or expedient for the purposes of the order.